



# COVID-19 Regulatory Update

*HEROES ACT*

*June 4, 2020*

On Friday, May 15th, the U.S. House of Representatives passed the “HEROES Act” (HR 6800). Contained within its 1,800+ pages is a proposal to amend the Longshore Act. The amending language:

- Provides an absolute presumption of coverage of COVID-19 under the Longshore Act under broad circumstances. Unlike the current presumption found in the Longshore Act, this presumption is not rebuttable.
- Provides for compensation when losing time for quarantine.
- Applies to any employee
  - Engaged in maritime employment between January 27, 2020 through January 27, 2022
  - Ordered not to return to work by the employer or a government agency because of exposure to COVID-19 or risk of such exposure January 27, 2020 through January 27, 2022
  - Diagnosed with COVID-19 between January 27, 2020 through February 27, 2022
- Purports to provide a mechanism to reimburse employers and carriers as a “pass through” funded by taxpayer dollars.

The Managers oppose the bill for many reasons, including:

- It eliminates the requirement that the injury or illness arise during the course and scope of employment
- It eliminates the requirement that there be any injury or illness whatsoever, by compensating for quarantine time
- It contains numerous technical language issues that create ambiguity and appear contradictory
- It is not necessary; According to the OWCP, there have not been a significant influx of claims
- It does not adequately reimburse employers and carriers, and unnecessarily shifts the burden and cost to the US taxpayer

Although the Senate is unlikely to pass the HEROES ACT, the Managers will continue to monitor the stimulus bills and provide technical advice to industry.