

116TH CONGRESS
2D SESSION

S. 3728

To require the Secretary of Transportation to support the efforts of State and local governments to provide for priority testing of essential critical infrastructure workers with respect to the Coronavirus Disease 2019 (COVID–19), and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2020

Mr. WICKER (for himself, Ms. CANTWELL, Mr. SULLIVAN, and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Transportation to support the efforts of State and local governments to provide for priority testing of essential critical infrastructure workers with respect to the Coronavirus Disease 2019 (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 “Critical Infrastructure
5 Employee Protection Act of 2020”.

1 **SEC. 2. IDENTIFICATION OF COVID-19 TESTING NEEDS OF**
2 **CRITICAL INFRASTRUCTURE EMPLOYEES.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall—

5 (1) adopt, for use by the Department of Trans-
6 portation in carrying out response efforts relating to,
7 and operations during, the Coronavirus Disease
8 2019 (COVID–19) pandemic, the categorization of
9 “essential critical infrastructure workers” identified
10 in the Guidance on the Essential Critical Infrastruc-
11 ture Workforce published by the Department of
12 Homeland Security on March 28, 2020 (or a subse-
13 quent version of that guidance); and

14 (2) coordinate with the Director of the Centers
15 for Disease Control and Prevention and the Admin-
16 istrator of the Federal Emergency Management
17 Agency to support efforts of State and local govern-
18 ments to provide for—

19 (A) priority testing of essential critical in-
20 frastructure workers (as that term is used in
21 paragraph (1)) with respect to the Coronavirus
22 Disease 2019 (COVID–19); and

23 (B) priority access to personal protective
24 equipment, sanitizers, nonmedical-grade facial
25 coverings, and other health-related or protective

1 supplies necessary to safely perform essential
2 critical infrastructure work.

3 (b) APPLICATION.—Nothing in this section requires
4 the provision of priority testing or priority access to per-
5 sonal protective equipment for essential critical infrastruc-
6 ture workers (as that term is used in subsection (a)(1))
7 to be prioritized over the provision of that testing or access
8 to personal protective equipment for other individuals who
9 are identified by the Centers for Disease Control and Pre-
10 vention or any other relevant Federal, State, or local agen-
11 cy as having a higher priority for that testing or access
12 to personal protective equipment, including—

- 13 (1) patients;
14 (2) healthcare workers; and
15 (3) first responders.

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