

116TH CONGRESS
2D SESSION

H. R. 7341

To provide support and flexibility for the Federal workforce during the
COVID–19 pandemic, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2020

Mr. CONNOLLY (for himself, Mrs. CAROLYN B. MALONEY of New York, Ms. NORTON, Mr. SARBANES, Mrs. LAWRENCE, Mr. LYNCH, Mr. RASKIN, Mr. GOMEZ, and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committees on House Administration, the Judiciary, Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide support and flexibility for the Federal workforce
during the COVID–19 pandemic, 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 “Federal Workforce
5 Health and Safety During the Pandemic Act”.

1 **SEC. 2. REIMBURSEMENT FOR CHILD AND FAMILY CARE**
2 **FOR FEDERAL EMPLOYEES DURING COVID-19**
3 **PANDEMIC.**

4 (a) IN GENERAL.—During the period beginning on
5 the date of enactment of this Act and ending on December
6 31, 2020, any employee who is unable to care for a de-
7 pendent child of the employee or a relative of the employee
8 who has COVID-19 as a result of the employee being re-
9 quired to report to their duty station (either permanent
10 or temporary) or to telework shall be entitled to reim-
11 bursement for the costs of such care.

12 (b) APPLICATION.—

13 (1) IN GENERAL.—Any payment provided by
14 operation of subsection (a) shall be paid on a month-
15 ly basis, with payments being made to the employee
16 on the last day of each month.

17 (2) SUBMISSION OF RECEIPTS.—For purposes
18 of determining reimbursement amounts, each em-
19 ployee shall submit to their employing office receipts
20 or other documents as the office may require.

21 (3) LIMIT.—Reimbursement may not be paid to
22 any employee under this section for any month in an
23 amount greater than \$2,000 per child or relative.

24 (c) DEFINITIONS.—In this section—

25 (1) the term “employee” means—

1 (A) an employee of the Library of Con-
2 gress;

3 (B) an employee of the Government Ac-
4 countability Office;

5 (C) a covered employee as defined in sec-
6 tion 101 of the Congressional Accountability
7 Act of 1995 (2 U.S.C. 1301), other than an ap-
8 plicant for employment;

9 (D) a covered employee as defined in sec-
10 tion 411(c) of title 3, United States Code;

11 (E) a Federal officer or employee covered
12 under subchapter V of chapter 63 of title 5,
13 United States Code; or

14 (F) any other individual occupying a posi-
15 tion in the civil service (as that term is defined
16 in section 2101(1) of title 5, United States
17 Code); and

18 (2) the terms “dependent child” and “relative”
19 have the meaning given those terms in paragraphs
20 (2) and (16), respectively, of section 109 of the Eth-
21 ics in Government Act of 1978 (5 U.S.C. App.).

22 **SEC. 3. REQUIREMENT TO TELEWORK.**

23 (a) IN GENERAL.—Effective immediately upon the
24 date of enactment of this Act, the head of any Federal
25 agency shall require any employee of such agency who is

1 authorized to telework under chapter 65 of title 5, United
2 States Code, or any other provision of law, to telework
3 during the period beginning on the date of enactment of
4 this Act and ending on December 31, 2020.

5 (b) DEFINITIONS.—In this section—

6 (1) the term “employee” has the meaning given
7 that term in section 2(c)(1); and

8 (2) the term “telework” has the meaning given
9 that term in section 6501(3) of title 5, United
10 States Code.

11 **SEC. 4. WEATHER AND SAFETY LEAVE FOR COVID-19.**

12 (a) WEATHER AND SAFETY LEAVE.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, including subsection (b) of section
15 6329e of title 5, United States Code, during the pe-
16 riod beginning on the date of enactment of this Act
17 and ending on December 31, 2020, any employee
18 who is prevented from safely traveling to or per-
19 forming work at an approved location as a result of
20 the COVID-19 pandemic, or who is prevented from
21 performing work in order to care for a child, relative
22 of the employee, or other individual as a result of
23 the COVID-19 pandemic, shall be provided weather
24 and safety leave under such section.

1 (2) RULE OF CONSTRUCTION.—Notwith-
2 standing subparagraph (B) of subsection (a)(2)(B)
3 of such section 6329c, intermittent employees de-
4 scribed in such subparagraph shall be eligible for the
5 leave provided by paragraph (1) of this subsection.

6 (3) DEFINITION OF EMPLOYEE.—In this sub-
7 section, the term “employee” has the meaning given
8 that term in section 2(c)(1).

9 (b) APPROVED LOCATION.—Section 6329c(a) of title
10 5, United States Code, is amended—

11 (1) by striking “and” at the end of paragraph
12 (1);

13 (2) by striking the period at the end of para-
14 graph (2) and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(3) the term ‘approved location’ means any lo-
17 cation at which an employee has been approved to
18 perform work, including any Federal office, a tele-
19 working site, or other location as determined by the
20 head of the agency at which the employee is em-
21 ployed.”.

1 **SEC. 5. EFFECT OF DEPENDENT CARE ON TELEWORK ELI-**
2 **GIBILITY.**

3 (a) TITLE 5 EMPLOYEES.—Section 6502(a) of title
4 5, United States Code, is amended by adding at the end
5 the following new paragraph:

6 “(3) DEPENDENT CARE.—

7 “(A) IN GENERAL.—The presence of a de-
8 pendent individual at the location from which
9 an employee teleworks shall have no effect on
10 the eligibility of such employee to telework if
11 such dependent individual is cared for by a
12 caregiver other than such employee while such
13 employee is teleworking.

14 “(B) TEMPORARY UNAVAILABILITY OF
15 CAREGIVER.—The temporary unavailability of a
16 caregiver described in subparagraph (A) does
17 not affect the eligibility of the relevant em-
18 ployee to telework if—

19 “(i) such unavailability is due to un-
20 usual or extraordinary circumstances; and

21 “(ii) an alternative caregiver is not
22 reasonably available.

23 “(C) DEPENDENT INDIVIDUAL DE-
24 FINED.—In this paragraph, the term ‘depend-
25 ent individual’ means a dependent child or rel-
26 ative (as such terms are defined in paragraphs

1 (2) and (16), respectively, of section 109 of the
2 Ethics in Government Act of 1978 (5 U.S.C.
3 App.)) who is dependent on the employee for
4 care.”.

5 (b) OTHER APPLICABLE EMPLOYEES.—With respect
6 to any employee not covered under chapter 65 of title 5,
7 United States Code, the terms and conditions with respect
8 to dependent care and teleworking under section
9 6502(a)(3) of such title (as added by subsection (a)) shall
10 apply. In this subsection, the term “employee” has the
11 meaning given that term under section 2(c)(1), but does
12 not include an employee as defined in section 6501(1) of
13 such title.

14 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion shall alter or otherwise affect the rights, remedies,
16 and procedures related to dependent care under the terms
17 of any collective bargaining agreement.

18 **SEC. 6. PRESUMPTION OF ELIGIBILITY FOR WORKERS’**
19 **COMPENSATION BENEFITS FOR FEDERAL**
20 **EMPLOYEES DIAGNOSED WITH**
21 **CORONAVIRUS.**

22 (a) IN GENERAL.—An employee who is diagnosed
23 with COVID–19 during the period described in subsection
24 (b)(2)(A) shall, with respect to any claim made by or on
25 behalf of the employee for benefits under subchapter I of

1 chapter 81 of title 5, United States Code, be deemed to
2 have an injury proximately caused by exposure to
3 coronavirus arising out of the nature of the employee’s em-
4 ployment and be presumptively entitled to such benefits,
5 including disability compensation, medical services, and
6 survivor benefits.

7 (b) DEFINITIONS.—In this section—

8 (1) the term “coronavirus” means SARS-CoV-
9 2 or another coronavirus with pandemic potential;
10 and

11 (2) the term “employee”—

12 (A) means an employee as that term is de-
13 fined in section 8101(1) of title 5, United
14 States Code, (including an employee of the
15 United States Postal Service, the Transpor-
16 tation Security Administration, or the Depart-
17 ment of Veterans Affairs, including any indi-
18 vidual appointed under chapter 73 or 74 of title
19 38, United States Code) employed in the Fed-
20 eral service at anytime during the period begin-
21 ning on January 27, 2020, and ending on Jan-
22 uary 30, 2022—

23 (i) who carried out duties requiring
24 contact with patients, members of the pub-
25 lic, or co-workers; or

- 1 (ii) whose duties include a risk of ex-
2 posure to the coronavirus; and
3 (B) does not include any employee other-
4 wise covered by subparagraph (A) who is tele-
5 working on a full-time basis during all of such
6 period.

7 **SEC. 7. PANDEMIC DUTY DIFFERENTIAL.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “agency”—

10 (A) means—

11 (i) each agency, office, or other estab-
12 lishment in the executive, legislative, or ju-
13 dicial branch of the Federal Government,
14 including—

15 (I) an Executive agency, as that
16 term is defined in section 105 of title
17 5, United States Code;

18 (II) a military department, as
19 that term is defined in section 102 of
20 title 5, United States Code;

21 (III) the Federal Aviation Ad-
22 ministration;

23 (IV) the Transportation Security
24 Administration;

1 (V) the Department of Veterans
2 Affairs;

3 (VI) the United States Postal
4 Service and the Postal Regulatory
5 Commission; and

6 (VII) the Government Account-
7 ability Office;

8 (ii) the District of Columbia courts
9 and the District of Columbia Public De-
10 fender Service; and

11 (iii)(I) an Indian tribe or tribal orga-
12 nization carrying out a contract or com-
13 pact under the Indian Self-Determination
14 and Education Assistance Act (25 U.S.C.
15 5301 et seq.);

16 (II) an Indian tribe or tribal organiza-
17 tion that receives a grant under the Trib-
18 ally Controlled Schools Act of 1988 (25
19 U.S.C. 2501 et seq.); and

20 (III) an urban Indian organization
21 that receives a grant or carries out a con-
22 tract under title V of the Indian Health
23 Care Improvement Act (25 U.S.C. 1651 et
24 seq.); and

1 (B) does not include a nonappropriated
2 fund instrumentality under the jurisdiction of
3 the Armed Forces;

4 (2) the term “covered duty”—

5 (A) means duty that requires—

6 (i) an employee to have regular or
7 routine contact with the public; or

8 (ii) the reporting of an employee to a
9 worksite at which—

10 (I) social distancing is not pos-
11 sible, consistent with the regularly as-
12 signed duties of the position of the
13 employee; and

14 (II) other preventative measures
15 with respect to COVID–19 are not
16 available; and

17 (B) does not include duty that an employee
18 performs while teleworking from a residence;

19 (3) the term “covered period” means the period
20 beginning on the date on which the Secretary of
21 Health and Human Services declared a public health
22 emergency under section 319 of the Public Health
23 Service Act (42 U.S.C. 247d) with respect to
24 COVID–19 and ending on the date that is 60 days

1 after the date on which that public health emergency
2 terminates;

3 (4) the term “employee”—

4 (A) means an employee of an agency;

5 (B) includes—

6 (i) any employee of an agency who oc-
7 cupies a position within the General Sched-
8 ule under subchapter III of chapter 53 of
9 title 5, United States Code;

10 (ii) any employee of an agency whose
11 pay is fixed and adjusted from time to
12 time in accordance with prevailing rates
13 under subchapter IV of chapter 53 of title
14 5, United States Code, or by a wage board
15 or similar administrative authority serving
16 the same purpose;

17 (iii) an official or employee of an In-
18 dian tribe, tribal organization, or urban In-
19 dian organization described in paragraph
20 (1)(A)(iii);

21 (iv) each employee of the Department
22 of Veterans Affairs, including an employee
23 appointed under chapter 74 of title 38,
24 United States Code, without regard to
25 whether section 7421(a) of that title, sec-

1 tion 7425(b) of that title, or any other pro-
2 vision of chapter 74 of that title is incon-
3 sistent with that inclusion; and

4 (v) any other individual occupying a
5 position in the civil service, as that term is
6 defined in section 2101 of title 5, United
7 States Code; and

8 (C) does not include—

9 (i) a member of the uniformed serv-
10 ices, as that term is defined in section
11 2101 of title 5, United States Code;

12 (ii) an employee of an agency who oc-
13 cupies a position within the Executive
14 Schedule under any of sections 5312
15 through 5316 of title 5, United States
16 Code;

17 (iii) an individual in a Senior Execu-
18 tive Service position, unless the individual
19 is a career appointee, as those terms are
20 defined in section 3132(a) of title 5,
21 United States Code;

22 (iv) an individual serving in a position
23 of a confidential or policy-determining
24 character under Schedule C of subpart C

1 of part 213 of title 5, Code of Federal
2 Regulations, or any successor regulations;

3 (v) a member of the Senate or House
4 of Representatives, a Delegate to the
5 House of Representatives, or the Resident
6 Commissioner from Puerto Rico; or

7 (vi) an employee of the personal office
8 of an individual described in clause (v), of
9 a leadership office of the Senate or the
10 House of Representatives, of a committee
11 of the Senate or the House of Representa-
12 tives, or of a joint committee of Congress;
13 and

14 (5) the term “employer payroll taxes” means—

15 (A) taxes imposed under sections 3111(b),
16 3221(a) (but only to the extent attributable to
17 the portion of such tax attributable to the tax
18 imposed by section 3111(b)), 3221(b), and
19 3301 of the Internal Revenue Code of 1986;
20 and

21 (B) taxes imposed by a State or local gov-
22 ernment on an employer with respect to
23 amounts paid by such employer for work by em-
24 ployees.

25 (b) PANDEMIC DUTY DIFFERENTIAL.—

1 (1) IN GENERAL.—There is established a sched-
2 ule of pay differentials for covered duty as follows:

3 (A) An employee is entitled to pay for that
4 covered duty at the rate of basic pay, which in-
5 cludes any differential or other premium pay
6 paid for regularly scheduled work of the em-
7 ployee other than the differential established
8 under this section, of the employee plus pre-
9 mium pay of \$13 per hour.

10 (B) The total amount of premium pay paid
11 to an employee under subparagraph (A) shall
12 be—

13 (i) with respect to an employee whose
14 annual rate of basic pay is less than
15 \$200,000, not more than \$10,000 reduced
16 by employer payroll taxes with respect to
17 such premium pay; and

18 (ii) with respect to an employee whose
19 annual rate of basic pay is not less than
20 \$200,000, not more than \$5,000 reduced
21 by employer payroll taxes with respect to
22 such premium pay.

23 (2) PAY.—

24 (A) IN GENERAL.—With respect to the
25 covered period, an employee is entitled to be

1 paid the applicable differential established
2 under paragraph (1) for any period, including
3 any period during the covered period that pre-
4 cedes the date of enactment of this Act, in
5 which the employee is carrying out covered
6 duty, subject to the applicable limitations under
7 that paragraph.

8 (B) RETROACTIVE PAYMENT.—With re-
9 spect to a payment earned by an employee
10 under this subsection for a period during the
11 covered period that precedes the date of enact-
12 ment of this Act, the employee shall be paid
13 that payment in a lump sum payment as soon
14 as is practicable after that date of enactment.

15 (3) GUIDANCE AND REGULATIONS.—

16 (A) EXECUTIVE BRANCH.—

17 (i) IN GENERAL.—The Office of Per-
18 sonnel Management shall develop criteria
19 for agencies in the executive branch of the
20 Federal Government regarding the means
21 by which to determine the eligibility of an
22 employee in such an agency for the pay
23 differential established under this sub-
24 section, which shall—

25 (I) be based on—

1 (aa) the duties performed by
2 the employee;

3 (bb) the setting in which the
4 employee performs the duties de-
5 scribed in item (aa); and

6 (cc) the interactions with the
7 public required in order for the
8 employee to perform the duties
9 described in item (aa); and

10 (II) apply equally to all such
11 agencies.

12 (ii) REGULATIONS.—The Office of
13 Personnel Management may prescribe reg-
14 ulations implementing the pay differential
15 under this subsection with respect to em-
16 ployees in the executive branch of the Fed-
17 eral Government.

18 (B) OTHER BRANCHES, CERTAIN DC EM-
19 PLOYEES, AND CERTAIN TRIBAL OFFICIALS.—

20 (i) IN GENERAL.—The employing au-
21 thority for each agency that is not in the
22 executive branch of the Federal Govern-
23 ment—

24 (I) shall develop criteria regard-
25 ing the means by which to determine

1 the eligibility of an employee in such
2 an agency for the pay differential es-
3 tablished under this subsection; and

4 (II) may prescribe regulations
5 implementing the pay differential
6 under this subsection with respect to
7 employees in the applicable agency.

8 (ii) CONSISTENCY WITH OPM GUID-
9 ANCE AND REGULATIONS.—Any criteria
10 developed, and regulations prescribed, by
11 an agency under clause (i) shall, to the ex-
12 tent practicable, be comparable to any cri-
13 teria developed and regulations prescribed
14 by the Office of Personnel Management
15 under subparagraph (A).

16 (c) LIMITATION ON PREMIUM PAY.—

17 (1) IN GENERAL.—Notwithstanding subsections
18 (a) and (b) of section 5547 of title 5, United States
19 Code, or a provision of any other Federal, State, or
20 Tribal law that imposes a limitation on the amount
21 of premium pay (including any premium pay paid
22 under subsection (b) and any overtime pay paid for
23 covered duty) that may be payable to an employee,
24 an employee may be paid such premium pay to the
25 extent that the payment does not cause the aggre-

1 gate of basic pay and such premium pay for service
2 performed in that calendar year by that employee to
3 exceed the annual rate of basic pay payable for level
4 II of the Executive Schedule, as of the end of the
5 calendar year.

6 (2) APPLICABILITY OF AGGREGATE LIMITATION
7 ON PAY.—In determining whether a payment to an
8 employee is subject to the limitation under section
9 5307(a) of title 5, United States Code, a payment
10 described in paragraph (1) shall not apply.

11 (3) APPLICABILITY OF CARES ACT.—The au-
12 thority provided under this subsection shall be con-
13 sidered to be in addition to, and not a replacement
14 for, the authority provided under section 18110 of
15 title VIII of the CARES Act (Public Law 116–136).

16 (4) RETROACTIVE EFFECT.—This subsection
17 shall take effect as if enacted on the date on which
18 the covered period began.

19 (d) APPROPRIATION.—

20 (1) APPROPRIATION.—There is hereby appro-
21 priated, out of any money in the Treasury not other-
22 wise appropriated, \$10,000,000,000, to remain
23 available until expended, for the offices and agencies
24 described in paragraph (2) to carry out subsections

1 (b) and (c) and to make transfers authorized under
2 paragraph (3) of this subsection.

3 (2) OFFICES AND AGENCIES.—The offices and
4 agencies described in this paragraph are—

5 (A) the Office of the Sergeant at Arms and
6 Doorkeeper of the Senate;

7 (B) the Office of the Clerk of the House
8 of Representatives;

9 (C) the Office of the Sergeant at Arms of
10 the House of Representatives;

11 (D) the Office of the Chief Administrative
12 Officer of the House of Representatives;

13 (E) the Office of the Attending Physician;

14 (F) the Capitol Police;

15 (G) the Office of the Architect of the Cap-
16 itol;

17 (H) the Library of Congress;

18 (I) the Government Publishing Office;

19 (J) the Government Accountability Office;

20 (K) the Office of Personnel Management;

21 (L) the Administrative Office of the United
22 States Courts;

23 (M) the District of Columbia Courts; and

24 (N) the District of Columbia Public De-
25 fender Service.

1 (3) TRANSFER AUTHORITY.—

2 (A) OPM.—The Office of Personnel Man-
3 agement may transfer funds made available
4 under this subsection to other Federal agencies
5 within the executive branch to reimburse such
6 agencies for costs incurred to implement this
7 section.

8 (B) AOUSC.—The Administrative Office
9 of the United States Courts may transfer funds
10 made available under this subsection to other
11 entities within the judicial branch to reimburse
12 the entities for costs incurred to implement this
13 section.

14 (e) COORDINATION WITH OTHER BENEFITS.—

15 (1) DISREGARD FOR PURPOSES OF FEDERAL
16 AND STATE PROGRAMS.—Any payment provided
17 under this section shall not be regarded as income
18 and shall not be regarded as a resource for the
19 month of receipt and the following 12 months, for
20 purposes of determining the eligibility of the recipi-
21 ent (or the recipient's spouse or family) for benefits
22 or assistance, or the amount or extent of benefits or
23 assistance, under any Federal program or under any
24 State or local program financed in whole or in part
25 with Federal funds.

1 (2) AMOUNTS NOT TAKEN INTO ACCOUNT FOR
2 PURPOSES OF PREMIUM TAX CREDIT.—

3 (A) IN GENERAL.—For purposes of deter-
4 mining modified adjusted gross income under
5 section 36B(d)(2)(B) of the Internal Revenue
6 Code of 1986, adjusted gross income shall be
7 reduced by any amounts received by reason of
8 subsection (b).

9 (B) EXCEPTION.—Subparagraph (A) shall
10 not apply to the extent such reduction results
11 in an amount of household income (as defined
12 in section 36B(d)(2)(A) of such Code) of a tax-
13 payer that is less than 100 percent of the pov-
14 erty line (as defined in section 36B(d)(3) of
15 such Code) for a family of the size involved (as
16 determined under the rules of section 36B(d)(1)
17 of such Code).

18 (C) REPORTING.—

19 (i) IN GENERAL.—Any employer that
20 makes an applicable payment during a cal-
21 endar year shall include as a separately
22 stated item on any written statement re-
23 quired under section 6051 of the Internal
24 Revenue Code of 1986 or any return or
25 statement required by the Secretary of the

1 Treasury (or the Secretary's delegate) with
2 respect to nonemployee compensation the
3 aggregate amount of each type of applica-
4 ble payments so made.

5 (ii) APPLICABLE PAYMENTS.—For
6 purposes of this subparagraph, the term
7 “applicable payments” means amounts
8 paid by reason of subsection (b).

9 (3) EMPLOYMENT TAX TREATMENT FOR
10 AMOUNTS PAID THROUGH GRANTS.—

11 (A) IN GENERAL.—For purposes of section
12 3111(a) of the Internal Revenue Code of 1986,
13 any amounts required to be paid by reason of
14 this section shall not be considered wages.

15 (B) RAILROAD RETIREMENT TAXES.—For
16 purposes of section 3221(a) of the Internal
17 Revenue Code of 1986, the amount of tax im-
18 posed under such section for any calendar year
19 in which an employer is required to pay
20 amounts under this section shall be equal to the
21 sum of—

22 (i) the product of the rate in effect
23 under section 3111(a) of such Code and
24 the compensation (reduced by any amounts
25 required to be paid by reason of this sec-

1 tion) paid during any calendar year by
2 such employer for services rendered to
3 such employer; and

4 (ii) the product of the rate in effect
5 under section 3111(b) of such Code and
6 the compensation paid during any calendar
7 year by such employer for services ren-
8 dered to such employer.

9 (C) SELF-EMPLOYED INDIVIDUALS.—

10 (i) IN GENERAL.—In the case of the
11 tax imposed by section 1401(a) of the In-
12 ternal Revenue Code of 1986, the self-em-
13 ployment income for any taxable year in
14 which the individual received a payment re-
15 quired to be made under this section shall
16 be reduced by 50 percent of the amount of
17 payments so made.

18 (ii) REGULATORY AUTHORITY.—The
19 Secretary of the Treasury (or the Sec-
20 retary's delegate) shall prescribe regula-
21 tions or other guidance for the application
22 of sections 164(f) and 1402(a)(12) of the
23 Internal Revenue Code of 1986 with re-
24 spect to amounts to which clause (i) ap-
25 plies.

1 (D) TRANSFERS TO TRUST FUNDS.—There
2 are hereby appropriated to the Federal Old Age
3 and Survivors Insurance Trust Fund and the
4 Federal Disability Insurance Trust Fund estab-
5 lished under section 201 of the Social Security
6 Act (42 U.S.C. 401) and the Social Security
7 Equivalent Benefit Account established under
8 section 15A(a) of the Railroad Retirement Act
9 of 1974 (45 U.S.C. 231n-1(a)) amounts equal
10 to the reduction in revenues to the Treasury by
11 reason of this paragraph (without regard to this
12 subparagraph). Amounts appropriated by the
13 preceding sentence shall be transferred from the
14 general fund at such times and in such manner
15 as to replicate to the extent possible the trans-
16 fers which would have occurred to such Trust
17 Fund or Account had this subsection not been
18 enacted.

19 (f) CLARIFICATION OF COORDINATION WITH OTHER
20 LAWS.—

21 (1) ESSENTIAL WORKERS RIGHTS AND BENE-
22 FITS.—Nothing in this section shall be construed to
23 allow noncompliance with or in any way to diminish,
24 and shall instead be construed to be in addition to,

1 the rights or benefits that an essential worker is en-
2 titled to under any—

3 (A) Federal, State, or local law, including
4 regulation;

5 (B) collective bargaining agreement; or

6 (C) employer policy.

7 (2) TITLE 5.—Nothing in this section shall be
8 construed to affect the application of the provisions
9 of sections 5343 or 5545 of title 5, United States
10 Code, with respect to pay differentials for duty in-
11 volving unusual physical hardship or hazard, or envi-
12 ronmental differentials.

13 (g) APPLICABILITY OF FAIR LABOR STANDARDS ACT
14 OF 1938 TO SOVEREIGN TRIBAL EMPLOYERS.—

15 (1) IN GENERAL.—The receipt of any funds
16 under subsection (b), (c), or (d) by a sovereign Trib-
17 al employer shall not expand, constrict, or alter the
18 application of the Fair Labor Standards Act of 1938
19 (29 U.S.C. 201 et seq.) to such sovereign Tribal em-
20 ployer.

21 (2) DEFINITIONS.—In this subsection—

22 (A) the term “Tribal employer” means—

23 (i) any Tribal government, a subdivi-
24 sion of a Tribal government (determined in
25 accordance with section 7871(d) of the In-

1 ternal Revenue Code), or an agency or in-
2 strumentality of a Tribal government or
3 subdivision thereof;

4 (ii) any Tribal organization (as the
5 term “tribal organization” is defined in
6 section 4(l) of the Indian Self-Determina-
7 tion and Education Assistance Act (25
8 U.S.C. 5304(l));

9 (iii) any corporation if more than 50
10 percent (determined by vote and value) of
11 the outstanding stock of such corporation
12 is owned, directly or indirectly, by any en-
13 tity described in subparagraph (A) or (B);
14 or

15 (iv) any partnership if more than 50
16 percent of the value of the capital and
17 profits interests of such partnership is
18 owned, directly or indirectly, by any entity
19 described in subparagraph (A) or (B); and

20 (B) the term “Tribal government” means
21 the recognized governing body of any Indian or
22 Alaska Native tribe, band, nation, pueblo, vil-
23 lage, community, component band, or compo-
24 nent reservation individually identified (includ-
25 ing parenthetically) in the list published most

1 recently as of the date of enactment of this Act
2 pursuant to section 104 of the Federally Recog-
3 nized Indian Tribe List Act of 1994 (25 U.S.C.
4 5131).

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