

116TH CONGRESS
2D SESSION

S. 3828

To establish an initiative for national testing, contact tracing, and pandemic response, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2020

Mr. SCHATZ (for himself, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Ms. HARRIS, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish an initiative for national testing, contact tracing, and pandemic response, 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. SHORT TITLE.**

4 This Act may be cited as the “Jobs to Fight COVID–
5 19 Act of 2020”.

6 **SEC. 2. DEFINITIONS.**

7 Except as otherwise explicitly provided, in this Act:

8 (1) COVID–19.—The term “COVID–19”
9 means the novel coronavirus disease of 2019
10 (COVID–19).

1 (2) HEALTH PROFESSIONAL SHORTAGE
2 AREA.—The term “health professional shortage
3 area” has the meaning given the term in section
4 332(a) of the Public Health Service Act (42 U.S.C.
5 254e(a)).

6 (3) MEDICALLY UNDERSERVED POPU-
7 LATIONS.—The term “medically underserved popu-
8 lation” has the meaning given the term in section
9 330(b)(3) of the Public Health Service Act (42
10 U.S.C. 254b(b)(3)).

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of Labor.

13 (5) STATE.—The term “State” refers to each
14 of the 50 States and the District of Columbia.

15 (6) TERRITORY.—The term “territory” means
16 the Commonwealth of Puerto Rico, American
17 Samoa, Guam, the Commonwealth of the Northern
18 Mariana Islands, and the United States Virgin Is-
19 lands.

20 (7) TRIBAL.—The term “Tribal”, with respect
21 to a health department, includes—

22 (A) Indian Tribes that—

23 (i) are operating one or more health
24 facilities pursuant to an agreement under
25 the Indian Self-Determination and Edu-

1 cation Assistance Act (25 U.S.C. 5301 et
2 seq.); or

3 (ii) receive services from a facility op-
4 erated by the Indian Health Services; and

5 (B) Tribal organizations and Native Ha-
6 waiian organizations, as such terms are defined
7 in section 166 of the Workforce Innovation and
8 Opportunity Act (29 U.S.C. 3221), and urban
9 Indian organizations.

10 **SEC. 3. GRANTS TO SUPPORT PANDEMIC PUBLIC WORKS.**

11 (a) DEFINITIONS.—In this section:

12 (1) IN GENERAL.—Except as otherwise pro-
13 vided in this section or section 2, the terms in this
14 section have the meanings given the terms in section
15 3 of the Workforce Innovation and Opportunity Act
16 (29 U.S.C. 3102).

17 (2) APPRENTICESHIP; APPRENTICESHIP PRO-
18 GRAM.—The term “apprenticeship” or “apprentice-
19 ship program” means an apprenticeship program
20 registered under the Act of August 16, 1937 (com-
21 monly known as the “National Apprenticeship Act”)
22 (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),
23 including any requirement, standard, or rule promul-
24 gated under such Act, as such requirement, stand-
25 ard, or rule was in effect on December 30, 2019.

1 (3) CONTACT TRACING AND PANDEMIC RE-
2 SPONSE POSITIONS.—The term “contact tracing and
3 pandemic response positions” means employment re-
4 lated to—

5 (A) contact tracing, surveillance, contain-
6 ment, and mitigation activities needed to imple-
7 ment the national system under section 6;

8 (B) other activities necessary for pandemic
9 response, including cleaning and mitigation ac-
10 tivities; and

11 (C) activities necessary to respond to the
12 economic impacts of COVID–19.

13 (4) ELIGIBLE ENTITY.—The term “eligible enti-
14 ty” means—

15 (A) a State or territory;

16 (B)(i) an Indian Tribe, Tribal organiza-
17 tion, Alaska Native entity, or Native Hawaiian
18 organization as such terms are defined in sec-
19 tion 166 of the Workforce Innovation and Op-
20 portunity Act (29 U.S.C. 3221); or

21 (ii) an Indian-controlled organization serv-
22 ing Indians as defined in such section 166; or

23 (C) a unit of local government, if an entity
24 described in subparagraph (A) has not applied
25 with respect to the area over which the unit has

1 jurisdiction by the deadline required under sub-
2 section (b)(2)(B).

3 (5) ELIGIBLE INDIVIDUAL.—The term “eligible
4 individual” means an individual seeking or securing
5 employment in a contact tracing or pandemic re-
6 sponse position and who is served by an eligible enti-
7 ty or community-based organization receiving fund-
8 ing under this section.

9 (6) UNIT OF LOCAL GOVERNMENT.—The term
10 “unit of local government” means any city, county,
11 township, town, borough, parish, village, or other
12 general purpose political subdivision of a State.

13 (b) GRANTS.—

14 (1) IN GENERAL.—Subject to the availability of
15 appropriations under subsection (l), the Secretary
16 shall award a grant to each eligible entity that sub-
17 mits a complete application under subsection (c), to
18 enable the eligible entity to—

19 (A) as applicable, support the recruitment,
20 placement, and training of, and provide employ-
21 ment to, eligible individuals seeking employment
22 in contact tracing and pandemic response posi-
23 tions; and

24 (B) assist with the employment transition
25 to new employment or education and training of

1 individuals employed under this section in prep-
2 aration for and upon termination of such em-
3 ployment.

4 (2) TIMELINE.—

5 (A) DEADLINE FOR SECRETARY APPLICA-
6 TION REQUIREMENTS.—The Secretary shall
7 issue application requirements under subsection
8 (c) not later than 10 days after the date of en-
9 actment of this Act.

10 (B) STATE AND TRIBAL APPLICATIONS.—
11 The deadline for applications from eligible enti-
12 ties described in subparagraph (A) or (B) of
13 subsection (a)(4) shall be the date that is 30
14 days after the date the Secretary issues applica-
15 tion requirements under subparagraph (A).

16 (C) APPLICATIONS FOR LOCAL GOVERN-
17 MENTS SERVING AS ELIGIBLE ENTITIES.—The
18 deadline for applications for grants from eligible
19 entities described in subsection (a)(4)(C) shall
20 be the date that is 10 days after the date that
21 applications are due under subparagraph (B).

22 (D) GRANT AWARDS.—The Secretary shall
23 award a grant to an eligible entity under para-
24 graph (1) not later than 15 days after the date

1 on which applications are due under subpara-
2 graph (C).

3 (c) GRANT APPLICATION.—An eligible entity apply-
4 ing for a grant under this section shall submit an applica-
5 tion to the Secretary, at such time and in such form and
6 manner as the Secretary may reasonably require, which
7 shall include a description of—

8 (1) how the eligible entity will, as applicable,
9 support the recruitment, placement, and training of,
10 and provide employment to, of eligible individuals
11 seeking employment in contact tracing and pandemic
12 response positions;

13 (2) how the activities described in paragraph
14 (1) will support State efforts to address the demand
15 for contact tracing and pandemic response positions
16 with respect to—

17 (A) the State plans referred to in the head-
18 ing “Public Health and Social Services Emer-
19 gency Fund” in title I of division B of the Pay-
20 check Protection Program and Health Care En-
21 hancement Act (Public Law 116–139); and

22 (B) the number of eligible individuals that
23 the State plans to recruit, train, and employ
24 under the plans described in subparagraph (A);

1 (3) the specific strategies for recruiting, place-
2 ment, and employment of eligible individuals from or
3 residing within the communities in which they will
4 work, including—

5 (A) plans for the recruitment of eligible in-
6 dividuals to serve in contact tracing or pan-
7 demic response positions, including dislocated
8 workers, individuals with barriers to employ-
9 ment, veterans, new entrants in the workforce,
10 self-employed individuals who are unemployed
11 as a result of COVID–19, or underemployed or
12 furloughed workers, who are from or reside in
13 or near the locality in which they will serve, and
14 who, to the extent practicable—

15 (i) have experience or a background in
16 industry sectors and occupations such as
17 public health, social services, customer
18 service, case management, or occupations
19 that require related qualifications, skills, or
20 competencies, such as strong interpersonal
21 and communication skills, needed for con-
22 tact tracing or pandemic response posi-
23 tions; or

24 (ii) seek to transition to public health
25 and public health related occupations upon

1 the conclusion of employment in contact
2 tracing or pandemic response positions;
3 and

4 (B) how such strategies will take into ac-
5 count the diversity of such community, includ-
6 ing racial, ethnic, socioeconomic, linguistic, or
7 geographic diversity;

8 (4) the amount, timing, and mechanisms for
9 distribution of funds provided to local units of gov-
10 ernment or through subgrants as described in sub-
11 section (d)(2)(A) or (e);

12 (5) for eligible entities described in subpara-
13 graph (A) or (B) of subsection (a)(4), a description
14 of how the eligible entity will ensure the equitable
15 distribution of funds with respect to—

16 (A) geography (such as urban and rural
17 distribution);

18 (B) medically underserved populations;

19 (C) health professional shortage areas; and

20 (D) the racial and ethnic diversity of the
21 area; and

22 (6) for eligible entities described in subsection
23 (a)(4)(C), a description of how a grant to such eligi-
24 ble entity would serve the equitable distribution of
25 funds as described in paragraph (5); and

1 (7) how the eligible entity will collaborate with
2 State boards and local boards, the unemployment
3 compensation system of the State, and the employ-
4 ment service offices (providing services under the
5 Wagner-Peyser Act (29 U.S.C. 50 et seq.)) of the
6 State regarding the State reemployment services and
7 eligibility assessment activities and the activities pro-
8 vided under this section.

9 (d) GRANT DISTRIBUTION.—

10 (1) FEDERAL DISTRIBUTION.—

11 (A) USE OF FUNDS.— The Secretary shall
12 use the funds appropriated to carry out this
13 section as follows:

14 (i) Subject to clause (ii), the Secretary
15 shall distribute funds among eligible enti-
16 ties that submit a complete application
17 under subsection (c) in accordance with a
18 formula to be established by the Secretary
19 that—

20 (I) provides a minimum level of
21 funding to each eligible entity that
22 submits a complete application; and

23 (II) allocates additional funding
24 as follows:

1 (aa) The formula shall give
2 first priority based on the num-
3 ber and proportion of contact
4 tracing or pandemic response po-
5 sitions for which the eligible enti-
6 ty plans to recruit, place, train,
7 and employ individuals as a part
8 of the State strategy described in
9 subsection (c)(2)(A).

10 (bb) The formula shall give
11 second highest priority to appli-
12 cations that will serve States, ter-
13 ritories, Indian Tribes, or Native
14 Hawaiian populations that have
15 the highest unemployment rates,
16 as determined based on the most
17 recent data available.

18 (cc) The formula shall give
19 third highest priority to appli-
20 cants proposing to serve popu-
21 lations in one or more geographic
22 regions with a high burden of
23 COVID-19 based on data pro-
24 vided by the Centers for Disease
25 Control and Prevention, or other

1 sources as determined by the
2 Secretary.

3 (dd) The formula shall give
4 fourth highest priority to appli-
5 cants preparing for, or currently
6 working to mitigate, a COVID-
7 19 surge in a geographic region
8 that does not yet have a high
9 number of reported cases of
10 COVID-19 based on data pro-
11 vided by the Centers for Disease
12 Control and Prevention, or other
13 sources as determined by the
14 Secretary.

15 (ee) The formula shall give
16 fifth highest priority to appli-
17 cants proposing to serve high
18 numbers of low-income and unin-
19 sured populations, including
20 medically underserved popu-
21 lations, health professional short-
22 age areas, racial and ethnic mi-
23 norities, or geographically diverse
24 areas, as determined by the Sec-
25 retary.

1 (ii) Not more than 2 percent of the
 2 funding for administration of the grants
 3 and for providing technical assistance to
 4 recipients of funds under this section.

5 (B) **EQUITABLE DISTRIBUTION.**—If the ge-
 6 ographic region served by one or more eligible
 7 entities overlaps, the Secretary shall distribute
 8 funds among such entities in such a manner
 9 that ensures equitable distribution with respect
 10 to the factors under subsection (c)(5).

11 (2) **ELIGIBLE ENTITY USE OF FUNDS.**—An eli-
 12 gible entity described in subsection (a)(4)(A)—

13 (A) shall, not later than 30 days after the
 14 date on which the entity receives grant funds
 15 under this section, use not less than 40 percent
 16 of grant funds to award subgrants to units of
 17 local government for the purpose of carrying
 18 out activities described in subsection (f);

19 (B) may use not more than 5 percent of
 20 such funds to make subgrants to community-
 21 based organizations in the service area to con-
 22 duct outreach, to potential eligible individuals,
 23 as described in subsection (e);

24 (C) in providing subgrants to units of local
 25 government under subparagraph (A) and

1 awarding subgrants under subsection (e), shall
2 ensure the equitable distribution with respect to
3 the factors described in subsection (c)(5); and

4 (D) may use not more than 10 percent of
5 the funds awarded under this section for the
6 administrative costs of carrying out the grant
7 and for providing technical assistance to local
8 units of government and community-based or-
9 ganizations.

10 (e) OUTREACH AND EDUCATION SUBGRANT AU-
11 THORIZATION AND APPLICATION PROCESS.—

12 (1) IN GENERAL.—An eligible entity receiving a
13 grant under this section may use a portion of such
14 funds to award a subgrant to one or more commu-
15 nity-based organizations for the purposes of
16 partnering with an eligible entity to conduct out-
17 reach and education activities to inform potentially
18 eligible individuals about employment opportunities
19 in contact tracing or pandemic response positions.

20 (2) APPLICATION.—A community-based organi-
21 zation desiring a subgrant under this subsection
22 shall submit an application at such time and in such
23 manner as the eligible entity may reasonably require,
24 including—

1 (A) a demonstration of the community-
 2 based organization's established expertise and
 3 effectiveness in community outreach in the lo-
 4 cality that such organization plans to serve;

5 (B) a demonstration of the community-
 6 based organization's expertise in providing em-
 7 ployment or information to the locality in which
 8 such organization plans to serve; and

9 (C) a description of the expertise of the
 10 community-based organization in utilizing cul-
 11 turally competent and multilingual strategies in
 12 the provision of services.

13 (f) ELIGIBLE ACTIVITIES.—An eligible entity receiv-
 14 ing a grant, or a unit of local government receiving a
 15 subgrant from an eligible entity, under this section shall
 16 use such grant or subgrant funds—

17 (1) to support the recruitment and placement of
 18 eligible individuals;

19 (2) to employ eligible individuals in contact
 20 training or pandemic response positions;

21 (3) to support the training and employment
 22 transition as related to contact tracing or pandemic
 23 response positions; and

24 (4) for the following activities:

1 (A) Establishing or expanding training
2 partnerships with—

3 (i) community-based health providers,
4 including community health centers and
5 rural health clinics;

6 (ii) labor organizations or joint labor
7 management organizations;

8 (iii) 2-year and 4-year institutions of
9 higher education (as defined in section 101
10 of the Higher Education Act of 1965 (20
11 U.S.C. 1001)), including institutions eligi-
12 ble to receive funds under section 371(a)
13 of the Higher Education Act of 1965 (20
14 U.S.C. 1067q(a)); and

15 (iv) community action agencies or
16 other community-based organizations serv-
17 ing localities in which there is a demand
18 for contact tracing or pandemic response
19 positions.

20 (B) Providing training for contact tracing
21 or pandemic response positions in coordination
22 with State, local, Tribal, or territorial health
23 departments that is consistent with the State or
24 territorial testing and contact tracing strategy
25 and ensuring that eligible individuals receive

1 compensation while participating in such train-
2 ing.

3 (C) Providing eligible individuals with—

4 (i) adequate and safe equipment, envi-
5 ronments, and facilities for training and
6 supervision, as applicable;

7 (ii) supplies and equipment needed by
8 the program participants to support place-
9 ment of an individual in contact tracing or
10 pandemic response positions, as applicable;
11 and

12 (iii) services for the period during
13 which the individual is employed in a con-
14 tact tracing or pandemic response position
15 to ensure job retention, which may in-
16 clude—

17 (I) supportive services through-
18 out the term of employment; or

19 (II) a continuation of skills train-
20 ing as related to employment in a con-
21 tact tracing or pandemic response po-
22 sition, that is conducted in collabora-
23 tion with the employers of such par-
24 ticipants.

1 (5) Supporting the transition and placement in
2 unsubsidized employment for eligible individuals
3 serving in the contact tracing or pandemic response
4 positions after such positions are no longer nec-
5 essary in the State or locality, which may include—

6 (A) providing additional disaster relief em-
7 ployment and employment and training activi-
8 ties described in subparagraphs (A) and (C) of
9 section 170(d)(1) of the Workforce Innovation
10 and Opportunity Act (29 U.S.C. 3225(d)(1))
11 and services described in section 7(a)(1) of the
12 Wagner-Peyser Act (29 U.S.C. 49f(a)(1));

13 (B) providing services to assist eligible in-
14 dividuals in maintaining employment for not
15 less than 12 months after the completion of em-
16 ployment in contact tracing or pandemic re-
17 sponse positions, as appropriate; and

18 (C) assisting eligible individuals in obtain-
19 ing other employment directly with the eligible
20 entity, or with a unit of local government, after
21 serving in a contact tracing or pandemic re-
22 sponse position supported under this section, by
23 paying for the costs of not more than 10 per-
24 cent of the total compensation provided by the
25 eligible entity or unit of local government to

1 such eligible individual for a period of not more
 2 than the first year in which the individual is so
 3 employed, if such employment is not otherwise
 4 subsidized under this or any other Act.

5 (g) REQUIREMENTS FOR TRANSITION BACK TO UN-
 6 EMPLOYMENT COMPENSATION.—As a condition of an eli-
 7 gible entity that is a State receiving a grant under this
 8 section, the State law (as defined in section 205 of the
 9 Federal-State Extended Unemployment Compensation Act
 10 of 1970 (26 U.S.C. 3304 note)) of the State shall, in the
 11 case of an individual who is receiving unemployment com-
 12 pensation under at the time the individual enrolls in a pro-
 13 gram funded under the grant, provide for the following:

14 (1) Such individual shall be eligible to resume
 15 receiving unemployment compensation after leaving
 16 such program if the individual is unemployed.

17 (2) The amount of the weekly benefit amount
 18 for such individual shall be the greater of—

19 (A) the weekly benefit amount such indi-
 20 vidual was receiving when such individual en-
 21 tered the program; or

22 (B) a weekly benefit amount that is deter-
 23 mined based on such individual's earnings from
 24 employment under the program.

25 (h) LIMITATIONS.—

1 (1) EXTENSION OF PERIOD FOR CONTACT
 2 TRACING OR PANDEMIC RESPONSE POSITIONS.—A
 3 person may be employed in a contact tracing or pan-
 4 demic response position using funds under this sec-
 5 tion for a period not greater than 2 years.

6 (2) PROHIBITION OF DISPLACEMENT.—An indi-
 7 vidual placed in a contact tracing or pandemic re-
 8 sponse position under this section shall not displace
 9 (including a partial displacement, such as a reduc-
 10 tion in the hours of nonovertime work, wages, or em-
 11 ployment benefits)—

12 (A) any employee of the eligible entity; or

13 (B) any contractor, or employee of any
 14 contractor, of the eligible entity.

15 (i) REPORTING BY THE DEPARTMENT OF LABOR.—

16 (1) IN GENERAL.—Not later than 120 days of
 17 the enactment of this Act, and once grant funds
 18 have been expended under this section, the Secretary
 19 shall report to the Committee on Health, Education,
 20 Labor, and Pensions of the Senate and the Com-
 21 mittee on Education and Labor of the House of
 22 Representatives, and make publicly available, a re-
 23 port containing a description of—

24 (A) the number of eligible individuals re-
 25 cruited, hired, and trained for contact tracing

1 or pandemic response positions under this sec-
2 tion;

3 (B) the number of individuals successfully
4 transitioned to unsubsidized employment or
5 training at the completion of employment in
6 contact tracing or pandemic response positions
7 using funds under this Act;

8 (C) the number of such individuals who
9 were unemployed prior to being hired or trained
10 as described in subparagraph (A);

11 (D) the performance of each program sup-
12 ported by funds under this Act with respect to
13 the indicators of performance under section 116
14 of the Workforce Innovation and Opportunity
15 Act (29 U.S.C. 3141), as applicable;

16 (E) the number of individuals in unsub-
17 sidized employment within 6 months and 1
18 year, respectively, of the conclusion of employ-
19 ment in contact tracing or pandemic response
20 positions, the quarterly wages, and number of
21 hours worked per week, of such individuals,
22 and, of those individuals, the number of individ-
23 uals within a State, territorial, or local public
24 health department in an occupation related to
25 public health; and

1 (F) any information on how eligible enti-
2 ties, units of local government, or community-
3 based organizations that received funding under
4 this section were able to support the goals of
5 the national system for COVID–19 testing, con-
6 tact tracing, surveillance, containment, and
7 mitigation established under section 6.

8 (2) DISAGGREGATION.—All data reported under
9 paragraph (1) shall be disaggregated by race, eth-
10 nicity, sex, age, and, with respect to individuals with
11 barriers to employment, subpopulation of such indi-
12 viduals, except for when the number of participants
13 in a category is insufficient to yield statistically reli-
14 able information or when the results would reveal
15 personally identifiable information about an indi-
16 vidual participant.

17 (j) SPECIAL RULE.—Any funds used for programs
18 under this section that are used to fund an apprenticeship
19 or apprenticeship program shall only be used for, or pro-
20 vided to, an apprenticeship or apprenticeship program
21 that meets the definition of such term in subsection (a),
22 including any funds awarded for the purposes of grants,
23 contracts, or cooperative agreements, or the development,
24 implementation, or administration, of an apprenticeship or
25 an apprenticeship program.

1 (k) INFORMATION SHARING REQUIREMENT FOR
2 HHS.—The Secretary of Health and Human Services,
3 acting through the Director of the Centers for Disease
4 Control and Prevention, shall provide the Secretary of
5 Labor, acting through the Assistant Secretary of the Em-
6 ployment and Training Administration, with information
7 on grants under section 7, including—

8 (1) the formula used to award such grants to
9 State, local, Tribal, and territorial health depart-
10 ments;

11 (2) the dollar amounts of and scope of the work
12 funded under such grants;

13 (3) the geographic areas served by eligible enti-
14 ties that receive such grants; and

15 (4) the number of individual to be hired in con-
16 tact tracing or pandemic response positions using
17 such grants.

18 (l) AUTHORIZATION OF APPROPRIATIONS.—Of the
19 amounts appropriated to carry out this Act under section
20 9, \$100,000,000,000 shall be used by the Secretary to
21 carry out subsections (a) through (h).

22 **SEC. 4. SERVICE CONTRACT ACT APPLICATION.**

23 Contracts and grants that include contact tracing or
24 other pandemic response activities as part of the scope of
25 work and that are awarded under this Act shall require

1 that individuals in contact tracing and pandemic response
2 positions are paid not less than the prevailing wage and
3 fringe rates required under chapter 67 of title 41, United
4 States Code (commonly known as the “Service Contract
5 Act”) for the area in which the work is performed. To
6 the extent that a nonstandard wage determination is re-
7 quired to establish a prevailing wage for contact tracing
8 or pandemic response positions for purposes of this Act,
9 the Secretary of Labor shall issue such determination not
10 later than 14 days after the date of enactment of this Act,
11 based on a job description used by the Centers for Disease
12 Control and Prevention and contractors or grantees per-
13 forming contact tracing or pandemic response activities
14 for State public health agencies.

15 **SEC. 5. AWARENESS CAMPAIGNS.**

16 (a) IN GENERAL.—The Secretary of Health and
17 Human Services, acting through the Director of the Cen-
18 ters for Disease Control and Prevention and in coordina-
19 tion with other offices and agencies, as appropriate, shall
20 award competitive grants or contracts to one or more pub-
21 lic entities to carry out multilingual and culturally appro-
22 priate awareness campaigns. Such campaigns shall—

23 (1) be based on available scientific evidence;

1 (2) increase awareness and knowledge of
2 COVID–19, including countering stigma associated
3 with COVID–19;

4 (3) improve information on the availability of
5 COVID–19 diagnostic testing;

6 (4) promote cooperation with contact tracing ef-
7 forts; and

8 (5) promote employment opportunities per-
9 forming contact tracing and other pandemic re-
10 sponse activities.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
12 amounts appropriated to carry out this Act under section
13 9, \$5,000,000,000 shall be used by the Secretary to carry
14 out this section.

15 **SEC. 6. NATIONAL SYSTEM FOR COVID–19 TESTING, CON-**
16 **TACT TRACING, SURVEILLANCE, CONTAIN-**
17 **MENT, AND MITIGATION.**

18 (a) IN GENERAL.—The Secretary of Health and
19 Human Services, acting through the Director of the Cen-
20 ters for Disease Control and Prevention, and in coordina-
21 tion with the applicable offices of the Department of
22 Health and Human Services and State, local, Tribal, and
23 territorial health departments, shall establish and imple-
24 ment a nationwide evidence-based system for—

1 (1) testing, contact tracing, surveillance, con-
2 tainment, and mitigation with respect to COVID-19;

3 (2) offering guidance on voluntary isolation and
4 quarantine of individuals infected with, or exposed to
5 individuals infected with, the virus that causes
6 COVID-19; and

7 (3) public reporting on testing, contact tracing,
8 surveillance, and voluntary isolation and quarantine
9 activities with respect to COVID-19.

10 (b) COORDINATION; TECHNICAL ASSISTANCE.—In
11 carrying out the national system under this section, the
12 Secretary of Health and Human Services shall—

13 (1) coordinate State, local, Tribal, and terri-
14 torial activities related to testing, contact tracing,
15 surveillance, containment, and mitigation with re-
16 spect to COVID-19, as appropriate; and

17 (2) provide technical assistance for such activi-
18 ties, as appropriate.

19 (c) CONSIDERATION.—In establishing and imple-
20 menting the national system under this section, the Sec-
21 retary of Health and Human Services shall take into con-
22 sideration the State and Tribal plans referred to in the
23 heading “Public Health and Social Services Emergency
24 Fund” in title I of division B of the Paycheck Protection

1 Program and Health Care Enhancement Act (Public Law
2 116–139).

3 (d) REPORTING.—The Secretary of Health and
4 Human Services shall—

5 (1) not later than December 31, 2020, submit
6 to the Committee on Health, Education, Labor, and
7 Pensions of the Senate and the Committee on En-
8 ergy and Commerce of the House of Representatives
9 a preliminary report on the effectiveness of the ac-
10 tivities carried out pursuant to this Act; and

11 (2) not later than December 21, 2021, submit
12 to such committees a final report on such effective-
13 ness.

14 **SEC. 7. HEALTH DEPARTMENT GRANTS.**

15 (a) DEFINITION OF SECRETARY.—In this section, the
16 term “Secretary” means the Secretary of Health and
17 Human Services.

18 (b) GRANTS AUTHORIZED.—To implement the na-
19 tional system under section 6, the Secretary, acting
20 through the Director of the Centers for Disease Control
21 and Prevention, shall, subject to the availability of appro-
22 priations, award grants to State, local, Tribal, and terri-
23 torial health departments that seek grants under this sec-
24 tion to carry out coordinated testing, contact tracing, sur-

1 veillance, containment, and mitigation with respect to
2 COVID–19, including—

3 (1) diagnostic and surveillance testing and re-
4 porting;

5 (2) community-based contact tracing efforts;
6 and

7 (3) policies related to voluntary isolation and
8 quarantine of individuals infected with, or exposed to
9 individuals infected with, the virus that causes
10 COVID–19.

11 (c) FLEXIBILITY.—The Secretary shall ensure that—

12 (1) the grants under subsection (b) provide
13 flexibility for State, local, Tribal, and territorial
14 health departments to modify, establish, or maintain
15 evidence-based systems; and

16 (2) local health departments receive funding
17 from State health departments or directly from the
18 Centers for Disease Control and Prevention to con-
19 tribute to such systems, as appropriate.

20 (d) ALLOCATIONS.—

21 (1) FORMULA.—The Secretary, acting through
22 the Director of the Centers for Disease Control and
23 Prevention, shall allocate amounts made available
24 pursuant to subsection (b) in accordance with a for-
25 mula, to be established by the Secretary, that—

1 (A) provides a minimum level of funding to
2 each State, local, Tribal, and territorial health
3 department that seeks a grant under this sec-
4 tion; and

5 (B) allocates additional funding based on
6 the following prioritization:

7 (i) The Secretary shall give highest
8 priority to applicants proposing to serve
9 populations in one or more geographic re-
10 gions with a high burden of COVID–19
11 based on data provided by the Centers for
12 Disease Control and Prevention, or other
13 sources as determined by the Secretary.

14 (ii) The Secretary shall give second
15 highest priority to applicants preparing
16 for, or currently working to mitigate, a
17 COVID–19 surge in a geographic region
18 that does not yet have a high number of
19 reported cases of COVID–19 based on
20 data provided by the Centers for Disease
21 Control and Prevention, or other sources
22 as determined by the Secretary.

23 (iii) The Secretary shall give third
24 highest priority to applicants proposing to
25 serve high numbers of low-income and un-

1 insured populations, including medically
2 underserved populations, health profes-
3 sional shortage areas, racial and ethnic mi-
4 norities, or geographically diverse areas, as
5 determined by the Secretary.

6 (2) NOTIFICATION.—Not later than the date
7 that is 7 days before first awarding grants under
8 this section, the Secretary shall submit to the Com-
9 mittee on Health, Education, Labor, and Pensions
10 of the Senate and the Committee on Energy and
11 Commerce of the House of Representatives a notifi-
12 cation detailing the formula established under para-
13 graph (1) for allocating amounts made available pur-
14 suant to subsection (b).

15 (e) USE OF FUNDS.—A State, local, Tribal, or terri-
16 torial health department receiving a grant under this sec-
17 tion shall, to the extent possible, use the grant funds for
18 activities determined appropriate by the Director of the
19 Centers for Disease Control and Prevention (in coordina-
20 tion with Tribal health organizations) to implement the
21 national system under section 6.

22 (f) REPORTING.—

23 (1) IN GENERAL.—The Secretary shall facilitate
24 mechanisms for timely, standardized reporting by
25 grantees under this section regarding implementa-

tion of the systems established under this section and coordinated processes with the reporting as required under the heading “Public Health and Social Service Emergency Fund” in title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139, 134 Stat. 620), including—

(A) a summary of county or local health department level information from the entities receiving funding under this section about the activities that will be undertaken using funding awarded under this section, including subgrants; and

(B) any barriers in the prevention, testing, mitigation, or treatment of COVID–19 under this section.

(2) TRIBAL DATA SOVEREIGNTY.—The Secretary shall consult with Indian Tribes and Tribal organizations and coordinate with Tribal health organizations to ensure that any reporting process under this section honors and preserves the data sovereignty of individuals who are members of Indian Tribes or Tribal organizations (as such terms are defined in section 166 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3221)), includ-

1 ing individuals who are members of Native Hawaiian
 2 organizations (as defined in such section 166), and
 3 urban Indian organizations.

4 (g) PUBLIC LISTING OF AWARDS.—The Secretary
 5 shall—

6 (1) not later than 7 days after first awarding
 7 grants under this section, post in a searchable, elec-
 8 tronic format a list of all awards made by the Sec-
 9 retary under this section, including the recipients
 10 and amounts of such awards; and

11 (2) update such list not less than once every 7
 12 days until all funds made available to carry out this
 13 section are expended.

14 (h) AUTHORIZATION OF APPROPRIATIONS.—Of the
 15 amounts appropriated to carry out this Act under section
 16 9, \$15,000,000,000 shall be used by the Secretary to carry
 17 out this section.

18 **SEC. 8. GUIDANCE AND TECHNICAL ASSISTANCE.**

19 (a) DEPARTMENT OF HEALTH AND HUMAN SERV-
 20 ICES GUIDELINES.—

21 (1) IN GENERAL.—Not later than 14 days after
 22 the date of the enactment of this Act, the Secretary
 23 of Health and Human Services, in coordination with
 24 the heads of other Federal agencies as appropriate,
 25 shall issue guidance, provide technical assistance,

1 and provide information to States, units of local gov-
2 ernment, Tribes, and territories, with respect to the
3 following:

4 (A) Best practices regarding contact trac-
5 ing, including the collection of data with respect
6 to such contact tracing and requirements re-
7 lated to the standardization of demographic and
8 syndromic information collected as part of con-
9 tact tracing efforts.

10 (B) Best practices regarding COVID–19
11 disease surveillance, including best practices to
12 reduce duplication in surveillance activities,
13 identifying gaps in surveillance and surveillance
14 systems, and ways in which the Secretary of
15 Health and Human Services plans to effectively
16 support State, local, Tribal and territorial
17 health departments in addressing such gaps.

18 (C) Information on ways for State, local,
19 Tribal, and territorial health departments to es-
20 tablish and maintain the contact tracing and
21 surveillance activities described in subpara-
22 graphs (A) and (B).

23 (D) Best practices regarding privacy and
24 cybersecurity protection related to contact trac-
25 ing, containment, and mitigation efforts.

1 (2) COMMUNICATION.—The Secretary of Health
 2 and Human Services shall identify and publicly an-
 3 nounce the form and manner for communication
 4 with State, local, Tribal, and territorial health de-
 5 partments for purposes of carrying out the activities
 6 addressed by guidance issued under paragraph (1).

7 (b) LABOR AND WORKPLACE RELATED GUIDANCE.—
 8 Not later than 14 days after the date of enactment of this
 9 Act, the Secretary of Labor, acting through the Assistant
 10 Secretary of Labor for Occupational Safety and Health,
 11 shall provide guidance and technical assistance regarding
 12 how to provide individuals in contact tracing and pan-
 13 demic response positions with healthy and safe working
 14 conditions.

15 (c) ONGOING PROVISION OF GUIDANCE AND TECH-
 16 NICAL ASSISTANCE.—Notwithstanding whether funds are
 17 available specifically to carry out this Act, guidance and
 18 technical assistance shall continue to be provided under
 19 this section.

20 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to carry out
 22 this Act, \$125,000,000,000 to remain available until ex-
 23 pend.

