

116TH CONGRESS
2D SESSION

S. 3763

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

IN THE SENATE OF THE UNITED STATES

MAY 19, 2020

Mr. CASEY (for himself, Mr. WYDEN, Ms. BALDWIN, Mrs. GILLIBRAND, and
Mrs. SHAHEEN) introduced the following bill; which was read twice and
referred to the Committee on Finance

A BILL

To establish the Pandemic Responder Service Award pro-
gram 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”.

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

8 (a) ENTITLEMENT.—Subject to subsection (c), each
9 qualified health care worker shall be entitled to a pan-

1 demic responder service award, as determined under sub-
 2 section (b).

3 (b) DETERMINATION OF AWARD.—

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

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

13 (B) the applicable percentage of the
 14 amount determined under paragraph (2) for
 15 each of the 3 calendar years subsequent to the
 16 year described in subparagraph (A).

17 (2) ANNUAL AMOUNT.—

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

20 (i) for calendar year 2021, \$10,000;

21 and

22 (ii) in the case of any calendar year
 23 beginning after 2021, the dollar amount in
 24 clause (i), as increased by an amount equal
 25 to—

1 (I) such dollar amount; multi-
 2 plied by

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

9 (B) ROUNDING.—If any increase under
 10 subparagraph (A) is not a multiple of \$100,
 11 such increase shall be rounded to the nearest
 12 multiple of \$100.

13 (3) APPLICABLE PERCENTAGE.—

14 (A) IN GENERAL.—For purposes of para-
 15 graph (1), with respect to any qualified health
 16 care worker, the applicable percentage shall be
 17 determined in accordance with the following
 18 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.—

19 (A) PANDEMIC RESPONDER SAVINGS AC-
20 COUNTS.—Except as provided in subparagraph
21 (B), not later than 12 months after the date of
22 enactment of this Act, the Secretary shall es-
23 tablish the Pandemic Responder Service Award
24 Program to carry out the purposes of this sec-
25 tion.

1 (B) PANDEMIC RESPONDER CHILD SAV-
2 INGS ACCOUNTS.—Not later than December 31,
3 2021, the Secretary shall establish the Pan-
4 demic Responder Child Savings Account Pro-
5 gram to carry out the purposes of paragraph
6 (5).

7 (2) APPLICATIONS.—

8 (A) IN GENERAL.—An individual claiming
9 or applying for a pandemic responder service
10 award under this section shall submit an appli-
11 cation to the Secretary at such time, in such
12 manner, and containing such information as the
13 Secretary may require.

14 (B) INFORMATION MADE AVAILABLE TO
15 PUBLIC.—Not later than 12 months after the
16 date of enactment of this Act, the Secretary
17 shall make publicly available all instructions
18 and forms necessary for an individual to apply
19 for a pandemic responder service award under
20 this section, including—

21 (i) guidelines regarding the processes
22 for determining entitlement to, and the
23 amount of, such award;

24 (ii) processes for the employer of any
25 individual to certify—

1 (I) that such individual provided
2 eligible services; and

3 (II) the number of days during
4 the applicable period in which such in-
5 dividual provided such services.

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

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

19 (i) establishment of a pandemic re-
20 sponder savings account (as described in
21 paragraph (3)) on behalf of such spouse or
22 a pandemic responder child savings ac-
23 count (as described in paragraph (5)) on
24 behalf of a dependent described in sub-
25 paragraph (A) of such paragraph; and

1 (ii) transfer of any pandemic re-
 2 sponder service award to which the de-
 3 ceased individual would otherwise be enti-
 4 tled under this section to such account.

5 (3) PANDEMIC RESPONDER SAVINGS AC-
 6 COUNT.—

7 (A) IN GENERAL.—With respect to each
 8 qualified health care worker, the Secretary shall
 9 establish and maintain a separate trust account
 10 (referred to in this section as a “pandemic re-
 11 sponder savings account”) on behalf of such
 12 worker, which shall consist of any pandemic re-
 13 sponder service award to which such worker is
 14 entitled under this section.

15 (B) TRANSFER TO ACCOUNT.—

16 (i) IN GENERAL.—Except as provided
 17 under clause (ii), with respect to each
 18 qualified health care worker, for each cal-
 19 endar year described in paragraph (1) of
 20 subsection (b), the Secretary shall transfer
 21 from the general fund of the Treasury of
 22 the United States to the pandemic re-
 23 sponder savings account of such worker an
 24 amount equal to the applicable percentage
 25 of the amount determined under paragraph

(2) of such subsection with respect to such year.

(ii) EXCEPTION FOR LOAN REPAYMENT.—In the case of a qualified health care worker who, pursuant to their application under paragraph (2), elects to apply the entirety of the pandemic responder service award to which they are entitled for a qualified purpose described in subsection (d)(6)(A), the Secretary shall, during the calendar year in which such application is approved, transfer from the general fund of the Treasury of the United States to the pandemic responder savings account of such worker an amount equal to 400 percent of the applicable percentage of the amount determined under paragraph (2) of subsection (b) with respect to such year.

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

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

1 (i) only for qualified purposes or
 2 transfer to a pandemic responder child sav-
 3 ings account;

4 (ii) at the direction of the qualified
 5 health care worker; and

6 (iii) in such proportion or amount as
 7 is directed by such worker;

8 (B) not greater than 4 withdrawals are
 9 made from such account during any calendar
 10 year; and

11 (C) beneficiary designations for such ac-
 12 count are made in the case of the death of such
 13 worker.

14 (5) PANDEMIC RESPONDER CHILD SAVINGS AC-
 15 COUNT.—

16 (A) IN GENERAL.—At the election of any
 17 qualified health care worker, the Secretary shall
 18 establish and maintain a separate trust account
 19 (referred to in this section as a “pandemic re-
 20 sponder child savings account”) on behalf of
 21 any dependent (as designated by such worker)
 22 who, at the time of such election, has not at-
 23 tained 18 years of age and which shall consist
 24 of such amounts as are elected by such worker
 25 to be transferred to such account.

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

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

16 (D) DISTRIBUTION OF AMOUNTS IN PAN-
17 DEMIC RESPONDER CHILD SAVINGS AC-
18 COUNT.—The Secretary shall establish such
19 guidelines as may be necessary to ensure that—

20 (i) funds held in a pandemic re-
21 sponder child savings account are with-
22 drawn or transferred—

23 (I) only for purposes described in
24 subparagraphs (A) through (G) of
25 subsection (d)(6) with respect to the

1 individual on whose behalf such ac-
 2 count has been established; and

3 (II) except for purposes described
 4 in subparagraph (A) or (B) of sub-
 5 section (d)(6), only after such indi-
 6 vidual has attained 18 years of age
 7 and at the direction of such individual
 8 and in such proportion or amount as
 9 is directed by such individual;

10 (ii) not greater than 4 withdrawals
 11 are made from such account during any
 12 calendar year; and

13 (iii) beneficiary designations for such
 14 account are made in the case of the death
 15 of the individual on whose behalf an ac-
 16 count was established.

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

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

20 (A) beginning on January 27, 2020; and

21 (B) ending on the date on which the Sec-
 22 retary of Health and Human Services deter-
 23 mines that the public health emergency declared
 24 by such Secretary under section 319 of the
 25 Public Health Service Act (42 U.S.C. 247d) on

1 January 31, 2020, with respect to COVID–19,
2 has ended.

3 (2) COVID–19.—The term “COVID–19”
4 means the virus SARS–CoV–2 or coronavirus dis-
5 ease 2019 (COVID–19).

6 (3) DEPENDENT.—The term “dependent” has
7 the same meaning given such term under section
8 152 of the Internal Revenue Code of 1986.

9 (4) ELIGIBLE SERVICES.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (C), the term “eligible services” means,
12 with respect to any individual, services de-
13 scribed in subparagraph (B) which were pro-
14 vided by such individual in person during the
15 applicable period in a work environment in
16 which—

17 (i) there was an elevated risk of such
18 individual contracting COVID–19 (as de-
19 termined by the Secretary, in consultation
20 with the Director of the Centers for Dis-
21 ease Control and Prevention and the Occu-
22 pational Safety and Health Administra-
23 tion); or

24 (ii) such services were provided to in-
25 dividuals who had been diagnosed with

1 COVID–19 or who were at a high risk of
2 having contracted COVID–19.

3 (B) DESCRIPTION OF SERVICES.—The
4 services described in this subparagraph are the
5 following:

6 (i) Emergency medical services, as de-
7 fined in section 330J(e)(1) of the Public
8 Health Service Act (42 U.S.C. 254c–
9 15(e)(1)), except that such term shall be
10 applied by substituting “private licensed
11 entity” for “private nonprofit licensed enti-
12 ty” in subparagraph (A) thereof.

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

20 (iii) Health care services related to
21 COVID–19 within a medical practice,
22 health care center, or clinic, including any
23 temporary facility (such as a COVID–19
24 testing site) which was established in re-
25 sponse to COVID–19.

1 (iv) Home-based and community-
2 based work, including—

3 (I) home health care, residential
4 care, and assistance with activities of
5 daily living; and

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

12 (v) Behavioral health services, includ-
13 ing mental health services and substance
14 abuse counseling.

15 (vi) Nursing care, residential care, or
16 support staff services within a nursing
17 home or other residential facility, including
18 community group homes.

19 (vii) Mortuary services.

20 (C) ADDITIONAL SERVICES.—The term
21 “eligible services” shall include, with respect to
22 any individual, any services which—

23 (i) were provided by such individual in
24 person during the applicable period in a

1 work environment described in clause (i) or
2 (ii) of subparagraph (A);

3 (ii) are not described in subparagraph
4 (B); and

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

10 (I)(aa) involving the provision of
11 care or treatment to individuals who
12 had been diagnosed with COVID–19;
13 or

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

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

23 (5) QUALIFIED HEALTH CARE WORKER.—The
24 term “qualified health care worker” means an indi-
25 vidual who—

1 (A) provided eligible services; and

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

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

11 (A) Payment to the holder of—

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

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

19 (B)(i) Payment—

20 (I) to an eligible institution for quali-
21 fied higher education expenses (as defined
22 in section 529(e) of the Internal Revenue
23 Code of 1986);

24 (II) for the costs of a registered ap-
25 prenticeship; or

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

3 (ii) In this subparagraph—

4 (I) the term “eligible institution”
5 means—

6 (aa) an institution of higher edu-
7 cation, as defined under section 101
8 of the Higher Education Act of 1965
9 (20 U.S.C. 1001), that has in effect a
10 program participation agreement
11 under section 487 of such Act (20
12 U.S.C. 1094) and is eligible to partici-
13 pate in any of the programs under
14 title IV of such Act (20 U.S.C. 1070
15 et seq.); and

16 (bb) a postsecondary vocational
17 institution, as defined under section
18 102(c) of the Higher Education Act of
19 1965 (20 U.S.C. 1001(c)), that has in
20 effect a program participation agree-
21 ment under section 487 of such Act
22 (20 U.S.C. 1094) and is eligible to
23 participate in any of the programs
24 under title IV of such Act (20 U.S.C.
25 1070 et seq.); and

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

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

13 (D) Transfer to an ABLE account estab-
14 lished under section 529A of the Internal Rev-
15 enue Code of 1986.

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

20 (F) Payment related to purchase of a prin-
21 cipal residence by a first-time homebuyer (as
22 such terms are defined in subsection (c) of sec-
23 tion 36 of the Internal Revenue Code of 1986).

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

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

7 (e) EXCLUSION FROM INCOME AND FEDERAL PRO-
 8 GRAMS.—

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

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

