

118TH CONGRESS
1ST SESSION

H. R. 5222

To establish the Energy Workers Compensation Fund to compensate energy workers for certain medical expenses.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 15, 2023

Mr. VASQUEZ introduced the following bill; which was referred to the Committee on Education and the Workforce, 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 Energy Workers Compensation Fund to compensate energy workers for certain medical expenses.

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 “Energy Workers
5 Health Improvement and Compensation Fund Act”.

6 **SEC. 2. ENERGY WORKERS COMPENSATION FUND.**

7 (a) CREATION OF TRUST FUND.—There is estab-
8 lished in the Treasury of the United States a trust fund

1 to be known as the “Energy Workers Health Compensa-
2 tion Fund”.

3 (b) DEPOSITS.—

4 (1) IN GENERAL.—Each oil company shall pay
5 with respect to each calendar year (not later than
6 March 31 of the calendar year immediately following
7 such calendar year) an amount equal to the aggre-
8 gate amounts paid as compensation (including the
9 fair market value of any deferred compensation) to
10 the 10 most highly paid (taking into account all
11 compensation taken into account under this sub-
12 section) employees of such company during such cal-
13 endar year. Such amounts shall be deposited into the
14 Energy Workers Health Compensation Fund.

15 (2) PENALTIES FOR UNDERPAYMENTS.—If the
16 Secretary of Labor determines that the amount paid
17 by any oil company with respect to any calendar
18 year is less than 98 percent of the amount properly
19 determined under paragraph (1), such oil company
20 shall pay an additional amount equal to 10 percent
21 of such difference. Such amount shall be deposited
22 into the Energy Workers Health Compensation
23 Fund.

24 (3) ELECTIVE CONTRIBUTIONS.—An oil com-
25 pany may contribute, in addition to any amount re-

quired to be paid under paragraph (1) or (2), an additional amount to the Energy Workers Health Compensation Fund not in excess of the amount required to be paid under paragraph (1).

(4) TAX TREATMENT OF CONTRIBUTIONS.—No deduction shall be allowed under section 162 (or any other provision) of the Internal Revenue Code of 1986 for any amount required to be paid under paragraph (1) or (2) or any amount contributed to the Energy Workers Health Compensation Fund which is in excess of the amount permitted under paragraph (3).

(c) EXPENDITURES.—Amounts in the compensation fund shall be available to the Secretary of Labor, without need of further appropriation, for the purposes of section 3.

SEC. 3. COMPENSATION FOR MEDICAL EXPENSES.

(a) IN GENERAL.—An eligible worker, or family member thereof, shall be entitled to compensation in order to reimburse such eligible worker (or family member thereof) for medical expenses, including copayments and costs not covered by private insurance, Medicare, or Medicaid, associated with—

(1) asthma;

(2) heat-related illness; and

1 (3) other respiratory or cardiovascular diseases
2 determined by the Secretary, in consultation with
3 the Assistant Secretary of Labor for Occupational
4 Safety and Health, to be associated with methane
5 emissions, high levels of smog, and exposure to par-
6 ticulate matter and volatile organic compounds.

7 (b) PAYMENT FROM TRUST FUND.—The compensa-
8 tion under this section shall be paid from the compensa-
9 tion fund established under section 2.

10 (c) PROCESSING OF CLAIMS.—The Secretary shall
11 provide the compensation to which an individual is entitled
12 under subparagraph (a) in the order in which claims for
13 compensation are received.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) ELIGIBLE WORKER.—The term “eligible
17 worker” means any individual who—

18 (A) either—

19 (i) works or has worked within or
20 around a oil and gas extraction or explo-
21 ration site for not less than 1 year; or

22 (ii) lives or has lived within 20 miles
23 of such a site for not less than 1 year; and

24 (B) works or has worked for an oil com-
25 pany engaged in oil and gas extraction or explo-

1 ration or for a company contracted to perform
2 those duties.

3 (2) FAMILY MEMBER.—The term “family mem-
4 ber” means the spouse, son, daughter, or parent of
5 an eligible worker, if such spouse, son, daughter, or
6 parent lives or has lived within 20 miles of an oil
7 and gas extraction or exploration site for not less
8 than 1 year.

9 (3) OIL COMPANY.—The term “oil company”
10 means a company engaged in oil or natural gas ex-
11 ploration or extraction with annual revenue greater
12 than \$50,000,000.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of Labor.

15 (5) COMPENSATION FUND.—The term “com-
16 pensation fund” means the Energy Workers Health
17 Compensation Fund established under section 2.

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