

117TH CONGRESS
1ST SESSION

H. R. 953

To provide for the establishment of a COVID–19 containment and mitigation for essential workers program for assisting small businesses and employee representatives of essential workers to reopen or operate consistent with guidance and practices intended to prevent the spread of COVID–19, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2021

Ms. SPANBERGER (for herself and Mrs. KIM of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the establishment of a COVID–19 containment and mitigation for essential workers program for assisting small businesses and employee representatives of essential workers to reopen or operate consistent with guidance and practices intended to prevent the spread of COVID–19, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Getting Americans
5 Safely Back to Work Act of 2021”.

1 **SEC. 2. GRANTS TO STATE, LOCAL, TRIBAL, OR TERRI-**
2 **TORIAL HEALTH DEPARTMENTS FOR COVID-**
3 **19 CONTAINMENT AND MITIGATION FOR ES-**
4 **SENTIAL WORKERS.**

5 (a) PROGRAM.—The Secretary, acting through the
6 Director of the Centers for Disease Control and Preven-
7 tion and in consultation with the Director of the National
8 Institute for Occupational Safety and Health and Assist-
9 ant Secretary for Occupational Safety and Health, shall
10 establish a COVID–19 containment and mitigation for es-
11 sential workers program consisting of awarding grants
12 under subsection (b).

13 (b) GRANTS.—For the purpose of improving essential
14 worker safety, the Secretary—

15 (1) shall award a grant to each State health de-
16 partment; and

17 (2) may award grants on a competitive basis to
18 State, local, Tribal, or territorial health depart-
19 ments.

20 (c) USE OF FUNDS.—A State, local, Tribal, or terri-
21 torial health department receiving a grant under sub-
22 section (b) shall use the grant funds—

23 (1) to purchase or procure personal protective
24 equipment and rapid testing equipment and supplies
25 for distribution to employers of essential workers, in-
26 cluding public employers; or

1 (2) to support the implementation of other
2 workplace safety measures for use in containment
3 and mitigation of COVID–19 transmission among
4 essential workers in their workplaces, including
5 workplaces of public employers.

6 (d) FORMULA GRANTS TO STATE HEALTH DEPART-
7 MENTS.—In making grants under subsection (b)(1), the
8 Secretary shall award funds to each State health depart-
9 ment in accordance with a formula based on overall popu-
10 lation size, essential workers population size, and burden
11 of COVID–19.

12 (e) COMPETITIVE GRANTS TO STATE, LOCAL, TRIB-
13 AL, AND TERRITORIAL HEALTH DEPARTMENTS.—In
14 making grants under subsection (b)(2), the Secretary shall
15 give priority to applicants demonstrating a commitment
16 to containing and mitigating COVID–19 among racial and
17 ethnic minority groups who are disproportionately rep-
18 resented in essential worker settings.

19 (f) NO DUPLICATIVE ASSISTANCE.—The Secretary
20 may not provide, and a State, local, Tribal, or territorial
21 health department or employer of essential workers may
22 not accept, assistance under this section for containment
23 and mitigation of COVID–19 transmission among essen-
24 tial workers in their workplaces with respect to which—

1 (1) the State, local, Tribal, or territorial health
2 department or employer of essential workers receives
3 assistance from other sources for such purposes; or

4 (2) other sources are obligated to provide as-
5 sistance to such health department or employer for
6 such purposes.

7 (g) TECHNICAL ASSISTANCE.—In carrying out the
8 program under this section, the Secretary shall provide
9 technical assistance to State, local, Tribal, or territorial
10 health departments.

11 (h) REPORT.—No later than 90 days after the date
12 of enactment of this Act, and every 90 days thereafter,
13 the Secretary shall submit to the Committee on Energy
14 and Commerce and the Committee on Education and
15 Labor of the House of Representatives and the Committee
16 on Health, Education, Labor, and Pensions of the Senate
17 a report on the activities funded through this section, in-
18 cluding—

19 (1) the amount expended and the awardees
20 under subsection (b)(1);

21 (2) the amount expended and the awardees
22 under subsection (b)(2);

23 (3) the total amount remaining of the amounts
24 appropriated or otherwise made available to carry
25 out this section; and

1 (4) evaluating the progress of State, local, Trib-
2 al, and territorial health departments in reducing
3 COVID–19 burden among essential workers.

4 **SEC. 3. CONSULTATION WITH ESSENTIAL WORKER EM-**
5 **PLOYERS AND ESSENTIAL WORKERS.**

6 (a) IN GENERAL.—In developing the COVID–19 con-
7 tainment and mitigation for essential workers program
8 under section 2 and in determining criteria for distribu-
9 tion of competitive grants under section 2(b)(2), the Sec-
10 retary, acting through the Director of the Centers for Dis-
11 ease Control and Prevention and in consultation with the
12 Director of the National Institute for Occupational Safety
13 and Health, shall consult in advance with—

14 (1) employers of essential workers; and

15 (2) representatives of essential workers.

16 (b) OPTIONAL ADVANCE CONSULTATION.—A State
17 health department may, before receiving funds through a
18 grant under section 2, consult with employers of essential
19 workers and representatives of essential workers in deter-
20 mining—

21 (1) priorities for the use of such funds; and

22 (2) the distribution of COVID–19 containment
23 and mitigation equipment and supplies.

24 **SEC. 4. DEFINITIONS.**

25 In this Act:

1 (1) CONTAINMENT AND MITIGATION.—The
2 term “containment and mitigation” includes—

3 (A) the use of—

4 (i) personal protective equipment; and

5 (ii) other protections, including ex-
6 panding or improving workplace infrastruc-
7 ture through engineering and work prac-
8 tice controls, such as ventilation systems,
9 plexiglass partitions, air filters, and the
10 use of hand sanitizer or sanitation sup-
11 plies;

12 (B) access to medical evaluations, testing
13 (including rapid testing), and contact tracing;
14 and

15 (C) other related activities or equipment
16 recommended or required by the Director of
17 Centers of Disease Control and Prevention or
18 required pursuant to the Occupational Safety
19 and Health Act of 1970 (29 U.S.C. 651 et seq.)
20 or a State plan approved pursuant to section 18
21 of that Act (29 U.S.C. 667).

22 (2) ESSENTIAL WORKER.—The term “essential
23 worker” refers to—

24 (A) the “essential critical infrastructure
25 workers” identified in the Department of

1 Homeland Security’s “Advisory Memorandum
 2 on Ensuring Essential Critical Infrastructure
 3 Workers Ability to Work During the COVID–
 4 19 Response” released on August 18, 2020 (or
 5 any successor document); and

6 (B) workers included as essential workers
 7 in executive orders issued by the Governor of a
 8 State.

9 (3) SECRETARY.—The term “Secretary” means
 10 the Secretary of Health and Human Services.

11 (4) SMALL BUSINESS.—The term “small busi-
 12 ness” means—

13 (A) a small business concern described in
 14 section 31(b)(2)(C) of the Small Business Act
 15 (15 U.S.C. 657a(b)(2)(C)); or

16 (B) an individual who operates—
 17 (i) under a sole proprietorship;
 18 (ii) as an independent contractor; or
 19 (iii) as an eligible self-employed indi-
 20 vidual.

21 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—To carry out this Act, there is au-
 23 thorized to be appropriated \$1,000,000,000, to remain
 24 available until expended.

1 (b) SMALL BUSINESSES.—Of the amounts made
2 available to grantees pursuant to section 2, at least
3 \$250,000,000 shall be reserved for small businesses.

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