

[~116H6709]

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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To direct the Secretary of the Treasury to establish a coronavirus fund to provide hazard payments to high-risk health care workers and essential workers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CARTWRIGHT introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Secretary of the Treasury to establish a coronavirus fund to provide hazard payments to high-risk health care workers and essential workers, 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 “Coronavirus Frontline
5 Workers Fair Pay Act”.

1 **SEC. 2. HAZARD PAYMENTS FOR HIGH-RISK HEALTH CARE**
2 **WORKERS AND ESSENTIAL WORKERS.**

3 (a) GENERAL RULE.—The Secretary shall make haz-
4 ard payments in accordance with this section for high-risk
5 health care workers and essential workers.

6 (b) FUND.—

7 (1) ESTABLISHMENT.—For the purpose of
8 making payments under this section, not later than
9 45 days after the date of the enactment of this Act,
10 the Secretary of the Treasury shall establish an ac-
11 count in the Treasury to be known as the
12 “Coronavirus Essential and High-Risk Health Care
13 Workers Hazard Payment Fund” (hereafter in this
14 section referred to as the “Fund”).

15 (2) APPROPRIATIONS TO FUND.—There is ap-
16 propriated, out of amounts in the Treasury not oth-
17 erwise appropriated, for the fiscal year ending Sep-
18 tember 30, 2021, such sums as may be necessary to
19 carry out this Act.

20 (c) HAZARD PAYMENTS.—

21 (1) IN GENERAL.—The Secretary shall make
22 hazard payments from the Fund each coronavirus
23 hazard payment quarter in accordance with this sub-
24 section.

25 (2) ENTITLEMENT TO HAZARD PAYMENT.—In-
26 dividuals who are high-risk health care workers and

1 essential workers as determined pursuant to this Act
2 are entitled to hazard payments under this Act.

3 (3) HIGH-RISK HEALTH CARE WORKER.—For
4 purposes of this section—

5 (A) DETERMINATION OF PAYMENT.—In
6 the case of a high-risk health care worker, the
7 hazard payment for such worker shall be the
8 aggregate of \$18.50 for each hour in which the
9 worker provided high-risk health care services
10 (excluding hours provided as telework hours).

11 (B) LIMITATIONS.—

12 (i) AGGREGATE AMOUNT.—The aggre-
13 gate amount allowed for all payments to a
14 high-risk health care worker pursuant to
15 paragraph (1) shall not exceed—

16 (I) \$35,000 in the case of a
17 worker whose annual earned income
18 for calendar year 2020 is \$200,000 or
19 less; and

20 (II) \$15,000 in the case of a
21 worker whose estimated annual
22 earned income for calendar year 2020
23 is greater than \$200,000.

24 (ii) WEEKLY LIMIT.—The aggregate
25 number of hours taken into account for

1 purposes of subparagraph (A) shall not ex-
2 ceed 40 hours per week.

3 (C) HIGH-RISK HEALTH CARE WORKER
4 DEFINED.—

5 (i) IN GENERAL.—The term “high-
6 risk health care worker” means—

7 (I) an individual working in a
8 health care occupation, including—

- 9 (aa) physicians;
- 10 (bb) physician assistants;
- 11 (cc) podiatrists;
- 12 (dd) respiratory therapists;
- 13 (ee) registered nurses;
- 14 (ff) nurse anesthetists;
- 15 (gg) nurse midwives;
- 16 (hh) nurse practitioners
- 17 (ii) anesthesiologists;
- 18 (jj) dermatologists;
- 19 (kk) emergency medicine
20 physicians;
- 21 (ll) family medicine physi-
22 cians;
- 23 (mm) general internal medi-
24 cine physicians;
- 25 (nn) neurologists;

- 1 (oo) obstetricians and gyne-
2 cologists;
3 (pp) pediatricians, general;
4 (qq) physicians, pathologists;
5 (rr) psychiatrists;
6 (ss) radiologists;
7 (tt) physicians, all other;
8 (uu) ophthalmologists, ex-
9 cept pediatric;
10 (vv) orthopedic surgeons, ex-
11 cept pediatric;
12 (ww) pediatric surgeons;
13 (xx) surgeons, all other;
14 (yy) medical and clinical lab-
15 oratory technologists;
16 (zz) medical and clinical lab-
17 oratory technicians;
18 (aaa) cardiovascular tech-
19 nologists and technicians;
20 (bbb) diagnostic medical
21 sonographers;
22 (ccc) nuclear medicine tech-
23 nologists;
24 (ddd) radiologic tech-
25 nologists and technicians;

- 1 (eee) magnetic resonance
2 imaging technologists;
3 (fff) medical dosimetrists;
4 (ggg) emergency medical
5 technicians;
6 (hhh) paramedics;
7 (iii) pharmacy technicians;
8 (jjj) psychiatric technicians;
9 (kkk) surgical technologists;
10 (lll) licensed practical and li-
11 censed vocational nurses;
12 (mmm) surgical assistants;
13 (nnn) home health aides;
14 (ooo) personal care aides;
15 (ppp) nursing assistants;
16 (qqq) orderlies; and
17 (rrr) psychiatric aides; and
18 (II) an individual who is pro-
19 viding or supporting the provision of
20 health care services for the treatment
21 of Covid-19, as determined by the
22 Secretary.
- 23 (4) ESSENTIAL WORKER.—For purposes of this
24 section—

1 (A) DETERMINATION OF PAYMENT.—In
2 the case of an essential worker who is not a
3 high-risk health care worker under subsection
4 (c)(3), the hazard payment for such individual
5 shall be the aggregate of \$13.00 for each hour
6 in which the essential worker provided essential
7 services (excluding hours provided as telework
8 hours).

9 (B) LIMITATIONS.—

10 (i) AGGREGATE AMOUNT.—The aggregate
11 amount allowed for all payments to
12 an essential worker under subparagraph
13 (A) shall not exceed—

14 (I) \$25,000 in the case of an es-
15 sential worker whose annual earned
16 income from providing essential serv-
17 ices for calendar year 2020 is
18 \$200,000 or less; and

19 (II) \$5,000 in the case of an es-
20 sential worker whose annual earned
21 income from providing essential serv-
22 ices for calendar year 2020 is greater
23 than \$200,000.

24 (ii) WEEKLY LIMIT.—The aggregate
25 number of hours taken into account for

1 purposes of subparagraph (A) shall not ex-
2 ceed 40 hours per week.

3 (C) ESSENTIAL WORKER.—Not later than
4 30 days after the date of the enactment of this
5 Act, the Director of the Cybersecurity and In-
6 frastructure Security Agency shall issue a defi-
7 nition of essential worker for the purposes of
8 making payments to essential workers under
9 this section. In defining the term essential
10 worker, the Cybersecurity and Infrastructure
11 Security Agency shall take into consideration
12 its April 17th “Advisory Memorandum on Iden-
13 tification of Essential Critical Infrastructure
14 Workers During Covid-19 Response” and shall
15 solicit public input.

16 (D) CORONAVIRUS HAZARD PAYMENT
17 QUARTER.—

18 (i) IN GENERAL.—The term
19 “coronavirus hazard payment quarter”
20 means 90-day periods in calendar years
21 2020 and 2021 beginning on or after Jan-
22 uary 27, 2020, except for the last 90-day
23 period (which will end on the last day a
24 COVID–19 Public Health Emergency is in
25 effect in the location of employment (as de-

1 terminated by the Secretary of the Treasury
2 in consultation with the Secretary of
3 Health and Human Services) or on Sep-
4 tember 30, 2021, whichever occurs first).

5 (ii) SPECIAL RULE BEFORE ENACT-
6 MENT.—For purposes of making payments
7 under this section, the period beginning on
8 January 27, 2020, and ending with the
9 date of the enactment of this Act shall be
10 treated as one quarter and payments shall
11 be made a lump sum.

12 (5) PROCESS.—

13 (A) SUBMISSION TO SECRETARY.—Begin-
14 ning not later than 60 days after the date of
15 the enactment of this Act, each employer shall
16 submit to the Secretary for each coronavirus
17 hazard payment quarter—

18 (i) a projection of payments of the
19 regular rate of pay for such quarter for
20 employees who are high-risk health care
21 workers or essential workers;

22 (ii) a certification of such payments
23 for the preceding quarter;

1 (iii) the rate of pay for each employee
2 who is a high-risk health care worker or an
3 essential worker; and

4 (iv) the number of hours each em-
5 ployee provided health care service or es-
6 sential service each week.

7 (B) DEVELOPMENT OF PROCESS AND
8 EVALUATION CRITERIA.—For purposes of this
9 section, the Secretary shall develop—

10 (i) a process for submitting applica-
11 tions under this section, including a proc-
12 ess for correcting such applications; and

13 (ii) a criteria for evaluating each such
14 application.

15 (d) DISTRIBUTION OF PAYMENTS.—

16 (1) PAYMENTS TO EMPLOYER.—Beginning not
17 later than 75 days after the date of the enactment
18 of this Act, the Secretary shall make coronavirus
19 hazard payments under subsection (c)(1) on the
20 basis of projections under subparagraph (A)(i)(I) of
21 such subsection and shall make appropriate adjust-
22 ments for any surplus or deficit certified for the pre-
23 vious quarter under subparagraph (A)(i)(II) of such
24 subsection.

25 (2) PAYMENTS TO EMPLOYEE.—

1 (A) IN GENERAL.—From amounts paid to
2 the employer under paragraph (1), the employer
3 shall make the appropriate hazard payment to
4 each employee who is a high-risk health care
5 worker or an essential worker not later than 14
6 days after the date the employer receives such
7 amounts, taking into account the appropriate
8 adjustments for any surplus or deficit certified
9 for the previous quarter.

10 (B) REQUIREMENT TO PROVIDE HAZARD
11 PAYMENTS.—The requirement to make the ap-
12 propriate hazard payment under subparagraph
13 (A) shall apply to an employer after the em-
14 ployer receives the amounts paid to the em-
15 ployer pursuant to paragraph (1).

16 (3) TREATMENT OF SELF-EMPLOYED INDIVID-
17 UALS.—For purposes of this section, an individual
18 with net earnings from self-employment (as defined
19 in section 1402(a) of the Internal Revenue Code of
20 1986) shall be treated as an employer, except that
21 an employer (within the meaning of section
22 401(c)(5) of the Internal Revenue Code of 1986)
23 may make an election (in such manner as the Sec-
24 retary may provide) to be the employer for such pur-
25 poses.

1 (4) TREATMENT OF EMPLOYERS.—An employer
2 may not receive a payment under this section unless
3 the employer has entered into an agreement in writ-
4 ing with the Secretary—

5 (A) to make the payments described in
6 paragraph (2); and

7 (B) to be bound by such other terms and
8 conditions as the Secretary may prescribe.

9 (e) SPECIAL RULES RELATING TO PAYMENTS.—For
10 purposes of this section—

11 (1) PAYMENTS NOT TREATED AS COMPENSA-
12 TION.—Payments made under subsection (c) shall
13 not be—

14 (A) treated as compensation with respect
15 to wages, overtime, or any other form of remu-
16 neration under the Fair Labor Standards Act
17 of 1938; and

18 (B) taken into account for purposes of de-
19 terminations with respect to benefits provided
20 by the employer.

21 (2) CORONAVIRUS HAZARD PAYMENTS DIS-
22 REGARDED IN ADMINISTRATION OF FEDERAL PRO-
23 GRAMS.—Notwithstanding any other provision of
24 law, a coronavirus hazard payment made to any in-
25 dividual under this title shall not be taken into ac-

1 count as income, and shall not be taken into account
2 as resources for a period of 12 months from receipt,
3 for purposes of determining the eligibility of such in-
4 dividual for benefits or assistance (or the amount or
5 extent of benefits or assistance) under any Federal
6 program or under any State or local program fi-
7 nanced in whole or in part with Federal funds.

8 (f) PROTECTIONS.—

9 (1) IN GENERAL.—With respect to an employee
10 who is a high-risk health care worker or an essential
11 worker, an employer may not—

12 (A) reduce the regular rate of pay of the
13 employee because the employee received a haz-
14 ard payment under this section; or

15 (B) discriminate against the employee be-
16 cause the employee received a hazard payment
17 under this section, including terminating the
18 employment of the employee with the intent to
19 reinstate the employee at a regular rate of pay
20 that is lower than the previous rate of pay.

21 (2) ENFORCEMENT UNDER FAIR LABOR STAND-
22 ARDS ACT.—An employer shall be treated as vio-
23 lating section 6 of the Fair Labor Standards Act of
24 1938 (29 U.S.C. 206) if the employer—

1 (A) does not make a hazard payment
2 under subsection (d)(2);

3 (B) violates a provision under paragraph
4 (1); or

5 (C) does not abide by a term, condition, or
6 regulation imposed by the Secretary under sub-
7 sections (c), (d), and (h).

8 (g) OTHER DEFINITIONS AND SPECIAL RULES.—For
9 purposes of this section—

10 (1) EARNED INCOME.—The term “earned in-
11 come” has the meaning given such term by section
12 32(c) of the Internal Revenue Code of 1986.

13 (2) EMPLOYEE.—The terms “employee” has
14 the meaning given the term under section 3 of the
15 of the Fair Labor Standards Act of 1938 (29 U.S.C.
16 203), which includes Federal employees employed by
17 the Transportation Security Administration of the
18 Department of Homeland Security.

19 (3) EMPLOYER.—The term “employer” has the
20 meaning given the term under section 3 of the Fair
21 Labor Standards Act of 1938 (29 U.S.C. 203).

22 (4) REGULAR RATE.—The term “regular rate”
23 has the meaning given the term under section 7 of
24 the Fair Labor Standards Act of 1938 (29 U.S.C.
25 207).

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Treasury.

3 (h) REGULATIONS.—The Secretary shall issue such
4 regulations or other guidance as may be necessary or ap-
5 propriate to carry out this section, including—

6 (1) guidance with respect to maintaining em-
7 ployee records;

8 (2) applying this section with respect to individ-
9 uals who are compensated on other than an hourly
10 basis;

11 (3) a procedure for ensuring that former em-
12 ployees are entitled to payments under this section;
13 and

14 (4) beginning after December 31, 2020, a pro-
15 cedure for resolving any overpayments and under-
16 payments under this section to individuals by the re-
17 turn of tax due for taxable years beginning in 2020.