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S. 3721

To provide for the establishment of a COVID–19 Racial and Ethnic Disparities Task Force to gather data about disproportionately affected communities and provide recommendations to combat the racial and ethnic disparities in the COVID–19 response.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2020

Ms. HARRIS (for herself, Mr. BOOKER, Ms. WARREN, Mr. BENNET, Mr. SANDERS, Mr. WHITEHOUSE, Mr. BROWN, Ms. SMITH, Ms. STABENOW, Mr. DURBIN, Mr. MERKLEY, Mr. PETERS, Ms. HIRONO, Mr. MARKEY, Mr. VAN HOLLEN, Mr. JONES, Ms. KLOBUCHAR, Mr. BLUMENTHAL, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for the establishment of a COVID–19 Racial and Ethnic Disparities Task Force to gather data about disproportionately affected communities and provide recommendations to combat the racial and ethnic disparities in the COVID–19 response.

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 “COVID–19 Racial and
5 Ethnic Disparities Task Force Act of 2020”.

1 **SEC. 2. COVID-19 RACIAL AND ETHNIC DISPARITIES TASK**
2 **FORCE.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services (referred to in this section as the “Sec-
5 retary”) shall establish an interagency task force, to be
6 known as the “COVID-19 Racial and Ethnic Disparities
7 Task Force” (referred to in this section as the “task
8 force”), to gather data about disproportionately affected
9 communities and provide recommendations to combat the
10 racial and ethnic disparities in the COVID-19 response
11 throughout the United States and in response to future
12 public health crises.

13 (b) MEMBERSHIP.—The task force shall be composed
14 of the following:

15 (1) The Secretary of Health and Human Serv-
16 ices.

17 (2) The Assistant Secretary for Planning and
18 Evaluation of the Department of Health and Human
19 Services.

20 (3) The Assistant Secretary for Preparedness
21 and Response of the Department of Health and
22 Human Services.

23 (4) The Director of the Centers for Disease
24 Control and Prevention.

25 (5) The Director of the National Institutes of
26 Health.

1 (6) The Commissioner of Food and Drugs.

2 (7) The Administrator of the Federal Emer-
3 gency Management Agency.

4 (8) The Director of the National Institute on
5 Minority Health and Health Disparities.

6 (9) The Director of the Indian Health Service.

7 (10) The Administrator of the Centers for
8 Medicare & Medicaid Services.

9 (11) The Director of the Agency for Healthcare
10 Research and Quality.

11 (12) The Surgeon General.

12 (13) The Administrator of the Health Re-
13 sources and Services Administration.

14 (14) The Director of the Office of Minority
15 Health.

16 (15) The Secretary of Housing and Urban De-
17 velopment.

18 (16) The Secretary of Education.

19 (17) The Secretary of Labor.

20 (18) The Secretary of Defense.

21 (19) The Secretary of Transportation.

22 (20) The Secretary of the Treasury.

23 (21) The Administrator of the Small Business
24 Administration.

1 (22) The Administrator of the Environmental
2 Protection Agency.

3 (23) Five health professionals with expertise in
4 addressing racial and ethnic disparities, with at least
5 one representative from a rural area, to be ap-
6 pointed by the Secretary.

7 (24) Five policy experts specializing in address-
8 ing racial and ethnic disparities in education or ra-
9 cial and ethnic economic inequality to be appointed
10 by the Secretary.

11 (25) Six representatives from community-based
12 organizations specializing in providing culturally
13 competent care or services and addressing racial and
14 ethnic disparities, to be appointed by the Secretary,
15 with at least one representative from an urban In-
16 dian organization and one representative from a na-
17 tional organization that represents Tribal govern-
18 ments with expertise in Tribal public health. The
19 Secretary shall take into account regional distribu-
20 tion when appointing such representatives.

21 (26) Six State, local, territorial, or Tribal public
22 health officials representing departments of public
23 health, who shall represent jurisdictions from dif-
24 ferent regions of the United States with relatively
25 high concentrations of historically marginalized pop-

1 ulations, to be appointed by the Secretary, with at
2 least one territorial representative and one rep-
3 resentative of a Tribal public health department.

4 (c) ADMINISTRATIVE PROVISIONS.—

5 (1) APPOINTMENT OF NON-GOVERNMENT MEM-
6 BERS.—Notwithstanding any other provision of law,
7 the Secretary shall appoint all non-government mem-
8 bers of the task force within 30 days of the date en-
9 actment of this section.

10 (2) CHAIRPERSON.—The Secretary shall serve
11 as the chairperson of the task force. The Director of
12 the Office of Minority Health shall serve as the vice
13 chairperson.

14 (3) STAFF.—The task force shall have 10 full-
15 time staff members.

16 (4) MEETINGS.—Not later than 45 days after
17 the date of enactment of this section, the full task
18 force shall have its first meeting. The task force
19 shall convene at least once a month thereafter.

20 (5) SUBCOMMITTEES.—The chairperson and
21 vice chairperson of the task force are authorized to
22 establish subcommittees to consider specific issues
23 related to the broader mission of addressing racial
24 and ethnic disparities.

1 (d) FEDERAL EMERGENCY MANAGEMENT AGENCY
2 RESOURCE ALLOCATION REPORTING AND RECOMMENDA-
3 TIONS.—

4 (1) WEEKLY REPORTS.—Not later than 7 days
5 after the task force first meets, and weekly there-
6 after, the task force shall submit to Congress and
7 the Federal Emergency Management Agency a re-
8 port that includes—

9 (A) a description of COVID–19 patient
10 outcomes, including cases, hospitalizations, pa-
11 tients on ventilation, mortality, and vaccination
12 rates (when available), disaggregated by race
13 and ethnicity (where such data is missing, the
14 task force shall utilize appropriate authorities
15 to improve data collection and use appropriate,
16 science-based methods for estimating COVID–
17 19 patient outcomes);

18 (B) the identification of communities that
19 lack resources to combat the COVID–19 pan-
20 demic, including personal protective equipment,
21 ventilators, hospital beds, testing kits, testing
22 supplies, vaccinations (when available), re-
23 sources to conduct surveillance and contact
24 tracing, funding, staffing, and other resources
25 the task force deems essential as needs arise;

1 (C) the identification of communities where
2 racial and ethnic disparities in COVID–19 in-
3 fection, hospitalization, and death rates are out
4 of proportion to the community’s population by
5 a certain threshold, to be determined by the
6 task force based on available public health data;

7 (D) recommendations about how to best al-
8 locate critical COVID–19 resources to—

9 (i) communities with disproportion-
10 ately high COVID–19 infection, hos-
11 pitalization, and death rates;

12 (ii) communities with high social
13 vulnerabilities to COVID–19 infection; and

14 (iii) communities identified in sub-
15 paragraph (C);

16 (E) with respect to communities that are
17 able to reduce racial and ethnic disparities ef-
18 fectively, a description of best practices in-
19 volved; and

20 (F) an update with respect to the response
21 of the Federal Emergency Management Agency
22 to the task force’s previous weeks’ recommenda-
23 tions under this section.

24 (2) GENERAL CONSULTATION.—In submitting
25 weekly reports and recommendations under this sub-

1 section, the task force shall consult with and notify
2 State, local, territorial, and Tribal officials and com-
3 munity-based organizations from communities iden-
4 tified as disproportionately impacted by COVID–19.

5 (3) CONSULTATION WITH INDIAN TRIBES.—In
6 submitting weekly reports and recommendations
7 under this subsection, the Director of Indian Health
8 Service shall, in coordination with the task force,
9 consult with Indian Tribes and Tribal organizations
10 that are disproportionately affected by COVID–19
11 on a government to government basis to identify
12 specific needs and recommendations.

13 (4) DISSEMINATION.—Reports under this sub-
14 section shall be disseminated to all relevant stake-
15 holders, including State, local, territorial, and Tribal
16 officials, and public health departments.

17 (5) TRIBAL DATA.—The task force, in consulta-
18 tion with Indian Tribes and Tribal organizations,
19 shall ensure that an Indian Tribe consents to any
20 public reporting of health data.

21 (e) COVID–19 RELIEF OVERSIGHT AND IMPLEMEN-
22 TATION REPORTS.—Not later than 14 days after the task
23 force first meets, and not later than every 14 days there-
24 after, the task force shall submit to Congress and the rel-
25 evant Federal agencies a report that includes—

1 (1) an examination of funds distributed under
2 COVID–19-related relief and stimulus laws (enacted
3 prior to and after the date of enactment of this Act),
4 including the Coronavirus Preparedness and Re-
5 sponse Emergency Supplemental Appropriations Act,
6 2020 (Public Law 116–123), the Families First
7 Coronavirus Response Act (Public Law 116–127),
8 the Coronavirus Aid, Relief, and Economic Security
9 Act (Public Law 116–136), and the Paycheck Pro-
10 tection Program and Health Care Enhancement Act
11 (Public Law 116–139), and how that distribution
12 impacted racial and ethnic disparities with respect to
13 the COVID–19 pandemic; and

14 (2) recommendations to relevant Federal agen-
15 cies about how to disburse any undisbursed funding
16 from COVID–19-related relief and stimulus laws
17 (enacted prior to and after the date of enactment of
18 this Act), including those laws described in para-
19 graph (1), to address racial and ethnic disparities
20 with respect to the COVID–19 pandemic, including
21 recommendations to—

22 (A) the Department of Health and Human
23 Services about disbursement of funds under the
24 Public Health and Social Service Emergency
25 Fund;

1 (B) the Small Business Administration
2 about disbursement of funds under the Pay-
3 check Protection Program and the Economic
4 Injury Disaster Loan Program; and

5 (C) the Department of Education about
6 disbursement of funds under the Education
7 Stabilization Fund.

8 (f) FINAL COVID–19 REPORTS.—Not later than 90
9 days after the date on which the President declares the
10 end of the COVID–19 public health emergency first de-
11 clared by the Secretary on January 31, 2020, the task
12 force shall submit the to Congress a report that—

13 (1) describes inequities within the health care
14 system, implicit bias, structural racism, and social
15 determinants of health (including housing, nutrition,
16 education, economic, and environmental factors) that
17 contributed to racial and ethnic health disparities
18 with respect to the COVID–19 pandemic and how
19 these factors contributed to such disparities;

20 (2) examines the initial Federal response to the
21 COVID–19 pandemic and its impact on the racial
22 and ethnic disparities in COVID–19 infection, hos-
23 pitalization, and death rates; and

1 (3) contains recommendations to combat racial
2 and ethnic disparities in future infectious disease re-
3 sponses, including future COVID–19 outbreaks.

4 (g) SUNSET AND SUCCESSOR TASK FORCE.—

5 (1) SUNSET.—The task force shall terminate on
6 the date that is 90 days after the date on which the
7 President declares the end of the COVID–19 public
8 health emergency first declared by the Secretary on
9 January 31, 2020.

10 (2) SUCCESSOR.—Upon the termination of the
11 task force under paragraph (1), the Secretary shall
12 establish a permanent Infectious Disease Racial and
13 Ethnic Disparities Task Force based on the mem-
14 bership, convening, and reporting requirements rec-
15 ommended by the task force in reports submitted
16 under this section.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated, such sums as may be nec-
19 essary to carry out this section.

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