

116TH CONGRESS  
2D SESSION

# S. 3617

To require payment of hazardous duty pay for members of the Armed Forces performing duty in response to the Coronavirus Disease 2019, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 6, 2020

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To require payment of hazardous duty pay for members of the Armed Forces performing duty in response to the Coronavirus Disease 2019, 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,*

3 **SECTION 1. HAZARDOUS DUTY PAY FOR MEMBERS OF THE**  
4 **ARMED FORCES PERFORMING DUTY IN RE-**  
5 **SPONSE TO THE CORONAVIRUS DISEASE 2019.**

6 (a) IN GENERAL.—The Secretary of the military de-  
7 partment concerned shall pay hazardous duty pay under  
8 this section to a member of a regular or reserve component  
9 of the Armed Forces who—

1           (1) performs duty in response to the  
2           Coronavirus Disease 2019 (COVID-19); and

3           (2) is entitled to basic pay under section 204 of  
4           title 37, United States Code, or compensation under  
5           section 206 of such title, for the performance of  
6           such duty.

7           (b) REGULATIONS.—Hazardous duty pay shall be  
8           payable under this section in accordance with regulations  
9           prescribed by the Secretary of Defense. Such regulations  
10          shall specify the duty in response to the Coronavirus Dis-  
11          ease 2019 qualifying a member for payment of such pay  
12          under this section.

13          (c) AMOUNT.—The amount of hazardous duty pay  
14          paid a member under this section shall be such amount  
15          per month, not less than \$150 per month, as the Secretary  
16          of Defense shall specify in the regulations under sub-  
17          section (b).

18          (d) MONTHLY PAYMENT; NO PRORATION.—

19                 (1) MONTHLY PAYMENT.—Hazardous duty pay  
20                 under this section shall be paid on a monthly basis.

21                 (2) NO PRORATION.—Hazardous duty pay is  
22                 payable to a member under this section for a month  
23                 if the member performs any duty in that month  
24                 qualifying the person for payment of such pay.

25          (e) MONTHS FOR WHICH PAYABLE.—

1           (1) IN GENERAL.—Hazardous duty pay is pay-  
2           able under this section for qualifying duty performed  
3           in months occurring during the period—

4                     (A) beginning on January 1, 2020; and

5                     (B) ending on December 31, 2020.

6           (2) RETROACTIVE PAYMENT.—Hazardous duty  
7           pay under this section is payable on a retroactive  
8           basis.

9           (f) CONSTRUCTION WITH OTHER PAY.—Hazardous  
10          duty pay payable to a member under this section is in ad-  
11          dition to the following:

12                    (1) Any other pay and allowances to which the  
13                    member is entitled by law.

14                    (2) Any other hazardous duty pay to which the  
15                    member is entitled under section 351 of title 37,  
16                    United States Code (or any other provision of law),  
17                    for duty that also constitutes qualifying duty for  
18                    payment of such pay under this section.

19           (g) EXCLUSION FROM GROSS INCOME.—For pur-  
20          poses of the Internal Revenue Code of 1986, gross income  
21          shall not include any amount of hazardous duty pay re-  
22          ceived under this section.

23           (h) SENSE OF SENATE.—It is the sense of the Senate  
24          that the Secretary of Defense should also authorize haz-  
25          ardous duty pay for members of the Armed Forces not

1 under orders specific to the response to the Coronavirus  
2 Disease 2019 who provide—

3           (1) healthcare in a military medical treatment  
4           facility for individuals infected with the Coronavirus  
5           Disease 2019; or

6           (2) technical or administrative support for the  
7           provision of healthcare as described in paragraph  
8           (1).

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