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(Original Signature of Member)

116TH CONGRESS
2D 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, 2020, 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) nurses;

11 (cc) surgeons;

12 (dd) surgical assistants;

13 (ee) physician assistants;

14 (ff) neurologists;

15 (gg) cardiologists;

16 (hh) anesthesiologists;

17 (ii) obstetricians and gyne-
18 cologists;

19 (jj) pediatricians;

20 (kk) medical and clinical
21 laboratory technologists;

22 (ll) emergency medical tech-
23 nicians;

24 (mm) paramedics;

1 (nn) home health and per-
2 sonal care aides;

3 (oo) nursing assistants;

4 (pp) orderlies;

5 (qq) diagnostic medical
6 sonographers and medical
7 dosimetrists; and

8 (rr) cardiovascular, nuclear
9 medicine, radiologic, and mag-
10 netic resonance imaging tech-
11 nologists; and

12 (II) an individual who is pro-
13 viding or supporting the provision of
14 health care services for the treatment
15 of Covid-19, as determined by the
16 Secretary.

17 ~~(ii) OCCUPATIONS NOT INCLUDED.—~~

18 ~~Such term does not include services pro-~~
19 ~~vided in the practice of the following occu-~~
20 ~~pations:~~

21 ~~(I) Veterinarians, veterinary~~
22 ~~technicians, and veterinary assistants.~~

23 ~~(II) Chiropractors.~~

24 ~~(III) Dentists, dental hygienists,~~
25 ~~and dental assistants.~~

- 1 ~~(IV) Dietitians and nutritionists.~~
- 2 ~~(V) Optometrists.~~
- 3 ~~(VI) Podiatrists.~~
- 4 ~~(VII) Recreational, occupational,~~
- 5 ~~and physical therapists, including the~~
- 6 ~~aides and assistants of such thera-~~
- 7 ~~pists.~~
- 8 ~~(VIII) Radiation therapists.~~
- 9 ~~(IX) Speech-language patholo-~~
- 10 ~~gists.~~
- 11 ~~(X) Exercise physiologists and~~
- 12 ~~athletic trainers.~~
- 13 ~~(XI) Audiologists and hearing aid~~
- 14 ~~specialists.~~
- 15 ~~(XII) Dietetic technicians.~~
- 16 ~~(XIII) Opticians and ophthalmic~~
- 17 ~~medical technicians.~~
- 18 ~~(XIV) Medical records and health~~
- 19 ~~information technicians.~~
- 20 ~~(XV) Genetic counselors.~~
- 21 ~~(XVI) Medical transcriptionists~~
- 22 ~~and pharmacy aides.~~
- 23 ~~(XVII) Orthotists and~~
- 24 ~~prosthetists.~~
- 25 ~~(XVIII) Acupuncturists.~~

~~1 (XIX) Occupations under the~~
~~2 subcategory “Other Healthcare Sup-~~
~~3 port Occupations” specified in the~~
~~4 2018 Standard Occupational Classi-~~
~~5 fication System.~~

6 (4) ESSENTIAL WORKER.—For purposes of this
7 section—

8 (A) DETERMINATION OF PAYMENT.—In
9 the case of an essential worker who is not a
10 high-risk health care worker under subsection
11 (c)(3), the hazard payment for such individual
12 shall be the aggregate of \$13.00 for each hour
13 in which the essential worker provided essential
14 services (excluding hours provided as telework
15 hours).

16 (B) LIMITATIONS.—

17 (i) AGGREGATE AMOUNT.—The aggre-
18 gate amount allowed for all payments to
19 an essential worker under subparagraph
20 (A) shall not exceed—

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

1 (II) \$5,000 in the case of an es-
2 sential worker whose annual earned
3 income from providing essential serv-
4 ices for calendar year 2020 is greater
5 than \$200,000.

6 (ii) WEEKLY LIMIT.—The aggregate
7 number of hours taken into account for
8 purposes of subparagraph (A) shall not ex-
9 ceed 40 hours per week.

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

23 (D) CORONAVIRUS HAZARD PAYMENT
24 QUARTER.—

1 (i) IN GENERAL.—The term
2 “coronavirus hazard payment quarter”
3 means 90-day periods in calendar year
4 2020 beginning on the date of the enact-
5 ment of this Act, except for the last 90-day
6 period (which will end on the last day of
7 the 90-day period in calendar year 2020 or
8 on December 31, 2020, whichever occurs
9 first).

10 (ii) SPECIAL RULE BEFORE ENACT-
11 MENT.—For purposes of making payments
12 under this section, the period beginning on
13 or after January 27, 2020, and ending
14 with the date of the enactment of this Act
15 shall be treated as one quarter and pay-
16 ments shall be made a lump sum.

17 (5) PROCESS.—

18 (A) SUBMISSION TO SECRETARY.—Begin-
19 ning not later than 60 days after the date of
20 the enactment of this Act, each employer shall
21 submit to the Secretary for each coronavirus
22 hazard payment quarter—

23 (i) a projection of payments of the
24 regular rate of pay for such quarter for

1 employees who are high-risk health care
2 workers or essential workers;

3 (ii) a certification of such payments
4 for the preceding quarter;

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

8 (iv) the number of hours each em-
9 ployee provided health care service or es-
10 sential service each week.

11 (B) DEVELOPMENT OF PROCESS AND
12 EVALUATION CRITERIA.—For purposes of this
13 section, the Secretary shall develop—

14 (i) a process for submitting applica-
15 tions under this section, including a proc-
16 ess for correcting such applications; and

17 (ii) a criteria for evaluating each such
18 application.

19 (d) DISTRIBUTION OF PAYMENTS.—

20 (1) PAYMENTS TO EMPLOYER.—Beginning not
21 later than 75 days after the date of the enactment
22 of this Act, the Secretary shall make coronavirus
23 hazard payments under subsection (c)(1) on the
24 basis of projections under subparagraph (A)(i)(I) of
25 such subsection and shall make appropriate adjust-

1 ments for any surplus or deficit certified for the pre-
2 vious quarter under subparagraph (A)(i)(II) of such
3 subsection.

4 (2) PAYMENTS TO EMPLOYEE.—

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

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

20 (3) TREATMENT OF SELF-EMPLOYED INDIVID-
21 UALS.—For purposes of this section, an individual
22 with net earnings from self-employment (as defined
23 in section 1402(a) of the Internal Revenue Code of
24 1986) shall be treated as an employer, except that
25 an employer (within the meaning of section

1 401(c)(5) of the Internal Revenue Code of 1986)
2 may make an election (in such manner as the Sec-
3 retary may provide) to be the employer for such pur-
4 poses.

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

9 (A) to make the payments described in
10 paragraph (2); and

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

13 (e) SPECIAL RULES RELATING TO PAYMENTS.—For
14 purposes of this section—

15 (1) PAYMENTS NOT TREATED AS COMPENSA-
16 TION.—Payments made under subsection (c) shall
17 not be—

18 (A) treated as compensation with respect
19 to wages, overtime, or any other form of remu-
20 neration under the Fair Labor Standards Act
21 of 1938; and

22 (B) taken into account for purposes of de-
23 terminations with respect to benefits provided
24 by the employer.

1 (2) CORONAVIRUS HAZARD PAYMENTS DIS-
2 REGARDED IN ADMINISTRATION OF FEDERAL PRO-
3 GRAMS.—Notwithstanding any other provision of
4 law, a coronavirus hazard payment made to any in-
5 dividual under this title shall not be taken into ac-
6 count as income, and shall not be taken into account
7 as resources for a period of 12 months from receipt,
8 for purposes of determining the eligibility of such in-
9 dividual for benefits or assistance (or the amount or
10 extent of benefits or assistance) under any Federal
11 program or under any State or local program fi-
12 nanced in whole or in part with Federal funds.

13 (f) PROTECTIONS.—

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

17 (A) reduce the regular rate of pay of the
18 employee because the employee received a haz-
19 ard payment under this section; or

20 (B) discriminate against the employee be-
21 cause the employee received a hazard payment
22 under this section, including terminating the
23 employment of the employee with the intent to
24 reinstate the employee at a regular rate of pay
25 that is lower than the previous rate of pay.

1 (2) ENFORCEMENT UNDER FAIR LABOR STAND-
2 ARDS ACT.—An employer shall be treated as vio-
3 lating section 6 of the Fair Labor Standards Act of
4 1938 (29 U.S.C. 206) if the employer—

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

7 (B) violates a provision under paragraph
8 (1); or

9 (C) does not abide by a term, condition, or
10 regulation imposed by the Secretary under sub-
11 sections (e), (d), and (h).

12 (g) OTHER DEFINITIONS AND SPECIAL RULES.—For
13 purposes of this section—

14 (1) EARNED INCOME.—The term “earned in-
15 come” has the meaning given such term by section
16 32(c) of the Internal Revenue Code of 1986.

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

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

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

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

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

10 (1) guidance with respect to maintaining em-
11 ployee records;

12 (2) applying this section with respect to individ-
13 uals who are compensated on other than an hourly
14 basis;

15 (3) a procedure for ensuring that former em-
16 ployees are entitled to payments under this section;
17 and

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