

116TH CONGRESS  
2D SESSION

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To provide funds for addressing COVID–19 conditioned on requiring the use of face coverings in public, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To provide funds for addressing COVID–19 conditioned on requiring the use of face coverings in public, 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 “Encouraging Masks  
5 for All Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The widespread use of face coverings by the  
9 public is essential to help slow the spread of the

1 virus that causes COVID–19 and help prevent the  
2 transmission of such virus by individuals who do not  
3 show symptoms.

4 (2) The Government has an interest in encour-  
5 aging the use of face coverings in public and each  
6 place of business to protect the health of populations  
7 that are at a higher risk of developing severe illness  
8 from COVID–19, including—

9 (A) the immunocompromised;

10 (B) individuals who are 65 years of age or  
11 older; and

12 (C) individuals living with chronic lung dis-  
13 ease, moderate to severe asthma, serious heart  
14 conditions, diabetes, chronic kidney disease, se-  
15 vere obesity, or liver disease.

16 (3) Overwhelming scientific evidence has shown  
17 that face coverings block a high portion of res-  
18 piratory droplets that spread the virus that causes  
19 COVID–19.

20 (4) Evidence from an international cross-dis-  
21 ciplinary review of scientific research has shown  
22 that—

23 (A) using a face covering in public is most  
24 effective at reducing the spread of COVID–19  
25 when compliance is high; and

1 (B) transmission in a community is sub-  
2 stantially lower when individuals are required to  
3 use a face covering or where the use of a face  
4 covering is widespread.

5 (5) The widespread use of face coverings sub-  
6 stantially reduces the number of fatalities, the cases  
7 of severe illness, and continued economic losses that  
8 result from transmission of the virus that causes  
9 COVID–19.

10 (6) The widespread use of face coverings is nec-  
11 essary (but not by itself sufficient) to slow the  
12 spread of the virus that causes COVID–19 and  
13 should be promoted along with regular handwashing,  
14 social distancing, testing, and minimizing non-  
15 essential activities outside of the household.

16 **SEC. 3. USE OF FACE COVERINGS IN PUBLIC.**

17 (a) **CONDITIONAL FUNDING WITH RESPECT TO**  
18 **FACE COVERINGS.—**

19 (1) **IN GENERAL.—**The Secretary of Health and  
20 Human Services (in this Act referred to as the “Sec-  
21 retary”), acting through the Director of the Centers  
22 for Disease Control and Prevention, using amounts  
23 appropriated under paragraph (3), shall award a  
24 grant to each State, territory, local government, and  
25 Tribal government that, during the emergency pe-

1       riod, subject to the exceptions under paragraph (2),  
2       requires the use of face coverings in public (includ-  
3       ing in each place of business) in the respective juris-  
4       diction, consistent with public health guidelines  
5       issued by the Centers for Disease Control and Pre-  
6       vention. The grants awarded under this paragraph  
7       shall be in such amount as the Secretary determines  
8       appropriate, and shall be used by the recipient for  
9       purposes of carrying out activities related to the pre-  
10      vention of the transmission of COVID–19 in the ap-  
11      plicable jurisdiction.

12           (2) EXCEPTIONS.—The face covering require-  
13      ment of a State, territory, local government, or Trib-  
14      al government described in paragraph (1) may pro-  
15      vide for exceptions with respect to—

16           (A) outdoor spaces where individuals may  
17      maintain a distance of at least 6 feet from  
18      other individuals who are not members of the  
19      same household;

20           (B) any individual who—

21           (i) is under 2 years of age;

22           (ii) has a medical condition in which  
23      wearing a face covering could obstruct the  
24      ability of the individual to breathe;

1 (iii) is unable to remove a face cov-  
2 ering without assistance; or

3 (iv) is receiving a service that requires  
4 temporary removal of the face covering, in-  
5 cluding a service with respect to a food or  
6 beverage; or

7 (C) other circumstances, as determined by  
8 the Secretary, provided that any exception  
9 under this subparagraph shall be approved by  
10 the Director of the Centers for Disease Control  
11 and Prevention and the Director of the Na-  
12 tional Institute of Allergy and Infectious Dis-  
13 ease.

14 (3) APPROPRIATIONS.—

15 (A) IN GENERAL.—There are hereby ap-  
16 propriated to the Public Health and Social  
17 Services Emergency Fund, out of amounts in  
18 the Treasury not otherwise appropriated,  
19 \$5,000,000,000, for transfer to the Secretary  
20 for the purpose of awarding grants under para-  
21 graph (1).

22 (B) EMERGENCY DESIGNATION.—

23 (i) IN GENERAL.—The amounts pro-  
24 vided by this paragraph are designated as  
25 an emergency requirement pursuant to sec-

1                   tion 4(g) of the Statutory Pay-As-You-Go  
2                   Act of 2010 (2 U.S.C. 933(g)).

3                   (ii) DESIGNATION IN SENATE.—In the  
4                   Senate, this paragraph is designated as an  
5                   emergency requirement pursuant to section  
6                   4112(a) of H. Con. Res. 71 (115th Con-  
7                   gress), the concurrent resolution on the  
8                   budget for fiscal year 2018.

9                   (b) GRANTS TO PROMOTE FACE COVERINGS.—

10                   (1) IN GENERAL.—Not later than 30 days after  
11                   the date of the enactment of this Act, the Secretary  
12                   may award grants to States, territories, and Tribal  
13                   governments to promote access to, and use of, face  
14                   coverings for the purpose of minimizing the risk of  
15                   exposure to COVID–19, including installing face  
16                   covering dispensers in public.

17                   (2) APPLICATION.—To be eligible for a grant  
18                   under this section, a State, territory, and Tribal gov-  
19                   ernment shall submit to the Secretary an application  
20                   at such time, in such form, and containing such in-  
21                   formation as the Secretary determines appropriate,  
22                   including a certification that the State will meet the  
23                   requirements under paragraph (3).

24                   (3) USE OF FUNDS.—A State, territory, and  
25                   Tribal government that receives a grant under this

1 section shall use grant funds to promote access to  
2 face coverings for the purpose of minimizing the risk  
3 of exposure to COVID–19 in accordance with—

4 (A) guidelines determined necessary by the  
5 Secretary; and

6 (B) guidelines provided by the Centers for  
7 Disease Control and Prevention with respect to  
8 the use of face coverings.

9 (4) APPROPRIATIONS.—There is authorized to  
10 be appropriated to carry out this section  
11 \$75,000,000 for the period of fiscal years 2021  
12 through 2022.

13 (c) DEFINITIONS.—

14 (1) EMERGENCY PERIOD.—The term “emer-  
15 gency period” has the meaning given such term in  
16 section 1135(g)(1)(B) of the Social Security Act (42  
17 U.S.C. 1320b–5(g)(1)(B)).

18 (2) FACE COVERING.—The term “face cov-  
19 ering” means any material that covers the nose and  
20 mouth of an individual.

21 **SEC. 4. FACE COVERINGS REQUIRED IN FEDERAL FACILI-**  
22 **TIES.**

23 (a) FACE COVERINGS REQUIRED.—Each Federal  
24 agency shall take action to ensure that an individual is  
25 required to wear a face covering if such individual is—

1           (1) inside a Federal facility under the jurisdic-  
2           tion of such agency; and

3           (2) within 6 feet of another individual.

4           (b) ENFORCEMENT.—A Federal agency may remove  
5 or deny service to an individual who fails to wear a face  
6 covering in accordance with subsection (a).

7           (c) PROVISION OF FACE COVERINGS.—Each Federal  
8 agency shall make face coverings available at each en-  
9 trance to a Federal facility at which such agency main-  
10 tains a presence.

11          (d) FUNDING.—A Federal agency shall use funds  
12 otherwise appropriated to such agency to carry out this  
13 section.

14          (e) DEFINITIONS.—In this section, the following defi-  
15 nitions apply:

16           (1) CAPITOL BUILDINGS.—The term “Capitol  
17 Buildings” has the meaning given such term in sec-  
18 tion 5101 of title 40, United States Code.

19           (2) FACE COVERING.—The term “face cov-  
20 ering” means any material that covers the nose and  
21 mouth of an individual.

22           (3) FEDERAL AGENCY.—The term “Federal  
23 agency” has the meaning given such term in section  
24 102 of title 40, United States Code, except that with  
25 respect to Capitol Buildings the Office of the Archi-

1 tect of the Capitol shall be treated as the relevant  
2 Federal agency.

3 (4) FEDERAL FACILITY.—The term “Federal  
4 facility” means—

5 (A) a building or any part thereof owned  
6 or leased by the Federal Government for use by  
7 a Federal agency; and

8 (B) the Capitol Buildings or any part  
9 thereof.

10 (f) TERMINATION.—The requirements of this section  
11 shall cease to have effect on the date on which the Director  
12 of the National Institute of Allergy and Infectious Dis-  
13 eases determines, and publishes in the Federal Register  
14 a notification of such determination, that the requirement  
15 to wear a face covering is no longer necessary to prevent  
16 transmission of SARS-CoV-2.