

116TH CONGRESS
2D SESSION

S. 4526

To ensure that COVID–19-related Federal programs and assistance provide for the translation of informational materials relating to awareness, screening, testing, and treatment for COVID–19 into priority languages.

IN THE SENATE OF THE UNITED STATES

AUGUST 12, 2020

Ms. HIRONO (for herself, Mr. CASEY, Ms. HARRIS, Mr. BROWN, Ms. ROSEN, Ms. CORTEZ MASTO, Mr. SANDERS, Mr. BOOKER, Ms. BALDWIN, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To ensure that COVID–19-related Federal programs and assistance provide for the translation of informational materials relating to awareness, screening, testing, and treatment for COVID–19 into priority languages.

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 “Coronavirus Language
5 Access Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COMMUNITY-BASED ORGANIZATION.—The
2 term “community-based organization” means an en-
3 tity that has established relationships with the com-
4 munities served by the entity, including especially
5 hard-to-reach populations, racial and ethnic minority
6 communities, individuals with limited English pro-
7 ficiency, and individuals with disabilities.

8 (2) CORONAVIRUS PUBLIC HEALTH EMER-
9 GENCY.—The term “coronavirus public health emer-
10 gency” means the public health emergency declared
11 by the Secretary pursuant to section 319 of the Pub-
12 lic Health Service Act (42 U.S.C. 247d) with respect
13 to COVID–19.

14 (3) CORONAVIRUS RESPONSE LAW.—The term
15 “coronavirus response law” means—

16 (A) the Coronavirus Preparedness and Re-
17 sponse Supplemental Appropriations Act, 2020
18 (Public Law 116–123);

19 (B) the Families First Coronavirus Re-
20 sponse Act (Public Law 116–127);

21 (C) the Coronavirus Aid, Relief, and Eco-
22 nomic Security Act (Public Law 116–136);

23 (D) the Paycheck Protection Program and
24 Health Care Enhancement Act (Public Law
25 116–139);

1 (E) the Paycheck Protection Program
2 Flexibility Act (Public Law 116–142); and

3 (F) any subsequent Act enacted as a re-
4 sponse to a coronavirus public health emer-
5 gency.

6 (4) COVID–19.—The term “COVID–19”
7 means the novel coronavirus or SARS–CoV–2.

8 (5) PRIORITY LANGUAGES.—The term “priority
9 languages” means—

10 (A) in the case of Federal agencies, at a
11 minimum, the languages as identified by the
12 Federal Emergency Management Agency Lan-
13 guage Access Plan, dated October 1, 2016, as
14 the languages most frequently encountered, in-
15 cluding Spanish, Arabic, Cambodian, Chinese,
16 Haitian Creole, French, Hindi, Italian, Japa-
17 nese, Korean, Laotian, Russian, Tagalog, Urdu,
18 Vietnamese, Greek, Polish, Thai, and Por-
19 tuguese; or

20 (B) in the case of State agencies or grant
21 recipients operating in a State, at a minimum,
22 the 15 languages spoken with greatest fre-
23 quency by individuals with limited English pro-
24 ficiency in that State.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Health and Human Services.

3 (7) STATE.—The term “State” means each of
4 the several States and the District of Columbia.

5 **TITLE I—LANGUAGE ACCESS**

6 **SEC. 101. LANGUAGE ACCESS.**

7 (a) REQUIREMENT OF PRIORITY LANGUAGE
8 USAGE.—

9 (1) IN GENERAL.—Any Federal agency that has
10 received funding under a coronavirus response law
11 shall ensure that all programs and opportunities
12 made available to the general public relating to
13 COVID–19 or the coronavirus public health emer-
14 gency provide translated materials, including audio
15 and video products, describing the programs and op-
16 portunities in priority languages (as defined in sec-
17 tion 2(5)(A)).

18 (2) APPLICATION OF REQUIREMENT.—This
19 subsection shall apply to each division, contractor,
20 and subcontractor of a Federal agency that is likely
21 to have contact with the public.

22 (3) AVAILABILITY.—Translation services re-
23 quired under this subsection shall be made available
24 not later than 7 business days after the date on

1 which any such material is made available in
2 English.

3 (b) ORAL LANGUAGE ASSISTANCE SERVICES.—Any
4 Federal agency that has received funding under a
5 coronavirus response law shall provide oral language as-
6 sistance services and notice of the availability of services
7 relating to COVID–19 or the coronavirus public health
8 emergency to limited English proficient individuals in a
9 language they can understand.

10 (c) REPORT.—

11 (1) IN GENERAL.—Not later than January 1,
12 2021, the head of each Federal agency receiving
13 funding under a coronavirus response law shall sub-
14 mit to the Committees described in paragraph (2),
15 a report describing such agency’s compliance with
16 the requirements of this section.

17 (2) COMMITTEES.—The Committees described
18 in this section are the following:

19 (A) The Committee on Homeland Security
20 and Governmental Affairs of the Senate.

21 (B) The Committee on Health, Education,
22 Labor, and Pensions of the Senate.

23 (C) The Special Committee on Aging of
24 the Senate.

1 (D) The Committee on Finance of the Sen-
2 ate.

3 (E) The Committee on Appropriations of
4 the Senate.

5 (F) The Committee on the Judiciary of the
6 Senate.

7 (G) The Committee on Homeland Security
8 of the House of Representatives.

9 (H) The Committee on Energy and Com-
10 merce of the House of Representatives.

11 (I) The Committee on Financial Services
12 of the House of Representatives.

13 (J) The Committee on Ways and Means of
14 the House of Representatives.

15 (K) The Committee on Appropriations of
16 the House of Representatives.

17 (L) The Committee on the Judiciary of the
18 House of Representatives.

19 **SEC. 102. GRANTS AND SERVICES FACILITATING ACCES-**
20 **SIBLE PUBLIC OUTREACH FOR PUBLIC**
21 **HEALTH AND HEALTH SERVICES.**

22 (a) GRANTS AND COOPERATIVE AGREEMENTS.—

23 (1) IN GENERAL.—The Secretary, acting
24 through the Director of the Centers for Disease
25 Control and Prevention (referred to in this section

1 as the “Director”), shall award grants to, or enter
2 into cooperative agreements with, community-based
3 organizations and State, Tribal, local, and territorial
4 health departments for the following purposes:

5 (A) To support culturally and linguistically
6 appropriate preparedness, response, and recovery
7 activities targeted to individuals who speak
8 English less than very well in priority languages
9 (as defined in section 2(5)(B)).

10 (B) The development of educational pro-
11 grams and materials to promote screening, test-
12 ing, treatment, and public health practices in
13 non-English languages.

14 (C) The provision of interpretation services
15 to individuals receiving COVID–19 testing,
16 treatment, or vaccination services.

17 (D) The provision of subgrants to local
18 health departments or community-based organi-
19 zations for the purposes described in this para-
20 graph.

21 (2) PRIORITY.—The Director shall prioritize
22 grants and cooperative agreements under this sub-
23 section to entities in areas with higher rates of indi-
24 viduals with limited English proficiency and to enti-
25 ties with demonstrated experience serving those indi-

1 viduals or who propose to provide subgrants to such
2 entities.

3 (b) TRANSLATION.—

4 (1) IN GENERAL.—The Director shall provide
5 for the translation of materials on awareness of, and
6 screening, testing, and treatment for COVID–19
7 into priority languages for Federal, State, Tribal,
8 local, and territorial agencies.

9 (2) PUBLIC AVAILABILITY.—Not later than 7
10 business days after the date on which the materials
11 described in paragraph (1) are made available to the
12 public in English, the Director shall ensure that the
13 translations required under such paragraph are
14 made available to the public.

15 (c) HOTLINE.—The Director shall establish an infor-
16 mational hotline, to be staffed by trained interpreters, to
17 provide information to the public concerning COVID–19.

18 (d) INTERAGENCY COORDINATION.—With respect to
19 individuals with limited English proficiency, the Director
20 shall facilitate interagency coordination among agencies
21 activated through the National Response Framework
22 based on the language access standards established under
23 the language access plans of the Federal Emergency Man-
24 agement Agency and the Department of Health and
25 Human Services.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) IN GENERAL.—There is authorized to be
3 appropriated to carry out this section \$200,000,000
4 for fiscal year 2020, to remain available until ex-
5 pended.

6 (2) GRANTS AND COOPERATIVE AGREE-
7 MENTS.—Of the amount appropriated under para-
8 graph (1), not less than \$150,000,000 shall be made
9 available to carry out subsection (a).

10 **TITLE II—APPROPRIATIONS**

11 **SEC. 201. LANGUAGE ACCESS FOR OLDER INDIVIDUALS** 12 **WITH LIMITED ENGLISH PROFICIENCY.**

13 The following sums are hereby appropriated, out of
14 any money in the Treasury not otherwise appropriated,
15 for the fiscal year ending September 30, 2020, and for
16 other purposes, namely:

17 **DEPARTMENT OF HEALTH AND HUMAN** 18 **SERVICES**

19 **ADMINISTRATION FOR COMMUNITY LIVING** 20 **AGING AND DISABILITY SERVICES PROGRAMS**

21 For an additional amount for “Aging and Disability
22 Services Programs”, for carrying out the Older Americans
23 Act of 1965 (42 U.S.C. 3001 et seq.) (“OAA”),
24 \$20,000,000, to remain available through September 30,
25 2021, which shall be for making payments under title III

1 of the OAA (42 U.S.C. 3021 et seq.) to States with State
2 plans approved under section 307 of the OAA (42 U.S.C.
3 3027), to be distributed to the States as described in sec-
4 tion 304(a) of the OAA (42 U.S.C. 3024(a)) to provide
5 services to support older individuals with limited English
6 proficiency in addressing concerns as a result of COVID-
7 19: *Provided*, That in carrying out the requirements in
8 the proviso under this heading, area agencies on aging
9 shall partner or contract with community-based organiza-
10 tions that provide translation and interpretation services
11 for older individuals with limited English proficiency: *Pro-*
12 *vided further*, That in seeking organizations with which
13 to enter into such partnerships or contracts, area agencies
14 on aging shall make an effort to include organizations that
15 assist older individuals speaking the most spoken non-
16 English language in the planning and service area served
17 by the area agency on aging and older individuals speaking
18 the least spoken non-English language in such area: *Pro-*
19 *vided further*, That the services provided under the proviso
20 under this heading shall include services to provide older
21 individuals with limited English proficiency with (1) the
22 most up-to-date information on public health concerns and
23 suggested precautions related to COVID-19 and related
24 issues, (2) one-on-one assistance to help older individuals
25 with limited English proficiency understand eligibility re-

1 quirements for available Federal, State, and local benefits
 2 and services, to translate applications and provide oral in-
 3 terpretations necessary to receive such benefits and serv-
 4 ices and provide oral interpretations necessary to receive
 5 such benefits and services, and to provide other supportive
 6 services for such individuals to access such benefits and
 7 services, and (3) related public awareness campaigns, re-
 8 lated to COVID–19 and related issues, in non-English lan-
 9 guages: *Provided further*, That each State agency receiving
 10 funding described in the proviso under this heading shall
 11 report to the Assistant Secretary for Aging on the number
 12 of individuals receiving the services supported by such
 13 funding, number of services provided by type, and the lan-
 14 guages spoken by the individuals receiving such services:
 15 *Provided further*, That the amount appropriated under
 16 this heading is designated by Congress as being for an
 17 emergency requirement pursuant to section
 18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 19 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

20 **SEC. 202. INFORMATION AND TRANSLATION THROUGH**
 21 **STATEWIDE INDEPENDENT COUNCILS.**

22 The following sums are hereby appropriated, out of
 23 any money in the Treasury not otherwise appropriated,
 24 for the fiscal year ending September 30, 2020, and for
 25 other purposes, namely:

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES

3 ADMINISTRATION FOR COMMUNITY LIVING
4 AGING AND DISABILITY SERVICES PROGRAMS
5 (STATEWIDE INDEPENDENT LIVING COUNCILS)

6 For an additional amount for “Aging and Disability
7 Services Programs”, for carrying out title VII of the Reha-
8 bilitation Act of 1973 (29 U.S.C. 796 et seq.),
9 \$10,000,000, to remain available through September 30,
10 2021, which shall be for making payments under that title
11 VII to States with State plans approved under section 704
12 of that Act (29 U.S.C. 796c), to be distributed as de-
13 scribed in section 711 of that Act (29 U.S.C. 796e), to
14 the States for Statewide Independent Living Councils to
15 enable the Councils to support limited English proficient
16 individuals with disabilities and individuals who are deaf
17 or hard of hearing (which 2 types of individuals are re-
18 ferred to under this heading as “covered individuals”) in
19 addressing concerns as a result of COVID–19 through
20 services to provide covered individuals with (1) the most
21 up-to-date information on public health concerns and pre-
22 cautions related to COVID–19 and related issues; (2) one-
23 on-one assistance to understand eligibility requirements
24 for available Federal, State, and local benefits and serv-
25 ices, to translate applications and provide oral interpreta-

1 tion necessary for such individuals to receive such benefits
 2 and services, and to provide other supports for such indi-
 3 viduals to access such benefits and services; and (3) re-
 4 lated public awareness campaigns in languages other than
 5 English and in American Sign Language (which languages
 6 and Language are referred to under this heading as “addi-
 7 tional languages”): *Provided*, that the Councils shall pro-
 8 vide support with funds appropriated under this heading
 9 in partnership with, or through contracts with, agencies
 10 carrying out State disability services programs or commu-
 11 nity-based organizations that provide translation and in-
 12 terpretation services for covered individuals: *Provided fur-*
 13 *ther*, That in seeking agencies or organizations for such
 14 partnerships or contracts in a geographic area, a Council
 15 shall make efforts to include entities that assist covered
 16 individuals that speak the most commonly spoken addi-
 17 tional languages, and entities that assist covered individ-
 18 uals that speak the least commonly spoken additional lan-
 19 guages, in that geographical area: *Provided further*, That
 20 the Councils shall report to the Administration about the
 21 number of individuals served, the number of services pro-
 22 vided by type, and the additional languages through which
 23 services are provided, with funds appropriated under this
 24 heading: *Provided further*, That the amount appropriated
 25 under this heading is designated by Congress as being for

1 an emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

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