

116TH CONGRESS
2D SESSION

H. R. 6709

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

MAY 5, 2020

Mr. CARTWRIGHT (for himself, Ms. SÁNCHEZ, Ms. JACKSON LEE, Ms. SCHAKOWSKY, Mr. PERLMUTTER, Mr. RYAN, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, 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 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 “Corona-
12 virus Essential and High-Risk Health Care Workers
13 Hazard Payment Fund” (hereafter in this section
14 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 so-
6 nographers and medical dosime-
7 trists; 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 (4) ESSENTIAL WORKER.—For purposes of this
18 section—

19 (A) DETERMINATION OF PAYMENT.—In
20 the case of an essential worker who is not a
21 high-risk health care worker under subsection
22 (c)(3), the hazard payment for such individual
23 shall be the aggregate of \$13.00 for each hour
24 in which the essential worker provided essential

1 services (excluding hours provided as telework
2 hours).

3 (B) LIMITATIONS.—

4 (i) AGGREGATE AMOUNT.—The aggre-
5 gate amount allowed for all payments to
6 an essential worker under subparagraph
7 (A) shall not exceed—

8 (I) \$25,000 in the case of an es-
9 sential worker whose annual earned
10 income from providing essential serv-
11 ices for calendar year 2020 is
12 \$200,000 or less; and

13 (II) \$5,000 in the case of an es-
14 sential worker whose annual earned
15 income from providing essential serv-
16 ices for calendar year 2020 is greater
17 than \$200,000.

18 (ii) WEEKLY LIMIT.—The aggregate
19 number of hours taken into account for
20 purposes of subparagraph (A) shall not ex-
21 ceed 40 hours per week.

22 (C) ESSENTIAL WORKER.—Not later than
23 30 days after the date of the enactment of this
24 Act, the Director of the Cybersecurity and In-
25 frastructure Security Agency shall issue a defi-

1 nition of essential worker for the purposes of
2 making payments to essential workers under
3 this section. In defining the term essential
4 worker, the Cybersecurity and Infrastructure
5 Security Agency shall take into consideration
6 its April 17th “Advisory Memorandum on Iden-
7 tification of Essential Critical Infrastructure
8 Workers During Covid-19 Response” and shall
9 solicit public input.

10 (D) CORONAVIRUS HAZARD PAYMENT
11 QUARTER.—

12 (i) IN GENERAL.—The term “corona-
13 virus hazard payment quarter” means 90-
14 day periods in calendar year 2020 begin-
15 ning on the date of the enactment of this
16 Act, except for the last 90-day period
17 (which will end on the last day of the 90-
18 day period in calendar year 2020 or on
19 December 31, 2020, whichever occurs
20 first).

21 (ii) SPECIAL RULE BEFORE ENACT-
22 MENT.—For purposes of making payments
23 under this section, the period beginning on
24 or after January 27, 2020, and ending
25 with the date of the enactment of this Act

1 shall be treated as one quarter and pay-
2 ments shall be made a lump sum.

3 (5) PROCESS.—

4 (A) SUBMISSION TO SECRETARY.—Begin-
5 ning not later than 60 days after the date of
6 the enactment of this Act, each employer shall
7 submit to the Secretary for each coronavirus
8 hazard payment quarter—

9 (i) a projection of payments of the
10 regular rate of pay for such quarter for
11 employees who are high-risk health care
12 workers or essential workers;

13 (ii) a certification of such payments
14 for the preceding quarter;

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

18 (iv) the number of hours each em-
19 ployee provided health care service or es-
20 sential service each week.

21 (B) DEVELOPMENT OF PROCESS AND
22 EVALUATION CRITERIA.—For purposes of this
23 section, the Secretary shall develop—

1 (i) a process for submitting applica-
2 tions under this section, including a pro-
3 cess for correcting such applications; and

4 (ii) a criteria for evaluating each such
5 application.

6 (d) DISTRIBUTION OF PAYMENTS.—

7 (1) PAYMENTS TO EMPLOYER.—Beginning not
8 later than 75 days after the date of the enactment
9 of this Act, the Secretary shall make coronavirus
10 hazard payments under subsection (c)(1) on the
11 basis of projections under subparagraph (A)(i)(I) of
12 such subsection and shall make appropriate adjust-
13 ments for any surplus or deficit certified for the pre-
14 vious quarter under subparagraph (A)(i)(II) of such
15 subsection.

16 (2) PAYMENTS TO EMPLOYEE.—

17 (A) IN GENERAL.—From amounts paid to
18 the employer under paragraph (1), the employer
19 shall make the appropriate hazard payment to
20 each employee who is a high-risk health care
21 worker or an essential worker not later than 14
22 days after the date the employer receives such
23 amounts, taking into account the appropriate
24 adjustments for any surplus or deficit certified
25 for the previous quarter.

1 (B) REQUIREMENT TO PROVIDE HAZARD
2 PAYMENTS.—The requirement to make the ap-
3 propriate hazard payment under subparagraph
4 (A) shall apply to an employer after the em-
5 ployer receives the amounts paid to the em-
6 ployer pursuant to paragraph (1).

7 (3) TREATMENT OF SELF-EMPLOYED INDIVID-
8 UALS.—For purposes of this section, an individual
9 with net earnings from self-employment (as defined
10 in section 1402(a) of the Internal Revenue Code of
11 1986) shall be treated as an employer, except that
12 an employer (within the meaning of section
13 401(c)(5) of the Internal Revenue Code of 1986)
14 may make an election (in such manner as the Sec-
15 retary may provide) to be the employer for such pur-
16 poses.

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

21 (A) to make the payments described in
22 paragraph (2); and

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

1 (e) SPECIAL RULES RELATING TO PAYMENTS.—For
2 purposes of this section—

3 (1) PAYMENTS NOT TREATED AS COMPENSA-
4 TION.—Payments made under subsection (c) shall
5 not be—

6 (A) treated as compensation with respect
7 to wages, overtime, or any other form of remun-
8 eration under the Fair Labor Standards Act
9 of 1938; and

10 (B) taken into account for purposes of de-
11 terminations with respect to benefits provided
12 by the employer.

13 (2) CORONAVIRUS HAZARD PAYMENTS DIS-
14 REGARDED IN ADMINISTRATION OF FEDERAL PRO-
15 GRAMS.—Notwithstanding any other provision of
16 law, a coronavirus hazard payment made to any in-
17 dividual under this title shall not be taken into ac-
18 count as income, and shall not be taken into account
19 as resources for a period of 12 months from receipt,
20 for purposes of determining the eligibility of such in-
21 dividual for benefits or assistance (or the amount or
22 extent of benefits or assistance) under any Federal
23 program or under any State or local program fi-
24 nanced in whole or in part with Federal funds.

25 (f) PROTECTIONS.—

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

4 (A) reduce the regular rate of pay of the
5 employee because the employee received a haz-
6 ard payment under this section; or

7 (B) discriminate against the employee be-
8 cause the employee received a hazard payment
9 under this section, including terminating the
10 employment of the employee with the intent to
11 reinstate the employee at a regular rate of pay
12 that is lower than the previous rate of pay.

13 (2) ENFORCEMENT UNDER FAIR LABOR STAND-
14 ARDS ACT.—An employer shall be treated as vio-
15 lating section 6 of the Fair Labor Standards Act of
16 1938 (29 U.S.C. 206) if the employer—

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

19 (B) violates a provision under paragraph
20 (1); or

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

24 (g) OTHER DEFINITIONS AND SPECIAL RULES.—For
25 purposes of this section—

1 (1) EARNED INCOME.—The term “earned in-
2 come” has the meaning given such term by section
3 32(c) of the Internal Revenue Code of 1986.

4 (2) EMPLOYEE.—The terms “employee” has
5 the meaning given the term under section 3 of the
6 of the Fair Labor Standards Act of 1938 (29 U.S.C.
7 203), which includes Federal employees employed by
8 the Transportation Security Administration of the
9 Department of Homeland Security.

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

13 (4) REGULAR RATE.—The term “regular rate”
14 has the meaning given the term under section 7 of
15 the Fair Labor Standards Act of 1938 (29 U.S.C.
16 207).

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

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

22 (1) guidance with respect to maintaining em-
23 ployee records;

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

4 (3) a procedure for ensuring that former em-
5 ployees are entitled to payments under this section;
6 and

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

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