

118TH CONGRESS
1ST SESSION

S. 1767

To amend the Public Health Service Act to provide for emergency grants to safeguard essential health care workers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 31 (legislative day, MAY 30), 2023

Mr. MARKEY (for himself and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to provide for emergency grants to safeguard essential health care 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 “Hazard Pay for Health
5 Care Heroes Act”.

1 **SEC. 2. SAFEGUARDING ESSENTIAL HEALTH CARE WORK-**
 2 **ERS.**

3 The Public Health Service Act is amended by insert-
 4 ing after section 319D–1 (42 U.S.C. 247d–4b) the fol-
 5 lowing:

6 **“SEC. 319D-2. EMERGENCY GRANTS TO SAFEGUARD ESSEN-**
 7 **TIAL HEALTH CARE WORKERS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) EMERGENCY OR DISASTER.—The term
 10 ‘emergency or disaster’ means—

11 “(A) a major disaster declared by the
 12 President under section 401 of the Robert T.
 13 Stafford Disaster Relief and Emergency Assist-
 14 ance Act;

15 “(B) an emergency declared by the Presi-
 16 dent under section 501 of the Robert T. Staf-
 17 ford Disaster Relief and Emergency Assistance
 18 Act;

19 “(C) a national emergency declared by the
 20 President under the National Emergencies Act;

21 “(D) a public health emergency declared
 22 under section 319; and

23 “(E) a State, local, territorial, or Tribal
 24 emergency or disaster, as declared by the appli-
 25 cable State, local, territorial, or Tribal govern-
 26 ment.

1 “(2) ELIGIBLE HEALTH CARE WORKER.—The
 2 term ‘eligible health care worker’ means an essential
 3 health care worker whose work cannot be conducted
 4 remotely.

5 “(3) ESSENTIAL HEALTH CARE WORKER.—The
 6 term ‘essential health care worker’ means—

7 “(A) a health care provider, including a di-
 8 rect care worker (as defined in section 799B);

9 “(B) a medical technologist;

10 “(C) a public health worker;

11 “(D) an orderly (as defined in the 2010
 12 Standard Occupational Classifications of the
 13 Department of Labor under the code for Order-
 14 lies (31–1015));

15 “(E) an environmental service, janitorial,
 16 or custodial worker in a health care setting; and

17 “(F) any other professional role that the
 18 Secretary determines is essential to the care of
 19 patients or the maintenance of public health.

20 “(b) GRANTS.—

21 “(1) IN GENERAL.—The Secretary may make
 22 grants to public or private nonprofit health care fa-
 23 cilities and home health agencies for use in accord-
 24 ance with paragraph (2).

25 “(2) USE OF FUNDS.—

1 “(A) HAZARDOUS DUTY COMPENSATION.—

2 “(i) IN GENERAL.—The recipient of a
3 grant under paragraph (1) shall use the
4 grant funds to provide hazardous duty
5 compensation to eligible health care work-
6 ers for work performed during the period
7 of an emergency or disaster in cases in
8 which the Secretary determines that—

9 “(I) the performance of the work
10 by the eligible health care worker for
11 the applicable health care facility or
12 home health agency is hazardous; or

13 “(II) the commute of the eligible
14 health care worker is hazardous.

15 “(ii) REQUIREMENT.—

16 “(I) IN GENERAL.—Subject to
17 subclause (II), the amount of haz-
18 ardous duty compensation under
19 clause (i) shall be not more than \$13
20 per hour, which shall be in addition to
21 the wages or remuneration the eligible
22 health care worker otherwise receives
23 for the work.

24 “(II) MAXIMUM AMOUNT.—The
25 total amount of hazardous duty com-

1 pensation received by any 1 eligible
2 health care worker under this sub-
3 paragraph may not exceed \$25,000
4 per year.

5 “(B) ADDITIONAL USES.—The recipient of
6 a grant under paragraph (1) may use the grant
7 funds to provide safety measures to safeguard
8 and protect eligible health care workers from
9 hazards due to the applicable emergency or dis-
10 aster, including alternative transit options, per-
11 sonal protective equipment, and other safety
12 measures.

13 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 such sums as may be necessary.”.

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