

PROVIDING FOR CONSIDERATION OF THE RESOLUTION (H. RES. 965) AUTHORIZING REMOTE VOTING BY PROXY IN THE HOUSE OF REPRESENTATIVES AND PROVIDING FOR OFFICIAL REMOTE COMMITTEE PROCEEDINGS DURING A PUBLIC HEALTH EMERGENCY DUE TO A NOVEL CORONAVIRUS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6800) MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2020, AND FOR OTHER PURPOSES; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM MAY 19, 2020, THROUGH JULY 21, 2020; AND FOR OTHER PURPOSES

MAY 14, 2020.—Referred to the House Calendar and ordered to be printed

Mr. MCGOVERN, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 967]

The Committee on Rules, having had under consideration House Resolution 967, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H. Res. 965, authorizing remote voting by proxy in the House of Representatives and providing for official remote committee proceedings during a public health emergency due to a novel coronavirus, and for other purposes under a closed rule. The resolution provides that upon adoption of this resolution it shall be in order without intervention of any point of order to consider H. Res. 965. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules. The resolution provides that H. Res. 965 shall be considered as read. The resolution provides for consideration of H.R. 6800, the Health and Economic Recovery Omnibus Emergency Solutions Act, under a closed rule. The resolution provides that upon adoption of this resolution it shall be in order to consider H.R. 6800 without intervention of any question of consideration. The resolution provides two hours of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment

printed in this report shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides that clause 2(e) of rule XXI shall not apply during consideration of the bill. The resolution provides one motion to recommit with or without instructions. The resolution provides that until completion of proceedings enabled by the first two sections of the resolution, (a) the Chair may decline to entertain any intervening motion (except as expressly provided herein), resolution, question, or notice; and (b) the Chair may decline to entertain the question of consideration. Section 4 of the resolution provides that on any legislative day during the period from May 19, 2020, through July 21, 2020: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment. The resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of the resolution. The resolution provides that each day during the periods addressed by section 4 shall not constitute a calendar day for the purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546). The resolution provides that each day during the period addressed by section 4 of the resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry). The resolution provides that each day during the period addressed by section 4 of the resolution shall not constitute a calendar or legislative day for the purposes of clause 7(c)(1) of rule XXII (motions to instruct conferees). The resolution provides that each day during the period addressed by section 4 shall not constitute a legislative day for the purposes of clause 7 of rule XV (Consensus Calendar). The resolution provides for consideration of concurrent resolutions providing for adjournment during the month of July, 2020. The resolution provides that it shall be in order at any time through the calendar day of July 19, 2020, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV, and that the Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section. The resolution waives the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House with respect to any resolution reported through the legislative day of July 21, 2020.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H. Res. 965 includes a waiver of clause 4 of rule XIII, which prohibits the consideration of a measure or matter reported by a committee until the proposed text of the report has been available for 72 hours.

Although the resolution waives all points of order against provisions in H. Res. 965, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 6800 includes a waiver of clause 12(a)(1) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic

comparative print that shows how the bill proposes to change current law.

Although the resolution waives all points of order against provisions in H.R. 6800, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Section 10 of the resolution includes a waiver of all points of order against consideration of a July adjournment resolution. While adjournment resolutions are ordinarily privileged, a point of order could be raised against a July adjournment resolution for failure to comply with section 309 of the Congressional Budget Act. Section 309 prohibits the House from adjourning for more than three days in July unless the House has completed action on all appropriations bills. Since the House has not yet completed all action on appropriations bills, this provision is necessary.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 304

Motion by Mr. Cole to report an open rule for H. Res. 965. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 305

Motion by Mr. Woodall to strike “and shall not be subject to a demand for division of the question” from the appropriate section of the rule for H. Res. 965. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 306

Motion by Mrs. Lesko to provide four hours of debate equally divided and controlled by the chair and ranking member of the Committee on Rules for H. Res. 965. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 307

Motion by Mr. Cole to report an open rule for H.R. 6800. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 308

Motion by Mr. Cole to provide a modified-open rule with a pre-printing requirement for H.R. 6800. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 309

Motion by Mr. Woodall to waive all points of order except those arising under clause 9 or 10 of rule XXI. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 310

Motion by Mr. Burgess to strike “and shall not be subject to a demand for division of the question” from the rule for H.R. 6800. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 311

Motion by Mrs. Lesko to amend the rule to H.R. 6800 to make in order amendment #3, offered by Rep. Lesko (AZ), which strikes the entirety of Title I, Subtitle G—Deduction of State and Local Taxes from the bill. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 312

Motion by Mrs. Lesko to amend the rule to H.R. 6800 to make in order and provide the appropriate waivers to amendment #4, offered by Rep. Lesko (AZ), which ensures that no taxpayer funds authorized in this bill will be given to anyone in America illegally. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings	Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 313

Motion by Mrs. Lesko to amend the rule to H.R. 6800 to make in order and provide the appropriate waivers to amendment #5, offered by Rep. Lesko (AZ), which ensures that no taxpayer funds authorized in this bill will be used to aid or support institutions that provide abortions. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Ms. Matsui	Nay		
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 314

Motion by Mrs. Torres to report the rule. Adopted: 8–4

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Nay
Mrs. Torres	Yea	Mr. Woodall	Nay
Mr. Perlmutter	Yea	Mr. Burgess	Nay
Mr. Raskin	Yea	Mrs. Lesko	Nay
Ms. Scanlon	Yea		
Mr. Morelle	Yea		
Ms. Shalala	Yea		
Ms. Matsui	Yea		
Mr. McGovern, Chairman	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 6800 CONSIDERED AS ADOPTED

1. Lowey (NY): Makes technical and conforming changes so that the bill title reads as “The Heroes Act”. Modifies appropriations provisions to provide additional rural assistance, provide greater flexibility for Labor and Health and Human services funding items, adds a risk mitigation program, ensures application of non-discrimination requirements, incorporates increased eligibility for authorized programs, prohibits PPP assistance for lobbyists salaries, prohibits covered loans to certain nonprofits engaged in election and campaign activities, expands the forgiveness safe harbor and the allowable use and forgiveness of expenditures for PPE, provides student loan debt relief, and requires every federal agency that funds or oversees scientific research to develop, adopt, and enforce a scientific integrity policy.

TEXT OF AMENDMENT TO H.R. 6800 CONSIDERED AS ADOPTED

Page 1, strike lines 3 through 7 and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as “The Heroes Act”.

Page 2, line 3, insert “for this Act” after “table of contents”.

Page 6, after line 2, insert the following:

RURAL DEVELOPMENT PROGRAMS

RURAL HOUSING SERVICE

RENTAL ASSISTANCE PROGRAM

For an additional amount for “Rental Assistance Program”, \$309,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, for temporary adjustment of wage income losses for residents of housing financed or as-

sisted under section 514, 515, or 516 of the Housing Act of 1949, without regard to any existing eligibility requirements based on income: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Page 6, line 21, strike “to remain available through” and insert “to remain available until”.

Page 8, line 10, strike “in this section” and insert “pursuant to the amendment made by this section”.

Page 8, line 18, strike “7 U.S.C. 5936” and insert “section 7522 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 5936)”.

Page 8, after line 24 (at the end of title I of division A), insert the following:

SEC. 10104. Section 11004 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended by inserting after the 4th proviso the following: “*Provided further*, That the condition set forth in section 9003(f) of the Farm Security and Rural Investment Act of 2002 shall apply with respect to all construction, alteration, or repair work carried out, in whole or in part, with funds made available by this section.”: *Provided*, That amounts repurposed pursuant to the amendments made pursuant to this section are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Page 11, line 11, strike “this Act,”.

Page 14, line 13, strike “*Provided*” and all that follows through the end of the proviso and insert “*Provided*, That a recipient of such funds shall not be subject, as a condition for receiving the funds, to any otherwise-applicable requirement to provide or obtain other Federal or non-Federal funds.”.

Page 15, beginning line 11, strike “*Provided further*” and all that follows through the end of the proviso and insert “*Provided further*, That a recipient of funds made available under this heading in both this Act and title II of division B of Public Law 116–136 shall not be subject, as a condition for receiving the funds, to any otherwise-applicable requirement to provide or obtain other Federal or non-Federal funds.”.

Page 16, line 8, strike “*Provided further*” and all that follows through the end of the proviso and insert “*Provided further*, That a recipient of funds made available under this heading in this Act shall not be subject, as a condition for receiving the funds, to any otherwise-applicable requirement to provide or obtain other Federal or non-Federal funds.”.

Page 17, line 9, strike “*Provided further*” and all that follows through the end of the proviso and insert “*Provided further*, That a recipient of funds made available under this heading in this Act shall not be subject, as a condition for receiving the funds, to any otherwise-applicable requirement to provide or obtain other Federal or non-Federal funds.”.

Page 18, line 4, strike “34 U.S.C. 10384” and insert “section 1704 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10384)”.

Page 18, line 7, strike “*Provided further*” and all that follows through the end of the proviso and insert “*Provided further, That a recipient of funds made available under this heading in this Act shall not be subject, as a condition for receiving the funds, to any otherwise-applicable requirement to provide or obtain other Federal or non-Federal funds:*”.

Page 19, line 1, strike “within” and insert “of”.

Page 19, after line 10, insert the following:

ADMINISTRATIVE PROVISION—SCIENCE

STUDY ON COVID–19 DISINFORMATION

SEC. 10202.

(a) STUDY.—No later than 30 days after the date of enactment of this Act, the Director of the National Science Foundation shall enter into an arrangement with the National Academies of Science, Engineering, and Medicine (National Academies) to conduct a study on the current understanding of the spread of COVID–19-related disinformation on the internet and social media platforms. The study shall address the following:

(1) the role disinformation and misinformation has played in the public response to COVID–19;

(2) the sources of COVID–19-related disinformation—both foreign and domestic—and the mechanisms by which that disinformation influences the public debate;

(3) the role social media plays in the dissemination and promotion of COVID–19 disinformation and misinformation content and the role social media platforms play in the organization of groups seeking to spread COVID–19 disinformation;

(4) the potential financial returns for creators or distributors of COVID–19 disinformation, and the role such financial incentives play in the propagation of COVID–19 disinformation;

(5) potential strategies to mitigate the dissemination and negative impacts of COVID–19 disinformation, including specifically, the dissemination of disinformation on social media, including through improved disclosures; and

(6) an analysis of the limitations of these mitigation strategies, and an analysis of how these strategies can be implemented without infringing on Americans’ Constitutional rights and civil liberties.

(b) REPORT.—In entering into an arrangement under this section, the Director shall request that the National Academies transmit to Congress a report on the results of the study not later than 12 months after the date of enactment of this Act.

(c) AUTHORIZATION.—There is authorized to be appropriated for the purposes of conducting the study in this section \$1,000,000.

Page 31, line 21 strike the colon and insert the following: “: *Provided further, That for purposes of this paragraph, the District of Columbia shall be considered to consist of a single county that is a unit of general local government:*”.

Page 33, strike line 17.

Page 34, line 2, strike “no” and insert “not”.

Page 34, line 2, strike “may” and insert “shall”.

Page 36, line 11 strike “section 103” and insert “sections 101(d) and 103”.

Page 38, line 6, insert “in this Act and” before “in the”.

Page 38, line 13, insert “or under this heading in this Act” after “116–136”.

Page 39, line 6, strike “in this section” and insert “pursuant to this section”.

Page 42, line 17, insert “in” before “the Financial Services”.

Page 42, line 23, insert “in” before “the Financial”.

Page 44, beginning line 24, strike “in this section” and insert “pursuant to this section”.

Page 47, beginning line 21, after “Act” strike “and in division D, title III of the Consolidated Appropriations Act, 2020 (Public Law 116–93)”.

Page 48, line 3, after “Grants” insert “in title III of division D of Public Law 116–93 and”.

Page 49, beginning line 25, strike “to remain available until expended,”.

Page 52, line 25, strike “in this section” and insert “pursuant to this section”.

Page 53, strike line 21 through page 54, line 7, and insert the following: “For an additional amount for “Environmental Programs and Management”, \$50,000,000, to remain available until September 30, 2021, for environmental justice grants as described in section 190702 of division S of this Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.”.

Page 55, beginning line 24, strike “25 U.S.C. 5325” and insert “section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325)”.

Page 56, line 3, strike “herein” and insert “under this heading in this Act”.

Page 59, line 1, insert “, to remain available until September 30, 2021,” after “Program Administration”.

Page 59, line 8, after the comma, insert a space.

Page 62, line 7, strike the first “the” and insert “an”.

Page 63, line 17, insert “for implementation of section 120302 of The Heroes Act and” after “2021,”.

Page 63, line 25, strike “Section” and insert “section”.

Page 69, line 19, strike “42 U.S.C. 300s–1(b)(1)(I)” and insert “section 1621(b)(1)(I) of the Public Health Service Act (42 U.S.C. 300s–1(b)(1)(I))”.

Page 73, line 22, insert “pursuant to section 30209 of this Act” after “staffing”.

Page 81, line 11, strike “VI” and insert “VII and adult protective services programs through the Elder Justice Act”.

Page 89, line 21, strike “sixth” and insert “fourth”.

Page 90, line 1, strike “sixth” and insert “fourth”.

Page 90, line 2, strike “of which 75 percent” and insert “of which the Governor shall reserve a percentage necessary to make the minimum grants described in the next proviso and, of the amounts remaining after making such reservation, 75 percent”.

Page 90, line 3, insert “in the State” after “share”.

Page 90, line 7, insert “the relative share in the State of” after “to”.

Page 90, line 10, after “award year:” insert “*Provided further*, That any public institution of higher education that is not otherwise eligible for a grant of at least \$1,000,000 under the preceding proviso and has an enrollment of at least 500 students shall be eligible to receive an amount equal to whichever is lesser of the total loss of revenue and increased costs associated with the coronavirus or \$1,000,000: *Provided further*, That the Governor shall use any remaining funds that were unnecessary to carry out the previous proviso to distribute such funds to institutions of higher education in accordance with the formula in the preceding provisos:”.

Page 90, line 11, insert “*Provided further*, That the Governor may use any funds received under the fourth proviso that are not specifically reserved under this heading for additional support to elementary, secondary, and postsecondary education, including supports for under-resourced institutions, institutions with high burden due to the coronavirus, and institutions who did not possess distance education capabilities prior to the coronavirus emergency:” before “*Provided further*, That the Governor shall return”.

Page 90, line 17, strike “sixth” and insert “fourth”.

Pg. 91, line 18, insert “supplemental afterschool programs and” before “summer”.

Page 92, line 16, insert “tuition,” after “for”.

Page 92, lines 21 through 25, strike “*Provided further*, That priority shall be given to under-resourced institutions, institutions with high burden due to the coronavirus, and institutions who did not possess distance education capabilities prior to the coronavirus emergency:”.

Page 92, line 25 and all that follows through page 93, line 6, strike “*Provided further*, That any institution of higher education that is not otherwise eligible for a grant of at least \$1,000,000 under this heading shall be eligible to receive an amount equal to whichever is lesser of the total loss of revenue and increased costs associated with the coronavirus or \$1,000,000:”.

Page 94, lines 5 and 6, strike “preceding the date of enactment of this Act” and insert “preceding the fiscal year for which State support for elementary and secondary education is provided”.

Page 94, line 15, strike “need-based”.

Page 94, lines 15 and 16, strike “preceding the date of enactment of this Act” and insert “preceding the fiscal year for which State support for higher education is provided”.

Page 94, line 19, insert “at least” after “shall be”.

Page 101, strike lines 3 through 17 and insert the following:

(A) \$7,000,000,000 shall be provided to private, nonprofit institutions of higher education—

(i) by reserving an amount necessary to make the minimum grants described in the second to last proviso under this heading; and

(ii) from amounts not reserved under clause (i), by apportioning—

(I) 75 percent according to the relative share of enrollment of Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(II) 25 percent according to the relative share of the total enrollment of students who were not Federal Pell Grant recipients who are not exclusively enrolled in distance education courses prior to the coronavirus emergency.

Page 101, line 19, strike “(as defined in section 101 of the Higher Education Act)”.

Page 102, line 6, insert “tuition,” after “including”.

Page 102, line 17, insert “private, nonprofit” after “any”.

Page 102, line 19, insert “(ii)” after “(2)(A)”.

Page 102, beginning on line 20, strike “receive an amount” and insert “receive, from amounts reserved under paragraph (2)(A)(i), an amount”.

Page 102, line 23, after “\$1,000,000.” insert the following: “*Provided further*, That of the funds provided under paragraph 2(B), the Secretary shall make an application available for institutions of higher education to demonstrate unmet need, which shall include for this purpose a dramatic decline in revenue as a result of campus closure, exceptional costs or challenges implementing distance education platforms due to lack of a technological infrastructure, serving a large percentage of students who lack access to adequate technology to move to distance education, serving a region or community that has been especially impacted by increased unemployment and displaced workers, serving communities or regions where the number of coronavirus cases has imposed exceptional costs on the institution, and other criteria that the Secretary shall identify after consultation with institutions of higher education or their representatives: *Provided further*, That no institution may receive an award unless it has submitted an application that describes the impact of the coronavirus on the institution and the ways that the institution will use the funds to ameliorate such impact: *Provided further*, That the Secretary shall brief the Committees on Appropriations fifteen days in advance of making any application available for funds under paragraph (2)(B):”.

Page 103, line 22, strike “by this section” and insert “pursuant to the amendment made by this section”.

Page 104, lines 5 through 9, strike “with these funds only for children identified under section 1115(c) of the ESEA in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools after ‘equitable services’” and insert “including subsections (a)(4)(A)(i) and (c) of such section” after “section 1117” and by inserting “Such equitable services shall be provided by the local educational agency in which the students reside, and the amount of funds available for such eq-

uitable services shall be based on the number of nonpublic school students who were identified in the calculation under section 1117(c)(1) of the ESEA for purposes of Title I–A during the 2019–2020 school year relative to the sum of such students in public schools during the 2019–2020 school year.’ after ‘representatives of nonpublic schools.’”.

Page 104, line 10, strike “by this section” and insert “pursuant to the amendment made by this section”.

Page 105, line 1, strike “by this section” and insert “pursuant to the amendment made by this section”.

Page 107, line 25, insert “such section” before “shall be applied”.

Page 108, line 3, strike “budgetary effects” and insert “amounts provided under”.

Page 108, line 6, insert before the period the following: “, and the budgetary effects shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of such Act”.

Page 108, line 11, insert before the period the following: “, and the budgetary effects shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of such concurrent resolution”.

Page 108, line 19, insert “shall not be estimated” after “subsection”.

Page 108, line 20, strike “shall not be estimated”.

Page 108, strike lines 22 through 24 and insert the following:

(ii) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay As-You-Go Act of 2010 as being included in an appropriation Act.

Page 109, line 1, strike “Sciences” and insert “Services”.

Page 112, line 11, strike “No” and insert “Not”.

Page 114, line 25, strike “Nation’s” and insert “United States”.

Page 123, line 4, strike “5338” and insert “5336”.

Page 124, line 1, strike “between” and insert “since”.

Page 124, line 2, strike “and January 20, 2020”.

Page 124, lines 6 and 7, strike “not recipients or”.

Page 124, line 8, strike “but are eligible for grants under this heading in this Act” and insert “and have partnered with a recipient or subrecipient in order to meet the requirements of section 5311(f) of such title”.

Page 136, strike line 16 and insert “110201”.

Page 143, line 23, strike “in this section” and insert “pursuant to this section”.

Page 148, line 17, insert before the period the following: “, and the budgetary effects shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of such Act”.

Page 148, line 22, insert before the period the following: “, and the budgetary effects shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of such concurrent resolution”.

Page 149, line 4, before the em-dash, insert “shall not be estimated”.

Page 149, strike lines 7 through 9 and insert the following:

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay As-You-Go Act of 2010 as being included in an appropriation Act.

Page 183, strike line 21 through page 185, line 8.

Page 185, line 9, redesignate subparagraph (B) as subparagraph (A).

Page 185, line 20, redesignate subparagraph (C) as subparagraph (B).

Page 185, line 24, strike “No later than 15 days after the enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by clauses (i) through (iv) paragraph (1)(A).”.

Page 186, line 9, strike “such funds” and insert “Internal Revenue Service funds in this Act.”.

Page 211, line 11, insert “, as amended by the preceding provisions of this Act,” after “Code of 1986”.

Page 211, line 13, strike “(i)” and insert “(j)”.

Page 228, line 14, insert “of 2020” after “Act”.

Page 231, line 24, insert “of 2020” after “Act”.

Page 245, after line 3, insert the following:

(h) APPLICATION OF CREDIT TO EMPLOYERS OF DOMESTIC WORKERS.—

(1) IN GENERAL.—Section 2301(c)(2) of the CARES Act, as amended by the preceding provisions of this Act, is amended by adding at the end the following new subparagraph:

“(E) EMPLOYERS OF DOMESTIC WORKERS.—In the case of an employer with one or more employees who perform domestic service (within the meaning of section 3121(a)(7) of such Code) in the private home of such employer, with respect to such employees—

“(i) subparagraph (A) shall be applied—

“(I) by substituting ‘employing an employee who performs domestic service in the private home of such employer’ for ‘carrying on a trade or business’ in clause (i) thereof, and

“(II) by substituting ‘such employment’ for ‘the operation of the trade or business’ in clause (ii)(I) thereof.

“(ii) subclause (II) of subparagraph (A)(ii) shall not apply, and

“(iii) such employer shall be treated as a large employer.”.

(2) DENIAL OF DOUBLE BENEFIT.—Section 2301(h)(2) of the CARES Act, as amended by preceding provisions of this Act, is amended—

(A) by striking “shall not be taken into account for purposes of” and inserting “shall not be taken into account—

“(A) for purposes of”,

(B) by striking the period at the end and inserting “, and”, and

(C) by adding at the end the following:

- “(B) if such wages are paid for domestic service described in subsection (c)(2)(E), as employment-related expenses for purposes of section 21 of such Code.
- In the case of any individual who pays wages for domestic service described in subsection (c)(2)(E) and receives a reimbursement for such wages which is excludible from gross income under section 129 of such Code, such wages shall not be treated as qualified wages for purposes of this section.”.
- Page 245, line 4, strike “(h)” and insert “(i)”.
- Page 250, strike lines 3 through 5 and insert the following:
- (i) any reference in this section to a trade or business shall be treated as a reference to all operations of such organization, and
- Page 273, line 11, insert “to read” after “is amended”.
- Page 285, line 9, strike “section 2302(b)” and insert “section 2303(b)”.
- Page 288, after line 12, insert the following:
- “(4) Notwithstanding the first sentence of section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)), the application of the increase under this section may result in the enhanced FMAP of a State for a fiscal year under such section exceeding 85 percent, but in no case may the application of such increase before application of the second sentence of such section result in the enhanced FMAP of the State exceeding 95 percent.”.
- Page 302, line 21, strike “the HEROES” and insert “The Heroes”.
- Page 307, line 8, strike “the HEROES” and insert “The Heroes”.
- Page 307, line 24, strike “the HEROES” and insert “The Heroes”.
- Page 310, line 4, strike “the HEROES” and insert “The Heroes”.
- Page 310, line 16, strike “the HEROES” and insert “The Heroes”.
- Page 314, line 23, strike “; and, for such period” and all that follows through “such Act” on page 315, line 11.
- Page 321, lines 6 and 7, strike “waiver and expenditure authorities for a”.
- Page 342, strike line 5 and all that follows through page 343, line 23.
- Page 344, line 14, strike “the HEROES” and insert “The Heroes”.
- Page 372, line 19, strike “the HEROES” and insert “The Heroes”.
- Page 372, after line 20, insert the following:

RISK CORRIDOR PROGRAM FOR MEDICARE ADVANTAGE PLANS

SEC. 30213.

(a) IN GENERAL.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended by adding at the end the following new subsection:

“(p) RISK CORRIDOR PROGRAM DURING THE COVID–19 EMERGENCY.—

“(1) IN GENERAL.—The Secretary shall establish and administer a program of risk corridors for each plan year, any portion of which occurs during the emergency period defined in section 1135(g)(1)(B), under which the Secretary shall make payments to MA organizations offering a Medicare Advantage

plan based on the ratio of the allowable costs of the plan to the aggregate premiums of the plan.

“(2) PAYMENT METHODOLOGY.—The Secretary shall provide under the program established under paragraph (1) that if the allowable costs for a Medicare Advantage plan for any plan year are more than 105 percent of the target amount, the Secretary shall pay to the plan an amount equal to 75 percent of the allowable costs in excess of 105 percent of the target amount.

“(3) TIMING.—

“(A) SUBMISSION OF INFORMATION BY PLANS.—With respect to a plan year for which the program described in paragraph (1) is established and administered, not later than July 1 of the succeeding plan year each MA organization offering a Medicare Advantage plan shall submit to the Secretary such information as the Secretary may require for purposes of carrying out such program.

“(B) PAYMENT.—The Secretary shall pay to an MA organization offering a Medicare Advantage plan eligible to receive a payment under the program with respect to a plan year the amount provided under paragraph (2) for such plan year not later than 60 days after such organization submits information with respect to such plan and plan year under subparagraph (A).

“(4) DEFINITIONS.—

“(A) ALLOWABLE COSTS.—The amount of allowable costs of a MA organization offering a Medicare Advantage plan for a plan year is an amount equal to the total costs (other than administrative costs) of such plan in providing benefits covered by such plan, but only to the extent that such costs are incurred with respect to such benefits for items and services that are benefits under the original medicare fee-for-service program option.

“(B) TARGET AMOUNT.—The target amount described in this paragraph is, with respect to a Medicare Advantage plan and a plan year, the total amount of payments paid to the MA organization for the plan for benefits under the original medicare fee-for-service program option for the plan year, taking into account amounts paid by the Secretary and enrollees, based upon the bid amount submitted under section 1854, reduced by the total amount of administrative expenses for the year assumed in such bid.

“(5) FUNDING.—There are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any monies in the Treasury not otherwise obligated, such sums as may be necessary for purposes of carrying out this subsection.”.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Service may implement the amendments made by this section by program instruction or otherwise.

RELIEF FOR SMALL RURAL HOSPITALS FROM INACCURATE INSTRUCTIONS PROVIDED BY CERTAIN MEDICARE ADMINISTRATIVE CONTRACTORS

SEC. 30214.

Section 1886(d)(5) of the Social Security Act (42 U.S.C. 1395ww(d)(5)) is amended by adding at the end the following new subparagraph:

“(N)(i) Subject to clause (ii), in the case of a sole community hospital or a medicare-dependent, small rural hospital with respect to which a medicare administrative contractor initially determined and paid a volume decrease adjustment under subparagraph (D)(ii) or (G)(iii) for a specified cost reporting period, at the election of the hospital, the Secretary of Health and Human Services shall replace the volume decrease adjustment subsequently determined for that specified cost reporting period by the medicare administrative contractor with the volume decrease adjustment initially determined and paid by the medicare administrative contractor for that specified cost reporting period.

“(ii)(I) Clause (i) shall not apply in the case of a sole community hospital or a medicare-dependent, small rural hospital for which the medicare administrative contractor determination of the volume decrease adjustment with respect to a specified cost reporting period of the hospital is administratively final before the date that is three years before the date of the enactment of this section.

“(II) For purposes of subclause (I), the date on which the medicare administrative contractor determination with respect to a volume decrease adjustment for a specified cost reporting period is administratively final is the latest of the following:

“(aa) The date of the contractor determination (as defined in section 405.1801 of title 42, Code of Federal Regulations).

“(bb) The date of the final outcome of any reopening of the medicare administrative contractor determination under section 405.1885 of title 42, Code of Federal Regulations.

“(cc) The date of the final outcome of the final appeal filed by such hospital with respect to such volume decrease adjustment for such specified cost reporting period.

“(iii) For purposes of this subparagraph, the term ‘specified cost reporting period’ means a cost reporting period of a sole community hospital or a medicare-dependent, small rural hospital, as the case may be, that begins during a fiscal year before fiscal year 2018.”.

DEEMING CERTAIN HOSPITALS TO BE LOCATED IN AN URBAN AREA FOR PURPOSES OF PAYMENT FOR INPATIENT HOSPITAL SERVICES UNDER THE MEDICARE PROGRAM

SEC. 30215.

Section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)) is amended by adding at the end the following new subparagraph:

“(G)(i) For purposes of payment under this subsection for discharges occurring during the 3-year period beginning on October 1, 2020, each hospital located in Albany, Saratoga, Schenectady, Montgomery, or Rensselaer County of New York shall be deemed to be located in the large urban area of Hartford-West Hartford-East of Hartford, Connecticut (CBSA 25540).

“(ii) Any deemed location of a hospital pursuant to clause (i) shall be treated as a decision of the Medicare Geographic Classification Review Board for purposes of paragraph (8)(D).”.

Page 382, line 16, strike “the HEROES” and insert “The Heroes”.

Page 384, line 24, strike “the HEROES” and insert “The Heroes”.

Page 387, line 1, strike “the HEROES” and insert “The Heroes”.

Page 402, after line 10, insert the following:

RISK CORRIDOR PROGRAM FOR HEALTH INSURANCE COVERAGE
OFFERED IN THE INDIVIDUAL OR SMALL GROUP MARKET

SEC. 30307.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall establish and administer a program of risk corridors for plan years 2020 and 2021 under which the Secretary shall make payments to health insurance issuers offering health insurance coverage in the individual or small group market based on the ratio of the allowable costs of the coverage to the aggregate premiums of the coverage.

(b) PAYMENT METHODOLOGY.—The Secretary shall provide under the program established under subsection (a) that if the allowable costs for a health insurance issuer offering health insurance coverage in the individual or small group market for any plan year are more than 105 percent of the target amount, the Secretary shall pay to the issuer an amount equal to 75 percent of the allowable costs in excess of 105 percent of the target amount.

(c) INFORMATION COLLECTION.—The Secretary shall establish a process under which information is collected from health insurance issuers offering health insurance coverage in the individual or small group market for purposes of carrying out this section.

(d) NON-APPLICATION.—The provisions of this section shall not apply with respect to any group or individual health insurance coverage in relation to its provision of excepted benefits described in section 2791(c)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(c)).

(e) DEFINITIONS.—In this section:

(1) ALLOWABLE COSTS.—

(A) IN GENERAL.—The amount of allowable costs of a health insurance issuer offering health insurance coverage in the individual or small group market for any year is an amount equal to the total costs (other than administrative costs) of such issuer in providing benefits covered by such coverage.

(B) CERTAIN REDUCTIONS.—Allowable costs shall be reduced by any—

(i) risk adjustment payments received under section 1343 of the Patient Protection and Affordable Care Act (42 U.S.C. 18063); and

(ii) reinsurance payments received pursuant to a waiver approved under section 1332 of such Act (42 U.S.C. 18052).

(2) ADDITIONAL TERMS.—The terms “health insurance issuer”, “health insurance coverage”, “individual market”, and “small group market” have the meanings given such terms in

section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91).

(3) TARGET AMOUNT.—The target amount of health insurance coverage offered in the individual or small group market for any year is an amount equal to the total premiums (including any premium subsidies under any governmental program), reduced by the administrative costs of the coverage.

(f) TREATMENT FOR MLR.—Payments made under this section with respect to an applicable plan year to a health insurance issuer offering health insurance coverage in the individual or small group market shall for purposes of section 2718(b) of the Public Health Service Act (42 U.S.C. 300gg–18(b)) be included in the calculation of the premium revenue with respect to such issuer and year.

(g) IMPLEMENTATION.—The Secretary of Health and Human Services may implement the provisions of this section by subregulatory guidance, program instruction, or otherwise.

(h) APPROPRIATION.—There are appropriated, out of any monies in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

RISK CORRIDOR PROGRAM FOR SELF-INSURED GROUP HEALTH PLANS
AND HEALTH INSURANCE COVERAGE OFFERED IN THE LARGE GROUP
MARKET

SEC. 30308.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”), in coordination with the Secretary of Labor and the Secretary of the Treasury, shall establish and administer a program of risk corridors for plan years 2020 and 2021 under which the Secretary, in coordination with the Secretary of Labor and the Secretary of the Treasury, shall make payments in accordance with subsection (b) to self-insured group health plans and health insurance issuers offering health insurance coverage in the large group market.

(b) PAYMENT METHODOLOGY.—The Secretary, in coordination with the Secretary of Labor and the Secretary of the Treasury, shall provide under the program established under subsection (a) that if the allowable costs for a self-insured group health plan or health insurance coverage offered in the large group market for any plan year are more than 105 percent of the target amount, the Secretary shall pay to the plan, or issuer of such coverage, an amount equal to 75 percent of the allowable costs in excess of 105 percent of the target amount.

(c) INFORMATION COLLECTION.—

(1) IN GENERAL.—The Secretary, the Secretary of Labor, and the Secretary of the Treasury may require self-insured group health plans and health insurance issuers of health insurance coverage offered in the large group market to report to the applicable Secretary, in a form, manner, and timeframe specified by the Secretaries, information necessary for purposes of carrying out this section in accordance with the process established under paragraph (2).

(2) PROCESS.—The Secretary, the Secretary of Labor, and the Secretary of the Treasury shall jointly establish a process prescribing the form and manner under which information is collected from self-insured group health plans and health insur-

ance issuers offering health insurance coverage in the large group market for purposes of carrying out this section.

(d) DEFINITIONS.—

(1) ALLOWABLE COSTS.—

(A) IN GENERAL.—The amount of allowable costs of a self-insured group health plan or health insurance coverage offered in the large group market for any plan year is an amount equal to the total costs (other than administrative costs) of such plan or the issuer of such coverage in covering items and services furnished during such plan year under such plan or such coverage.

(B) CERTAIN REDUCTIONS.—Allowable costs of a self-insured group health plan or health insurance coverage offered in the large group market for a plan year shall be reduced by any—

(i) reinsurance payments received by such plan or coverage pursuant to a waiver approved under section 1332 of such Act (42 U.S.C. 18052) for such plan year; and

(ii) other payments received by such plan or coverage (as specified by the Secretary) for such plan year.

(2) ADDITIONAL TERMS.—For purposes of this section, the terms “excepted benefits”, “health insurance issuer”, “health insurance coverage”, and “large group market” have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b), and section 9832 of the Internal Revenue Code of 1986, as applicable, and the term “self-insured group health plan” has the meaning given such term for purposes of section 2701(a)(5) of the Public Health Service Act (42 U.S.C. 300gg(a)(5)).

(3) TARGET AMOUNT.—

(A) IN GENERAL.—The target amount of—

(i) a self-insured group health plan for an applicable plan year is—

(I) in the case such plan was offered during the preceding plan year and was subject to the requirement of section 601(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161(a)) during such preceding plan year, the expected cost to the plan for all individuals covered under such plan for such preceding plan year (without regard to whether such cost is paid by the employer or employee), taking into account applicable premiums (as defined in section 604(a) of such Act (29 U.S.C. 1164(1))) for such plan and preceding plan year, reduced by any administrative costs for such preceding plan year and increased by 5 percent; or

(II) in the case such plan is not described in subclause (I), the expected cost to the plan for all individuals covered under such plan for such applicable plan year (as determined under a method-

ology specified by the Secretary), reduced by any administrative costs for such plan year; and

(ii) health insurance coverage offered in the large group market for an applicable plan year is an amount equal to the total premiums (including any premium subsidies under any governmental program), as defined by the Secretary, for such plan year, reduced by the administrative costs of the coverage for such plan year.

(B) APPLICABLE PLAN YEAR.—The term “applicable plan year” means plan year 2020 or plan year 2021, as applicable.

(e) APPLICATION.—

(1) IN GENERAL.—The provisions of subsection (c) shall be applied by the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury to group health plans and health insurance issuers offering health insurance coverage in the large group market as if such subsection were included in the provisions of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.), part 7 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et seq.), and subchapter B of chapter 100 of the Internal Revenue Code of 1986, as applicable.

(2) TREATMENT FOR MLR.—Payments made under this section with respect to an applicable plan year to a self-insured group health plan or health insurance issuer offering health insurance coverage in the large group market shall for purposes of section 2718(b) of the Public Health Service Act (42 U.S.C. 300gg–18(b)) be included in the calculation of the premium revenue with respect to such plan or issuer, respectively, and year.

(f) NON-APPLICATION.—The provisions of this section shall not apply with respect to—

(1) any group health plan or group or individual health insurance coverage in relation to its provision of excepted benefits; or

(2) a grandfathered health plan, as defined in section 1251(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18011(e)).

(g) IMPLEMENTATION.—The Secretary, the Secretary of Labor, and the Secretary of the Treasury may implement the provisions of this section by subregulatory guidance, program instruction, or otherwise.

(h) APPROPRIATION.—There are appropriated, out of any monies in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

Page 452, line 21, after “Act” insert “of 1950”.

Page 499, line 9, after “searchable, electronic format” insert “as soon as is practicable, and in no case later than one week after such information is received”.

Page 536, lines 20 and 21, strike “or related positions” and insert “and related positions”.

Page 536, line 21, strike “is” before “served by”.

Page 540, line 6, strike “or related positions” and insert “and related positions”.

Page 540, line 11, strike “or related positions” and insert “and related positions”.

Page 546, line 7, strike “tracers” and insert “tracing”.

Page 546, line 12, insert a comma after “strategy”.

Page 546, line 24, strike “program participants” and insert “eligible individuals”.

Page 547, line 7, strike “or related positions” and insert “and related positions”.

Page 547, line 21, insert “eligible” before “individual”.

Page 548, lines 2 and 3, strike “as a contact tracer or related positions” and insert “in contact tracing and related positions”.

Page 548, line 5, strike “participants” and insert “individuals”.

Page 548, line 14, strike “in the contact tracing or related positions” and insert “in contact tracing and related positions”.

Page 549, line 4, strike “or related positions” and insert “and related positions”.

Page 549, line 13, strike “or related positions” and insert “and related positions”.

Page 550, lines 2 and 3, strike “trained as contract tracers and related positions” and insert “trained in contact tracing and related positions”.

Page 550, line 7, strike “or related positions” and insert “and related positions”.

Page 550, line 20, strike “or related positions” and insert “and related positions”.

Page 551, line 11, strike “or related positions” and insert “and related positions”.

Page 551, lines 11 and 12, strike “permanent, full-time employment” and insert “unsubsidized employment”.

Page 571, line 25, strike “eligible health provider” and insert “eligible health care provider”.

Page 573, line 1, strike “subparagraph (A)” and insert with “paragraph (1)(A)”.

Page 576, line 17, insert the following “or, if the health care provider does not have a valid tax identification number, an employer identification number or such other identification number as the Secretary may accept or may assign” after “provider”.

Page 577, line 11, insert “quarter” after “calendar”.

Page 577, line 16, insert “and any other information the Secretary determines necessary to determine expenses and lost revenue related to COVID–19” after “quarter”.

Page 578, line 3, strike “(e)” and insert “(d)”.

Page 578, line 4, strike “(f)” and insert “(e)”.

Page 585, line 11, strike “presumptive” and insert “possible”.

Page 621, strike line 22 through page 622, line 24.

Page 622, after line 25, insert the following new title:

TITLE VII—OTHER MATTERS

SEC. 30701. NON-DISCRIMINATION.

(a) IN GENERAL.—Notwithstanding any provision of a covered law (or an amendment made in any such provision), no person otherwise eligible shall be excluded from participation in, denied the benefits of, or subjected to discrimination in the administration of, programs and services receiving funding under a covered law (or an amendment made by a provision of such a covered law), based on any factor that is not merit-based, such as age, disability, sex (including sexual orientation, gender identity, and pregnancy, childbirth, and related medical conditions), race, color, national origin, immigration status, or religion.

(b) COVERED LAW DEFINED.—In this section, the term “covered law” includes—

- (1) this Act (other than this section);
- (2) title I of division B of the Paycheck Protection Program and Healthcare Enhancement Act (Public Law 116–139);
- (3) subtitles A, D, and E of title III of the CARES Act (Public Law 116–136);
- (4) division F of the Families First Coronavirus Relief Act (Public Law 116–127); and
- (5) division B of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).

Page 693, line 24, strike “losses” and insert “the losses of income”.

Page 694, line 1, strike “insufficient regional processing access” and insert “insufficient access to meat and poultry processing”.

Page 694, after line 18, insert the following:

- (3) MAXIMUM AGGREGATE PAYMENT.—In no case shall the amount of payments received by a producer under this section and section 60306 exceed 100 percent of the loss of such producer.

Page 700, after line 7, insert the following:

- (i) FUNDING.—Out of any amounts of the Treasury not otherwise appropriated, there is appropriated to carry out this section \$500,000,000, to remain available until expended.

Page 700, strike lines 8 through 11.

Page 704, after line 11, insert the following:

- (j) FUNDING.—Out of any amounts in the Treasury not otherwise appropriated, there is appropriated to carry out this section such sums as may be necessary.

Page 704, strike lines 12 through 14.

Page 705, after line 14, insert the following:

- (e) FUNDING.—Out of any amounts in the Treasury not otherwise appropriated, there is appropriated to carry out this section \$500,000,000.

Page 705, strike lines 15 through 17.

Page 707, line 15 strike “subsection (d)(6)(B)” and insert “paragraphs (5)(B) and (6)(B) of subsection (d)”.

Page 708, line 12, insert “or entities eligible for grants under subsection (d)” after “(c)(1)”.

Page 710, beginning on line 3, strike “initiate, expand, or sustain” and insert “expand or sustain”.

Page 713, strike lines 8 through 12 and insert the following:

(C) QUALIFIED FUEL.—The term “qualified fuel” means any advanced biofuel, biomass-based diesel, cellulosic biofuel, conventional biofuel, or renewable fuel, as such terms are defined in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), that is produced in the United States.

Page 714, line 12, strike “made available” and insert “appropriated”.

Page 716, line 20, strike “made available” and insert “appropriated”.

Page 716, line 23, strike “section” and insert “subsection”.

Page 719, line 1 strike “make payments” and insert “begin making payments”.

Page 719, line 4, strike “made available” and insert “appropriated”.

Page 735, line 4, strike “the”.

Beginning on page 735, strike line 16 and all that follows through line 8 on page 736.

Page 745, line 3, strike “60608” and insert “60603”.

Transfer section 60603 (beginning on page 745, line 3, through line 3 on page 746) as so redesignated so as to insert that redesignated section after line 15 on page 735.

Page 760, line 2, strike “the HEROES” and insert “The Heroes”.

Page 817, line 14, strike “on the date of the enactment of this Act” and insert “on the date on which a covered veteran applies for hospital care or medical services under this section”.

Page 817, line 15, strike “a” and insert “the”.

Page 819, beginning on line 1, strike section 80015.

Page 822, strike lines 5 through 23 and insert the following:

(d) MODIFICATION TO ELIGIBLE ENTITIES.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) is amended—

(1) in subparagraph (A)—

(A) in clause (vii), by striking “section 501(c)(3)” and inserting “section 501(c)”;

(B) in clause (viii)(II)—

(i) in item (dd), by striking “or” at the end;

(ii) in item (ee), by inserting “or”; and

(iii) by adding at the end the following new item:

“(ff) any compensation of an employee who is a registered lobbyist under the Lobbying Disclosure Act of 1995;”;

(C) in clause (xi)(IV), by striking “and” at the end;

(D) in clause (xii), by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following new clause:

“(xiii) the term ‘housing cooperative’ means a cooperative housing corporation (as defined in section 216(b) of the Internal Revenue Code of 1986).”; and
 (2) in subparagraph (D)—

(A) by striking “nonprofit organization,” each place it appears and inserting “housing cooperative,”;

(B) by adding at the end the following new clause:

“(vii) NONPROFIT ORGANIZATION ELIGIBILITY.—During the covered period, any nonprofit organization shall be eligible to receive a covered loan. Any 501(c)(4) organization (as defined in section 501(c)(4) of the Internal Revenue Code of 1986) may receive a covered loan provided that such 501(c)(4) organization has not made and will not make a contribution, expenditure, independent expenditure, or electioneering communication within the meaning of the Federal Election Campaign Act, and has not undertaken and will not undertake similar campaign finance activities in State and local elections, during the election cycle which ends on the date of the general election in this calendar year.”;

(C) in clause (iv)—

(i) in subclause (II), by striking “and” at the end;

(ii) in subclause (III), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following new subclause:

“(IV) any nonprofit organization.”; and

(D) in clause (vi), by striking “nonprofit organization” and inserting “housing cooperative”.

Page 824, line 19, strike “(vii)” and insert “(viii)”.

Page 825, line 2, insert after the period at the end the following: “A parent company, investment company, or management company of one or more physical locations of a business concern described in clause (iii)(II) shall not be eligible for a covered loan.”.

Page 828, line 23, strike “(h)” and insert “(i)”.

Page 830, line 12, strike “\$1,000,000,000” and insert “\$250,000,000”.

Page 832, line 7, insert “and” at the end.

Page 834, line 14, strike “and”.

Page 836, beginning on line 10, strike “is amended” and insert “as amended by subsection (b), is further amended”.

Page 837, line 19, strike “or”.

Page 837, line 22, strike “2020.” and insert “2020; or”.

Page 837, after line 22, insert the following:

“(C) is able to demonstrate an inability to return to the same level of business activity as such business was operating at prior to February 15, 2020.”.

Page 838, line 1, strike “(c)” and insert “(d)”.

Page 838, line 8, strike “is amended” and insert “as amended by subsection (b)(3)(B), is further amended”.

Page 838, line 12, insert “or amounts refinanced described under subsection (b) (other than payroll costs)” after “payments”.

Page 838, line 19, strike “Cares Act” and insert “CARES Act (Public Law 116–136)”.

Page 839, line 2, insert “(Public Law 116–136)” after “CARES Act”.

Page 840, line 1, insert “(Public Law 116–136)” after “CARES Act”.

Page 840, line 3, insert “(Public Law 116–136)” after “CARES Act”.

Page 840, line 9, insert “(Public Law 116–136)” after “CARES Act”.

Page 840, strike lines 10 through 18 and insert the following:

SEC. 90006. ALLOWABLE USES OF COVERED LOANS; FORGIVENESS.

(a) PAYCHECK PROTECTION PROGRAM.—Section 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(i)) is amended—

(1) in subclause (VI), by striking “and” at the end;

(2) in subclause (VII), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subclause:

“(VIII) costs related to the provision of personal protective equipment for employees or other equipment or supplies determined by the employer to be necessary to protect the health and safety of employees.”.

(b) FORGIVENESS.—

(1) DEFINITION OF EXPECTED FORGIVENESS AMOUNT.—Section 1106(a)(7) of the CARES Act (Public Law 116–136), as amended by section 90004(b)(1), is further amended by adding at the end the following new subparagraph:

“(G) payments made for the provision of personal protective equipment for employees or other equipment or supplies determined by the employer to be necessary to protect the health and safety of employees; and”.

(2) FORGIVENESS.—Section 1106(b) of the CARES Act (Public Law 116–136), as amended by section 90004(b)(2), is further amended by adding at the end the following new paragraph:

“(7) Any payment made for the provision of personal protective equipment for employees or other equipment or supplies determined by the employer to be necessary to protect the health and safety of employees.”.

Page 842, line 19, strike “less” and insert “more”.

Page 843, line 17, insert a period at the end.

Page 855, line 13, strike “after” and insert “on”.

Page 866, line 13, strike “grants” each place it appears and insert “advances”.

Page 877, line 14, insert “(Public Law 116–136)” after “CARES Act”.

Page 877, line 24, strike “and” after the semicolon.

Page 886, line 15, insert “at least 50 percent of all” before “funds”.

Page 886, line 18, strike “urban”.

Page 886, line 22, insert “and any State to which clause (i) applies that does not pass through funds as described in that clause” before the comma.

Page 886, line 24, insert “at least 50 percent of” before “the”.

Page 920, line 20, strike “clause (i)(II)” and insert “clause (i)”.

Page 930, line 8, strike “; and” and insert a period.

Page 956, line 24, strike “that” and insert “for which”.

Page 956, line 25, after “available” insert “to the State housing finance agency or entity”.

Page 958, strike lines 23 and 24 and insert the following:

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

Page 959, line 2, strike “or” through “(i)”.

Page 987, line 7, add “and” at the end.

Page 987, line 12, strike “and”.

Page 1001, line 15, strike “a report to the Congress” and insert “reports to the Congress on a monthly basis”.

Page 1002, line 3, strike “a report to Congress that identifies” and insert “reports to the Congress on a monthly basis that identify”.

Page 1012, line 2, add “and” at the end.

Page 1016, line 18, strike “CFR” and insert “C.F.R.”.

Page 1017, line 22, after “Act” insert “(42 U.S.C. 11374)”.

Page 1021, line 11, strike “11302(a)” and insert “11302(a))”.

Page 1021, line 15, strike “11360)” and insert “11360))”.

Page 1025, line 11, strike “Act” and insert “section”.

Page 1025, line 12, strike “Act” and insert “section”.

Page 1046, beginning on line 2, strike “the end of September” and insert “September 30,”.

Page 1046, beginning on line 15, strike “the end of September” and insert “September 30,”.

Page 1046, line 18, strike “the end of September” and insert “after September 30,”.

Page 1046, line 20, strike “the end of the September” and insert “September 30,”.

Page 1047, line 10, strike “the end of September” and insert “September 30,”.

Page 1047, line 20, strike “at the end of September” and insert “on September 30,”.

Page 1047, line 23, strike “the end of September” and insert “September 30,”.

Page 1048, line 21, strike “.”.

Page 1048, after line 21, insert the following:

“(8) APPLICATION ONLY TO ECONOMICALLY DISTRESSED BORROWERS.—

“(A) IN GENERAL.—This subsection shall only apply to a borrower of a private education loan who is an economically distressed borrower.

“(B) ECONOMICALLY DISTRESSED BORROWER DEFINED.—In this paragraph, the term ‘economically distressed borrower’ means a borrower of a private education loan who, as of March 12, 2020—

“(i) based on financial state or other conditions, would be otherwise eligible, if the borrower instead had a Federal student loan, of having a monthly payment due on such loan of \$0 pursuant to an income-contingent repayment plan under section 455(d)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)(D)) or an income-based repayment plan under section 493C of such Act (20 U.S.C. 1098e);

“(ii) was in default on such loan;

“(iii) had a payment due on such loan that was at least 90 days past due; or

“(iv) based on financial state or other conditions, was in forbearance or deferment.

“(C) RULEMAKING.—Not later than 7 days after the date of enactment of this paragraph, the Director of the Bureau, in consultation with the Secretary of Education, shall issue rules to implement this paragraph, including providing a detailed description of how a borrower of a private education loan will be considered an economically distressed borrower as defined under each clause of subparagraph (B).”.

Page 1048, beginning line 22, strike “Notwithstanding any other provision of law, there is” and insert “There is”.

Page 1051, line 8, strike “the end of September” and insert “September 30,”.

Page 1051, line 22, strike “the end of September” and insert “September 30,”.

Page 1053, after line 5, insert the following:

(c) APPLICATION ONLY TO ECONOMICALLY DISTRESSED BORROWERS.—This section shall only apply to a borrower of a private education loan who is an economically distressed borrower.

Page 1053, line 6, strike “(c)” and insert “(d)”.

Page 1053, after line 15, insert the following:

(3) ECONOMICALLY DISTRESSED BORROWER DEFINED.—The term “economically distressed borrower” has the meaning given that term under section 140(h)(8) of the Truth in Lending Act, as added by section 110501.

Page 1063, line 24, after “organizations” insert “and institutions of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))”.

Page 1064, line 7, insert “without capitalization of interest” before “and”.

Page 1064, lines 8 through 12, strike “that are ineligible to receive a covered loan under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) and”.

Page 1064, line 22, insert after the semicolon the following:

(cc) shall make any 501(c)(4) organization (as defined in section 501(c)(4) of the

Internal Revenue Code of 1986) eligible for any facility provided that such 501(c)(4) organization has not made and will not make a contribution, expenditure, independent expenditure, or electioneering communication within the meaning of the Federal Election Campaign Act, and has not undertaken and will not undertake similar campaign finance activities in state and local elections, during the election cycle which ends on the date of the general election in this calendar year;”.

Page 1065, line 7, strike “(c)(3)(D)(ii)(II)” and insert “4003(c)(3)(D)(ii)(II)”.

Page 1065, line 13, strike “and” and insert a comma.

Page 1065, line 14, before “are” insert “, and small institutions of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))”.

Page 1065, line 15, strike the semicolon and insert the following: “and includes the ability to defer payments, without capitalization of interest, and, solely for small nonprofit organizations that predominantly serve low-income communities, as determined by the Federal Reserve, have the loans forgiven by the Department of the Treasury for a similar purpose to maintain payroll and operations provided under the Paycheck Protection Program, notwithstanding section 4003(d)(3) of the CARES Act.”.

Page 1092, line 7, strike “, of out of amounts in the general fund not otherwise appropriated,”.

Page 1102, beginning on line 17, strike “section 6(g)” and insert “subsection (f)(7)”.

Page 1128, line 4, strike “the HEROES” and insert “The Heroes”.

Page 1174, line 6, strike “consumer protection law” and insert “laws”.

Page 1363, line 15, insert “if applicable,” after “State authorizing agency,”.

Page 1365, line 3, strike “State authorizing agency” and insert “, if applicable, the State authorizing agency,”.

Page 1365, line 9, strike “and the State” and insert “and, if applicable, the State”.

Page 1365, line 24, strike “and State authorizing agency” and insert “and, if applicable, the State authorizing agency,”.

Page 1367, beginning on line 19, strike “and to the” and all that follows through “paragraph (3);” and insert “, to the accrediting agency of the institution, and, if applicable, the State authorizing agency of the institution, in accordance with paragraph (3);”.

Page 1369, beginning on line 22, strike “and to the” and all that follows through “the institution a” on line 24, and insert “, to the accrediting agency of the institution, and, if applicable, the State authorizing agency of the institution, a”.

Page 1386, line 4, and all that follows through page 1387, line 10, strike paragraph (3) and insert the following:

“(3) DETERMINATION OF COMPENSATION.—The Secretary or, as applicable, the Secretary of Health and Human Services shall—

“(A) with respect to a holder of a Federal student loan defined in subparagraph (B) or (C) of section 3502(a)(2)—

“(i) determine any losses for such holder due to the suspension of payments on such loan under paragraph (1); and

“(ii) establish reasonable compensation for such losses; and

“(B) not later than 60 days after the date of enactment of The Heroes Act, with respect to a borrower who made a payment on a Federal student loan defined in subparagraph (B) or (C) of section 3502(a)(2) during the period beginning on March 13, 2020, and ending on such date of enactment, the Secretary shall pay to the borrower, an amount equal to the lower of—

“(i) the amount paid by the borrower on such loan during such period; or

“(ii) the amount that was due on such loan during such period.”

Page 1387, line 12, strike “in”.

Page 1389, line 17, strike “described” and insert “defined”.

Page 1390, line 20, strike “the HEROES” and insert “The Heroes”.

Page 1395, line 17, strike “3502(2)(C)” and insert “3502(a)(2)(C)”.

Page 1395, line 24, strike “the HEROES” and insert “The Heroes”.

Page 1396, line 3, insert after “3502(a)(2)” the following: “for which interest was not paid by such Secretary pursuant to paragraph (1) during the period beginning on March 13, 2020 and ending on such date of enactment”.

Page 1396, line 11, strike “clause (i)” and insert “subparagraph (A)”.

Page 1396, line 21, strike “clause (i)” and insert “subparagraph (A)”.

Page 1400, line 4, strike “the HEROES” and insert “The Heroes”.

Page 1400, line 10, strike “a borrower” and insert “an economically distressed borrower”.

Page 1400, after line 13, insert the following:

“(2) ECONOMICALLY DISTRESSED BORROWER DEFINED.—In this subsection, the term ‘economically distressed borrower’ means a borrower of a Federal student loan defined in subparagraph (A) or (B) of section 3502(a)(2) who, as of March 12, 2020—

“(A) had a monthly payment due on such loan of \$0 pursuant to an income-contingent repayment plan under section 455(d)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)(D)) or an income-based repayment plan under section 493C of such Act (20 U.S.C. 1098e);

“(B) was in default on such loan;

“(C) had a payment due on such loan that was at least 90 days past due; or

“(D) was, with respect to such loan, in—

“(i) a deferment due to an economic hardship described in section 427(a)(2)(C)(iii), 428(b)(1)(M)(iv), 455(f)(2)(D), or 464(c)(2)(A)(iv) of the Higher Education Act of 1965;

“(ii) a deferment due to unemployment described in section 427(a)(2)(C)(ii), 428(b)(1)(M)(ii), 455(f)(2)(B), or 464(c)(2)(A)(ii) of the Higher Education Act of 1965;

“(iii) a deferment due to cancer treatment described in section 427(a)(2)(C)(iv), 428(b)(1)(M)(v), 455(f)(3), or 464(c)(2)(A)(vi) of the Higher Education Act of 1965; or

“(iv) a forbearance described in subparagraph (A)(i)(II) or (B) of section 428(c)(3) or 464(e)(1) of the Higher Education Act of 1965.”.

Page 1400, line 14, strike “(2)” and insert “(3)”.

Page 1400, beginning line 17, strike “loans have different” and insert “loans, as of March 12, 2020, had different”.

Page 1401, line 3, strike “(3)” and insert “(4)”.

Page 1401, line 7, strike “(4)” and insert “(5)”.

Page 1403, line 8, strike “This part” and insert “Except as otherwise provided, this part”.

Page 1421, line 23, insert “the existing requirement to adjudicate claims from State attorneys general, and” after “out”.

Page 1422, line 6, strike “the individual may assert as a” and insert “is a”.

Page 1422, beginning line 18, strike “For each claim” and all that follows through line 23, and insert “For each claim for which the Secretary finds that an act or omission of the institution of higher education is a defense to repayment of an eligible loan of the individuals on whose behalf the claim was submitted, with respect to each such individual, provide the following:”.

Page 1424, line 22, insert “, the Secretary shall fulfill the Secretary’s obligation to” after “claim”.

Page 1529—

(1) line 2, strike “201” and insert “170201”; and

(2) line 3, strike “102” and insert “170102”.

Page 1532, line 11, strike “102” and insert “170102”.

Page 1547, after line 3, insert the following:

(xxxiv) Work installing or repairing a telecommunications line or equipment.

Page 1550—

(1) line 9, strike “104” and insert “170104”;

(2) line 15, strike “105” and insert “170105”; and

(3) line 18, strike “104” and insert “170104”.

Page 1552, line 8, strike “104” and insert “170104”.

Page 1553, line 1, strike “104” and insert “170104”.

Page 1554—

(1) line 8, strike “104” and insert “170104”; and

(2) line 24, strike “104” and insert “170104”.

Page 1556—

(1) line 5, strike “104” and insert “170104”;

(2) line 7, strike “101” and insert “170101”; and

(3) line 16, strike “sections 104 and 105” and insert “sections 170104 and 170105”.

Page 1557—

- (1) line 14, strike “105” and insert “170105”;
- (2) line 17, strike “101” and insert “170101”; and
- (3) line 22, strike “sections 104 and 105” and insert “sections 170104 and 170105”.

Page 1558—

- (1) line 10, strike “105” and insert “170105”;
- (2) line 12, strike “105” and insert “170105”; and
- (3) line 14, strike “104 and 105” and insert “170104 and 170105”.

Page 1559—

- (1) line 7, strike “102” and insert “170102”; and
- (2) line 19, strike “102” and insert “170102”.

Page 1560—

- (1) line 6, strike “107” and insert “170107”;
- (2) line 11, strike “104” and insert “170104”;
- (3) line 15, insert “, subject to the availability of amounts provided in this title,” after “Treasury shall”;
- (4) line 19, strike “102” and insert “170102”; and
- (5) line 20, strike “102” and insert “170102”.

Page 1561, line 2, strike “102” and insert “170102”.

Page 1564—

- (1) line 6, strike “102” and insert “170102”;
- (2) line 9, strike “102” and insert “170102”;
- (3) line 15, strike “102” and insert “170102”; and
- (4) line 25, strike “102” and insert “170102”.

Page 1565, line 2, strike “105” and insert “170105”.

Page 1567, line 14, strike “102” and insert “170102”.

Page 1568, line 12, strike “102” and insert “170102”.

Page 1570—

- (1) line 5, strike “102” and insert “170102”; and
- (2) line 16, strike “102” and insert “170102”.

Page 1571, line 16, strike “102” and insert “170102”.

Page 1572, line 11, strike “104” and insert “170104”.

Page 1573—

- (1) line 2, strike “102” and insert “170102”;
- (2) line 4, strike “104” and insert “170104”;
- (3) line 15, strike “104” and insert “170104”;
- (4) line 16, strike “102” and insert “170102”;
- (5) line 22, strike “107” and insert “170107”; and
- (6) lines 23 and 24, strike “, to the Secretary of Labor, an amount equal to 0.50 percent of such funds,” and insert “to the Secretary of Labor, \$3,000,000”.

Page 1574—

- (1) line 1, strike “0.25 percent of such funds” and insert “\$2,500,000”;
- (2) line 3, strike “102” and insert “170102”;
- (3) line 4, strike “0.25 percent of such funds” and insert “\$500,000”; and
- (4) line 7, strike “102” and insert “170102”.

Page 1575, beginning line 7, strike “, to carry out this title”.

Page 1580, line 17, strike “An” and insert “Subject to the availability of amounts provided in this title, and the conditions of subsection (b)(3), an”.

Page 1581, line 4, strike “101” and insert “170101”.

Page 1581, after line 25, insert the following:

(3) LIMITATION ON ENTITLEMENT.—An employee shall be entitled to be paid the applicable differential established under subsection (a) only to the extent that amounts provided in this title will be made available to such employee’s agency pursuant to section 170204(c)(1) in an amount sufficient to provide such applicable differential to all such eligible employees.

Page 1585, line 2, strike “There is authorized” and insert “(a) IN GENERAL.—There is authorized”.

Page 1585, line 8, strike “subsection (a)” and insert “subsection (c)”.

Page 1585, line 9, strike “(a)” and insert “(b)”.

Page 1586, line 2, strike “and”.

Page 1586, line 3, strike the period and insert “; and”.

Page 1586, insert after line 3 the following:

(14) the District of Columbia Public Defender Service.

Page 1586, line 4, strike “(b)” and insert “(c)”.

Page 1586, strike lines 15 through 19.

Page 1591—

(1) line 22, strike “104” and insert “170104”; and

(2) line 23, strike “101” and insert “170101”.

Page 1601, insert after line 19 the following:

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary.

Page 1608, line 9, strike “or”.

Page 1608, line 15, strike the period before the quotation mark and insert “; or”.

Page 1608, after line 15, insert the following:

“(C) to emergency feeding organizations that are eligible recipient agencies (as such terms are defined in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501)).”.

Page 1616, after line 21 insert the following:

“(3) TREATMENT OF PLANS SUBMITTED BY TERRITORIES.—Notwithstanding any other provision of law, with respect to a plan submitted pursuant to this subsection by Puerto Rico, the Commonwealth of the Northern Mariana Islands, or American Samoa under subsection (b) or subsection (i), the Secretary shall treat such plan in the same manner as a plan submitted by a State agency under such subsection, including with respect to the terms of funding provided under subsection (m).”.

Page 1635, strike lines 7 through 16 and insert the following:

SEC. 190405 SURVEILLANCE BY STATES, TRIBES, TERRITORIES, AND INSULAR AREAS.

The Director of the United States Fish and Wildlife Service, under the provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), shall distribute funding to the States, insular territories, the District of Columbia, and Indian Tribes through a one-time grant program to conduct epidemiological surveillance, research, management, and education relating to emerging wildlife disease. Funding shall be determined by the Director of the United States Fish and Wildlife Service based upon the existing and potential threats to human health posed by wildlife-borne disease. Not less than 5 percent shall be provided to Indian Tribes and no State shall receive more than 5 percent of the available funding. There is no non-Federal matching requirement for this onetime grant program. The Director of the United States Fish and Wildlife Service, in coordination with the Director of the United States Geological Survey, acting through the National Wildlife Health Center, shall coordinate such surveillance among the States, insular territories, the District of Columbia, and Indian Tribes.

Page 1635, line 24, strike “inserting” and all that follows through page 1636, line 2, and insert “inserting ‘September 30, 2020, or the date on which such financial assistance is fully exhausted by the air carrier or contractor, whichever date occurs later’.”

Page 1649, lines 2 and 4, strike “December 31, 2020” each place it appears and insert “January 31, 2021”.

Page 1649, strike lines 5 through 7 and insert the following:

(2) by adding at the end “No recovery benefit under this section shall be payable for any registration period beginning on or after April 1, 2021. For registration periods beginning on or after August 1, 2020, but before February 1, 2021, a recovery benefit under this section shall only be payable to a qualified employee with respect to any registration period in which the employee received normal unemployment benefits as defined in paragraph (c)(1) or up to the 65th day of extended benefits as defined in paragraph (c)(2), but shall not be payable to a qualified employee who did not receive unemployment benefits or who received benefits for the 66th or greater day of extended benefits for such registration period. For registration periods beginning on or after February 1, 2021, a recovery benefit under this section shall only be payable to a qualified employee with respect to any registration period in which the employee received normal unemployment benefits as defined in paragraph (c)(1), but shall not be payable to a qualified employee who did not receive unemployment benefits or who received extended benefits as defined in paragraph (c)(2) for such registration period.”.

Page 1649, line 15, strike “\$1,000,000,000” and insert “\$750,000,000”.

Page 1653, after line 2, insert the following:

SEC. 190607. EXTENSION OF EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)(iii)) is amended—

(1) by striking “June 30, 2020” and inserting “June 30, 2021”; and

(2) by striking “no extended benefit period under this paragraph shall begin after December 31, 2020” and inserting “the provisions of clauses (i) and (ii) shall not apply to any employee whose extended benefit period under subparagraph (B) begins on or after February 1, 2021, and shall not apply to any employee with respect to any registration period beginning on or after April 1, 2021”.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D) as in effect on the day before the date of enactment of this Act.

SEC. 190608. EXTENSION OF WAIVER OF THE 7-DAY WAITING PERIOD FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2112(a) of the Relief for Workers Affected by Coronavirus Act (subtitle A of title II of division A of Public Law 116–136), is amended by striking “December 31, 2020” and inserting “January 31, 2021”.

(b) OPERATING INSTRUCTIONS AND REGULATIONS.—The Railroad Retirement Board may prescribe any operating instructions or regulations necessary to carry out this section.

Page 1688, line 23, insert after “1987” the following: “, or who is serving a term of imprisonment in the custody of the Bureau of Prisons for a sentence imposed pursuant to a conviction for a criminal offense under the laws of the District of Columbia”.

Page 1708, line 7, insert after “Bureau of Prisons” the following: “, including pursuant to a conviction for a criminal offense under the laws of the District of Columbia,”.

Page 1786, beginning on line 25, strike “[section 191505(a)]” and insert “section 191507(a)”.

Page 1787, line 5, strike “[section 191507(a)]” and insert “section 191509(a)”.

Page 1787, beginning on line 24 strike “[section 191505(a)]” and insert “section 191507(a)”.

Page 1788, line 2, strike “[section 191503]” and insert “section 191505”.

Page 1789, beginning on line 25, strike “[section 191503]” and insert “section 191505”.

Page 1798, after line 25, insert the following new title:

TITLE XVI—SCIENTIFIC INTEGRITY ACT

SEC. 191601. SHORT TITLE.

This title may be cited as the “Scientific Integrity Act”.

SEC. 191602. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) science and the scientific process should help inform and guide public policy decisions on a wide range of issues, including improvement of public health, protection of the environment, and protection of national security;

(2) the public must be able to trust the science and scientific process informing public policy decisions;

(3) science, the scientific process, and the communication of science should be free from politics, ideology, and financial conflicts of interest;

(4) policies and procedures that ensure the integrity of the conduct and communication of publicly funded science are critical to ensuring public trust;

(5) a Federal agency that funds, conducts, or oversees research should not suppress, alter, interfere with, or otherwise impede the timely communication and open exchange of data and findings to other agencies, policymakers, and the public of research conducted by a scientist or engineer employed or contracted by a Federal agency that funds, conducts, or oversees scientific research;

(6) Federal agencies that fund, conduct, or oversee research should work to prevent the suppression or distortion of the data and findings;

(7) under the First Amendment to the Constitution, citizens of the United States have the right to “petition the government for a redress of grievances”; and

(8) Congress has further protected those rights under section 7211 of title 5, United States Code, which states, “the right of employees, individually or collectively, to petition Congress or a member of Congress . . . may not be interfered with or denied”.

SEC. 191603. AMENDMENT TO AMERICA COMPETES ACT.

Section 1009 of the America COMPETES Act (42 U.S.C. 6620) is amended by striking subsections (a) and (b) and inserting the following:

“(a) SCIENTIFIC INTEGRITY POLICIES.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Scientific Integrity Act, the head of each covered agency shall—

“(A) adopt and enforce a scientific integrity policy in accordance with subsections (b) and (c); and

“(B) submit such policy to the Director of the Office of Science and Technology Policy for approval.

“(2) PUBLICATION.—Not later than 30 days after the Director of the Office of Science and Technology Policy approves the scientific integrity policy under paragraph (1), the head of each covered agency shall—

“(A) make such policy available to the public on the website of the agency; and

“(B) submit such policy to the relevant Committees of Congress.

“(b) REQUIREMENTS.—A scientific integrity policy under subsection (a)—

“(1) shall prohibit any covered individual from—

“(A) engaging in dishonesty, fraud, deceit, misrepresentation, coercive manipulation, or other scientific or research misconduct;

“(B) suppressing, altering, interfering with, delaying without scientific merit, or otherwise impeding the release and communication of, scientific or technical findings;

“(C) intimidating or coercing an individual to alter or censor, attempting to intimidate or coerce an individual to alter or censor, or retaliating against an individual for failure to alter or censor, scientific or technical findings; or

“(D) implementing an institutional barrier to cooperation with scientists outside the covered agency and the timely communication of scientific or technical findings;

“(2) shall allow a covered individual to—

“(A) disseminate scientific or technical findings, subject to existing law, by—

“(i) participating in scientific conferences; and

“(ii) seeking publication in online and print publications through peer-reviewed, professional, or scholarly journals;

“(B) sit on scientific advisory or governing boards;

“(C) join or hold leadership positions on scientific councils, societies, unions, and other professional organizations;

“(D) contribute to the academic peer-review process as reviewers or editors; and

“(E) participate and engage with the scientific community;

“(3) may require a covered individual to, before disseminating scientific or technical findings as described in paragraph (2)(A), submit such findings to the agency for the purpose of review by the agency of the data and findings for technical accuracy if the scientific integrity policy outlines a clear and consistent process for such review; and

“(4) shall require that—

“(A) scientific conclusions are not made based on political considerations;

“(B) the selection and retention of candidates for science and technology positions in the covered agency are based primarily on the candidate’s expertise, scientific credentials, experience, and integrity;

“(C) personnel actions regarding covered individuals, except for political appointees, are not taken on the basis of political consideration or ideology;

“(D) covered individuals adhere to the highest ethical and professional standards in conducting their research and disseminating their findings;

“(E) the appropriate rules, procedures, and safeguards are in place to ensure the integrity of the scientific process within the covered agency;

“(F) scientific or technological information considered in policy decisions is subject to well-established scientific processes, including peer review where appropriate;

“(G) procedures, including procedures with respect to applicable whistleblower protections, are in place as are necessary to ensure the integrity of scientific and technological information and processes on which the covered agency relies in its decision making or otherwise uses; and

“(H) enforcement of such policy is consistent with the processes for an administrative hearing and an administrative appeal.

“(c) IMPLEMENTATION.—In carrying out subsection (a), the head of each covered agency shall—

“(1) design the scientific integrity policy to apply with respect to the covered agency;

“(2) ensure that such policy is clear with respect to what activities are permitted and what activities are not permitted;

“(3) ensure that there is a process for individuals not employed or contracted by the agency, including grantees, collaborators, partners, and volunteers, to report violations of the scientific integrity policy;

“(4) enforce such policy uniformly throughout the covered agency; and

“(5) make such policy available to the public, employees, private contractors, and grantees of the covered agency.

“(d) SCIENTIFIC INTEGRITY OFFICER.—Not later than 90 days after the date of enactment of this Act, each covered agency shall appoint a Scientific Integrity Officer, who shall—

“(1) be a career employee at the covered agency in a professional position;

“(2) have technical knowledge and expertise in conducting and overseeing scientific research;

“(3) direct the activities and duties described in subsections (e), (f), and (g); and

“(4) work closely with the inspector general of the covered agency, as appropriate.

“(e) ADMINISTRATIVE PROCESS AND TRAINING.—Not later than 180 days after the date of enactment of this Act, the head of each covered agency shall establish—

“(1) an administrative process and administrative appeal process for dispute resolution consistent with the scientific integrity policy of the covered agency adopted under subsection (a); and

“(2) a training program to provide—

“(A) regular scientific integrity and ethics training to employees and contractors of the covered agency;

“(B) new covered employees with training within one month of commencing employment;

“(C) information to ensure that covered individuals are fully aware of their rights and responsibilities regarding the conduct of scientific research, publication of scientific research, and communication with the media and the public regarding scientific research; and

“(D) information to ensure that covered individuals are fully aware of their rights and responsibilities for adminis-

trative hearings and appeals established in the covered agency's scientific integrity policy.

“(f) REPORTING.—

“(1) ANNUAL REPORT.—Each year, each Scientific Integrity Officer appointed by a covered agency under subsection (d) shall post an annual report on the public website of the covered agency that includes, for the year covered by the report—

“(A) the number of complaints of misconduct with respect to the scientific integrity policy adopted under subsection (a)—

“(i) filed for administrative redress;

“(ii) petitioned for administrative appeal; and

“(iii) still pending from years prior to the year covered by the report, if any;

“(B) an anonymized summary of each such complaint and the results of each such complaint; and

“(C) any changes made to the scientific integrity policy.

“(2) INCIDENT REPORT.—

“(A) IN GENERAL.—Not later than 30 days after the date on which an incident described in subparagraph (B) occurs, the head of a covered agency shall submit a report describing the incident to the Office of Science and Technology Policy and the relevant Committees of Congress.

“(B) INCIDENT.—An incident described under this paragraph is an incident in which an individual, acting outside the channels established under subsection (e), overrules the decision of the Scientific Integrity Officer with respect to a dispute regarding a violation of the scientific integrity policy.

“(g) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—The Director of the Office of Science and Technology Policy shall—

“(1) collate, organize, and publicly share all information it receives under subsection (g) in one place on its own website; and

“(2) on an annual basis, convene the Scientific Integrity Officer of each covered agency appointed under subsection (d) to discuss best practices for implementing the requirements of this section.

“(h) PERIODIC REVIEW AND APPROVAL.—

“(1) INTERNAL REVIEW.—The head of each covered agency shall periodically conduct a review of the scientific integrity policy and change such policy as appropriate.

“(2) REVIEW BY THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—

“(A) REVIEW OF SUBSTANTIAL UPDATES.—The head of each covered agency shall submit to the Office of Science and Technology Policy for approval any substantial changes to the scientific integrity policy.

“(B) QUINQUENNIAL REVIEW.—Not later than 5 years after the date of the enactment of the Scientific Integrity Act, and quinquennially thereafter, the head of each covered agency shall submit the scientific integrity policy to the Office of Science and Technology Policy for review and approval.

“(i) COMPTROLLER GENERAL REVIEW.—Not later than 2 years after the date of the enactment of the Scientific Integrity Act, the

Comptroller General shall conduct a review of the implementation of the scientific integrity policy by each covered agency.

“(j) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ has the meaning given the term in section 551 of title 5, United States Code.

“(2) COVERED AGENCY.—The term ‘covered agency’ means an agency that funds, conducts, or oversees scientific research.

“(3) COVERED INDIVIDUAL.—The term ‘covered individual’ means a Federal employee or contractor who—

“(A) is engaged in, supervises, or manages scientific activities;

“(B) analyzes or publicly communicates information resulting from scientific activities; or

“(C) uses scientific information or analyses in making bureau, office, or agency policy, management, or regulatory decisions.

“(4) RELEVANT COMMITTEES OF CONGRESS.—The term ‘relevant Committees of Congress’ means—

“(A) the Committee on Commerce, Science, and Transportation of the Senate; and

“(B) the Committee on Science, Space, and Technology of the House of Representatives.”.

SEC. 191604. EXISTING POLICIES; CLARIFICATION.

(a) EXISTING SCIENTIFIC INTEGRITY POLICIES.—Notwithstanding the amendments made by this title, a covered agency’s scientific integrity policy that was in effect on the day before the date of enactment of this Act may satisfy the requirements under the amendments made by this title if the head of the covered agency—

(1) makes a written determination that the policy satisfies such requirements; and

(2) submits the written determination and the policy to the Director of the Office of Science and Technology Policy for review and approval.

(b) CLARIFICATION.—Nothing in this title shall affect the application of United States copyright law.

(c) COVERED AGENCY DEFINED.—The term “covered agency” has the meaning given the term in section 1009 of the America COMPETES Act (42 U.S.C. 6620).