

116TH CONGRESS
2D SESSION

S. 4340

To ensure that a State or local jurisdiction is ineligible to receive or use funds allocated, appropriated, or authorized to address COVID–19 if that State or jurisdiction discriminates against religious individuals or religious institutions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2020

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To ensure that a State or local jurisdiction is ineligible to receive or use funds allocated, appropriated, or authorized to address COVID–19 if that State or jurisdiction discriminates against religious individuals or religious institutions, 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 “Safeguarding Ameri-
5 cans from Coronavirus and Religious Exercise Discrimina-
6 tion Act” or the “SACRED Act”.

1 **SEC. 2. PREVENTING DISCRIMINATION AGAINST RELI-**
2 **GIOUS INDIVIDUALS AND INSTITUTIONS.**

3 (a) INELIGIBILITY FOR FUNDS.—A State or local ju-
4 risdiction shall be ineligible to receive or use funds allo-
5 cated, appropriated, or authorized to address COVID–19
6 (referred to as “covered funds”) if that State or local ju-
7 risdiction is committing a violation described in subsection
8 (b).

9 (b) VIOLATIONS.—A State or local jurisdiction com-
10 mits a violation under this subsection if that State or local
11 jurisdiction—

12 (1) enforces, or announces the intent to enforce,
13 any law, regulation, policy, order, proclamation, or
14 decree related to COVID–19 that discriminates
15 against religious individuals or religious institutions;
16 or

17 (2) provides, or shows an intention to provide,
18 covered funds to a separate State or local jurisdic-
19 tion that is ineligible to receive or use those funds
20 because the State or local jurisdiction has committed
21 a violation described in paragraph (1).

22 (c) DETERMINATION OF INELIGIBILITY.—The Attor-
23 ney General shall make a determination of whether a State
24 or local jurisdiction is ineligible to receive or use covered
25 funds in accordance with subsection (a).

26 (d) ENFORCEMENT.—

1 (1) FUNDS NOT YET DISBURSED.—If, before
2 the covered funds are disbursed, the Attorney Gen-
3 eral determines that a State or local jurisdiction is
4 ineligible to receive such funds, the covered funds
5 shall not be disbursed until the Attorney General
6 certifies that the State or local jurisdiction is no
7 longer in violation of subsection (b) and is eligible to
8 receive covered funds.

9 (2) FUNDS ALREADY DISBURSED.—If, after
10 covered funds have been disbursed, the Attorney
11 General determines that a State or local jurisdiction
12 was not, or is no longer, eligible to receive those cov-
13 ered funds, the applicable Federal agency that would
14 otherwise disburse such covered funds shall identify
15 and withhold from the State or local jurisdiction
16 funds otherwise authorized to be allocated to that
17 State or local jurisdiction from that Federal agency
18 in an amount not to exceed the amount the State or
19 local jurisdiction received in covered funds from that
20 Federal agency, until the Attorney General certifies
21 that the State or local jurisdiction is no longer in
22 violation of subsection (b) and is eligible to receive
23 such covered funds.

24 (3) FUNDS TRANSFERRED.—If a State or local
25 jurisdiction transferred covered funds to another

1 State or local jurisdiction that is in violation of sub-
2 section (b)(1), the applicable Federal agency shall
3 identify and withhold from the State or local juris-
4 diction funds otherwise authorized to be allocated to
5 that State or local jurisdiction from that Federal
6 agency in an amount not to exceed the amount of
7 covered funds the State or local jurisdiction trans-
8 ferred in violation of subsection (b)(2) that were dis-
9 bursed from that Federal agency, until the Attorney
10 General certifies that the State or local jurisdiction
11 that received transferred covered funds is eligible to
12 receive and use those funds, or the covered funds are
13 returned from the recipient to the transferring State
14 or local jurisdiction.

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