

AMENDMENT TO H.R. 6800
OFFERED BY MRS. LOWEY OF NEW YORK

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

1 SECTION 1. SHORT TITLE.

2 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:

3 RURAL DEVELOPMENT PROGRAMS

4 RURAL HOUSING SERVICE

5 RENTAL ASSISTANCE PROGRAM

6 For an additional amount for “Rental Assistance
7 Program”, \$309,000,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, for temporary adjustment of wage income
10 losses for residents of housing financed or assisted under
11 section 514, 515, or 516 of the Housing Act of 1949, with-
12 out regard to any existing eligibility requirements based
13 on income: *Provided*, That such amount is designated by
14 the Congress as being for an emergency requirement pur-

1 suant to section 251(b)(2)(A)(i) of the Balanced Budget
2 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:

3 SEC. 10104. Section 11004 of the Coronavirus Aid,
4 Relief, and Economic Security Act (Public Law 116–136)
5 is amended by inserting after the 4th proviso the fol-
6 lowing: “*Provided further*, That the condition set forth in
7 section 9003(f) of the Farm Security and Rural Invest-
8 ment Act of 2002 shall apply with respect to all construc-
9 tion, alteration, or repair work carried out, in whole or
10 in part, with funds made available by this section:” *Pro-*
11 *vided*, That amounts repurposed pursuant to the amend-
12 ments made pursuant to this section are designated by
13 the Congress as being for an emergency requirement pur-
14 suant to section 251(b)(2)(A)(i) of the Balanced Budget
15 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:

1 ADMINISTRATIVE PROVISION—SCIENCE
2 STUDY ON COVID—19 DISINFORMATION
3 SEC. 10202.
4 (a) STUDY.—No later than 30 days after the date
5 of enactment of this Act, the Director of the National
6 Science Foundation shall enter into an arrangement with
7 the National Academies of Science, Engineering, and Med-

1 icine (National Academies) to conduct a study on the cur-
2 rent understanding of the spread of COVID–19-related
3 disinformation on the internet and social media platforms.

4 The study shall address the following:

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

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

11 (3) the role social media plays in the dissemina-
12 tion and promotion of COVID–19 disinformation
13 and misinformation content and the role social
14 media platforms play in the organization of groups
15 seeking to spread COVID–19 disinformation;

16 (4) the potential financial returns for creators
17 or distributors of COVID–19 disinformation, and
18 the role such financial incentives play in the propa-
19 gation of COVID–19 disinformation;

20 (5) potential strategies to mitigate the dissemi-
21 nation and negative impacts of COVID–19
22 disinformation, including specifically, the dissemina-
23 tion of disinformation on social media, including
24 through improved disclosures; and

1 (6) an analysis of the limitations of these miti-
2 gation strategies, and an analysis of how these strat-
3 egies can be implemented without infringing on
4 Americans' Constitutional rights and civil liberties.

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

10 (c) AUTHORIZATION.—There is authorized to be ap-
11 propriated for the purposes of conducting the study in this
12 section \$1,000,000.

Page 31, line 21 strike the colon and insert the fol-
lowing: “: *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 “En-

vironmental 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 en-

rollment 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 insti-

tutions, 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:

1 (A) \$7,000,000,000 shall be provided to
2 private, nonprofit institutions of higher edu-
3 cation—

4 (i) by reserving an amount necessary
5 to make the minimum grants described in
6 the second to last proviso under this head-
7 ing; and

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

10 (I) 75 percent according to the
11 relative share of enrollment of Federal
12 Pell Grant recipients who are not ex-
13 clusively enrolled in distance edu-
14 cation courses prior to the coronavirus
15 emergency; and

16 (II) 25 percent according to the
17 relative share of the total enrollment
18 of students who were not Federal Pell
19 Grant recipients who are not exclu-
20 sively enrolled in distance education
21 courses prior to the coronavirus emer-
22 gency.

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 equitable 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:

1 (ii) for purposes of paragraph (4)(C)
2 of section 3 of the Statutory Pay As-You-
3 Go Act of 2010 as being included in an ap-
4 propriation 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:

1 (2) for purposes of paragraph (4)(C) of section
2 3 of the Statutory Pay As-You-Go Act of 2010 as
3 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:

1 (h) APPLICATION OF CREDIT TO EMPLOYERS OF DO-
2 MESTIC WORKERS.—

3 (1) IN GENERAL.—Section 2301(c)(2) of the
4 CARES Act, as amended by the preceding provisions
5 of this Act, is amended by adding at the end the fol-
6 lowing new subparagraph:

7 “(E) EMPLOYERS OF DOMESTIC WORK-
8 ERS.—In the case of an employer with one or
9 more employees who perform domestic service
10 (within the meaning of section 3121(a)(7) of

1 such Code) in the private home of such em-
2 ployer, with respect to such employees—

3 “(i) subparagraph (A) shall be ap-
4 plied—

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

10 “(II) by substituting ‘such em-
11 ployment’ for ‘the operation of the
12 trade or business’ in clause (ii)(I)
13 thereof.

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

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

18 (2) DENIAL OF DOUBLE BENEFIT.—Section
19 2301(h)(2) of the CARES Act, as amended by pre-
20 ceding provisions of this Act, is amended—

21 (A) by striking “shall not be taken into ac-
22 count for purposes of” and inserting “shall not
23 be taken into account—

24 “(A) for purposes of”,

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

3 (C) by adding at the end the following:

4 “(B) if such wages are paid for domestic
5 service described in subsection (c)(2)(E), as em-
6 ployment-related expenses for purposes of sec-
7 tion 21 of such Code.

8 In the case of any individual who pays wages for do-
9 mestic service described in subsection (c)(2)(E) and
10 receives a reimbursement for such wages which is
11 excludible from gross income under section 129 of
12 such Code, such wages shall not be treated as quali-
13 fied 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:

14 (i) any reference in this section to a
15 trade or business shall be treated as a ref-
16 erence to all operations of such organiza-
17 tion, and

Page 273, line 11, insert “to read” after “is amend-
ed”.

Page 285, line 9, strike “section 2302(b)” and in-
sert “section 2303(b)”.

Page 288, after line 12, insert the following:

1 “(4) Notwithstanding the first sentence of sec-
2 tion 2105(b) of the Social Security Act (42 U.S.C.
3 1397ee(b)), the application of the increase under
4 this section may result in the enhanced FMAP of a
5 State for a fiscal year under such section exceeding
6 85 percent, but in no case may the application of
7 such increase before application of the second sen-
8 tence of such section result in the enhanced FMAP
9 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:

1 RISK CORRIDOR PROGRAM FOR MEDICARE ADVANTAGE

2 PLANS

3 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:

7 “(p) RISK CORRIDOR PROGRAM DURING THE
8 COVID-19 EMERGENCY.—

9 “(1) IN GENERAL.—The Secretary shall estab-
10 lish and administer a program of risk corridors for
11 each plan year, any portion of which occurs during
12 the emergency period defined in section
13 1135(g)(1)(B), under which the Secretary shall
14 make payments to MA organizations offering a
15 Medicare Advantage plan based on the ratio of the

1 allowable costs of the plan to the aggregate pre-
2 miums of the plan.

3 “(2) PAYMENT METHODOLOGY.—The Secretary
4 shall provide under the program established under
5 paragraph (1) that if the allowable costs for a Medi-
6 care Advantage plan for any plan year are more
7 than 105 percent of the target amount, the Sec-
8 retary shall pay to the plan an amount equal to 75
9 percent of the allowable costs in excess of 105 per-
10 cent of the target amount.

11 “(3) TIMING.—

12 “(A) SUBMISSION OF INFORMATION BY
13 PLANS.—With respect to a plan year for which
14 the program described in paragraph (1) is es-
15 tablished and administered, not later than July
16 1 of the succeeding plan year each MA organi-
17 zation offering a Medicare Advantage plan shall
18 submit to the Secretary such information as the
19 Secretary may require for purposes of carrying
20 out such program.

21 “(B) PAYMENT.—The Secretary shall pay
22 to an MA organization offering a Medicare Ad-
23 vantage plan eligible to receive a payment under
24 the program with respect to a plan year the
25 amount provided under paragraph (2) for such

1 plan year not later than 60 days after such or-
2 ganization submits information with respect to
3 such plan and plan year under subparagraph
4 (A).

5 “(4) DEFINITIONS.—

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

16 “(B) TARGET AMOUNT.—The target
17 amount described in this paragraph is, with re-
18 spect to a Medicare Advantage plan and a plan
19 year, the total amount of payments paid to the
20 MA organization for the plan for benefits under
21 the original medicare fee-for-service program
22 option for the plan year, taking into account
23 amounts paid by the Secretary and enrollees,
24 based upon the bid amount submitted under
25 section 1854, reduced by the total amount of

1 administrative expenses for the year assumed in
2 such bid.

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

9 (b) IMPLEMENTATION.—Notwithstanding any other
10 provision of law, the Secretary of Health and Human
11 Service may implement the amendments made by this sec-
12 tion by program instruction or otherwise.

13 RELIEF FOR SMALL RURAL HOSPITALS FROM INAC-
14 CURATE INSTRUCTIONS PROVIDED BY CERTAIN
15 MEDICARE ADMINISTRATIVE CONTRACTORS
16 SEC. 30214.

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

20 “(N)(i) Subject to clause (ii), in the case of a sole
21 community hospital or a medicare-dependent, small rural
22 hospital with respect to which a medicare administrative
23 contractor initially determined and paid a volume decrease
24 adjustment under subparagraph (D)(ii) or (G)(iii) for a
25 specified cost reporting period, at the election of the hos-
26 pital, the Secretary of Health and Human Services shall

1 replace the volume decrease adjustment subsequently de-
2 termined for that specified cost reporting period by the
3 medicare administrative contractor with the volume de-
4 crease adjustment initially determined and paid by the
5 medicare administrative contractor for that specified cost
6 reporting period.

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

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

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

22 “(bb) The date of the final outcome of any re-
23 opening of the medicare administrative contractor
24 determination under section 405.1885 of title 42,
25 Code of Federal Regulations.

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

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

10 DEEMING CERTAIN HOSPITALS TO BE LOCATED IN AN
11 URBAN AREA FOR PURPOSES OF PAYMENT FOR IN-
12 PATIENT HOSPITAL SERVICES UNDER THE MEDI-
13 CARE PROGRAM
14 SEC. 30215.

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

18 “(G)(i) For purposes of payment under this sub-
19 section for discharges occurring during the 3-year period
20 beginning on October 1, 2020, each hospital located in Al-
21 bany, Saratoga, Schenectady, Montgomery, or Rensselaer
22 County of New York shall be deemed to be located in the
23 large urban area of Hartford-West Hartford-East of Hart-
24 ford, Connecticut (CBSA 25540).

25 “(ii) Any deemed location of a hospital pursuant to
26 clause (i) shall be treated as a decision of the Medicare

1 Geographic Classification Review Board for purposes of
2 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:

3 RISK CORRIDOR PROGRAM FOR HEALTH INSURANCE COV-
4 ERAGE OFFERED IN THE INDIVIDUAL OR SMALL
5 GROUP MARKET
6 SEC. 30307.

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

16 (b) PAYMENT METHODOLOGY.—The Secretary shall
17 provide under the program established under subsection

1 (a) that if the allowable costs for a health insurance issuer
2 offering health insurance coverage in the individual or
3 small group market for any plan year are more than 105
4 percent of the target amount, the Secretary shall pay to
5 the issuer an amount equal to 75 percent of the allowable
6 costs in excess of 105 percent of the target amount.

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

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

17 (e) DEFINITIONS.—In this section:

18 (1) ALLOWABLE COSTS.—

19 (A) IN GENERAL.—The amount of allow-
20 able costs of a health insurance issuer offering
21 health insurance coverage in the individual or
22 small group market for any year is an amount
23 equal to the total costs (other than administra-
24 tive costs) of such issuer in providing benefits
25 covered by such coverage.

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

3 (i) risk adjustment payments received
4 under section 1343 of the Patient Protec-
5 tion and Affordable Care Act (42 U.S.C.
6 18063); and

7 (ii) reinsurance payments received
8 pursuant to a waiver approved under sec-
9 tion 1332 of such Act (42 U.S.C. 18052).

10 (2) ADDITIONAL TERMS.—The terms “health
11 insurance issuer”, “health insurance coverage”, “in-
12 dividual market”, and “small group market” have
13 the meanings given such terms in section 2791 of
14 the Public Health Service Act (42 U.S.C. 300gg–
15 91).

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

22 (f) TREATMENT FOR MLR.—Payments made under
23 this section with respect to an applicable plan year to a
24 health insurance issuer offering health insurance coverage
25 in the individual or small group market shall for purposes

1 of section 2718(b) of the Public Health Service Act (42
2 U.S.C. 300gg–18(b)) be included in the calculation of the
3 premium revenue with respect to such issuer and year.

4 (g) IMPLEMENTATION.—The Secretary of Health and
5 Human Services may implement the provisions of this sec-
6 tion by subregulatory guidance, program instruction, or
7 otherwise.

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

11 RISK CORRIDOR PROGRAM FOR SELF-INSURED GROUP
12 HEALTH PLANS AND HEALTH INSURANCE COVERAGE
13 OFFERED IN THE LARGE GROUP MARKET
14 SEC. 30308.

15 (a) IN GENERAL.—The Secretary of Health and
16 Human Services (in this section referred to as the “Sec-
17 retary”), in coordination with the Secretary of Labor and
18 the Secretary of the Treasury, shall establish and admin-
19 ister a program of risk corridors for plan years 2020 and
20 2021 under which the Secretary, in coordination with the
21 Secretary of Labor and the Secretary of the Treasury,
22 shall make payments in accordance with subsection (b) to
23 self-insured group health plans and health insurance
24 issuers offering health insurance coverage in the large
25 group market.

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

11 (c) INFORMATION COLLECTION.—

12 (1) IN GENERAL.—The Secretary, the Secretary
13 of Labor, and the Secretary of the Treasury may re-
14 quire self-insured group health plans and health in-
15 surance issuers of health insurance coverage offered
16 in the large group market to report to the applicable
17 Secretary, in a form, manner, and timeframe speci-
18 fied by the Secretaries, information necessary for
19 purposes of carrying out this section in accordance
20 with the process established under paragraph (2).

21 (2) PROCESS.—The Secretary, the Secretary of
22 Labor, and the Secretary of the Treasury shall joint-
23 ly establish a process prescribing the form and man-
24 ner under which information is collected from self-
25 insured group health plans and health insurance

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

4 (d) DEFINITIONS.—

5 (1) ALLOWABLE COSTS.—

6 (A) IN GENERAL.—The amount of allow-
7 able costs of a self-insured group health plan or
8 health insurance coverage offered in the large
9 group market for any plan year is an amount
10 equal to the total costs (other than administra-
11 tive costs) of such plan or the issuer of such
12 coverage in covering items and services fur-
13 nished during such plan year under such plan
14 or such coverage.

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

20 (i) reinsurance payments received by
21 such plan or coverage pursuant to a waiver
22 approved under section 1332 of such Act
23 (42 U.S.C. 18052) for such plan year; and

1 (ii) other payments received by such
2 plan or coverage (as specified by the Sec-
3 retary) for such plan year.

4 (2) ADDITIONAL TERMS.—For purposes of this
5 section, the terms “excepted benefits”, “health in-
6 surance issuer”, “health insurance coverage”, and
7 “large group market” have the meanings given such
8 terms in section 2791 of the Public Health Service
9 Act (42 U.S.C. 300gg–91), section 733 of the Em-
10 ployee Retirement Income Security Act of 1974 (29
11 U.S.C. 1191b), and section 9832 of the Internal
12 Revenue Code of 1986, as applicable, and the term
13 “self-insured group health plan” has the meaning
14 given such term for purposes of section 2701(a)(5)
15 of the Public Health Service Act (42 U.S.C.
16 300gg(a)(5)).

17 (3) TARGET AMOUNT.—

18 (A) IN GENERAL.—The target amount
19 of—

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

22 (I) in the case such plan was of-
23 fered during the preceding plan year
24 and was subject to the requirement of
25 section 601(a) of the Employee Re-

1 tirement Income Security Act of 1974
2 (29 U.S.C. 1161(a)) during such pre-
3 ceding plan year, the expected cost to
4 the plan for all individuals covered
5 under such plan for such preceding
6 plan year (without regard to whether
7 such cost is paid by the employer or
8 employee), taking into account appli-
9 cable premiums (as defined in section
10 604(a) of such Act (29 U.S.C.
11 1164(1))) for such plan and preceding
12 plan year, reduced by any administra-
13 tive costs for such preceding plan year
14 and increased by 5 percent; or

15 (II) in the case such plan is not
16 described in subclause (I), the ex-
17 pected cost to the plan for all individ-
18 uals covered under such plan for such
19 applicable plan year (as determined
20 under a methodology specified by the
21 Secretary), reduced by any adminis-
22 trative costs for such plan year; and

23 (ii) health insurance coverage offered
24 in the large group market for an applicable
25 plan year is an amount equal to the total

1 premiums (including any premium sub-
2 sidies under any governmental program),
3 as defined by the Secretary, for such plan
4 year, reduced by the administrative costs
5 of the coverage for such plan year.

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

9 (e) APPLICATION.—

10 (1) IN GENERAL.—The provisions of subsection
11 (c) shall be applied by the Secretary of Health and
12 Human Services, the Secretary of Labor, and the
13 Secretary of the Treasury to group health plans and
14 health insurance issuers offering health insurance
15 coverage in the large group market as if such sub-
16 section were included in the provisions of part A of
17 title XXVII of the Public Health Service Act (42
18 U.S.C. 300gg et seq.), part 7 of the Employee Re-
19 tirement Income Security Act of 1974 (29 U.S.C.
20 1181 et seq.), and subchapter B of chapter 100 of
21 the Internal Revenue Code of 1986, as applicable.

22 (2) TREATMENT FOR MLR.—Payments made
23 under this section with respect to an applicable plan
24 year to a self-insured group health plan or health in-
25 surance issuer offering health insurance coverage in

1 the large group market shall for purposes of section
2 2718(b) of the Public Health Service Act (42 U.S.C.
3 300gg-18(b)) be included in the calculation of the
4 premium revenue with respect to such plan or issuer,
5 respectively, and year.

6 (f) NON-APPLICATION.—The provisions of this sec-
7 tion shall not apply with respect to—

8 (1) any group health plan or group or indi-
9 vidual health insurance coverage in relation to its
10 provision of excepted benefits; or

11 (2) a grandfathered health plan, as defined in
12 section 1251(e) of the Patient Protection and Af-
13 fordable Care Act (42 U.S.C. 18011(e)).

14 (g) IMPLEMENTATION.—The Secretary, the Sec-
15 retary of Labor, and the Secretary of the Treasury may
16 implement the provisions of this section by subregulatory
17 guidance, program instruction, or otherwise.

18 (h) APPROPRIATION.—There are appropriated, out of
19 any monies in the Treasury not otherwise appropriated,
20 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 for-
mat” 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:

1 **TITLE VII—OTHER MATTERS**

2 **SEC. 30701. NON-DISCRIMINATION.**

3 (a) IN GENERAL.—Notwithstanding any provision of
4 a covered law (or an amendment made in any such provi-
5 sion), no person otherwise eligible shall be excluded from
6 participation in, denied the benefits of, or subjected to dis-
7 crimination in the administration of, programs and serv-
8 ices receiving funding under a covered law (or an amend-
9 ment made by a provision of such a covered law), based
10 on any factor that is not merit-based, such as age, dis-
11 ability, sex (including sexual orientation, gender identity,
12 and pregnancy, childbirth, and related medical condi-
13 tions), race, color, national origin, immigration status, or
14 religion.

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

17 (1) this Act (other than this section);

18 (2) title I of division B of the Paycheck Protec-
19 tion Program and Healthcare Enhancement Act
20 (Public Law 116–139);

21 (3) subtitles A, D, and E of title III of the
22 CARES Act (Public Law 116–136);

23 (4) division F of the Families First Coronavirus
24 Relief Act (Public Law 116–127); and

1 (5) division B of the Coronavirus Preparedness
2 and Response Supplemental Appropriations Act,
3 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:

4 (3) MAXIMUM AGGREGATE PAYMENT.—In no
5 case shall the amount of payments received by a producer under this section and section 60306 exceed
6 100 percent of the loss of such producer.

Page 700, after line 7, insert the following:

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

Page 700, strike lines 8 through 11.

Page 704, after line 11, insert the following:

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

Page 704, strike lines 12 through 14.

Page 705, after line 14, insert the following:

4 (e) FUNDING.—Out of any amounts in the Treasury
5 not otherwise appropriated, there is appropriated to carry
6 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, ex-
pand, or sustain” and insert “expand or sustain”.

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

7 (C) QUALIFIED FUEL.—The term “quali-
8 fied fuel” means any advanced biofuel, biomass-
9 based diesel, cellulosic biofuel, conventional
10 biofuel, or renewable fuel, as such terms are de-
11 fined in section 211(o)(1) of the Clean Air Act

1 (42 U.S.C. 7545(o)(1)), that is produced in the
2 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:

1 (d) MODIFICATION TO ELIGIBLE ENTITIES.—Section
2 7(a)(36) of the Small Business Act (15 U.S.C.
3 636(a)(36)) is amended—

4 (1) in subparagraph (A)—

5 (A) in clause (vii), by striking “section
6 501(c)(3)” and inserting “section 501(c)”;

7 (B) in clause (viii)(II)—

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

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

11 and

12 (iii) by adding at the end the fol-
13 lowing new item:

1 “(ff) any compensation of
2 an employee who is a registered
3 lobbyist under the Lobbying Dis-
4 closure Act of 1995;”;

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

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

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

11 “(xiii) the term ‘housing cooperative’
12 means a cooperative housing corporation
13 (as defined in section 216(b) of the Inter-
14 nal Revenue Code of 1986).”; and

15 (2) in subparagraph (D)—

16 (A) by striking “nonprofit organization,”
17 each place it appears and inserting “housing co-
18 operative,”;

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

21 “(vii) NONPROFIT ORGANIZATION ELI-
22 GIBILITY.—During the covered period, any
23 nonprofit organization shall be eligible to
24 receive a covered loan. Any 501(c)(4) orga-
25 nization (as defined in section 501(c)(4) of

1 the Internal Revenue Code of 1986) may
2 receive a covered loan provided that such
3 501(c)(4) organization has not made and
4 will not make a contribution, expenditure,
5 independent expenditure, or electioneering
6 communication within the meaning of the
7 Federal Election Campaign Act, and has
8 not undertaken and will not undertake
9 similar campaign finance activities in State
10 and local elections, during the election
11 cycle which ends on the date of the general
12 election in this calendar year;”;

13 (C) in clause (iv)—

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

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

19 (iii) by adding at the end the fol-
20 lowing new subclause:

21 “(IV) any nonprofit organiza-
22 tion.”; and

23 (D) in clause (vi), by striking “nonprofit
24 organization” and inserting “housing coopera-
25 tive”.

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:

1 “(C) is able to demonstrate an inability to
2 return to the same level of business activity as
3 such business was operating at prior to Feb-
4 ruary 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:

1 **SEC. 90006. ALLOWABLE USES OF COVERED LOANS; FOR-**
2 **GIVENESS.**

3 (a) PAYCHECK PROTECTION PROGRAM.—Section
4 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C.
5 636(a)(36)(F)(i)) is amended—

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

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

10 (3) by adding at the end the following new sub-
11 clause:

12 “(VIII) costs related to the provi-
13 sion of personal protective equipment
14 for employees or other equipment or
15 supplies determined by the employer
16 to be necessary to protect the health
17 and safety of employees.”.

18 (b) FORGIVENESS.—

19 (1) DEFINITION OF EXPECTED FORGIVENESS
20 AMOUNT.—Section 1106(a)(7) of the CARES Act
21 (Public Law 116–136), as amended by section
22 90004(b)(1), is further amended by adding at the
23 end the following new subparagraph:

24 “(G) payments made for the provision of
25 personal protective equipment for employees or
26 other equipment or supplies determined by the

1 employer to be necessary to protect the health
2 and safety of employees; and”.

3 (2) FORGIVENESS.—Section 1106(b) of the
4 CARES Act (Public Law 116–136), as amended by
5 section 90004(b)(2), is further amended by adding
6 at the end the following new paragraph:
7 “(7) Any payment made for the provision of
8 personal protective equipment for employees or other
9 equipment or supplies determined by the employer to
10 be necessary to protect the health and safety of em-
11 ployees.”.

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 ap-
pears 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:

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
2 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:

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

3 “(A) IN GENERAL.—This subsection shall
4 only apply to a borrower of a private education
5 loan who is an economically distressed bor-
6 rower.

7 “(B) ECONOMICALLY DISTRESSED BOR-
8 ROWER DEFINED.—In this paragraph, the term

1 ‘economically distressed borrower’ means a bor-
2 rower of a private education loan who, as of
3 March 12, 2020—

4 “(i) based on financial state or other
5 conditions, would be otherwise eligible, if
6 the borrower instead had a Federal stu-
7 dent loan, of having a monthly payment
8 due on such loan of \$0 pursuant to an in-
9 come-contingent repayment plan under sec-
10 tion 455(d)(1)(D) of the Higher Education
11 Act of 1965 (20 U.S.C. 1087e(d)(1)(D))
12 or an income-based repayment plan under
13 section 493C of such Act (20 U.S.C.
14 1098e);

15 “(ii) was in default on such loan;

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

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

21 “(C) RULEMAKING.—Not later than 7
22 days after the date of enactment of this para-
23 graph, the Director of the Bureau, in consulta-
24 tion with the Secretary of Education, shall issue
25 rules to implement this paragraph, including

1 providing a detailed description of how a bor-
2 rower of a private education loan will be consid-
3 ered an economically distressed borrower as de-
4 fined under each clause of subparagraph (B).”.

Page 1048, beginning line 22, strike “Notwith-
standing 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:

5 (c) APPLICATION ONLY TO ECONOMICALLY DIS-
6 TRESSED BORROWERS.—This section shall only apply to
7 a borrower of a private education loan who is an economi-
8 cally distressed borrower.

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

Page 1053, after line 15, insert the following:

9 (3) ECONOMICALLY DISTRESSED BORROWER
10 DEFINED.—The term “economically distressed bor-
11 rower” has the meaning given that term under sec-

1 tion 140(h)(8) of the Truth in Lending Act, as
2 added by section 110501.

Page 1063, line 24, after “organizations” insert
“and institutions of higher education (as such term is de-
fined 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 in-
eligible 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:

3 (cc) shall make any
4 501(c)(4) organization (as
5 defined in section 501(c)(4)
6 of the Internal Revenue
7 Code of 1986) eligible for
8 any facility provided that
9 such 501(c)(4) organization
10 has not made and will not
11 make a contribution, ex-
12 penditure, independent ex-
13 penditure, or electioneering

1 communication within the
2 meaning of the Federal
3 Election Campaign Act, and
4 has not undertaken and will
5 not undertake similar cam-
6 paign finance activities in
7 state and local elections,
8 during the election cycle
9 which ends on the date of
10 the general election in this
11 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:

1 “(3) DETERMINATION OF COMPENSATION.—
2 The Secretary or, as applicable, the Secretary of
3 Health and Human Services shall—
4 “(A) with respect to a holder of a Federal
5 student loan defined in subparagraph (B) or
6 (C) of section 3502(a)(2)—

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

4 “(ii) establish reasonable compensa-
5 tion for such losses; and

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

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

17 “(ii) the amount that was due on such
18 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 in-
sert “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:

1 “(2) ECONOMICALLY DISTRESSED BORROWER
2 DEFINED.—In this subsection, the term ‘economy-
3 cally distressed borrower’ means a borrower of a
4 Federal student loan defined in subparagraph (A) or

1 (B) of section 3502(a)(2) who, as of March 12,
2 2020—

3 “(A) had a monthly payment due on such
4 loan of \$0 pursuant to an income-contingent re-
5 payment plan under section 455(d)(1)(D) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1087e(d)(1)(D)) or an income-based repayment
8 plan under section 493C of such Act (20 U.S.C.
9 1098e);

10 “(B) was in default on such loan;

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

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

14 “(i) a deferment due to an economic
15 hardship described in section
16 427(a)(2)(C)(iii), 428(b)(1)(M)(iv),
17 455(f)(2)(D), or 464(c)(2)(A)(iv) of the
18 Higher Education Act of 1965;

19 “(ii) a deferment due to unemploy-
20 ment described in section 427(a)(2)(C)(ii),
21 428(b)(1)(M)(ii), 455(f)(2)(B), or
22 464(c)(2)(A)(ii) of the Higher Education
23 Act of 1965;

24 “(iii) a deferment due to cancer treat-
25 ment described in section 427(a)(2)(C)(iv),

1 428(b)(1)(M)(v), 455(f)(3), or
2 464(c)(2)(A)(vi) of the Higher Education
3 Act of 1965; or
4 “(iv) a forbearance described in sub-
5 paragraph (A)(i)(II) or (B) of section
6 428(c)(3) or 464(e)(1) of the Higher Edu-
7 cation 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:

- 1 (xxxiv) Work installing or repairing a
- 2 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:

1 (3) LIMITATION ON ENTITLEMENT.—An em-
2 ployee shall be entitled to be paid the applicable dif-
3 ferential established under subsection (a) only to the
4 extent that amounts provided in this title will be
5 made available to such employee’s agency pursuant
6 to section 170204(c)(1) in an amount sufficient to
7 provide such applicable differential to all such eligi-
8 ble 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:

1 (14) the District of Columbia Public Defender
2 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:

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 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:

1 “(C) to emergency feeding organizations
2 that are eligible recipient agencies (as such
3 terms are defined in section 201A of the Emer-
4 gency Food Assistance Act of 1983 (7 U.S.C.
5 7501)).”.

Page 1616, after line 21 insert the following:

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

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

1 **SEC. 190405 SURVEILLANCE BY STATES, TRIBES, TERRI-**
2 **TORIES, AND INSULAR AREAS.**

3 The Director of the United States Fish and Wildlife
4 Service, under the provisions of the Fish and Wildlife Act
5 of 1956 (16 U.S.C. 742a et seq.) and the Fish and Wild-
6 life Coordination Act (16 U.S.C. 661 et seq.), shall dis-
7 tribute funding to the States, insular territories, the Dis-
8 trict of Columbia, and Indian Tribes through a onetime
9 grant program to conduct epidemiological surveillance, re-
10 search, management, and education relating to emerging
11 wildlife disease. Funding shall be determined by the Direc-
12 tor of the United States Fish and Wildlife Service based
13 upon the existing and potential threats to human health
14 posed by wildlife-borne disease. Not less than 5 percent
15 shall be provided to Indian Tribes and no State shall re-
16 ceive more than 5 percent of the available funding. There
17 is no non-Federal matching requirement for this onetime
18 grant program. The Director of the United States Fish
19 and Wildlife Service, in coordination with the Director of
20 the United States Geological Survey, acting through the
21 National Wildlife Health Center, shall coordinate such
22 surveillance among the States, insular territories, the Dis-
23 trict 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:

1 (2) by adding at the end “No recovery benefit
2 under this section shall be payable for any registra-
3 tion period beginning on or after April 1, 2021. For
4 registration periods beginning on or after August 1,
5 2020, but before February 1, 2021, a recovery ben-
6 efit under this section shall only be payable to a
7 qualified employee with respect to any registration
8 period in which the employee received normal unem-
9 ployment benefits as defined in paragraph (c)(1) or
10 up to the 65th day of extended benefits as defined
11 in paragraph (c)(2), but shall not be payable to a
12 qualified employee who did not receive unemploy-
13 ment benefits or who received benefits for the 66th
14 or greater day of extended benefits for such registra-
15 tion period. For registration periods beginning on or
16 after February 1, 2021, a recovery benefit under

1 this section shall only be payable to a qualified em-
2 ployee with respect to any registration period in
3 which the employee received normal unemployment
4 benefits as defined in paragraph (c)(1), but shall not
5 be payable to a qualified employee who did not re-
6 ceive unemployment benefits or who received ex-
7 tended benefits as defined in paragraph (c)(2) for
8 such registration period.”.

Page 1649, line 15, strike “\$1,000,000,000” and in-
sert “\$750,000,000”.

Page 1653, after line 2, insert the following:

9 **SEC. 190607. EXTENSION OF EXTENDED UNEMPLOYMENT**
10 **BENEFITS UNDER THE RAILROAD UNEM-**
11 **PLOYMENT INSURANCE ACT.**

12 (a) IN GENERAL.—Section 2(c)(2)(D)(iii) of the
13 Railroad Unemployment Insurance Act (45 U.S.C.
14 352(c)(2)(D)(iii) is amended—

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

17 (2) by striking “no extended benefit period
18 under this paragraph shall begin after December 31,
19 2020” and inserting “the provisions of clauses (i)
20 and (ii) shall not apply to any employee whose ex-
21 tended benefit period under subparagraph (B) be-

1 gins on or after February 1, 2021, and shall not
2 apply to any employee with respect to any registra-
3 tion period beginning on or after April 1, 2021”.

4 (b) CLARIFICATION ON AUTHORITY TO USE
5 FUNDS.—Funds appropriated under either the first or
6 second sentence of clause (iv) of section 2(c)(2)(D) of the
7 Railroad Unemployment Insurance Act shall be available
8 to cover the cost of additional extended unemployment
9 benefits provided under such section 2(c)(2)(D) by reason
10 of the amendments made by subsection (a) as well as to
11 cover the cost of such benefits provided under such section
12 2(c)(2)(D) as in effect on the day before the date of enact-
13 ment of this Act.

14 **SEC. 190608. EXTENSION OF WAIVER OF THE 7-DAY WAIT-**
15 **ING PERIOD FOR BENEFITS UNDER THE**
16 **RAILROAD UNEMPLOYMENT INSURANCE ACT.**

17 (a) IN GENERAL.—Section 2112(a) of the Relief for
18 Workers Affected by Coronavirus Act (subtitle A of title
19 II of division A of Public Law 116–136), is amended by
20 striking “December 31, 2020” and inserting “January 31,
21 2021”.

22 (b) OPERATING INSTRUCTIONS AND REGULA-
23 TIONS.—The Railroad Retirement Board may prescribe
24 any operating instructions or regulations necessary to
25 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:

1 **TITLE XVI—SCIENTIFIC**
2 **INTEGRITY ACT**

3 **SEC. 191601. SHORT TITLE.**

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

6 **SEC. 191602. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) science and the scientific process should
9 help inform and guide public policy decisions on a
10 wide range of issues, including improvement of pub-
11 lic health, protection of the environment, and protec-
12 tion of national security;

13 (2) the public must be able to trust the science
14 and scientific process informing public policy deci-
15 sions;

16 (3) science, the scientific process, and the com-
17 munication of science should be free from politics,
18 ideology, and financial conflicts of interest;

19 (4) policies and procedures that ensure the in-
20 tegrity of the conduct and communication of publicly
21 funded science are critical to ensuring public trust;

22 (5) a Federal agency that funds, conducts, or
23 oversees research should not suppress, alter, inter-
24 fere with, or otherwise impede the timely commu-
25 nication and open exchange of data and findings to

1 other agencies, policymakers, and the public of re-
2 search conducted by a scientist or engineer employed
3 or contracted by a Federal agency that funds, con-
4 ducts, or oversees scientific research;

5 (6) Federal agencies that fund, conduct, or
6 oversee research should work to prevent the suppres-
7 sion or distortion of the data and findings;

8 (7) under the First Amendment to the Con-
9 stitution, citizens of the United States have the right
10 to “petition the government for a redress of griev-
11 ances”; and

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

17 **SEC. 191603. AMENDMENT TO AMERICA COMPETES ACT.**

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

21 “(a) SCIENTIFIC INTEGRITY POLICIES.—

22 “(1) IN GENERAL.—Not later than 90 days
23 after the date of enactment of the Scientific Integ-
24 rity Act, the head of each covered agency shall—

1 “(A) adopt and enforce a scientific integ-
2 rity policy in accordance with subsections (b)
3 and (c); and

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

7 “(2) PUBLICATION.—Not later than 30 days
8 after the Director of the Office of Science and Tech-
9 nology Policy approves the scientific integrity policy
10 under paragraph (1), the head of each covered agen-
11 cy shall—

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

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

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

18 “(1) shall prohibit any covered individual
19 from—

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

23 “(B) suppressing, altering, interfering
24 with, delaying without scientific merit, or other-

1 wise impeding the release and communication
2 of, scientific or technical findings;

3 “(C) intimidating or coercing an individual
4 to alter or censor, attempting to intimidate or
5 coerce an individual to alter or censor, or retali-
6 ating against an individual for failure to alter
7 or censor, scientific or technical findings; or

8 “(D) implementing an institutional barrier
9 to cooperation with scientists outside the cov-
10 ered agency and the timely communication of
11 scientific or technical findings;

12 “(2) shall allow a covered individual to—

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

15 “(i) participating in scientific con-
16 ferences; and

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

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

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

1 “(D) contribute to the academic peer-re-
2 view process as reviewers or editors; and

3 “(E) participate and engage with the sci-
4 entific community;

5 “(3) may require a covered individual to, before
6 disseminating scientific or technical findings as de-
7 scribed in paragraph (2)(A), submit such findings to
8 the agency for the purpose of review by the agency
9 of the data and findings for technical accuracy if the
10 scientific integrity policy outlines a clear and con-
11 sistent process for such review; and

12 “(4) shall require that—

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

15 “(B) the selection and retention of can-
16 didates for science and technology positions in
17 the covered agency are based primarily on the
18 candidate’s expertise, scientific credentials, ex-
19 perience, and integrity;

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

24 “(D) covered individuals adhere to the
25 highest ethical and professional standards in

1 conducting their research and disseminating
2 their findings;

3 “(E) the appropriate rules, procedures,
4 and safeguards are in place to ensure the integ-
5 rity of the scientific process within the covered
6 agency;

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

11 “(G) procedures, including procedures with
12 respect to applicable whistleblower protections,
13 are in place as are necessary to ensure the in-
14 tegrity of scientific and technological informa-
15 tion and processes on which the covered agency
16 relies in its decision making or otherwise uses;
17 and

18 “(H) enforcement of such policy is con-
19 sistent with the processes for an administrative
20 hearing and an administrative appeal.

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

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

1 “(2) ensure that such policy is clear with re-
2 spect to what activities are permitted and what ac-
3 tivities are not permitted;

4 “(3) ensure that there is a process for individ-
5 uals not employed or contracted by the agency, in-
6 cluding grantees, collaborators, partners, and volun-
7 teers, to report violations of the scientific integrity
8 policy;

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

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

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

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

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

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

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

1 “(e) ADMINISTRATIVE PROCESS AND TRAINING.—

2 Not later than 180 days after the date of enactment of
3 this Act, the head of each covered agency shall establish—

4 “(1) an administrative process and administra-
5 tive appeal process for dispute resolution consistent
6 with the scientific integrity policy of the covered
7 agency adopted under subsection (a); and

8 “(2) a training program to provide—

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

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

14 “(C) information to ensure that covered in-
15 dividuals are fully aware of their rights and re-
16 sponsibilities regarding the conduct of scientific
17 research, publication of scientific research, and
18 communication with the media and the public
19 regarding scientific research; and

20 “(D) information to ensure that covered
21 individuals are fully aware of their rights and
22 responsibilities for administrative hearings and
23 appeals established in the covered agency’s sci-
24 entific integrity policy.

25 “(f) REPORTING.—

1 “(1) ANNUAL REPORT.—Each year, each Sci-
2 entific Integrity Officer appointed by a covered agen-
3 cy under subsection (d) shall post an annual report
4 on the public website of the covered agency that in-
5 cludes, for the year covered by the report—

6 “(A) the number of complaints of mis-
7 conduct with respect to the scientific integrity
8 policy adopted under subsection (a)—

9 “(i) filed for administrative redress;

10 “(ii) petitioned for administrative ap-
11 peal; and

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

14 “(B) an anonymized summary of each such
15 complaint and the results of each such com-
16 plaint; and

17 “(C) any changes made to the scientific in-
18 tegrity policy.

19 “(2) INCIDENT REPORT.—

20 “(A) IN GENERAL.—Not later than 30
21 days after the date on which an incident de-
22 scribed in subparagraph (B) occurs, the head of
23 a covered agency shall submit a report describ-
24 ing the incident to the Office of Science and

1 Technology Policy and the relevant Committees
2 of Congress.

3 “(B) INCIDENT.—An incident described
4 under this paragraph is an incident in which an
5 individual, acting outside the channels estab-
6 lished under subsection (e), overrules the deci-
7 sion of the Scientific Integrity Officer with re-
8 spect to a dispute regarding a violation of the
9 scientific integrity policy.

10 “(g) OFFICE OF SCIENCE AND TECHNOLOGY POL-
11 ICY.—The Director of the Office of Science and Tech-
12 nology Policy shall—

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

16 “(2) on an annual basis, convene the Scientific
17 Integrity Officer of each covered agency appointed
18 under subsection (d) to discuss best practices for im-
19 plementing the requirements of this section.

20 “(h) PERIODIC REVIEW AND APPROVAL.—

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

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

3 “(A) REVIEW OF SUBSTANTIAL UP-
4 DATES.—The head of each covered agency shall
5 submit to the Office of Science and Technology
6 Policy for approval any substantial changes to
7 the scientific integrity policy.

8 “(B) QUINQUENNIAL REVIEW.—Not later
9 than 5 years after the date of the enactment of
10 the Scientific Integrity Act, and quinquennially
11 thereafter, the head of each covered agency
12 shall submit the scientific integrity policy to the
13 Office of Science and Technology Policy for re-
14 view and approval.

15 “(i) COMPTROLLER GENERAL REVIEW.—Not later
16 than 2 years after the date of the enactment of the Sci-
17 entific Integrity Act, the Comptroller General shall con-
18 duct a review of the implementation of the scientific integ-
19 rity policy by each covered agency.

20 “(j) DEFINITIONS.—In this section:

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

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

4 “(3) COVERED INDIVIDUAL.—The term ‘cov-
5 ered individual’ means a Federal employee or con-
6 tractor who—

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

9 “(B) analyzes or publicly communicates in-
10 formation resulting from scientific activities; or

11 “(C) uses scientific information or analyses
12 in making bureau, office, or agency policy, man-
13 agement, or regulatory decisions.

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

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

19 “(B) the Committee on Science, Space,
20 and Technology of the House of Representa-
21 tives.”.

22 **SEC. 191604. EXISTING POLICIES; CLARIFICATION.**

23 (a) EXISTING SCIENTIFIC INTEGRITY POLICIES.—
24 Notwithstanding the amendments made by this title, a
25 covered agency’s scientific integrity policy that was in ef-

1 fect on the day before the date of enactment of this Act
2 may satisfy the requirements under the amendments made
3 by this title if the head of the covered agency—

4 (1) makes a written determination that the pol-
5 icy satisfies such requirements; and

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

9 (b) CLARIFICATION.—Nothing in this title shall af-
10 fect the application of United States copyright law.

11 (c) COVERED AGENCY DEFINED.—The term “cov-
12 ered agency” has the meaning given the term in section
13 1009 of the America COMPETES Act (42 U.S.C. 6620).

