

116TH CONGRESS
2D SESSION

H. R. 8441

To establish certain protections and benefits for front line workers, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2020

Mrs. TORRES of California (for herself, Ms. LEE of California, Mr. VARGAS, Mr. SUOZZI, Mr. SOTO, Mr. HASTINGS, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. RASKIN, Mr. CISNEROS, Mr. CONNOLLY, Mr. VELA, Mrs. NAPOLITANO, Ms. SEWELL of Alabama, Ms. NORTON, and Mr. CARSON of Indiana) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, 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 establish certain protections and benefits for front line
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 “Frontline Heroes Act”.

1 **SEC. 2. DATA ON INFECTIONS AND MORTALITIES OF EM-**
2 **PLOYEES AND CONTRACTORS AT HEALTH-**
3 **CARE FACILITIES.**

4 (a) DATA COLLECTION.—The Secretary of Health
5 and Human Services (in this section referred to as the
6 “Secretary”) acting through the Director of the Centers
7 for Disease Control and Prevention shall—

8 (1) collect data on COVID–19 infections and
9 the related mortalities or mortality rate of employees
10 and contractors at nursing homes, long-term care fa-
11 cilities, hospitals, and other healthcare facilities na-
12 tionwide; and

13 (2) compile such data, redacted to exclude any
14 personally identifiable information, into a database
15 disaggregated by geographic region.

16 (b) REQUIRED REPORTING TO SECRETARY.—During
17 the COVID–19 emergency period, the Secretary—

18 (1) may require a nursing home, long-term care
19 facility, hospital, or other healthcare facility to re-
20 port the data described in subsection (a)(1) in the
21 possession of the respective facility as a condition on
22 the receipt by such facility of any Federal funds,
23 and shall require such reporting as a condition on
24 the receipt by such facility of any funds made avail-
25 able under—

1 (A) the Coronavirus Preparedness and Re-
2 sponse Supplemental Appropriations Act, 2020
3 (Public Law 116–123);

4 (B) the Families First Coronavirus Re-
5 sponse Act (Public Law 116–127);

6 (C) the CARES Act (Public Law 116–
7 136); and

8 (D) the Paycheck Protection Program and
9 Health Care Enhancement Act (Public Law
10 116–139); and

11 (E) any other Federal statute enacted in
12 response to the COVID–19 pandemic; and

13 (2) may require such reporting to be made in
14 such form, in such manner, and by such time as the
15 Secretary determines.

16 (c) REPORT TO CONGRESS.—Not later than 90 days
17 after the date of enactment of this Act, Secretary shall
18 submit a report on the status of data collection under this
19 section and any initial findings and conclusions resulting
20 from such collection to the appropriate congressional com-
21 mittees, including—

22 (1) the Committee on Appropriations and the
23 Committee on Energy and Commerce of the House
24 of Representatives; and

8 SEC. 3. CDC STUDY ON LONG-TERM IMPACT OF COVID-19.

18 SEC. 4. COVID-19 FRONTLINE HEALTHCARE HEROES SUR-

20 (a) FILING CLAIM.—

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1 claimant may file a claim for compensation for death
2 or disability related to COVID-19 with the Assistant
3 Attorney General by mail or on an online portal cre-
4 ated by the Assistant Attorney General.

5 (2) WEBSITE.—The Assistant Attorney General
6 of the Civil Division of the Department of Justice
7 shall publish on the Department of Justice website
8 instructions for submitting a claim for compensation
9 under this section.

10 (b) ELIGIBILITY.—The following claimants shall be
11 eligible to receive compensation under this section:

12 (1) A claimant who was a frontline healthcare
13 worker at the time that the claimant received a
14 COVID-19 diagnosis or in the 45-day period before
15 such diagnosis.

16 (2) In the case that the frontline healthcare
17 worker is deceased, a survivor of a frontline
18 healthcare worker described in paragraph (1) in the
19 following order of precedence:

20 (A) The surviving spouse of the frontline
21 healthcare worker described in paragraph (1) if
22 the spouse was married to the claimant for at
23 least 1 year before the frontline healthcare
24 worker's death.

1 (B) If there is no person meeting the re-
2 quirements of subparagraph (A), the children of
3 the frontline healthcare worker described in
4 paragraph (1), in equal shares.

5 (C) If there is no person meeting the re-
6 quirements of subparagraph (A) or (B), the
7 parents of the frontline healthcare worker de-
8 scribed in paragraph (1), in equal shares.

9 (D) If there is no person meeting the re-
10 quirements of subparagraph (A), (B), or (C),
11 the grandchildren of the frontline healthcare
12 worker described in paragraph (1), in equal
13 shares.

14 (E) If there is no person meeting the re-
15 quirements of subparagraph (A), (B), (C), or
16 (D), the grandparents of the frontline
17 healthcare worker described in paragraph (1),
18 in equal shares.

19 (F) If there is no person meeting the re-
20 quirements of subparagraph (A), (B), (C), (D),
21 or (E), the person designated on a life insur-
22 ance policy of the frontline healthcare worker
23 described in paragraph (1).

24 (c) NECESSARY DOCUMENTATION.—A claim filed
25 under this section shall include—

1 (1) evidence of employment as a frontline
2 healthcare worker during the time that COVID-19
3 was diagnosed or during the 45-day period before
4 such diagnosis;

5 (2) a medical statement of a COVID-19 diag-
6 nosis, whether confirmed by a test or a presumptive
7 diagnosis by a qualified medical professional, and
8 confirmation that death or disability was from
9 COVID-19 or connected to complications due to
10 SARS-CoV-2; and

11 (3) in the case of a claim for a death benefit,
12 the death certificate of a frontline worker, or in the
13 case of a claim for a disability benefit, evidence of
14 total and permanent disability as a result of
15 COVID-19 or connected to complications due to
16 SARS-CoV-2.

17 (d) REVIEW CLAIM.—Not later than 90 days after
18 a claim is submitted under subsection (a), such claim shall
19 be reviewed to determine whether the claimant is eligible
20 to receive compensation under this section.

21 (e) AMOUNTS.—A claimant who is eligible to receive
22 compensation under this section shall receive a one-time
23 lump sum payment of \$365,670 not later than 90 days
24 after the claimant is determined to be eligible to receive
25 compensation under this section. Any compensation re-

1 ceived under this section shall not preclude the claimant
2 from receiving any collateral source compensation to which
3 the claimant is entitled.

4 (f) APPEALS.—

5 (1) APPEALS OFFICER.—The Assistant Attor-
6 ney General of the Civil Division of the Department
7 of Justice shall appoint appeals officers to review
8 appeals made pursuant to paragraph (2).

9 (2) APPEALING DENIAL.—In the case that a
10 claim under this section is denied, a claimant may
11 file an appeal of such denial with an appeals officer
12 not later than 60 days after such denial.

13 (3) REVIEW.—In reviewing an appeal, an ap-
14 peals officer may—

15 (A) grant compensation under this section;

16 (B) deny compensation under this section;

17 or

18 (C) send the claim to the Assistant Attor-
19 ney General of the Civil Division of the Depart-
20 ment of Justice for further review, including for
21 the purpose of collecting additional evidence.

22 (g) NO FEDERAL TAX OR COLA.—Any payment
23 made to a claimant under this section shall not be subject
24 to any Federal tax or cost of living adjustment.

1 (h) FINAL AGENCY ACTION.—A decision by an ap-
2 peals officer shall be considered a final agency action for
3 purposes of judicial review.

4 (i) PAYMENT OF MEDICAL EDUCATION LOANS NOT
5 DISCHARGED UPON DEATH.—

6 (1) IN GENERAL.—A claimant who is eligible to
7 receive compensation under subsection (b)(2) shall
8 also be eligible to have the Assistant Attorney Gen-
9 eral of the Civil Division of the Department of Jus-
10 tice pay off any private medical education loan of
11 the frontline healthcare worker that was not dis-
12 charged upon the death of the worker.

13 (2) FILING OF CLAIM.—A claimant may apply
14 for the payment of a medical education loan under
15 this subsection by including such request in a claim
16 filed under subsection (a), along with such docu-
17 mentation as the Attorney General may require.

18 (3) PAYMENT SEPARATE FROM COMPENSATION
19 AMOUNT.—The amount of any payment made under
20 paragraph (1) shall be in addition to the amount de-
21 scribed under subsection (e).

22 (4) DEFINITION OF PRIVATE MEDICAL EDU-
23 CATION LOAN.—In this subsection, the term “private
24 medical education loan” means a private education
25 loan (as defined under section 140(a) of the Truth

1 in Lending Act) issued with respect to a medical
2 education.

3 (j) RULEMAKING.—Not later than 180 days after the
4 date of enactment of this Act, the Attorney General shall
5 issue rules to implement this section, including rules on
6 the process for determining disability status.

7 (k) EFFECTIVE PERIOD.—This section shall take ef-
8 fect on the date that is 180 days after the date of enact-
9 ment of this Act and shall cease to be effective 5 years
10 after such date.

11 (l) DEFINITION.—In this section:

12 (1) ASSISTANT ATTORNEY GENERAL OF THE
13 CIVIL DIVISION OF THE DEPARTMENT OF JUSTICE.—The term “Assistant Attorney General of the
14 Civil Division of the Department of Justice” means
15 the Attorney General, acting through the Assistant
16 Attorney General of the Civil Division of the Depart-
17 ment of Justice.

18 (2) COLLATERAL SOURCE COMPENSATION.—
19 The term “collateral source” means all collateral
20 sources, including life insurance, pension funds, or
21 any other death or disability benefit program or pay-
22 ment for which the individual is eligible.

23 (3) DISABILITY.—The term “disability” means,
24 with respect to an individual, that such individual
25

1 has a condition, the direct and proximate con-
2 sequences of which permanently prevent the indi-
3 vidual from performing any gainful work.

4 (4) FRONTLINE HEALTHCARE WORKER.—The
5 term “frontline healthcare worker” means—

6 (A) all employees of healthcare facilities,
7 nursing homes, and long-term care facilities
8 and emergency care providers, including para-
9 medics and medical personnel who transport pa-
10 tients to the hospital; and

11 (B) the contractors who are physically
12 present at such facilities.

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