

116TH CONGRESS
2D SESSION

S. 3772

To direct the Department of Health and Human Services to develop, submit, and allocate funding to advance a plan for efficiently building testing capacity for facilities serving significant populations of individuals aged 65 and older.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2020

Mr. SCOTT of South Carolina introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To direct the Department of Health and Human Services to develop, submit, and allocate funding to advance a plan for efficiently building testing capacity for facilities serving significant populations of individuals aged 65 and older.

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 “Protecting Our Seniors
5 from the Pandemic Act”.

1 **SEC. 2. PROTECTING OUR SENIORS PLAN.**

2 (a) IN GENERAL.—Not later than 10 days after the
3 date of enactment of this Act, the Secretary of Health and
4 Human Services (referred to in this Act as the “Sec-
5 retary”), in consultation with relevant stakeholders, de-
6 partments, and agencies, shall develop a Protecting Our
7 Seniors Plan and submit such plan to the Committee on
8 Appropriations, the Committee on Health, Education,
9 Labor, and Pensions, the Committee on Finance, and the
10 Special Committee on Aging of the Senate and to the
11 Committee on Appropriations, the Committee on Energy
12 and Commerce, and the Committee on Ways and Means
13 of the House of Representatives.

14 (b) PLAN CONTENT.—The Protecting Our Seniors
15 Plan under subsection (a) shall—

16 (1) outline the portions of previous and planned
17 allocations from the Public Health and Social Serv-
18 ices Emergency Fund related to COVID–19 testing
19 capacity that have been targeted or will be targeted
20 to meet the needs of nursing facilities, long-term
21 care facilities, senior living communities, and other
22 facilities that serve a significant population of indi-
23 viduals aged 65 and older;

24 (2) establish national goals and objectives re-
25 lated to meeting the COVID–19 testing needs of
26 such providers and facilities and bolstering testing

1 capacity for workers and other individuals who regu-
2 larly interact with individuals aged 65 and older;

3 (3) describe progress at the Federal, State,
4 local, and Tribal levels towards meeting the COVID-
5 19 testing needs of such providers and facilities;

6 (4) identify remaining COVID-19 testing ac-
7 cess challenges and needs related to protecting sen-
8 iors served by or residing in nursing facilities, long-
9 term care facilities, senior living communities, and
10 other facilities that provide treatment, care, or other
11 services to a significant population of individuals
12 aged 65 and older;

13 (5) issue recommendations to Congress regard-
14 ing the authorities, flexibility, and additional appro-
15 priations needed to address COVID-19 testing ac-
16 cess and capacity challenges; and

17 (6) include such other information as the Sec-
18 retary determines appropriate.

19 (c) STAKEHOLDER CONSULTATION.—In developing
20 the Protecting Our Seniors Plan, the Secretary shall con-
21 sult, where appropriate, with relevant stakeholders, de-
22 partments, and agencies, including—

23 (1) the governors or designees of States and
24 territories, and local governments, Tribes, and Trib-
25 al organizations;

1 (2) the Director of the National Institutes of
2 Health;

3 (3) the Director of the Centers for Disease
4 Control and Prevention;

5 (4) the Administrator of the Centers for Medi-
6 care & Medicaid Services;

7 (5) the Administrator of the Health Resources
8 and Services Administration;

9 (6) the Administrator of the Federal Emer-
10 gency Management Agency;

11 (7) administrators and other leaders from nurs-
12 ing facilities, long-term care facilities, senior living
13 communities, and other facilities that serve a signifi-
14 cant population of individuals aged 65 and older;

15 (8) health care workers and other essential
16 workers who regularly interact with individuals aged
17 65 and older;

18 (9) individuals who reside in, or receive care
19 from, nursing facilities, long-term care facilities, sen-
20 ior living communities, or other facilities that serve
21 a significant population of individuals aged 65 and
22 older;

23 (10) public health laboratories, commercial lab-
24 oratories, academic laboratories, and other clinical

1 laboratories that process tests associated with
2 COVID-19;

3 (11) manufacturers and developers of diag-
4 nostic tests associated with COVID-19; and

5 (12) epidemiologists and other health care ex-
6 perts.

7 (d) DEFINITION.—In this section and in section 3,
8 the term “senior living communities” includes independent
9 living, assisted living, memory care, and continuing care
10 retirement communities, and personal care homes, adult
11 care homes, and residential care facilities for the elderly
12 with 15 or more residential units.

13 **SEC. 3. ALLOCATING APPROPRIATE FUNDING TO PROTECT**
14 **OUR SENIORS.**

15 (a) FUNDING FOR TESTING CAPACITY TO PROTECT
16 SENIORS.—Out of the amounts appropriated under divi-
17 sion B of the Paycheck Protection Program and Health
18 Care Enhancement Act (Public Law 116-139) for nec-
19 essary expenses associated with COVID-19 tests, the Sec-
20 retary shall allocate not less than \$3,500,000,000, from
21 amounts not otherwise allocated, for expenses related to
22 building consistent and sustainable testing capacity for
23 nursing facilities, long-term care facilities, senior living
24 communities, and other facilities that serve a significant

1 population of individuals aged 65 and older, as determined
2 by the Secretary.

3 (b) FUNDING FOR PROVIDERS FOR TESTING-RE-
4 LATED PURPOSES.—Out of the amounts appropriated
5 under division B of the Paycheck Protection Program and
6 Health Care Enhancement Act (Public Law 116–139) for
7 eligible health care providers, the Secretary shall allocate
8 not less than \$6,500,000,000, from amounts not otherwise
9 allocated, for nursing facilities, long-term care facilities,
10 senior living communities, and other facilities that serve
11 a significant population of individuals aged 65 and older,
12 as determined by the Secretary, to be used for expenses
13 related directly or indirectly to COVID–19 testing.

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