

116TH CONGRESS
2D SESSION

H. R. 8245

To authorize the Secretary of Health and Human Services to make payments to hospitals in COVID–19 hot spots to provide hero pay to eligible workers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2020

Mr. RUPPERSBERGER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and 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 authorize the Secretary of Health and Human Services to make payments to hospitals in COVID–19 hot spots to provide hero pay to eligible 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 Dr. Joseph Costa
5 Honoring Essential Americans Risking Their Safety Act
6 of 2020”.

1 **SEC. 2. HERO PAY FOR ELIGIBLE WORKERS AT HOSPITALS**
2 **IN COVID-19 HOT SPOTS.**

3 (a) HERO PAYMENTS.—

4 (1) IN GENERAL.—Subject to the availability of
5 appropriations, the Secretary of Health and Human
6 Services (in this section referred to as the “Sec-
7 retary”) shall make a payment to each eligible hos-
8 pital to provide hero pay to each eligible worker of
9 the hospital.

10 (2) ELIGIBLE HOSPITALS.—To be eligible to
11 seek a payment under this section, a hospital shall—

12 (A) be located in an area that is or was a
13 COVID-19 hot spot identified pursuant to sub-
14 section (b); and

15 (B) submit an application at such time, in
16 such manner, and containing such information
17 and assurances as the Secretary may require.

18 (3) ELIGIBLE WORKERS.—To be eligible to re-
19 ceive hero pay pursuant to this section, a worker
20 shall—

21 (A) be a health care professional (including
22 individuals charged with assisting in health care
23 services, the nonmedical care of patients, or
24 maintaining order and cleanliness) serving as
25 the employee or agent of a hospital receiving a
26 payment under this section; and

1 (B) provide treatment or other applicable
2 services at the hospital directly to patients with
3 COVID-19.

4 (4) PAYMENT PERIOD.—A hospital receiving a
5 payment under this section may provide hero pay to
6 a worker under this section only with respect to
7 months during which—

8 (A) the hospital is located, for any number
9 of days, in a COVID-19 hot spot identified
10 pursuant to subsection (b); and

11 (B) the worker provides treatment or other
12 applicable services, as described in paragraph
13 (3), for a minimum of 10 work days.

14 (5) PAYMENT AMOUNT.—The amount of the
15 hero pay with respect to an eligible worker shall
16 be—

17 (A) \$110 for March, 2020, if the payment
18 period for such worker includes such month;
19 and

20 (B) \$225 for any other applicable month.

21 (6) EXCLUSION FROM GROSS INCOME.—For
22 purposes of the Internal Revenue Code of 1986,
23 gross income shall not include hero pay under this
24 section.

25 (b) IDENTIFICATION OF HOT SPOTS.—

1 (1) IN GENERAL.—For purposes of this section,
 2 the Director of the Centers for Disease Control and
 3 Prevention (in this section referred to as the “Direc-
 4 tor”) shall identify all COVID–19 hot spots in the
 5 United States.

6 (2) DEFINITION.—In this section, the term
 7 “COVID–19 hot spot” means an area—

8 (A) for which a State declaration of emer-
 9 gency is in effect in connection with COVID–
 10 19; and

11 (B) that has, as determined by the Direc-
 12 tor, a high rate of hospitalization associated
 13 with COVID–19.

14 **SEC. 3. VOLUNTARY REGISTRY OF CERTAIN INDIVIDUALS**
 15 **WHO WORK AT HIGH RISK DURING COVID–19**
 16 **PANDEMIC.**

17 (a) REGISTRY OF EMPLOYEES AT RISK OF COVID–
 18 19.—Beginning not later than 180 days after the date of
 19 the enactment of this Act, acting through the Director of
 20 the National Institute for Occupational Safety and Health
 21 shall maintain a registry of individuals who worked, dur-
 22 ing the emergency period, as a physician, nurse, or non-
 23 physician health care specialist in a hospital or COVID–
 24 19 alternative care site.

1 (b) CONSENT REQUIRED FOR INCLUSION.—The Di-
2 rector shall—

3 (1) include an individual in the registry under
4 this section only with the individual’s consent; and

5 (2) allow individuals in the registry, at any
6 time, to opt out of the registry under this section
7 and health monitoring under subsection (d).

8 (c) GRANTS TO STATES.—The Director may award
9 grants to States to encourage and facilitate the inclusion
10 of eligible individuals in the registry under this section.

11 (d) HEALTH MONITORING.—

12 (1) IN GENERAL.—Beginning not later than
13 180 days after the date of the enactment of this Act,
14 the Director shall monitor the health of the individ-
15 uals in the registry under this section who, at some
16 point during or after the emergency period, tested
17 positive through diagnostic or serological testing for
18 a present or past infection with the virus that causes
19 COVID–19.

20 (2) DURATION.—Subject to subsection (b)(2),
21 in carrying out monitoring under paragraph (1), the
22 Director shall, with respect to each individual in the
23 registry under this section, conduct such monitoring
24 for the lifetime of the individual.

1 (e) PRIVACY REQUIREMENTS.—The data collection
2 and analysis necessary for the registry under this section
3 and monitoring under subsection (d) shall be conducted
4 and maintained in a manner that protects the confiden-
5 tiality of individually identifiable health information con-
6 sistent with applicable statutes and regulations, including,
7 as applicable, HIPAA privacy and security law (as defined
8 in section 3009(a)(2) of the Public Health Service Act (42
9 U.S.C. 300jj–19(a)(2)) and section 552a of title 5, United
10 States Code.

11 (f) AVAILABILITY FOR RESEARCH.—Subject to sub-
12 section (e), in addition to using the registry under this
13 subsection for health monitoring under subsection (d), the
14 Director shall make the information in the registry avail-
15 able to researchers for public health research.

16 (g) PRELIMINARY REPORT.—Not later than 180 days
17 after the date of the enactment of this Act, the Director
18 shall submit to Congress a preliminary report on overall
19 health outcomes of individuals in the registry under sub-
20 section (a), including—

21 (1) recommendations on best practices for pro-
22 tecting workers described in subsection (a) during
23 the COVID–19 pandemic; and

24 (2) recommendations on how to compensate in-
25 dividuals in the registry under subsection (a) for

1 health care costs, which may include costs for acute
2 and chronic conditions and mental health conditions,
3 that develop as a result of contracting the virus that
4 causes COVID–19.

5 (h) DEFINITIONS.—In this section:

6 (1) DIRECTOR.—The term “Director” means
7 the Director of the National Institute of Occupa-
8 tional Safety and Health.

9 (2) EMERGENCY PERIOD.—The term “emer-
10 gency period” has the meaning given to that term
11 in section 1135(g)(1)(B) of the Social Security Act
12 (42 U.S.C. 1320b–5(g)(1)(B))

13 (3) STATE.—The term “State” means each of
14 the several States and the District of Columbia.

15 **SEC. 4. LOAN FORGIVENESS FOR SERVICE IN A LONG-TERM**
16 **CARE OR NURSING HOME FACILITY.**

17 (a) IN GENERAL.—During a qualifying COVID–19
18 emergency, the Secretary of Education or the Secretary
19 of Health and Human Services, as applicable, shall repay
20 or cancel 10 percent of the outstanding balance of prin-
21 cipal and interest due on the eligible Federal loans and
22 the private education loans of a borrower for each 6-month
23 period of service completed by the borrower.

24 (b) LIMITATION.—The total amount of loans of a
25 borrower repaid or cancelled under paragraph (1) may not

1 exceed 50 percent of the outstanding balance of principal
 2 and interest due on such loans on the first day of the first
 3 6-month period of service with respect to which such loans
 4 are repaid or cancelled.

5 (c) TREATMENT UNDER IRC.—The amount of a
 6 loan, and interest on a loan, which is canceled or repaid
 7 under this section shall not be considered income to the
 8 borrower for purposes of the Internal Revenue Code of
 9 1986.

10 (d) DEFINITIONS.—In this section:

11 (1) ELIGIBLE FEDERAL LOAN.—The term “eli-
 12 gible Federal loan” means—

13 (A) made, insured, or guaranteed under
 14 part B, part D, or part E of title IV of the
 15 Higher Education Act of 1965 (20 U.S.C. 1071
 16 et seq., 1087a et seq., or 1087aa et seq.);

17 (B) made under subpart II of part A of
 18 title VII of the Public Health Service Act (42
 19 U.S.C. 292q et seq.); or

20 (C) made under part E of title VIII of the
 21 Public Health Service Act (42 U.S.C. 297a et
 22 seq.).

23 (2) QUALIFYING COVID–19 EMERGENCY.—The
 24 term “qualifying COVID–19 emergency” has the
 25 meaning given to the term “qualifying emergency”

1 in section 3502(a) of the CARES Act (Public Law
2 116–136).

3 (3) PERIOD OF SERVICE.—The term “period of
4 service”, used with respect to a borrower, means a
5 period in which the borrower—

6 (A) is employed in a long-term care facil-
7 ity, nursing home facility, skilled nursing facil-
8 ity, or post-acute care facility located in a juris-
9 diction with respect to which a qualifying
10 COVID–19 emergency has been declared; and

11 (B) provides care directly to an individual
12 in such facility at least 10 days per month.

13 (4) PRIVATE EDUCATION LOAN.—The term
14 “private education loan” has the meaning given such
15 term under section 140(a) of the Truth in Lending
16 Act.

17 **SEC. 5. GRANTS FOR PROFESSIONAL TRAINING.**

18 (a) GRANT AUTHORIZED.—The Secretary of Health
19 and Human Services shall pay to each eligible individual
20 who submits an application under subsection (b), a grant
21 equal to 50 percent of the cost of the tuition and fees for
22 eligible professional training, which may not exceed
23 \$1,000 per individual.

24 (b) APPLICATION.—To receive a grant under this sec-
25 tion, an eligible individual shall submit an application to

1 the Secretary at such time, in such manner, and con-
2 taining such information as the Secretary may require,
3 which shall include an agreement to commit to employ-
4 ment, for not less than a 2-year period after receiving the
5 eligible professional training for which the grant is award-
6 ed, at a long-term care facility, nursing home facility,
7 skilled nursing facility, or post-acute care facility and at
8 which the individual will provide care directly to an indi-
9 vidual in such facility at least 10 days per month for such
10 2-year period.

11 (c) REPAYMENT.—

12 (1) IN GENERAL.—In the event that an eligible
13 individual fails or refuses to comply with the employ-
14 ment commitment under subsection (b), the sum of
15 the amounts of any grant received by such individual
16 may, upon a determination of such a failure or re-
17 fusals in such employment commitment, be subject to
18 repayment, together with interest thereon accruing
19 from the date of the grant award, in accordance
20 with terms and conditions specified by the Secretary
21 in regulations under this section.

22 (2) EXTENUATING CIRCUMSTANCES.—The Sec-
23 retary may waive any repayment requirement under
24 paragraph (1) in the event of extenuating cir-
25 cumstances.

1 (d) DEFINITIONS.—In this subsection:

2 (1) ELIGIBLE INDIVIDUAL.—The term “eligible
3 individual” means an individual who is employed,
4 and provides the care, as described in section
5 4(d)(3).

6 (2) ELIGIBLE PROFESSIONAL TRAINING.—The
7 term “eligible professional training” means training
8 that leads to a recognized postsecondary credential
9 for a health care career in a long-term care facility,
10 nursing home facility, skilled nursing facility, or
11 post-acute care facility.

12 (3) RECOGNIZED POSTSECONDARY CREDEN-
13 TIAL.—The term “recognized postsecondary creden-
14 tial” has the meaning given the term in section 3 of
15 the Workforce Innovation and Opportunity Act (29
16 U.S.C. 3102).

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