

117TH CONGRESS
1ST SESSION

H. R. 900

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

FEBRUARY 5, 2021

Ms. SPEIER (for herself, Mr. NEGUSE, Ms. SCANLON, Mr. GARCÍA of Illinois, Ms. NORTON, Mr. VELA, Mr. BLUMENAUER, Ms. TLAIB, Mr. CARSON, Mr. JOHNSON of Georgia, Mrs. HAYES, Mr. COHEN, Ms. PRESSLEY, Ms. LEE of California, Mr. SAN NICOLAS, Mrs. WATSON COLEMAN, Mr. GOMEZ, Ms. NEWMAN, Mr. GRIJALVA, and Mr. KHANNA) 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Essential Worker Pan-
3 demic Compensation Act of 2021”.

4 **SEC. 2. PANDEMIC COMPENSATION PROGRAM.**

5 Title II of the Public Health Service Act (43 U.S.C.
6 202 et seq.) is amended by adding at the end the following
7 new part:

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

9 **“SEC. 275. DEATH AND HOSPITALIZATION BENEFITS FOR**
10 **ESSENTIAL WORKERS.**

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

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

21 “(2) a hospitalization benefit in accordance with
22 subsection (c) to each essential worker who is hos-
23 pitalized, and does not die, as a result of COVID–
24 19 or related complications.

25 “(b) DEATH BENEFITS.—

1 “(1) BASE AMOUNT.—The base amount of the
2 death benefits paid with respect to an essential
3 worker under subsection (a)(1) in a fiscal year shall
4 be equal to the amount of the comparable benefit
5 calculated under the Public Safety Officers’ Benefits
6 Program under subpart 1 of part L of title I of the
7 Omnibus Crime Control and Safe Streets Act of
8 1968 in such fiscal year, without regard to any re-
9 duction attributable to a limitation on appropria-
10 tions.

11 “(2) EDUCATIONAL ASSISTANCE TO WORKER’S
12 CHILDREN AND SPOUSE.—

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

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

23 “(ii) to the spouse of the worker who,
24 on or after the date of the worker’s death,
25 is so enrolled.

1 “(B) APPLICABLE PROVISIONS.—The pro-
2 visions of subpart 2 of part L of title I of the
3 Omnibus Crime Control and Safe Streets Act of
4 1968 shall apply with respect to educational as-
5 sistance provided by the Secretary to the child,
6 children, or spouse of an essential worker under
7 this paragraph to the same extent and in the
8 same manner as such provisions apply with re-
9 spect to educational assistance provided by the
10 Attorney General to the child, children, or
11 spouse of an eligible public safety worker.

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

17 “(d) TREATMENT OF BENEFITS.—

18 “(1) EXCLUSION FROM GROSS INCOME.—For
19 purposes of the Internal Revenue Code of 1986,
20 gross income shall not include a payment under sub-
21 section (a).

22 “(2) NO REDUCTION BECAUSE OF PAYMENT
23 FROM OTHER SOURCE.—The Secretary may not re-
24 duce a payment under subsection (a) on the basis of

1 any amount paid, or obligated to be paid, pursuant
2 to law or contract, from another source.

3 “(e) ADMINISTRATION.—

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

7 “(A) administer the compensation program
8 under this section;

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

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

16 “(2) DETERMINATION OF ELIGIBILITY FOR
17 COMPENSATION.—

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

21 “(i) shall be on the form developed
22 under subparagraph (B); and

23 “(ii) shall state the factual basis for
24 eligibility for compensation and the

1 amount of compensation sought, including
2 by demonstrating—

3 “(I) employment as an essential
4 worker;

5 “(II) death or hospitalization as
6 described in subsection (a); and

7 “(III) the deceased or hospital-
8 ized essential worker became infected
9 with SARS-CoV-2 during the period
10 of employment as an essential worker.

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

17 “(C) DEADLINE.—No claim for compensa-
18 tion under this section may be filed after July
19 1, 2022.

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

1 The Secretary shall fix the annual salary of the Spe-
2 cial Master.

3 “(f) DEFINITIONS.—In this section:

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

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

15 “(A) a worker identified as an essential
16 critical infrastructure worker in version 3.0 of
17 the guidance titled ‘Guidance on the Essential
18 Critical Infrastructure Workforce: Ensuring
19 Community and National Resilience in COVID–
20 19 Response’ issued by the Department of
21 Homeland Security on April 17, 2020; and

22 “(B) any other worker identified by the
23 Special Master as an essential worker for pur-
24 poses of this section.

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

4 “(4) The term ‘institution of higher education’
5 has the meaning given to that term in section
6 102(a) of the Higher Education Act of 1965.

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

9 “(6) The term ‘spouse of the worker’ means the
10 spouse of the essential worker on the date of the
11 worker’s death.

12 “(g) FUNDING.—

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

20 “(2) AUTHORIZATION OF APPROPRIATIONS FOR
21 ADMINISTRATIVE EXPENSES.—There are authorized
22 to be appropriated such sums as may be necessary
23 to pay the administrative costs of the Secretary and
24 the Special Master in carrying out this section.

1 “(h) SUNSET DATE.—At the end of calendar year
2 2022, the Secretary shall terminate the program under
3 this section except to the extent necessary to carry out
4 the scholarship program under subsection (b)(2).”.

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