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S. 3609

To ensure that all communities have access to urgently needed COVID–19 testing, treatment, public health information, and relief benefits regardless of immigration status or limited English proficiency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2020

Ms. HIRONO (for herself, Ms. HARRIS, Mr. BOOKER, Mr. MARKEY, Mrs. GILLIBRAND, Ms. WARREN, Mr. SANDERS, Mr. WYDEN, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. MENENDEZ, Ms. CORTEZ MASTO, Ms. ROSEN, Mr. DURBIN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To ensure that all communities have access to urgently needed COVID–19 testing, treatment, public health information, and relief benefits regardless of immigration status or limited English proficiency, 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 “Coronavirus Immi-
5 grant Families Protection Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CORONAVIRUS PUBLIC HEALTH EMER-
4 GENCY.—The term “coronavirus public health emer-
5 gency” means—

6 (A) an emergency involving Federal pri-
7 mary responsibility determined to exist by the
8 President under section 501(b) of the Robert T.
9 Stafford Disaster Relief and Emergency Assist-
10 ance Act (42 U.S.C. 5191(b)) with respect to
11 COVID–19 or any other coronavirus with pan-
12 demic potential;

13 (B) an emergency declared by a Federal
14 official with respect to coronavirus (as defined
15 in section 506 of the Coronavirus Preparedness
16 and Response Supplemental Appropriations
17 Act, 2020 (Public Law 116–123));

18 (C) a national emergency declared by the
19 President under the National Emergencies Act
20 (50 U.S.C. 1601 et seq.) with respect to
21 COVID–19 or any other coronavirus with pan-
22 demic potential; and

23 (D) a public health emergency declared by
24 the Secretary of Health and Human Services
25 pursuant to section 319 of the Public Health
26 Service Act (42 U.S.C. 247(d)) with respect to

1 COVID-19 or any other coronavirus with pan-
2 demic potential.

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

5 (A) the Coronavirus Preparedness and Re-
6 sponse Supplemental Appropriations Act, 2020
7 (Public Law 116-123);

8 (B) the Families First Coronavirus Re-
9 sponse Act (Public Law 116-127);

10 (C) the Coronavirus Aid, Relief, and Eco-
11 nomic Security Act (Public Law 116-136); and

12 (D) any subsequent law enacted as a re-
13 sponse to a coronavirus public health emer-
14 gency.

15 (3) COVID-19.—The term “COVID-19”
16 means the Coronavirus Disease 2019.

17 (4) ENFORCEMENT ACTION.—The term “en-
18 forcement action” means an apprehension, an arrest,
19 a search, an interview, a request for identification,
20 or surveillance for the purposes of immigration en-
21 forcement.

22 (5) SENSITIVE LOCATION.—The term “sensitive
23 location” means all physical space located within
24 1,000 feet of—

1 (A) a medical treatment or health care fa-
2 cility, including a hospital, an office of a health
3 care practitioner, an accredited health clinic, an
4 alcohol or drug treatment center, an emergent
5 or urgent care facility, and a community health
6 center;

7 (B) a location at which emergency service
8 providers distribute food or provide shelter;

9 (C) an organization that provides—

10 (i) disaster or emergency social serv-
11 ices and assistance;

12 (ii) services for individuals experi-
13 encing homelessness, including food banks
14 and shelters; or

15 (iii) assistance for children, pregnant
16 women, victims of crime or abuse, or indi-
17 viduals with significant mental or physical
18 disabilities;

19 (D) a public assistance office, including
20 any Federal, State, or municipal location at
21 which individuals may apply for or receive un-
22 employment compensation or report violations
23 of labor and employment laws;

1 (E) a Federal, State, or local courthouse,
2 including the office of the legal counsel or rep-
3 resentative of an individual;

4 (F) a domestic violence shelter, rape crisis
5 center, supervised visitation center, family jus-
6 tice center, or victim services provider;

7 (G) an office of the Social Security Admin-
8 istration;

9 (H) a childcare facility or a school, includ-
10 ing a preschool, primary school, secondary
11 school, post-secondary school up to and includ-
12 ing a college or university, and any other insti-
13 tution of learning such as a vocational or trade
14 school;

15 (I) a church, synagogue, mosque or any
16 other institution of worship, such as a building
17 rented for the purpose of a religious service;

18 (J) the site of a funeral, wedding, or any
19 other public religious ceremony;

20 (K) in the case of a jurisdiction in which
21 a shelter-in-place order is in effect during a
22 coronavirus public health emergency, any busi-
23 ness location considered to provide an essential
24 service, such as a pharmacy or a grocery store;
25 and

1 (L) any other location specified by the Sec-
2 retary of Homeland Security.

3 **SEC. 3. SUSPENSION OF ADVERSE IMMIGRATION ACTIONS**
4 **THAT DETER IMMIGRANT COMMUNITIES**
5 **FROM SEEKING HEALTH SERVICES IN A PUB-**
6 **LIC HEALTH EMERGENCY.**

7 (a) IN GENERAL.—Beginning on the date on which
8 a coronavirus public health emergency is declared and end-
9 ing on the date that is 60 days after the date on which
10 the coronavirus public health emergency expires—

11 (1) the Secretary of Homeland Security, the
12 Secretary of State, and the Attorney General shall
13 not—

14 (A) implement the final rule of the Depart-
15 ment of Homeland Security entitled “Inadmis-
16 sibility on Public Charge Grounds” (84 Fed.
17 Reg. 41292 (August 14, 2019));

18 (B) implement the interim final rule of the
19 Department of State entitled “Visas: Ineligi-
20 bility Based on Public Charge Grounds” (84
21 Fed. Reg. 54996 (October 11, 2019));

22 (C) implement the proposed rule of the De-
23 partment of Justice entitled “Inadmissibility on
24 Public Charge Grounds” published in the Fall
25 2018 Uniform Regulatory Agenda;

1 (D) conduct any enforcement action
2 against an individual at, or in transit to or
3 from, a sensitive location unless the enforce-
4 ment action is conducted pursuant to a valid ju-
5 dicial warrant;

6 (E) detain or remove—

7 (i) a survivor of domestic violence,
8 sexual assault, or human trafficking, or
9 any other individual, who has a pending
10 application under section 101(a)(15)(T),
11 101(a)(15)(U), 106, 240A(b)(2) of the Im-
12 migration and Nationality Act (8 U.S.C.
13 1101(a)(15)(T), 1101(a)(15)(U), 1105a,
14 1229b(b)(2)) or section 244(a)(3) of that
15 Act (as in effect on March 31, 1997); or

16 (ii) a VAWA self-petitioner described
17 in section 101(a)(51) of that Act (8 U.S.C.
18 1101(a)(51)) who has a pending applica-
19 tion for relief under—

20 (I) a provision referred to in any
21 of subparagraphs (A) through (G) of
22 that section; or

23 (II) section 101(a)(27)(J) of that
24 Act (8 U.S.C. 1101(a)(27)(J)); and

1 (F) require an individual subject to super-
2 vision by U.S. Immigration and Customs En-
3 forcement to report in person.

4 (2) The Attorney General shall conduct fully
5 telephonic bond hearings and allow supporting docu-
6 ments to be faxed and emailed to the appropriate
7 clerk.

8 (3) The Secretary of Homeland Security, to the
9 extent practicable, shall stipulate to bond determina-
10 tions on written motions.

11 (b) **USE OF BENEFITS FUNDED BY CORONAVIRUS**
12 **RESPONSE LAW.**—The Secretary of Homeland Security,
13 the Secretary of State, and the Attorney General shall not
14 consider in any determination affecting the current or fu-
15 ture immigration status of any individual the use of any
16 benefit of any program or activity funded in whole or in
17 part by amounts made available under a coronavirus re-
18 sponse law.

19 **SEC. 4. ACCESS TO COVID-19 TESTING AND TREATMENT**
20 **FOR ALL COMMUNITIES.**

21 (a) **CLARIFICATION REGARDING EMERGENCY SERV-**
22 **ICES FOR CERTAIN INDIVIDUALS.**—

23 (1) **IN GENERAL.**—For purposes of applying
24 section 1903(v)(2)(A) of the Social Security Act (42
25 U.S.C. 1396b(v)(2)(A)) to a State, for any period

1 during which an emergency described in paragraph
2 (2) exists in the State, the care and services de-
3 scribed in such section shall include the following:

4 (A) In vitro diagnostic products (as de-
5 fined in section 809.3(a) of title 21, Code of
6 Federal Regulations) administered during such
7 period, and the administration of such in vitro
8 diagnostic products.

9 (B) A COVID-19 vaccine that is adminis-
10 tered during such period (and the administra-
11 tion of such vaccine).

12 (C) Any item or service that is furnished
13 during such period for the treatment of
14 COVID-19 or a condition that may complicate
15 the treatment of COVID-19, and any services
16 described in section 1916(a)(2)(G) of such Act
17 (42 U.S.C. 1396o(a)(2)(G)).

18 (2) PERIOD DESCRIBED.—An emergency de-
19 scribed in this paragraph is—

20 (A) a coronavirus public health emergency;

21 or

22 (B) a State emergency that is declared
23 with respect to COVID-19 or any other
24 coronavirus with pandemic potential.

1 (b) EMERGENCY MEDICAID FOR INDIVIDUALS WITH
2 SUSPECTED COVID-19 INFECTIONS.—For purposes of
3 applying section 1903(v)(3) of the Social Security Act (42
4 U.S.C. 1396b(v)(3)) to a State, for any period during
5 which an emergency described in subsection (a)(2) exists
6 in the State, the term “emergency medical condition” (as
7 defined in such section) shall include, with respect to an
8 individual, any concern that the individual may have con-
9 tracted COVID-19.

10 (c) TREATMENT OF ASSISTANCE AND SERVICES PRO-
11 VIDED.—For any period during which a coronavirus public
12 health emergency or an emergency described in subsection
13 (a)(2)(B) is in effect—

14 (1) the value of assistance or services provided
15 to any person under a program with respect to
16 which the a coronavirus response law establishes or
17 expands eligibility or benefits shall not be considered
18 income or resources; and

19 (2)(A) any medical coverage or services pro-
20 vided to an individual under subsection (v) of section
21 1903 of the Social Security Act (42 U.S.C. 1396b)
22 shall be considered treatment for an emergency med-
23 ical condition (as defined in subsection (v)(3) of
24 such section) for any purpose under any Federal,

1 State, or local law, including law relating to tax-
2 ation, welfare, and public assistance programs;

3 (B) a participating State or political subdivision
4 of a State shall not decrease any assistance other-
5 wise provided to an individual because of the receipt
6 of benefits under the Social Security Act (42 U.S.C.
7 301 et seq.); and

8 (C) assistance and services described in this
9 paragraph shall be considered noncash disaster as-
10 sistance, notwithstanding the form in which the as-
11 sistance and services are provided, except that cash
12 received by an individual or a household may be
13 treated as income by any public benefit program
14 under the rules applicable before the date of the en-
15 actment of this Act.

16 (d) NONDISCRIMINATION.—No person shall be, on
17 the basis of actual or perceived immigration status, ex-
18 cluded from participation in, denied the benefits of, or
19 subject to discrimination under, any program or activity
20 funded in whole or in part by amounts made available
21 under a coronavirus response law.

22 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to limit—

24 (1) the types of care and services that are nec-
25 essary for the treatment of an emergency condition

1 for purposes of section 1903(v) of the Social Secu-
2 rity Act (42 U.S.C. 1396b(v)); or

3 (2) the types of medical conditions that are
4 “emergency medical conditions” for purposes of such
5 section.

6 **SEC. 5. LANGUAGE ACCESS AND PUBLIC OUTREACH FOR**
7 **PUBLIC HEALTH.**

8 (a) GRANTS AND COOPERATIVE AGREEMENTS.—

9 (1) IN GENERAL.—The Director of the Centers
10 for Disease Control and Prevention (referred to in
11 this section as the “Director”) shall provide grants
12 to, or enter into cooperative agreements with, com-
13 munity-based organizations for the purpose of sup-
14 porting culturally and linguistically appropriate pre-
15 paredness, response, and recovery activities, such as
16 the development of educational programs and mate-
17 rials to promote screening, testing, treatment, and
18 public health practices.

19 (2) DEFINITION OF COMMUNITY-BASED ORGA-
20 NIZATION.—In this subsection, the term “commu-
21 nity-based organization” means an entity that has
22 established relationships with hard-to-reach popu-
23 lations, including racial and ethnic minorities, indi-
24 viduals with limited English proficiency, and individ-
25 uals with disabilities.

1 (b) TRANSLATION.—

2 (1) IN GENERAL.—The Director shall provide
3 for the translation of materials on awareness,
4 screening, testing, and treatment for COVID–19
5 into the languages described in the language access
6 plan of the Federal Emergency Management Agency
7 dated October 1, 2016, as the languages most fre-
8 quently encountered.

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

15 (c) HOTLINE.—The Director shall establish an infor-
16 mational hotline line that provides, in the languages re-
17 ferred to in subsection (b)(1), information to the public
18 directly on COVID–19.

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

1 agement Agency and the Department of Health and
2 Human Services.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to carry out this section \$100,000,000
6 for fiscal year 2020, to be available until expended.

7 (2) GRANTS AND COOPERATIVE AGREE-
8 MENTS.—Of the amount authorized to be appro-
9 priated under paragraph (1), not less than
10 \$50,000,000 shall be made available to carry out
11 subsection (a).

12 **SEC. 6. ACCESS TO SUPPORT MEASURES FOR VULNERABLE**
13 **COMMUNITIES.**

14 (a) DISASTER SUPPLEMENTAL NUTRITION ASSIST-
15 ANCE PROGRAM BENEFITS.—The Robert T. Stafford Dis-
16 aster Relief and Emergency Assistance Act (42 U.S.C.
17 5121 et seq.) is amended—

18 (1) in section 102(1) (42 U.S.C. 5122(1)), by
19 inserting “or pandemic” after “catastrophe”;

20 (2) in section 301 (42 U.S.C. 5141), by insert-
21 ing “or an emergency due to a pandemic” after
22 “major disaster” each place the term appears;

23 (3) in section 412 (42 U.S.C. 5179)—

1 (A) by inserting “or an emergency due to
2 a pandemic” after “major disaster” each place
3 the term appears;

4 (B) in subsection (a), by inserting “with-
5 out regard to regular allotments” before “and
6 to make surplus”; and

7 (C) by adding at the end the following:

8 “(d) ASSISTANCE DURING A PANDEMIC.—In the case
9 of an emergency due to a pandemic, for purposes of pro-
10 viding benefits under this section, the Secretary of Agri-
11 culture shall remove or delay the requirement of an in-
12 person interview, and if an interview occurs, provide an
13 alternative to the in-person interview requirement for all
14 applicants. Assistance shall be provided based on need and
15 not lost provisions.

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated such sums as are nec-
18 essary to carry out this section, only if such sums are des-
19 ignated by Congress as being for an emergency require-
20 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
21 Budget and Emergency Deficit Control Act of 1985 (2
22 U.S.C. 901(b)(2)(A)(i)).”; and

23 (4) in section 502(a) (42 U.S.C. 5192(a))—

24 (A) in paragraph (7), by striking “and” at
25 the end;

1 (B) in paragraph (8)(B), by striking the
2 period at the end and inserting a semicolon;
3 and

4 (C) by adding at the end the following:

5 “(9) provide assistance in accordance with sec-
6 tion 412.”.

7 (b) ACCESS TO BENEFITS USING INDIVIDUAL TAX-
8 PAYER IDENTIFICATION NUMBER.—Subsection (g)(2)(A)
9 of section 6428 of the Internal Revenue Code of 1986,
10 as added by section 2201 of the Coronavirus Aid, Relief,
11 and Economic Security Act (Public Law 116–136), is
12 amended by inserting before the period at the end “or a
13 taxpayer identification number”.

14 (c) EXTENSION OF IMMIGRATION STATUS AND EM-
15 PLOYMENT AUTHORIZATION.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, including the Immigration and Na-
18 tionality Act (8 U.S.C. 1101 et seq.), the Secretary
19 of Homeland Security shall automatically extend the
20 immigration status and employment authorization,
21 as applicable, of an alien described in paragraph (2)
22 for the same period for which the status and em-
23 ployment authorization was initially granted.

24 (2) ALIEN DESCRIBED.—An alien described in
25 this paragraph is an alien (as defined in section

1 101(a) of the Immigration and Nationality Act (8
2 U.S.C. 1101(a)) whose immigration status, includ-
3 ing permanent, temporary, and deferred status, or
4 whose employment authorization—

5 (A) expired during the 30-day period pre-
6 ceding the date of the enactment of this Act; or

7 (B) will expire not later than—

8 (i) one year after such date of enact-
9 ment; or

10 (ii) 90 days after the date on which
11 the national emergency declared by the
12 President under the National Emergencies
13 Act (50 U.S.C. 1601 et seq.) with respect
14 to the Coronavirus Disease 2019 (COVID-
15 19) is rescinded.

16 (d) LANGUAGE ACCESS.—Any agency receiving fund-
17 ing under a coronavirus response law shall ensure that all
18 programs and opportunities made available to the general
19 public provide translated materials describing the pro-
20 grams and opportunities into the languages described in
21 the language access plan of the Federal Emergency Man-
22 agement Agency dated October 1, 2016, as the languages
23 most frequently encountered.

○