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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

To establish a commission to determine essential employment during the COVID–19 crisis period and provide loan repayment and education credit to workers employed in such essential employment during such crisis, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. KUSTER of New Hampshire introduced the following bill; which was referred to the Committee on _____

A BILL

To establish a commission to determine essential employment during the COVID–19 crisis period and provide loan repayment and education credit to workers employed in such essential employment during such crisis, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Opportunities for Heroes Act of 2020”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act are as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—COMMISSION ON ESSENTIAL EMPLOYMENT

- Sec. 101. Commission established.

TITLE II—BORROWER RELIEF

- Sec. 201. Student loan relief as a result of essential work during the COVID-19 crisis period.
- Sec. 202. Essential worker credit.
- Sec. 203. Notification to borrowers.
- Sec. 204. Data to implement.
- Sec. 205. Memorandums of understanding.
- Sec. 206. Exclusion from gross income.
- Sec. 207. Transfer of benefits to survivors of essential workers.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) COVERED LOAN.—The term “covered loan”
6 means—

7 (A) a loan made, insured, or guaranteed
8 under part B of title IV of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1071 et seq.);

10 (B) a loan made under part D of title IV
11 of the Higher Education Act of 1965 (20
12 U.S.C. 1087a et seq.); and

13 (C) a Federal Perkins Loan made pursu-
14 ant to part E of title IV of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1087aa et seq.).

16 (2) COVID-19 CRISIS PERIOD.—The term
17 “COVID-19 crisis period” means the period begin-

1 ning January 27, 2020 and ending December 31,
2 2020.

3 (3) ESSENTIAL WORKER.—The term “essential
4 worker” means an individual who—

5 (A) was employed in an essential employ-
6 ment area (as published in the list required
7 under section 101(b)(1)) for not less than 480
8 hours in a 120-day consecutive period during
9 the COVID–19 crisis period;

10 (B) was employed in an essential employ-
11 ment area (as published in the list required
12 under section 101(b)(1)) but was unable to
13 complete 480 hours of work in a 120-day con-
14 secutive period due to the diagnosis or sus-
15 pected case of COVID–19 with respect to such
16 individual or the family member (a child,
17 spouse, grandparent, or relative that lives in the
18 primary residence of the essential worker) of
19 such individual for which such individual pro-
20 vided care; or

21 (C) was employed in an essential employ-
22 ment area (as published in the list required
23 under section 101(b)(1)) but was unable to
24 complete 480 hours of work in a 120-day con-

1 secutive period due perishing from COVID–19
2 or a suspected case of COVID–19.

3 (4) PRIVATE EDUCATION LOAN.—The term
4 “private education loan” has the meaning given the
5 term in section 140 of the Truth in Lending Act (15
6 U.S.C. 1650).

7 (5) QUALIFIED BORROWER.—The term “quali-
8 fied borrower” means—

9 (A) a borrower of a covered loan or a pri-
10 vate education loan; and

11 (B) who is an essential worker.

12 (6) SECRETARIES CONCERNED.—The term
13 “Secretaries concerned” means—

14 (A) the Secretary of Education, with re-
15 spect to covered loans and borrowers of such
16 covered loans; and

17 (B) the Secretary of the Treasury, with re-
18 spect to private education loans and borrowers
19 of such private education loans.

20 (7) INSTITUTION OF HIGHER EDUCATION.—The
21 term “institution of higher education” means an in-
22 stitution of higher education, as defined in section
23 101, or a postsecondary vocational institution, as de-
24 fined in section 102(c), of the Higher Education
25 Act.

1 (8) WORKFORCE DEVELOPMENT PROGRAM.—
2 The term “workforce development program” means
3 a program of training services, provided through an
4 eligible training provider, as described under section
5 122(d) of the Workforce Innovation and Opportunity
6 Act.

7 (9) CONTINUING MEDICAL EDUCATION.—The
8 term “continuing medical education” means edu-
9 cational activities which serve to maintain, develop,
10 or increase the knowledge, skills, and professional
11 performance and relationships that a physician uses
12 to provide services for patients, the public or the
13 profession. The content of continuing medical edu-
14 cation is the body of knowledge and skills generally
15 recognized and accepted by the profession as within
16 the basic medical sciences, the discipline of clinical
17 medicine and the provision of health care to the pub-
18 lic.

19 **TITLE I—COMMISSION ON**
20 **ESSENTIAL EMPLOYMENT**

21 **SEC. 101. COMMISSION ESTABLISHED.**

22 (a) ESTABLISHMENT.—Not less than 30 days after
23 the date of the enactment of this Act, the Secretary of
24 Labor shall establish a commission to be known as the

1 “Essential Employment Commission” (in this Act referred
2 to as the “Commission”).

3 (b) DUTY OF THE COMMISSION.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Commis-
6 sion shall, publish a list of the types of employment
7 that are essential during the COVID–19 crisis pe-
8 riod.

9 (2) CONSIDERATIONS.—In determining the
10 types of employment that are essential under para-
11 graph (1), the Commission shall consider whether—

12 (A) the employment protected the health,
13 safety, or well-being of the American public;
14 and

15 (B) the employment involved considerable
16 risk of exposure to COVID–19.

17 (3) CERTAIN EMPLOYMENT REQUIRED ESSEN-
18 TIAL.—The Commission shall determine the fol-
19 lowing types of employment to be essential under
20 paragraph (1):

21 (A) Employment in the sale of food and
22 pharmaceuticals, including employment by gro-
23 cery stores, pharmacies, convenience stores, and
24 other businesses that primarily sell food and
25 beverages.

1 (B) Employment in the field of healthcare,
2 including as a home health aid or a pharmacist.

3 (C) Employment as a firefighter or emer-
4 gency medical technician.

5 (D) Employment as an emergency re-
6 sponders, including a paramedic.

7 (E) Employment at a 911 call center.

8 (F) Employment in health manufacturing
9 for essential medical products, including per-
10 sonal protective equipment, isolation barriers,
11 medical gases, pharmaceuticals, blood and blood
12 products, vaccines, testing materials, laboratory
13 supplies, cleaning, sanitizing, disinfecting or
14 sterilization supplies, and tissue and paper
15 towel products.

16 (G) Employment in manufacturing of ma-
17 terials and products necessary to produce the
18 products described in subparagraph (F).

19 (H) Employment in producing, harvesting,
20 or processing agricultural goods, meat, poultry,
21 and dairy products for human consumption.

22 (I) Employment in cafeterias that serve
23 other essential workers, medical patients, stu-
24 dents, or vulnerable populations, including the
25 homeless.

1 (J) Employment in postal, parcel, courier,
2 last-mile delivery, and shipping.

3 (K) Employment in the distribution or de-
4 livery of food, pharmaceuticals, or medical prod-
5 ucts.

6 (L) Employment in the delivery of pre-
7 cooked food.

8 (M) Employment in the fields of research,
9 development, and testing related to COVID-19.

10 (N) Employment in security and sanitation
11 of locations where other essential workers are
12 employed.

13 (O) Employment in providing child care
14 for children of other essential workers.

15 (P) Employment in transportation, includ-
16 ing as a truck driver, bus driver, dispatcher,
17 maintenance and repair technician, warehouse
18 worker, truck stop or rest area worker, towing
19 and recovery service employee, roadside assist-
20 ance worker, intermodal transportation per-
21 sonnel, maintenance worker, taxi driver, vehicle
22 rental service provider, car-sharing driver,
23 transportation network provider, air traffic con-
24 troller, maintenance personnel, ramp worker,
25 aviation or aerospace safety worker, pilot or

1 flight crew, operations personnel, or accident in-
2 vestigations personnel.

3 (Q) Employment as a social worker.

4 (R) Employment in mortuary services, in-
5 cluding cremation, burial, coffin making, and
6 funeral home services.

7 (S) Employment as a community advocate
8 for survivors of domestic and sexual violence.

9 (T) Employment as a law enforcement or
10 corrections officer.

11 (c) COMPOSITION.—The Commission shall include
12 the following members:

13 (1) The Secretary of Health and Human Serv-
14 ices (or designee).

15 (2) The Secretary of Homeland Security (or
16 designee).

17 (3) The Secretary of Education (or designee).

18 (4) The governors of the three States with the
19 highest incidences of COVID–19 on the date of en-
20 actment of this Act (or a designee for each such gov-
21 ernor).

22 (5) Three representatives from national labor
23 organizations certified by the National Labor Rela-
24 tions Board, National Mediation Board, Federal

1 Labor Relations Authority, or State agencies with
2 similar jurisdiction and authority.

3 (6) A member of the U.S. House of Representa-
4 tives appointed by the Speaker of the House of Rep-
5 resentatives (or designee).

6 (7) A member of the Senate appointed by the
7 Majority Leader of the Senate (or designee).

8 (8) A physician.

9 (d) TERMINATION.—The Commission shall terminate
10 on the date the list required under subsection (b)(1) is
11 published.

12 **TITLE II—BORROWER RELIEF**

13 **SEC. 201. STUDENT LOAN RELIEF AS A RESULT OF ESSEN-** 14 **TIAL WORK DURING THE COVID-19 CRISIS PE-** 15 **RIOD.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date the list required under section 101(b)(1) is published,
18 the Secretaries concerned shall jointly carry out a program
19 under which a qualified borrower, with respect to the cov-
20 ered loans and private education of loans of such qualified
21 borrower, shall be eligible to receive in accordance with
22 subsection (b) an amount equal to the lesser of the fol-
23 lowing:

24 (1) The total amount of each covered loan and
25 each private education loan of the borrower and the

1 total amount of each covered loan of the spouse or
2 children of the essential worker.

3 (2) \$25,000.

4 (b) ELECTION BY BORROWER.—A qualified borrower
5 may elect to apply the amount determined with respect
6 to such borrower under subsection (a) to—

7 (1) any covered loan of the borrower;

8 (2) any private education loan of the borrower;

9 (3) any covered loan or private education loan
10 of the spouse or child of the borrower; and

11 (4) any combination of the loans described in
12 paragraphs (1) through (3).

13 **SEC. 202. ESSENTIAL WORKER CREDIT.**

14 (a) IN GENERAL.—The Secretary of the Treasury
15 shall make available to each essential worker an amount
16 equal to—

17 (1) \$25,000; minus

18 (2) the amount the essential worker received
19 under section 201(a).

20 (b) USE OF CREDIT.—The amount an essential work-
21 er receives under subsection (a) may only be used to at-
22 tend an institution of higher education, a workforce devel-
23 opment program, or continuing medical education (as de-
24 fined in section 2) by the essential worker and their spouse
25 or children.

1 (c) AVAILABILITY.—The amount available to an es-
2 sential worker under subsection (a) may be used in accord-
3 ance with subsection (b) not later than December 31,
4 2070.

5 **SEC. 203. NOTIFICATION TO BORROWERS.**

6 Not later than 30 days after the date described in
7 section 201(a), the Secretaries concerned shall notify each
8 qualified borrower and essential worker of—

9 (1) the requirements to provide loan relief and
10 essential worker credits to essential workers and
11 their children or spouse under this title;

12 (2) the opportunity for such a borrower to
13 make an election under section 201(b) with respect
14 to the application of such loan relief to the covered
15 loans and private education loans of such borrower
16 and their children or spouse; and

17 (3) the opportunity for such an essential worker
18 and their children or spouse to receive a credit under
19 section 202.

20 **SEC. 204. DATA TO IMPLEMENT.**

21 (a) SECRETARY OF EDUCATION.—Contractors of the
22 Secretary of Education and lenders, institutions that are
23 holders of loans made under part E, and guaranty agen-
24 cies holding loans made, insured, or guaranteed under
25 part B shall report, to the satisfaction of the Secretary

1 of Education, the information necessary to calculate the
2 amount to be applied under sections 201 and 202.

3 (b) SECRETARY OF TREASURY.—Holders and
4 servicers of private education loans shall report, to the sat-
5 isfaction of the Secretary of the Treasury, the information
6 necessary to calculate the amount to be applied under sec-
7 tions 201 and 202.

8 (c) REPORT TO CONGRESS.—Not later than 2 years
9 after the date of the enactment of this Act and every sub-
10 sequent 5 years until 2070, the Secretaries shall jointly
11 submit to Congress a report on the implementation of this
12 Act.

13 **SEC. 205. MEMORANDUMS OF UNDERSTANDING.**

14 The Secretaries concerned shall enter into a memo-
15 randum of understanding to carry out this title and to
16 share any information necessary to carry out this title.

17 **SEC. 206. EXCLUSION FROM GROSS INCOME.**

18 (a) IN GENERAL.—Part III of subchapter B of chap-
19 ter 1 of the Internal Revenue Code of 1986 is amended
20 by inserting after section 139H the following new section:

21 **“SEC. 139I. ESSENTIAL WORKER PAYMENTS DURING**
22 **COVID-19 CRISIS PERIOD.**

23 “Gross income shall not include any payment made
24 on behalf of the taxpayer under section 201 and 202 of
25 the Opportunities for Heroes Act of 2020.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for part III of subchapter B of chapter 1 of the Internal
3 Revenue Code of 1986 is amended by inserting after the
4 item relating to section 139H the following new item:

“Sec. 139I. Student loan payments resulting from the COVID–19 national
emergency.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to taxable years beginning after
7 December 31, 2019.

8 **SEC. 207. TRANSFER OF BENEFITS TO SURVIVORS OF ES-**
9 **SENTIAL WORKERS.**

10 The Secretaries of Treasury and Education shall de-
11 velop a process for the spouse and children of essential
12 workers who died due to COVID–19 to receive benefits
13 under sections 201 and 202.