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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To require State and local governments to establish reopening plans as a condition of receiving funding under title VI of the Social Security Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CRENSHAW introduced the following bill; which was referred to the Committee on _____

A BILL

To require State and local governments to establish reopening plans as a condition of receiving funding under title VI of the Social Security Act, 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 “End Lockdowns Now
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) During the course of the COVID-19 pan-
2 demic, many State and localities have acted in a ca-
3 pricious and haphazard manner to restrict economic
4 activity and stifle civil liberties.

5 (2) The specific restrictions are commonly re-
6 ferred to as “lockdown,” “stay-at-home,” or “shel-
7 ter-in-place” orders. These restrictions have forced
8 “non-essential” businesses to close their doors and
9 prohibited their workers from earning a living.

10 (3) Many of these State and local authorities
11 have not followed a careful risk-based model in-
12 formed by science to guide decision making and
13 these officials have claimed the authority to act in
14 a manner unlimited in scope and indefinite in dura-
15 tion.

16 (4) The effect of these lockdowns has been the
17 collapse of millions of business and resulted in the
18 highest jobless rate in decades.

19 (5) While the direct health effects of the pan-
20 demic have been devastating to many Americans,
21 these authorities have often ignored the secondary
22 effects of the crisis, including the death, illness, and
23 suffering caused by the despair and hardship result-
24 ing from their lockdowns.

1 (6) One of the most troublesome examples of
2 severe overreach by State officials occurred when
3 New York imposed restrictions on congregation size
4 limits, discriminating on the basis of religion in vio-
5 lation of the First Amendment. The US Supreme
6 Court determined the State of New York's rules es-
7 sentially singled out houses of worship for unfair
8 and unconstitutional restrictions (Roman Catholic
9 Diocese of Brooklyn v. Cuomo).

10 (7) State governors do have the authority to
11 implement targeted restrictions in the case of a pub-
12 lic health emergency, yet many of the unrestrained
13 orders issued during the pandemic have effectively
14 violated many civil liberties and personal freedoms.

15 (8) In addition, many of the public orders are
16 so economically burdensome that they essentially
17 function as a taking of property, which requires suf-
18 ficient compensation under the takings clause of the
19 Fifth Amendment to the Constitution.

20 (9) Congress urges State and local leaders to
21 carefully consider the broad consequences of their
22 restrictions and to expeditiously take steps to allow
23 businesses, schools, and other elements of society to
24 reopen.

1 (10) Congress hereby acts to condition relief
2 funds based on the submission of a plan by State
3 and localities detailing any current restrictions and
4 their plans to lift these restrictions.

5 (11) Congress further acts to prevent any un-
6 necessary overreach by the Executive Branch by
7 firmly outlawing restrictions that have the effect of
8 halting interstate travel or imposing a nationwide
9 quarantine or lockdown.

10 **SEC. 3. REQUIREMENT FOR REOPENING PLAN.**

11 (a) **REQUIREMENT.**—As a condition of receiving any
12 payment under title VI of the Social Security Act on or
13 after March 1, 2021, each recipient shall provide a reopen-
14 ing plan to the Secretary of the Treasury.

15 (b) **REOPENING PLAN DEFINED.**—The reopening
16 plan required under subsection (a) shall include a detailed
17 description of how the recipient plans—

18 (1) to reopen schools for in-person learning;

19 (2) remove restrictions on business activity;

20 (3) lift restrictions on religious services and
21 other social gatherings; and

22 (4) assist families and small businesses in eco-
23 nomic recovery.

24 Such plan shall also include a description on how the re-
25 opening plan was developed and the steps that were taken

1 to include input from local small businesses and the pub-
2 lie.

3 (c) PUBLIC DISCLOSURE.—Such plan shall be made
4 publicly available and shall include details of the restric-
5 tions or lockdown orders currently in place and a specific
6 plan and timeline to lift those restrictions.

7 **SEC. 4. RECOVERY OF FUNDS.**

8 If the Inspector General of the Department of the
9 Treasury determines that a recipient of a payment de-
10 scribed in section 3(a) has failed to comply with any provi-
11 sion of section 3, the amount equal to the amount of funds
12 used in violation of such section shall be booked as a debt
13 of such entity owed to the Federal Government. Amounts
14 recovered under this subsection shall be deposited into the
15 general fund of the Treasury.

16 **SEC. 5. PROHIBITION ON FEDERAL LOCKDOWNS.**

17 (a) LIMITATION ON FEDERAL AUTHORITY.—The
18 President, nor any executive branch official, shall not take
19 any action to issue a blanket ban on interstate travel or
20 impose a national lockdown order or nationwide quar-
21 antine pursuant to the Public Health Service Act (42
22 U.S.C. 201 et seq.).

23 (b) NO LIMITATION ON MASS TRANSIT SAFETY.—
24 Nothing in the prohibition specified in subsection (a) shall
25 be construed as limiting existing presidential authority to

1 impose restrictions on air travel or other forms of public
2 transportation when necessary to promote public safety.

3 (c) PUBLIC HEALTH EMERGENCY.—Nothing in this
4 section shall be construed to restrict the declaration of a
5 public health emergency under section 319 of the Public
6 Health Service Act (42 U.S.C. 247d) or the taking of
7 other specific steps to preserve public health under section
8 361 of the Public Health Service Act (42 U.S.C. 264).