

116TH CONGRESS
2D SESSION

H. R. 6953

To establish the Pandemic Responder Service Award program to express our gratitude to front-line health care workers.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2020

Ms. SHALALA (for herself and Ms. HOULAHAN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on 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 the Pandemic Responder Service Award program to express our gratitude to front-line health care workers.

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 “Pandemic Responder
5 Service Award Act”.

1 **SEC. 2. ESTABLISHMENT OF PANDEMIC RESPONDER SERV-**
2 **ICE AWARD PROGRAM.**

3 (a) ENTITLEMENT.—Subject to subsection (c), each
4 qualified health care worker shall be entitled to a pan-
5 demic responder service award, as determined under sub-
6 section (b).

7 (b) DETERMINATION OF AWARD.—

8 (1) IN GENERAL.—Except as provided under
9 subsection (c)(3)(B)(ii), in the case of a qualified
10 health care worker, the amount of the pandemic re-
11 sponder service award shall be equal to—

12 (A) the applicable percentage of the
13 amount determined under paragraph (2) for the
14 calendar year in which the application described
15 in subsection (c)(2) has been submitted by such
16 worker and approved by the Secretary; and

17 (B) the applicable percentage of the
18 amount determined under paragraph (2) for
19 each of the 3 calendar years subsequent to the
20 year described in subparagraph (A).

21 (2) ANNUAL AMOUNT.—

22 (A) IN GENERAL.—The amount deter-
23 mined under this paragraph shall be equal to—

24 (i) for calendar year 2021, \$10,000;
25 and

1 (ii) in the case of any calendar year
2 beginning after 2021, the dollar amount in
3 clause (i), as increased by an amount equal
4 to—

5 (I) such dollar amount; multi-
6 plied by

7 (II) the cost-of-living adjustment
8 determined under section 1(f)(3) of
9 the Internal Revenue Code of 1986
10 for such calendar year, determined by
11 substituting “2020” for “2016” in
12 subparagraph (A)(ii) thereof.

13 (B) ROUNDING.—If any increase under
14 subparagraph (A) is not a multiple of \$100,
15 such increase shall be rounded to the nearest
16 multiple of \$100.

17 (3) APPLICABLE PERCENTAGE.—

18 (A) IN GENERAL.—For purposes of para-
19 graph (1), with respect to any qualified health
20 care worker, the applicable percentage shall be
21 determined in accordance with the following
22 table:

**If the number of days
during the applicable period
in which the individual
provided eligible services was:**

**The applicable
percentage is:**

Equal to or greater than 180 days	100 percent
Greater than 150 days and less than 180 days	87.5 percent
Greater than 120 days and less than 151 days	75 percent
Greater than 90 days and less than 121 days	62.5 percent
Greater than 60 days and less than 91 days	50 percent
Greater than 30 days and less than 61 days	37.5 percent
Greater than 6 days and less than 31 days	25 percent
Less than 7 days	12.5 percent.

1 (B) DEATH OR HOSPITALIZATION OF
2 QUALIFIED HEALTH CARE WORKER.—In the
3 case of any qualified health care worker who
4 was hospitalized or died as a result of con-
5 tracting COVID–19, the applicable percentage
6 shall be 100 percent.

7 (C) DETERMINING WORK PERFORMED
8 DURING ILLNESS.—In the case of any qualified
9 health care worker who was unable to provide
10 eligible services for any period of days during
11 the applicable period as a result of contracting
12 COVID–19, such period of days shall be in-
13 cluded for purposes of determining the applica-
14 ble percentage with respect to such worker
15 under this paragraph.

16 (c) PANDEMIC RESPONDER SERVICE AWARD PRO-
17 GRAM.—

18 (1) ESTABLISHMENT.—

1 (A) PANDEMIC RESPONDER SAVINGS AC-
2 COUNTS.—Except as provided in subparagraph
3 (B), not later than 12 months after the date of
4 enactment of this Act, the Secretary shall es-
5 tablish the Pandemic Responder Service Award
6 Program to carry out the purposes of this sec-
7 tion.

8 (B) PANDEMIC RESPONDER CHILD SAV-
9 INGS ACCOUNTS.—Not later than December 31,
10 2021, the Secretary shall establish the Pan-
11 demic Responder Child Savings Account Pro-
12 gram to carry out the purposes of paragraph
13 (5).

14 (2) APPLICATIONS.—

15 (A) IN GENERAL.—An individual claiming
16 or applying for a pandemic responder service
17 award under this section shall submit an appli-
18 cation to the Secretary at such time, in such
19 manner, and containing such information as the
20 Secretary may require.

21 (B) INFORMATION MADE AVAILABLE TO
22 PUBLIC.—Not later than 12 months after the
23 date of enactment of this Act, the Secretary
24 shall make publicly available all instructions
25 and forms necessary for an individual to apply

1 for a pandemic responder service award under
2 this section, including—

3 (i) guidelines regarding the processes
4 for determining entitlement to, and the
5 amount of, such award;

6 (ii) processes for the employer of any
7 individual to certify—

8 (I) that such individual provided
9 eligible services; and

10 (II) the number of days during
11 the applicable period in which such in-
12 dividual provided such services.

13 (C) LIMITATION.—The Secretary shall not
14 accept or approve any application submitted by
15 an individual after the date which is 5 years
16 after the date described in subsection (d)(1)(B).

17 (D) DEATH OF QUALIFIED HEALTH CARE
18 WORKER.—In the case of an individual de-
19 scribed in subsection (d)(5)(A) who has died
20 due to COVID–19 prior to filing an application
21 described in subparagraph (A), the Secretary
22 shall establish a procedure to permit the spouse
23 of such worker or any dependent of such worker
24 to file an application under such subparagraph
25 to provide for—

1 (i) establishment of a pandemic re-
2 sponder savings account (as described in
3 paragraph (3)) on behalf of such spouse or
4 a pandemic responder child savings ac-
5 count (as described in paragraph (5)) on
6 behalf of a dependent described in sub-
7 paragraph (A) of such paragraph; and

8 (ii) transfer of any pandemic re-
9 sponder service award to which the de-
10 ceased individual would otherwise be enti-
11 tled under this section to such account.

12 (3) PANDEMIC RESPONDER SAVINGS AC-
13 COUNT.—

14 (A) IN GENERAL.—With respect to each
15 qualified health care worker, the Secretary shall
16 establish and maintain a separate trust account
17 (referred to in this section as a “pandemic re-
18 sponder savings account”) on behalf of such
19 worker, which shall consist of any pandemic re-
20 sponder service award to which such worker is
21 entitled under this section.

22 (B) TRANSFER TO ACCOUNT.—

23 (i) IN GENERAL.—Except as provided
24 under clause (ii), with respect to each
25 qualified health care worker, for each cal-

1 endar year described in paragraph (1) of
2 subsection (b), the Secretary shall transfer
3 from the general fund of the Treasury of
4 the United States to the pandemic re-
5 sponder savings account of such worker an
6 amount equal to the applicable percentage
7 of the amount determined under paragraph
8 (2) of such subsection with respect to such
9 year.

10 (ii) EXCEPTION FOR LOAN REPAY-
11 MENT.—In the case of a qualified health
12 care worker who, pursuant to their applica-
13 tion under paragraph (2), elects to apply
14 the entirety of the pandemic responder
15 service award to which they are entitled for
16 a qualified purpose described in subsection
17 (d)(6)(A), the Secretary shall, during the
18 calendar year in which such application is
19 approved, transfer from the general fund
20 of the Treasury of the United States to the
21 pandemic responder savings account of
22 such worker an amount equal to 400 per-
23 cent of the applicable percentage of the
24 amount determined under paragraph (2) of
25 subsection (b) with respect to such year.

1 (4) DISTRIBUTION OF AWARD AMOUNTS.—The
2 Secretary shall establish such guidelines as may be
3 necessary to ensure that—

4 (A) funds held in a pandemic responder
5 savings account are withdrawn or transferred—

6 (i) only for qualified purposes or
7 transfer to a pandemic responder child sav-
8 ings account;

9 (ii) at the direction of the qualified
10 health care worker; and

11 (iii) in such proportion or amount as
12 is directed by such worker;

13 (B) not greater than 4 withdrawals are
14 made from such account during any calendar
15 year; and

16 (C) beneficiary designations for such ac-
17 count are made in the case of the death of such
18 worker.

19 (5) PANDEMIC RESPONDER CHILD SAVINGS AC-
20 COUNT.—

21 (A) IN GENERAL.—At the election of any
22 qualified health care worker, the Secretary shall
23 establish and maintain a separate trust account
24 (referred to in this section as a “pandemic re-
25 sponder child savings account”) on behalf of

1 any dependent (as designated by such worker)
2 who, at the time of such election, has not at-
3 tained 18 years of age and which shall consist
4 of such amounts as are elected by such worker
5 to be transferred to such account.

6 (B) INVESTMENT WITHOUT FEES.—Any
7 amount transferred to a pandemic responder
8 child savings account shall be invested solely in
9 United States Treasury bonds. No fees shall be
10 assessed on participants in the Pandemic Re-
11 sponder Child Savings Account Program.

12 (C) ACCOUNTS MAY NOT BE ASSIGNED.—
13 An account established on behalf of an indi-
14 vidual under the Pandemic Responder Child
15 Savings Account Program may not be pledged
16 or assigned to any other person, and any trans-
17 fer to such account by a qualified health care
18 worker may not subsequently be transferred or
19 returned to the pandemic responder savings ac-
20 count of such worker.

21 (D) DISTRIBUTION OF AMOUNTS IN PAN-
22 DEMIC RESPONDER CHILD SAVINGS AC-
23 COUNT.—The Secretary shall establish such
24 guidelines as may be necessary to ensure that—

1 (i) funds held in a pandemic re-
2 sponder child savings account are with-
3 drawn or transferred—

4 (I) only for purposes described in
5 subparagraphs (A) through (G) of
6 subsection (d)(6) with respect to the
7 individual on whose behalf such ac-
8 count has been established; and

9 (II) except for purposes described
10 in subparagraph (A) or (B) of sub-
11 section (d)(6), only after such indi-
12 vidual has attained 18 years of age
13 and at the direction of such individual
14 and in such proportion or amount as
15 is directed by such individual;

16 (ii) not greater than 4 withdrawals
17 are made from such account during any
18 calendar year; and

19 (iii) beneficiary designations for such
20 account are made in the case of the death
21 of the individual on whose behalf an ac-
22 count was established.

23 (d) DEFINITIONS.—For purposes of this section—

24 (1) APPLICABLE PERIOD.—The term “applica-
25 ble period” means the period—

1 (A) beginning on January 27, 2020; and
2 (B) ending on the date on which the Sec-
3 retary of Health and Human Services deter-
4 mines that the public health emergency declared
5 by such Secretary under section 319 of the
6 Public Health Service Act (42 U.S.C. 247d) on
7 January 31, 2020, with respect to COVID–19,
8 has ended.

9 (2) COVID–19.—The term “COVID–19”
10 means the virus SARS–CoV–2 or coronavirus dis-
11 ease 2019 (COVID–19).

12 (3) DEPENDENT.—The term “dependent” has
13 the same meaning given such term under section
14 152 of the Internal Revenue Code of 1986.

15 (4) ELIGIBLE SERVICES.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (C), the term “eligible services” means,
18 with respect to any individual, services de-
19 scribed in subparagraph (B) which were pro-
20 vided by such individual in person during the
21 applicable period in a work environment in
22 which—

23 (i) there was an elevated risk of such
24 individual contracting COVID–19 (as de-
25 termined by the Secretary, in consultation

1 with the Director of the Centers for Dis-
2 ease Control and Prevention and the Occu-
3 pational Safety and Health Administra-
4 tion); or

5 (ii) such services were provided to in-
6 dividuals who had been diagnosed with
7 COVID–19 or who were at a high risk of
8 having contracted COVID–19.

9 (B) DESCRIPTION OF SERVICES.—The
10 services described in this subparagraph are the
11 following:

12 (i) Emergency medical services (as de-
13 fined in section 330J(e)(1) of the Public
14 Health Service Act (42 U.S.C. 254c–
15 15(e)(1))).

16 (ii) Health care or patient care serv-
17 ices within a hospital (including any tem-
18 porary hospital established for the purpose
19 of treating large numbers of individuals di-
20 agnosed with COVID–19), including sani-
21 tation, security, transportation, and food
22 services.

23 (iii) Health care services related to
24 COVID–19 within a medical practice,
25 health care center, or clinic, including any

1 temporary facility (such as a COVID–19
2 testing site) which was established in re-
3 sponse to COVID–19.

4 (iv) Home-based and community-
5 based work, including—

6 (I) home health care, residential
7 care, and assistance with activities of
8 daily living; and

9 (II) any services or care provided
10 by direct care workers (as defined in
11 paragraph (16) of section 799B of the
12 Public Health Service Act (42 U.S.C.
13 295p)), personal care aides, and home
14 health aides.

15 (v) Behavioral health services, includ-
16 ing mental health services and substance
17 abuse counseling.

18 (vi) Nursing care, residential care, or
19 support staff services within a nursing
20 home or other residential facility, including
21 community group homes.

22 (vii) Mortuary services.

23 (C) ADDITIONAL SERVICES.—The term
24 “eligible services” shall include, with respect to
25 any individual, any services which—

1 (i) were provided by such individual in
2 person during the applicable period in a
3 work environment described in clause (i) or
4 (ii) of subparagraph (A);

5 (ii) are not described in subparagraph
6 (B); and

7 (iii) have been identified by the Sec-
8 retary, in consultation with the Director of
9 the Centers for Disease Control and Pre-
10 vention and the Occupational Safety and
11 Health Administration, as—

12 (I)(aa) involving the provision of
13 care or treatment to individuals who
14 had been diagnosed with COVID-19;
15 or

16 (bb) involving the operation of a
17 facility which provides care or treat-
18 ment to individuals who had been di-
19 agnosed with COVID-19; and

20 (II) having a risk of exposure to
21 COVID-19 which is comparable to a
22 health care provider in a hospital who
23 is treating individuals who have been
24 diagnosed with COVID-19.

1 (5) QUALIFIED HEALTH CARE WORKER.—The
2 term “qualified health care worker” means an indi-
3 vidual who—

4 (A) provided eligible services; and

5 (B) subject to paragraph (2)(D) of sub-
6 section (c), has filed an application to receive a
7 pandemic responder service award pursuant to
8 such subsection which is approved by the Sec-
9 retary.

10 (6) QUALIFIED PURPOSES.—The term “quali-
11 fied purposes” means any of the following with re-
12 spect to the qualified health care worker, their
13 spouse, or any of their dependents:

14 (A) Payment to the holder of—

15 (i) a loan made, insured, or guaran-
16 teed under title IV of the Higher Edu-
17 cation Act of 1965 (20 U.S.C. 1070 et
18 seq.); or

19 (ii) a private education loan (as de-
20 fined in section 140(a) of the Truth in
21 Lending Act (15 U.S.C. 1650(a))).

22 (B)(i) Payment—

23 (I) to an eligible institution for quali-
24 fied higher education expenses (as defined

1 in section 529(e) of the Internal Revenue
2 Code of 1986);

3 (II) for the costs of a registered ap-
4 prenticeship; or

5 (III) for the costs of training provided
6 by a joint labor-management partnership.

7 (ii) In this subparagraph—

8 (I) the term “eligible institution”
9 means—

10 (aa) an institution of higher edu-
11 cation, as defined under section 101
12 of the Higher Education Act of 1965
13 (20 U.S.C. 1001), that has in effect a
14 program participation agreement
15 under section 487 of such Act (20
16 U.S.C. 1094) and is eligible to partici-
17 pate in any of the programs under
18 title IV of such Act (20 U.S.C. 1070
19 et seq.); and

20 (bb) a postsecondary vocational
21 institution, as defined under section
22 102(c) of the Higher Education Act of
23 1965 (20 U.S.C. 1001(c)), that has in
24 effect a program participation agree-
25 ment under section 487 of such Act

1 (20 U.S.C. 1094) and is eligible to
2 participate in any of the programs
3 under title IV of such Act (20 U.S.C.
4 1070 et seq.); and

5 (II) the term “registered apprentice-
6 ship” means an apprenticeship registered
7 under the Act of August 16, 1937 (com-
8 monly known as the ‘National Apprentice-
9 ship Act’; 50 Stat. 664, chapter 663; 29
10 U.S.C. 50 et seq.), that meets any require-
11 ment, standard, or rule promulgated under
12 such Act as in effect on December 30,
13 2019.

14 (C) Transfer to an eligible retirement plan,
15 as defined in section 402(c)(8)(B) of the Inter-
16 nal Revenue Code of 1986.

17 (D) Transfer to an ABLE account estab-
18 lished under section 529A of the Internal Rev-
19 enue Code of 1986.

20 (E) Transfer to the personal bank account
21 of the individual for emergency expenses, pro-
22 vided that the total amount transferred during
23 any calendar year does not exceed \$1,000.

24 (F) Payment related to purchase of a prin-
25 cipal residence by a first-time homebuyer (as

1 such terms are defined in subsection (c) of sec-
2 tion 36 of the Internal Revenue Code of 1986).

3 (G) Payment related to start-up expendi-
4 tures (as defined in subsection (c)(1) of section
5 195 of the Internal Revenue Code of 1986).

6 (7) SECRETARY.—The term “Secretary” means
7 the Secretary of the Treasury or the Secretary’s del-
8 egate.

9 (e) EXCLUSION FROM INCOME AND FEDERAL PRO-
10 GRAMS.—

11 (1) GROSS INCOME.—For purposes of the Inter-
12 nal Revenue Code of 1986, any payment or transfer
13 made with respect to or on behalf of any individual
14 under this section shall not be included in the gross
15 income of any such individual.

16 (2) FEDERAL PROGRAMS.—The amount of any
17 payment or transfer made with respect to or on be-
18 half of any individual under this section shall not be
19 taken into account as income or resources for pur-
20 poses of determining the eligibility of such individual
21 or any other individual for benefits or assistance, or
22 the amount or extent of such benefits or assistance,
23 under any Federal program or under any State or

- 1 local program financed in whole or in part with Fed-
- 2 eral funds.

