### 116TH CONGRESS 2D SESSION **S**.

To direct the Secretary of Health and Human Services to develop an action plan, make targeted grants, and develop public awareness campaigns with respect to COVID-19 and the disproportionate impact of the COVID-19 pandemic on racial and ethnic minorities and other vulnerable populations.

### IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. CARDIN, Ms. WARREN, Mr. VAN HOLLEN, Mr. MARKEY, Ms. SMITH, Mr. BOOKER, Ms. CORTEZ MASTO, Mr. MERKLEY, Ms. HIRONO, Mr. SANDERS, Mrs. SHAHEEN, Mr. BLUMENTHAL, Ms. ROSEN, Ms. HARRIS, Ms. HASSAN, Mr. WARNER, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_\_

## A BILL

- To direct the Secretary of Health and Human Services to develop an action plan, make targeted grants, and develop public awareness campaigns with respect to COVID-19 and the disproportionate impact of the COVID-19 pandemic on racial and ethnic minorities and other vulnerable populations.
  - 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; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the

3 "COVID-19 Health Disparities Action Act of 2020".

4 (b) TABLE OF CONTENTS.—The table of contents for

#### 5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Health disparity-informed contact tracing grants.
- Sec. 3. COVID-19 health disparities action plan.
- Sec. 4. Federal public awareness campaigns to address health disparities.
- Sec. 5. Grant program for public awareness campaigns to address health disparities.
- Sec. 6. Vaccine safety public awareness campaign.
- Sec. 7. Addendum to testing plans to address disparities.
- Sec. 8. Definitions.

### 6 SEC. 2. HEALTH DISPARITY-INFORMED CONTACT TRACING

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#### GRANTS.

8 (a) IN GENERAL.—The Secretary of Health and 9 Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for 10 11 Disease Control and Prevention and in coordination with the Office of Minority Health of the Department of Health 12 13 and Human Services, and, as appropriate, in coordination 14 with the relevant Offices of Minority Health of the Depart-15 ment of Health and Human Services, the National Insti-16 tute of Minority Health and Health Disparities, and the Indian Health Service, shall award grants to eligible enti-17 18 ties to conduct contact tracing operations, using amounts appropriated under the heading "Public Health and Social 19 Services Emergency Fund" under the heading "Office of 20 21 the Secretary" under the heading "Department of Health

and Human Services" of title I of division B of the Pay-1 2 check Protection Program and Health Care Enhancement Act (Public Law 116–139). 3 4 (b) ELIGIBLE ENTITIES.— 5 (1) IN GENERAL.—To be eligible for a grant 6 under this section, an entity shall— 7 (A) be a State, local, Tribal, or territorial 8 health department, a nonprofit community-9 based organization, a nonprofit faith-based or-10 ganization, an urban Indian organization, a 11 Tribal organization, or a health care provider, 12 serving one or more of the grant regions de-13 scribed in paragraph (2); and 14 (B) submit an application to the Secretary 15 at such time, in such manner, and containing 16 such information as the Secretary may require, 17 including demographic data on the entity's em-18 ployees or projected hires at the time of submis-19 sion. 20 GRANT REGIONS.—The Secretary (2)may 21 award grants to eligible entities serving one or more 22 of the following: 23 (A) A State. 24 (B) A territory. 25 (C) An Indian Tribe.

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1	(D) A Tribal organization.
2	(E) An urban Indian organization.
3	(F) A county.
4	(G) A metropolitan statistical area.
5	(H) Any other city, town, or other public
6	body created by, or pursuant to, State law.
7	(3) PROHIBITION ON DISCRIMINATION.—Pro-
8	grams funded under this section shall not discrimi-
9	nate on the basis of actual or perceived sex, race,
10	color, ethnicity, national origin, disability, sexual ori-
11	entation, gender identity, or religion. Nothing in this
12	section shall be construed to invalidate or limit
13	rights, remedies, procedures, or legal standards
14	available under any other Federal law or any law of
15	a State or a political subdivision of a State, includ-
16	ing the Civil Rights Act of 1964 (42 U.S.C. 2000a
17	et seq.), title IX of the Education Amendments of
18	1972 (20 U.S.C. 1681 et seq.), section 504 of the
19	Rehabilitation Act of 1973 (29 U.S.C. 794), the
20	Americans with Disabilities Act of 1990 (42 U.S.C.
21	12101 et seq.), and section 1557 of the Patient Pro-
22	tection and Affordable Care Act (42 U.S.C. 18116).
23	(c) PRIORITIZATION.—In awarding grants under sub-
24	section (a), the Secretary shall give special consideration
25	to eligible entities that have demonstrated a commitment

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to recruiting and retaining employees who are racial and
 ethnic minorities representative of the demographic
 groups of a grant area served by the entity, which may
 include entities that employ, or plan to employ, community
 health workers, as defined in section 2113(f)(4) of the So cial Security Act (42 U.S.C. 1397mm(f)(4)).

7 (d) REPORTING.—

8 (1) BY ENTITIES.—An eligible entity receiving 9 a grant under this section shall report to the Sec-10 retary demographic information of employees di-11 rectly involved in contact tracing operations sup-12 ported by such grant not later than 60 days after 13 receipt of such grant.

14 (2) BY THE SECRETARY.—Beginning not later 15 than 90 days after the date on which the first grant 16 is awarded under this section, the Secretary, in co-17 ordination with the Deputy Assistant Secretary for 18 Minority Health, the Director of the Centers for 19 Disease Control and Prevention, and the Director of 20 the Office of Minority Health and Health Equity at 21 the Centers for Disease Control and Prevention, 22 shall make public the data reported under paragraph 23 (1).

#### 1 SEC. 3. COVID-19 HEALTH DISPARITIES ACTION PLAN.

2 (a) IN GENERAL.—The Secretary, acting through the 3 Director of the Office of Minority Health of the Department of Health and Human Services, shall develop an evi-4 5 dence-based action plan (referred to in this section as the "action plan") for addressing health disparities related to 6 7 COVID-19 testing, infections, hospitalizations, ICU ad-8 missions, and deaths among racial and ethnic minority, 9 rural, and other vulnerable populations.

(b) COORDINATION.—In developing the action plan
described in subsection (a), the Director of the Office of
Minority Health shall coordinate with—

13 (1) the Director of the Office of Minority
14 Health and Health Equity of the Centers for Dis15 ease Control and Prevention;

16 (2) the Director of the Office of Extramural
17 Research, Education, and Priority Populations of
18 the Agency for Healthcare Research and Quality;

19 (3) the Director of the Office of Minority
20 Health of the Centers for Medicare & Medicaid Serv21 ices;

(4) the Director of the Office of Minority
Health and Health Equity of the Food and Drug
Administration;

1	(5) the Director of the Office of Health Equity
2	of the Health Resources and Services Administra-
3	tion;
4	(6) the Director of the Office of Behavioral
5	Health Equity of the Substance Abuse and Mental
6	Health Services Administration;
7	(7) the Director of the National Institute of Mi-
8	nority Health and Health Disparities; and
9	(8) the Director of the Indian Health Service.
10	(c) LITERATURE REVIEW AND CONSULTATION.—In
11	developing the action plan described in subsection (a), the
12	Secretary shall—
13	(1) review peer-reviewed literature to identify
14	evidence-informed and evidence-based best practices
15	for addressing health disparities among racial and
16	ethnic minority, rural, and other vulnerable popu-
17	lations; and
18	(2) consult with—
19	(A) community-based organizations with
20	expertise in addressing health disparities that
21	affect racial and ethnic minority, rural, and
22	other vulnerable populations; and
23	(B) State, local, Tribal, and territorial
24	health officials that serve areas with high con-
25	centrations of racial and ethnic minority, rural,

and other vulnerable populations that have been
 disproportionately impacted by the COVID-19
 pandemic.

4 (d) REQUIREMENTS.—The action plan shall in-5 clude—

6 (1) a quantitative and qualitative analysis of 7 the current barriers to complete and accurate data 8 collection on health disparities related to COVID-19 9 testing, infections, hospitalizations, ICU admissions, 10 and deaths among racial and ethnic minority, rural, 11 and other vulnerable populations;

(2) a description of the health disparities that
have been identified with current data related to
COVID-19 testing, infections, hospitalizations, ICU
admissions, and deaths among racial and ethnic minority, rural, and other vulnerable populations, using
existing metrics where possible;

(3) a description of the actions that the Secretary will take to address the barriers to complete
and accurate data collection on health disparities related to COVID-19 testing, infections, hospitalizations, ICU admissions, and deaths among racial and
ethnic minority, rural, and other vulnerable populations, including specific dates by when such actions

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will be completed and the metrics that will be used to evaluate the impact of such actions;

3 (4) the actions that the Secretary will take to 4 address the health disparities that have been identi-5 fied with current data related to COVID-19 testing, 6 infections, hospitalizations, ICU admissions, and 7 deaths among racial and ethnic minority, rural, and 8 other vulnerable populations, including specific dates 9 by when such actions will be taken and completed 10 and the metrics that will be used to evaluate the im-11 pact of such actions; and

(5) a summary of any additional resources that
the Secretary requires in order to fully identify and
address health disparities related to COVID-19 testing, infections, hospitalizations, ICU admissions, and
deaths among racial and ethnic minority, rural, and
other vulnerable populations.

18 (e) SUBMISSION OF ACTION PLAN AND REPORTS ON19 THE ACTION PLAN.—

(1) INITIAL ACTION PLAN.—Not later than 30
days after the date of enactment of this Act, the
Secretary shall submit the action plan to the Committee on Health, Education, Labor, and Pensions
and the Committee on Finance of the Senate and
the Committee on Energy and Commerce and the

Committee on Ways and Means of the House of
 Representatives, and make such plan publically
 available on the internet website of the Department
 of Health and Human Services.

5 (2) UPDATES.—Not later than 30 days after 6 the date of publication of the initial action plan 7 under paragraph (1), and at least every 30 days 8 thereafter until the date that is 6 months after the 9 COVID-19 public health emergency has ended, the 10 Secretary shall submit updates to the action plan to 11 Congress. Each such update shall provide updates 12 on the Secretary's actions and the relevant evalua-13 tion metrics, and shall include any actions that the 14 Secretary has identified since issuance of the initial 15 action plan under paragraph (1) and any previous 16 updates under this paragraph, as necessary to ad-17 dress health disparities related to COVID-19 test-18 ing, infections, hospitalizations, ICU admissions, and 19 deaths among racial and ethnic minority, rural, and 20 other vulnerable populations. The Secretary shall 21 make each update publically available on the inter-22 net website of the Department of Health and 23 Human Services.

24 (3) FINAL REPORT ON ACTION PLANS.—Not
25 later than 1 year after the end of the COVID-19

1 public health emergency, the Secretary shall submit 2 to Congress a final report analyzing the health dis-3 parities related to COVID-19 testing, infections, 4 hospitalizations, ICU admissions, and deaths among 5 racial and ethnic minority, rural, and other vulner-6 able populations, including an analysis of the social 7 determinants of health and the underlying causes of 8 health disparities. The report shall include—

9 (A) the Secretary's long-term plan for ad-10 dressing racial and ethnic health disparities, including an assessment of any additional re-11 12 sources that may be required for the Office of 13 Minority Health of the Department of Health 14 and Human Services, or such department in 15 general, to sustain long-term initiatives to ad-16 dress racial and ethnic health disparities; and

17 (B) recommendations for Congress to ad18 dress the underlying causes and prevent health
19 disparities among racial and ethnic minority,
20 rural, and other vulnerable populations during
21 future public health emergencies.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out this section
\$1,000,000 for fiscal year 2020.

# SEC. 4. FEDERAL PUBLIC AWARENESS CAMPAIGNS TO AD DRESS HEALTH DISPARITIES.

3 (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Preven-4 5 tion and in coordination with the Office of Minority Health and, as appropriate, in coordination with the rel-6 7 evant Offices of Minority Health in the Department of 8 Health and Human Services, the National Institute of Mi-9 nority Health and Health Disparities, and the Indian 10 Health Service, shall develop and implement accessible, 11 multilingual and culturally competent public awareness 12 campaigns about COVID-19 directed at racial and ethnic 13 minority, rural, and other vulnerable populations that 14 have experienced health disparities during the COVID-19 public health emergency related to testing, infections, hos-15 pitalizations, ICU admissions, and deaths. 16

17 (b) REQUIREMENTS.—The public awareness cam-18 paigns under this section shall—

(1) prioritize communities where the greatest
health disparities have been identified with respect
to testing access and rates of infections, hospitalizations, and deaths related to COVID-19;

(2)(A) provide information, based on scientific
evidence, about the benefits of being tested for
COVID-19, the availability of COVID-19 testing
with no cost-sharing for most United States resi-

1	dents, and the actions that individuals can take to
2	protect themselves from COVID–19, including mask-
3	ing and social distancing; and
4	(B) dispel misinformation about COVID-19
5	symptoms, testing, or treatment; and
6	(3) use print, radio, or internet media, or other
7	forms of public communication, including local, inde-
8	pendent, or community-based written news and elec-
9	tronic publications.
10	(c) COORDINATION.—The public awareness cam-
11	paigns under this section shall be complementary to, and
12	coordinated with, any other Federal, State, and local ef-
13	forts, including the action plan described in section 3, as
14	appropriate.
15	(d) REPORT TO CONGRESS.—Not later than 45 days
16	after the date on which appropriated funds are made avail-
17	able to the Secretary under this section, the Secretary
18	shall submit to Congress a report on how such funds have
19	been used during such 45-day period and a plan for using
20	any remaining funds within the next 45 days.
21	(e) Authorization of Appropriations.—There is
22	authorized to be appropriated to carry out this section

23 \$10,000,000 for fiscal year 2020.

# 1SEC. 5. GRANT PROGRAM FOR PUBLIC AWARENESS CAM-2PAIGNS TO ADDRESS HEALTH DISPARITIES.

3 (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Preven-4 5 tion and in coordination with the Office of Minority Health, and, as appropriate, in coordination with the rel-6 7 evant Offices of Minority Health in the Department of 8 Health and Human Services, the National Institute of Mi-9 nority Health and Health Disparities, and the Indian 10 Health Service, shall award competitive grants to eligible entities to support such entities in developing and imple-11 12 menting accessible, multilingual, and culturally competent 13 public awareness campaigns about COVID-19 directed at 14 racial and ethnic minority, rural, and other vulnerable populations that have experienced health disparities dur-15 16 ing the COVID-19 public health emergency related to 17 testing, infections, hospitalizations, ICU admissions, and deaths. 18

(b) ELIGIBLE ENTITIES.—To be eligible to receive a
grant under this section, an entity shall be a State, local,
Tribal, or territorial health department, a nonprofit community-based organization, a Tribal organization, an
urban Indian organization, or a health care provider, or
a nonprofit faith-based organization.

25 (c) PRIORITIZATION.—When awarding grants under26 this section, the Secretary shall prioritize entities serving

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communities where the greatest health disparities exist
 with respect to testing access, infections, hospitalizations,
 and deaths related to COVID-19, impacting racial and
 ethnic minority, rural, and other vulnerable populations.
 (d) REQUIREMENTS.— An entity awarded a grant
 under this section shall conduct a public awareness cam paign that—

8 (1)(A) provides to the public information, based 9 on scientific evidence, about the benefits of being 10 tested for COVID-19, the availability of COVID-19 11 testing with no cost-sharing for most United States 12 residents, and the actions that individuals can take 13 to protect themselves from COVID-19, including 14 masking and social distancing; and

15 (B) dispels misinformation about COVID-19
16 symptoms, testing, or treatment;

17 (2) uses print, radio, or internet media, or18 other forms of public communication; and

(3) communicates in the language or languages
necessary to reach racial and ethnic minority, rural,
and other vulnerable populations in the applicable
region that have experienced health disparities during the COVID-19 public health emergency related
to testing, infections, hospitalizations, ICU admissions, and deaths.

1 (e) COORDINATION.—The public health campaigns 2 supported by grants awarded under this section shall be 3 complementary to, and coordinated with, any other Fed-4 eral, State, or local efforts, including the action plan de-5 scribed in section 3, as appropriate.

6 (f) TIMING.—The Secretary shall award the grants
7 under this section not later than 60 days after the date
8 of enactment of this Act.

9 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$10,000,000 for fiscal year 2020.

#### 12 SEC. 6. VACCINE SAFETY PUBLIC AWARENESS CAMPAIGN.

13 (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Preven-14 15 tion and in coordination with the Office of Minority Health, and, as appropriate, the relevant Offices of Minor-16 17 ity Health in the Department of Health and Human Services, the National Institute of Minority Health and Health 18 19 Disparities, and the Indian Health Service, shall establish 20 grant funding opportunities for eligible entities to dissemi-21 nate COVID-19 vaccination information.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a
grant under this section, an entity shall be a State, local,
Tribal, or territorial health department, an urban Indian

organization, a nonprofit community-based organization, 1 2 or a nonprofit faith-based organization. 3 (c) USE OF FUNDS.— 4 (1) IN GENERAL.—Entities receiving a grant 5 under this section shall use such grant funds to— 6 (A) increase awareness to the benefit of re-7 ceiving a COVID–19 vaccine, and include infor-8 mation on where the vaccine can be obtained; 9 and 10 (B) create and disseminate culturally and 11 linguistically appropriate messaging. 12 ADDITIONAL GRANT FUNDS.—The Sec-(2)13 retary shall have discretion to award additional 14 grant funding under this section to broaden the 15 grant recipient's vaccine public safety awareness 16 campaign to include routine immunizations and gen-17 eral influenza vaccine messaging. 18 (d) PRIORITIZATION.—In awarding grants under this section, the Secretary shall give priority to eligible entities 19 20 in either urban or rural communities (or a combination 21 of urban and rural communities) that serve vulnerable 22 populations, including ethnic minority populations, which 23 may include low-income, uninsured, and medically under-24 served individuals or populations with historically low

25 rates of receiving vaccines.

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(e) TIMING.—The Secretary shall awards the grants 1 2 under this section not later than 60 days after the date 3 on the earlier of the date on which the Food and Drug 4 Administration licenses a COVID–19 vaccine under sec-5 tion 351 of the Public Health Service Act (42 U.S.C. 262) or the date on which a manufacturer begins to distribute 6 7 a COVID-19 vaccine to public or private entities pursuant 8 to an emergency use authorization under section 564 of 9 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 10 360bbb-3).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out this section
\$5,000,000 for fiscal year 2020.

# 14 SEC. 7. ADDENDUM TO TESTING PLANS TO ADDRESS DIS15 PARITIES.

16 (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Preven-17 tion, shall report to the Committee on Appropriations and 18 19 the Committee on Health, Education, Labor, and Pen-20sions of the Senate, and the Committee on Appropriations 21 and the Committee on Energy and Commerce of the 22 House of Representatives, on State testing plans referred to under the heading "Public Health and Social Services 23 24 Emergency Fund" under the heading "Office of the Secretary" under the heading "Department of Health and 25

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Human Services" of title I of division B of the Paycheck
 Protection Program and Health Care Enhancement Act
 (Public Law 116–139).

4 (b) REQUIREMENT TO DEVELOP ADDENDUM.—

5 (1) IN GENERAL.—The Secretary shall solicit 6 States, territories, and Indian tribes to develop an 7 addendum to testing plans described in subsection 8 (a), to specifically address testing plans for racial 9 and ethnic minority, rural, and other vulnerable pop-10 ulations experiencing health disparities related to 11 COVID-19 testing, infections, hospitalizations, ICU 12 admissions, or deaths. The Secretary shall model 13 questions for the addendum based on the original 14 testing plans.

15 (2) FUNDING.—To carry out this subsection, 16 the Secretary shall use amounts appropriated under 17 the heading "Public Health and Social Services 18 Emergency Fund" under the heading "Office of the 19 Secretary" under the heading "Department of 20 Health and Human Services" of title I of division B 21 of the Paycheck Protection Program and Health 22 Care Enhancement Act (Public Law 116–139).

23 SEC. 8. DEFINITIONS.

24 In this Act—

1	(1) the term "COVID–19 public health emer-
2	gency" means the public health emergency first de-
3	clared by the Secretary of Health and Human Serv-
4	ices under section 319 of the Public Health Service
5	Act (42 U.S.C. 247d) on January 31, 2020, with re-
6	spect to COVID–19;
7	(2) the term "ICU" means intensive care unit;
8	(3) the terms "racial and ethnic minority
9	group" and "racial and ethnic minority" have the
10	meaning given the term "racial and ethnic minority
11	group" in section 1707(g) of the Public Health Serv-
12	ice Act (42 U.S.C. 300u–6(g));
13	(4) the term "relevant Offices of Minority
14	Health in the Department of Health and Human
15	Services" may include—
16	(A) the Office of Extramural Research,
17	Education, and Priority Populations of the
18	Agency for Healthcare Research and Quality;
19	(B) the Office of Minority Health and
20	Health Equity of the Centers for Disease Con-
21	trol and Prevention;
22	(C) the Office of Minority Health of the
23	Centers for Medicare & Medicaid Services;

1	(D) the Office of Minority Health and
2	Health Equity of the Food and Drug Adminis-
3	tration;
4	(E) the Office of Health Equity of the
5	Health Resources and Services Administration;
6	and
7	(F) the Office of Behavioral Health Equity
8	of the Substance Abuse and Mental Health
9	Services Administration; and
10	(5) the term "Secretary", unless indicated oth-
11	erwise, means the Secretary of Health and Human
12	Services
13	(6) the terms "Indian Tribe" and "Tribal orga-
14	nization" have the meanings given the terms "In-
15	dian tribe" and "tribal organization" in section 4 of
16	the Indian Self-Determination and Education Assist-
17	ance Act (25 U.S.C. 5304); and
18	(7) the term "urban Indian organization" has
19	the meaning given the term in section 4 of the In-
20	dian Health Care Improvement Act (25 U.S.C.
21	1603).