

116TH CONGRESS  
2D SESSION

# S. 3763

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

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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

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## 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”.

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:

<b>If the number of days during the applicable period in which the individual provided eligible services was:</b>	<b>The applicable percentage is:</b>
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

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

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

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

22 (A) funds held in a pandemic responder  
23 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.

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