

117TH CONGRESS
1ST SESSION

S. 3248

To allow States and Tribal entities to use unexpended COVID–19 relief funds to pay fines on behalf of employers for violating the emergency temporary standard issued by the Department of Labor relating to COVID–19 Vaccination and Testing and any final rule issued with respect to such emergency temporary standard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2021

Mr. RUBIO (for himself, Mr. BRAUN, Mr. CRAMER, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To allow States and Tribal entities to use unexpended COVID–19 relief funds to pay fines on behalf of employers for violating the emergency temporary standard issued by the Department of Labor relating to COVID–19 Vaccination and Testing and any final rule issued with respect to such emergency temporary standard, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Working
3 Families from Federal Overreach Act”.

4 **SEC. 2. VIOLATIONS OF COVID-19 VACCINATION AND TEST-**
5 **ING REQUIREMENTS.**

6 (a) **IN GENERAL.**—Notwithstanding any other provi-
7 sion of law, a State or Tribal entity may use unexpended
8 COVID-19 relief funds distributed to the State or Tribal
9 entity in order to pay, on behalf of an employer operating
10 in the State or on land under the jurisdiction of the Tribal
11 entity, any fine imposed on the employer for violating the
12 emergency temporary standard issued by the Department
13 of Labor relating to “COVID-19 Vaccination and Testing;
14 Emergency Temporary Standard” (86 Fed. Reg. 61402
15 (November 5, 2021)), or any final rule issued with respect
16 to such emergency temporary standard.

17 (b) **DEFINITIONS.**—In this section:

18 (1) **COVID-19 RELIEF FUNDS.**—The term
19 “COVID-19 relief funds” means amounts appro-
20 priated by the Federal Government for COVID-19
21 response or relief, including such amounts appro-
22 priated under—

23 (A) the CARES Act (Public Law 116-
24 136);

25 (B) the Consolidated Appropriations Act,
26 2021 (Public Law 116-260); or

1 (C) the American Rescue Plan Act of 2021
2 (Public Law 117–2).

3 (2) EMPLOYER.—The term “employer” has the
4 meaning given such term in section 3 of the Occupa-
5 tional Safety and Health Act of 1970 (29 U.S.C.
6 652).

7 (3) STATE.—The term “State” means each of
8 the 50 States, the District of Columbia, and any ter-
9 ritory of the United States.

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