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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To amend the Public Health Service Act to authorize a program of death and hospitalization benefits for essential workers who die as a result of COVID–19 or related complications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SPEIER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Public Health Service Act to authorize a program of death and hospitalization benefits for essential workers who die as a result of COVID–19 or related complications, 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 “Essential Worker Pan-
5 demic Compensation Act of 2020”.

1 **SEC. 2. PANDEMIC COMPENSATION PROGRAM.**

2 Title II of the Public Health Service Act (43 U.S.C.
3 202 et seq.) is amended by adding at the end the following
4 new part:

5 **“PART E—PANDEMIC COMPENSATION PROGRAM**

6 **“SEC. 275. DEATH AND HOSPITALIZATION BENEFITS FOR**

7 **ESSENTIAL WORKERS.**

8 “(a) IN GENERAL.—The Secretary shall carry out a
9 compensation program under which the Secretary pays—

10 “(1) death benefits in accordance with sub-
11 section (b) to the survivor or survivors in the same
12 manner as death benefits are paid pursuant to the
13 Public Safety Officers’ Benefits Program under sub-
14 part 1 of part L of title I of the Omnibus Crime
15 Control and Safe Streets Act of 1968 of each essen-
16 tial worker who dies as a result of COVID–19 or re-
17 lated complications; and

18 “(2) a hospitalization benefit in accordance with
19 subsection (c) to each essential worker who is hos-
20 pitalized, and does not die, as a result of COVID–
21 19 or related complications.

22 “(b) DEATH BENEFITS.—

23 “(1) BASE AMOUNT.—The base amount of the
24 death benefits paid with respect to an essential
25 worker under subsection (a)(1) in a fiscal year shall
26 be equal to the amount of the comparable benefit

1 calculated under the Public Safety Officers' Benefits
2 Program under subpart 1 of part L of title I of the
3 Omnibus Crime Control and Safe Streets Act of
4 1968 in such fiscal year, without regard to any re-
5 duction attributable to a limitation on appropria-
6 tions.

7 “(2) EDUCATIONAL ASSISTANCE TO WORKER’S
8 CHILDREN AND SPOUSE.—

9 “(A) IN GENERAL.—In addition to the
10 base amount under paragraph (1), subject to
11 subparagraphs (C) and (D), the death benefits
12 paid with respect to an essential worker under
13 subsection (a)(1) shall include payment of edu-
14 cational assistance—

15 “(i) to each child of the worker who,
16 on or after the date of the worker’s death,
17 is enrolled full-time or part-time at an in-
18 stitution of higher education; and

19 “(ii) to the spouse of the worker who,
20 on or after the date of the worker’s death,
21 is so enrolled.

22 “(B) APPLICABLE PROVISIONS.—The pro-
23 visions of subpart 2 of part L of title I of the
24 Omnibus Crime Control and Safe Streets Act of
25 1968 shall apply with respect to educational as-

1 sistance provided by the Secretary to the child,
2 children, or spouse of an essential worker under
3 this paragraph to the same extent and in the
4 same manner as such provisions apply with re-
5 spect to educational assistance provided by the
6 Attorney General to the child, children, or
7 spouse of an eligible public safety worker.

8 “(c) HOSPITALIZATION BENEFIT.—The amount of
9 the hospitalization benefit program paid with respect to
10 an essential worker under subsection (a)(2) shall be half
11 the base amount of the death benefit payable as described
12 in subsection (b)(1).

13 “(d) TREATMENT OF BENEFITS.—

14 “(1) EXCLUSION FROM GROSS INCOME.—For
15 purposes of the Internal Revenue Code of 1986,
16 gross income shall not include a payment under sub-
17 section (a).

18 “(1) NO REDUCTION BECAUSE OF PAYMENT
19 FROM OTHER SOURCE.—The Secretary may not re-
20 duce a payment under subsection (a) on the basis of
21 any amount paid, or obligated to be paid, pursuant
22 to law or contract, from another source.

23 “(e) ADMINISTRATION.—

1 “(1) IN GENERAL.—The Secretary, acting
2 through a Special Master appointed by the Sec-
3 retary, shall—

4 “(A) administer the compensation program
5 under this section;

6 “(B) promulgate all procedural and sub-
7 stantive rules (which may be issued by regula-
8 tion) for the administration of this section; and

9 “(C) employ and supervise hearing officers
10 and other administrative personnel to perform
11 the duties of the Special Master under this sec-
12 tion.

13 “(2) DETERMINATION OF ELIGIBILITY FOR
14 COMPENSATION.—

15 “(A) FILING OF CLAIM.—A claimant may
16 file a claim for compensation under this section
17 with the Special Master. The claim—

18 “(i) shall be on the form developed
19 under subparagraph (B); and

20 “(ii) shall state the factual basis for
21 eligibility for compensation and the
22 amount of compensation sought, including
23 by demonstrating—

24 “(I) employment as an essential
25 worker;

1 “(II) death or hospitalization as
2 described in subsection (a); and

3 “(III) the deceased or hospital-
4 ized essential worker became infected
5 with SARS-CoV-2 during the period
6 of employment as an essential worker.

7 “(B) CLAIM FORM.—The Special Master
8 shall develop a claim form that claimants shall
9 use when submitting claims under subpara-
10 graph (A). The Special Master shall ensure that
11 such form can be filed electronically, if deter-
12 mined to be practicable.

13 “(C) DEADLINE.—No claim for compensa-
14 tion under this section may be filed after July
15 1, 2021.

16 “(3) APPOINTMENT.—The Secretary may ap-
17 point the Special Master without regard to the provi-
18 sions of title 5, United States Code, governing ap-
19 pointments in the competitive service. Any such em-
20 ployee shall serve at the pleasure of the Secretary.
21 The Secretary shall fix the annual salary of the Spe-
22 cial Master.

23 “(f) DEFINITIONS.—In this section:

24 “(1) The term ‘child’ has the meaning given to
25 the term ‘child’ in section 1204 of the Omnibus

1 Crime Control and Safe Streets Act of 1968, except
2 that the reference in section 1204(3) of such Act to
3 ‘a deceased or permanently and totally disabled pub-
4 lic safety officer who, at the time of the public safety
5 officer’s fatal or catastrophic injury’ shall be treated
6 as reference to ‘a deceased or hospitalized essential
7 worker who, at the time of the worker’s death or
8 hospitalization’.

9 “(2) The term ‘essential worker’ means—

10 “(A) a worker identified as an essential
11 critical infrastructure worker in version 3.0 of
12 the guidance titled ‘Guidance on the Essential
13 Critical Infrastructure Workforce: Ensuring
14 Community and National Resilience in COVID–
15 19 Response’ issued by the Department of
16 Homeland Security on April 17, 2020; and

17 “(B) any other worker identified by the
18 Special Master as an essential worker for pur-
19 poses of this section.

20 “(3) The term ‘hospitalized’ means furnished
21 inpatient services (as defined in section 1861(b) of
22 the Social Security Act).

23 “(4) The term ‘institution of higher education’
24 has the meaning given to that term in section
25 102(a) of the Higher Education Act of 1965.

1 “(5) The term ‘Special Master’ means the Spe-
2 cial Master appointed under subsection (e)(3).

3 “(6) The term ‘spouse of the worker’ means the
4 spouse of the essential worker on the date of the
5 worker’s death.

6 “(g) FUNDING.—

7 “(1) APPROPRIATIONS FOR BENEFITS.—There
8 are appropriated, out of monies in the Treasury not
9 otherwise obligated, such sums as may be necessary
10 to pay all death and hospitalization benefits under
11 subsection (a) that are sought by claimants who
12 qualify for such benefits and apply in accordance
13 with this section.

14 “(2) AUTHORIZATION OF APPROPRIATIONS FOR
15 ADMINISTRATIVE EXPENSES.—There are authorized
16 to be appropriated such sums as may be necessary
17 to pay the administrative costs of the Secretary and
18 the Special Master in carrying out this section.

19 “(h) SUNSET DATE.—At the end of calendar year
20 2021, the Secretary shall terminate the program under
21 this section except to the extent necessary to carry out
22 the scholarship program under subsection (b)(2).”.