



H.R. 133

DIVISION-BY-DIVISION SUMMARY OF AUTHORIZING MATTERS

In addition to the text of the Fiscal Year 2021 appropriations bills and COVID-19 relief provisions, the spending package includes a number of other matters outside the jurisdiction of the Appropriations Committee.

Division O – Extensions and Technical Corrections

Prepared by the Democratic Staff of the House Committees on the Judiciary, Homeland Security, Agriculture, Oversight and Reform

Title I—Immigration Extensions

Sections 101-103.

Extends the E-Verify and Religious Worker Special Immigrant Visa programs, and the Conrad 30 Waiver program for physicians serving in underserved areas until September 30, 2021.

Section 104.

Extends the EB-5 Regional Center program until June 30, 2021.

Section 105.

Provides discretion to the Secretary of Homeland Security, in consultation with the Secretary of Labor, to increase the number of H-2B temporary visas that may be issued in fiscal year 2021, if it is determined that the needs of American businesses cannot be satisfied with United States workers who are willing, qualified, and able to perform temporary nonagricultural labor.

Title II—Commission on Black Men and Boys Corrections

Section 201.

Amends the Commission on the Social Status of Black Men and Boys Act (Public Law 116–156) to grant appointment authority to the Speaker of the House of Representatives in lieu of the House Majority Leader.

Title III—U.S. Customs and Border Protection Authority to Accept Donations Extension

Section 301.

Extends the authority for U.S. Customs and Border Protection to maintain the port of entry donation program for one year.

Title IV—Livestock Mandatory Reporting Extension

Section 401.

Provides for the continuation of livestock mandatory price reporting through the end of fiscal year 2021.

Title V—Soil Health and Income Protection Pilot Program Extension

Section 501.

Extends the deadline for producers to enroll in the Soil Health Income Protection Pilot Program (SHIPP) from its original deadline of December 31, 2020 to September 30, 2021. The 2018 Farm Bill established the Soil Health Income Protection Pilot Program. The pilot enables farmers in the Prairie Pothole states to receive payments for planting perennial cover for conservation use for a period of three to five years.

Title VI—United States-Mexico-Canada Agreement Implementation Act Technical Corrections**Section 601. Technical Corrections to the United States-Mexico-Canada Agreement Implementation Act.**

Makes technical corrections and corresponding changes to the United States-Mexico-Canada Agreement Implementation Act, which provides statutory authority for the trade agreement between the United States, Mexico, and Canada (USMCA). The USMCA replaced the North American Free Trade Agreement. Specifically, the section corrects inadvertent drafting errors to the USMCA Implementation Act to ensure that it delivers the benefits and treatment Congress intended when approving the trade agreement. For example, the section makes technical corrections and corresponding changes related to the North American Development Bank, foreign trade zones, drawback, retention of records, and merchandise processing fees.

Section 602. Technical Corrections to Other Laws.

Makes technical corrections and corresponding changes to the African Growth and Opportunity Act, the Caribbean Basin Economic Recovery, the Trade Facilitation and Trade Enforcement Act of 2015, and other laws to ensure that certain references to the North American Free Trade Agreement (NAFTA) and the NAFTA Implementation Act were replaced with references to the United States-Mexico-Canada Agreement (USMCA) and the USMCA Implementation Act.

Title VII—Deputy Architect of the Capitol Amendments**Section 701.**

Provides the Architect of the Capitol authority to delegate responsibilities previously reserved for the Deputy Architect to other officers and employees of the Office of the Architect.

Title VIII—Pandemic Response Accountability Committee Amendments**Section 801.**

Clarifies that the Pandemic Response Accountability Committee has oversight of all coronavirus related funding and the response to the coronavirus pandemic.

Title IX—Adjustment of Status for Liberian Nationals Extension**Section 901.**

Extends the application period for the Liberian Refugee Immigration Fairness program until December 20, 2021.

Title X—Clean Up the Code Act of 2019

Section 1001. Provides that the short title for title is the “Clean Up the Code Act of 2020.”

Section 1002, Repeals several criminal penalties for violations that do not involve serious wrongdoing, at least not serious enough to warrant criminal prosecution and the consequences of a criminal record. For instance, the

bill decriminalizes the unauthorized application of theft prevention decals or devices, and the unauthorized use of the 4-H Club emblem, the Swiss Confederation coat of arms, the “Smokey Bear” character or name, the “Woodsy Owl” character, name, or slogan, or “The Golden Eagle Insignia.”

Section 1003. Makes a number of clerical amendments to the U.S. Code.

Title XI—Amendments to Provisions Relating to Child Care Centers

Authorizes the Library of Congress, Government Accountability Office (GAO) and Senate to reimburse the Little Scholars Child Development Center, Tiny Findings Child Development Center and Senate Employee Child Care Center, respectively, for monthly expenses due to measures taken to combat COVID-19. Analogous authority for the House has already been enacted.

Title XII—Alaska Natives Extension

Extends the authorization of the Alaska Native Regional Health Entities for two years.

Title XIII— Open Technology Fund Opportunity to Contest Proposed Debarment

This provision delays United States Agency for Global Media (USAGM) reforms included in the NDAA for 90 days after the bill is enacted into law and provides the Open Technology Fund 90 days to submit a formal opposition to any notice of a proposed debarment.

Title XIV—Budgetary Effects

Technical budgetary provisions.

Division P – National Bio and Agro-Defense Facility Act of 2020

Prepared by the Democratic Staff of the House Committee on Agriculture

Codifies the mission of the National Bio and Agro-Defense Facility to sustain research related to animal disease threats, including prevention and response efforts.

Division Q – Financial Services Provisions and Intellectual Property

Prepared by the Democratic Staff of the House Committees on Financial Services and the Judiciary

Title I. Financial Services Provisions.

Sec. 101. Carbon Monoxide Alarms or Detectors in Federally Assisted Housing.

Sec. 101 is the text of H.R. 1690, the “Carbon Monoxide Alarms Leading Every Resident to Safety Act of 2019,” which would authorize \$300 million over three years to support a new requirement to install and maintain carbon monoxide detectors in federally assisted housing.

Sec. 102. Participation of Indian Tribes and Tribally Designated Housing Entities in Continuum of Care Program.

Sec. 102 is the text of H.R. 4029, the “Tribal Access to Homeless Assistance Act,” which would make tribes and tribally designated housing entities eligible to receive homeless assistance grants.

Sec. 103. Fostering Stable Housing Opportunities.

Sec. 103 is the text of H.R. 4300, the “Fostering Stable Housing Opportunities Act of 2019,” which would provide “on-demand” vouchers to foster youth who are at risk of homelessness as they transition to adulthood, and would extend the voucher assistance for up to an additional two years if they participate in self-sufficiency activities.

Sec. 104. Homeless Assistance Grants.

Sec. 104 is largely similar to a provision of H.R. 6867, the “Housing Waiver Flexibility Act of 2020,” which would renew funding for grantees who received CoC funding in FY2019 rather than having to compete for funds through a NOFA.

Sec. 105. Improvements to Loan Guarantees for Indian Housing.

Sec. 105 is largely similar to the text of S. 2725, the “Native American Housing Affordability Act of 2019,” which would allow HUD to issue a certificate of guarantee for Sec 184 loans prior to receiving trailing documents from the Bureau of Indian Affairs if the lender agrees to indemnify.

Sec. 106. Study on the Provision of and Reliance Upon Investment Research into Small Issuers.

Sec. 106 is largely similar to H.R. 2919, the “Improving Research for Small and Emerging Issuers Act,” which requires the US Securities and Exchange Commission to report on investment research regarding small issuers, including emerging growth companies and companies considering initial public offerings. The report must: a) include topics such as the availability of such research and potential conflicts of interest relating to its production and distribution, and b) make recommendations for increasing investment research into small issuers.

Sec. 107. Study on Threshold Limits Applicable to Diversified Companies.

Sec. 107 is largely similar to the text of H.R. 3050, the “Expanding Investment in Small Businesses Act of 2019,” which directs the US Securities and Exchange Commission to report on: a) the limitation on shares of an individual company that a diversified investment company may own, and b) the limitation's impact on capital formation.

Sec. 108. Cybersecurity and Financial System Resilience Report.

Sec. 108 is largely similar to the text of H.R. 4458, the “Cybersecurity and Financial System Resilience Act of 2019,” which requires the Board of Governors of the Federal Reserve System, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, and National Credit Union Administration to annually report on efforts to strengthen cybersecurity by the agencies, financial institutions they regulate, and third-party service providers. The reporting requirement ends after 7 years.

Title II. Intellectual Property

Subtitle A—Copyrights

Sec. 211. Unauthorized Streaming.

Section 211 makes it a felony to offer streaming services whose primary purpose is to provide unauthorized (pirated) content.

Sec. 212. Copyright Small Claims.

Section 212 includes the “Copyright Alternative in Small-Claims Enforcement Act of 2020” or the “CASE Act of 2020”. It creates a voluntary small-claims process at the Copyright Office for adjudicating certain copyright disputes.

Subtitle B—Trademarks

Subtitle B creates new processes at the US Patent and Trademark Office to remove, upon petition, certain unused trademark registrations; resolves a circuit split on the standard for awarding injunctions in trademark lawsuits; and modernizes other aspects of the trademark examination process.

Sec. 221. Short Title.

Section 221 sets forth the short title of this subtitle as the “Trademark Modernization Act of 2020” or the “TM Act of 2020.”

Sec. 222. Definitions.

Section 222 provides certain definitions of terms used in the bill.

Sec. 223. Providing for third-party submission of evidence during examination.

Section 223 amends section 1 of the Trademark Act (15 U.S.C. 1051) to codify an existing practice of the USPTO to accept evidence offered by third parties during examination.

Sec. 224. Providing for flexible response periods.

Section 224 amends section 12(b) of the Trademark Act (15 U.S.C. 1062(b)) to provide the USPTO flexibility in setting times for response to office actions issued during examination.

Sec. 225. Ex parte expungement; ex parte reexamination; new grounds for cancellation.

Section 225 adds two new ex parte cancellation procedures to the Trademark Act. Current law provides that a third party can only request cancellation of a trademark registration through an inter partes procedure before the Trademark Trial and Appeal Board or in a lawsuit in district court. The new procedures provide an expedited process by which a third party can request cancellation (or expungement) of a registration when the registrant had not used the trademark in commerce as required for federal registration.

Sec. 226. Rebuttable presumption of irreparable harm.

Section 226 clarifies recent case law by codifying the rule that a plaintiff seeking an injunction to remedy a trademark violation is entitled to a rebuttable presumption of irreparable harm.

Sec. 227. Report on decluttering initiatives.

Section 227 provides for a GAO study and report on efforts to declutter the trademark register, including the new procedures provided by the Act as well as other efforts undertaken by the USPTO.

Sec. 228. Amendments to confirm authority of the Director.

Section 228 includes several provisions to confirm the historical understanding and current practice of the Director’s authority over the Trademark Trial and Appeal Board, thereby preempting future court challenges on Appointments Clause grounds.

Division R – Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020

Prepared by the Democratic Staff of the House Committee on Transportation and Infrastructure

TITLE I – IMPROVING PIPELINE SAFETY AND INFRASTRUCTURE

SECTION 101. AUTHORIZATION OF APPROPRIATIONS.

This section authorizes appropriations for FY 2021 through 2023 for the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Pipeline Safety Program. It provides budget authority of approximately \$227.9 million in FY 2021 and increases to approximately \$237.9 million by FY 2023. This section authorizes funding for operational expenses, one-call notification programs, pipeline safety information grants, state pipeline safety grants, and other programs and grants.

SECTION 102. PIPELINE WORKFORCE DEVELOPMENT.

This section supports PHMSA's pipeline safety work by increasing the minimum number of agency inspection and enforcement personnel and directing the agency to hire additional subject matter experts to support its rulemaking activities. To address the agency's difficulty in recruiting and retaining its workforce, this section directs the Secretary to use incentives, including special pay rates, repayment of student loans, tuition assistance, and bonuses, coupled with continued service agreements, to better attract and sustain a qualified, dedicated workforce.

SECTION 103. COST RECOVERY AND FEES FOR FACILITY REVIEWS.

Currently, there is a memorandum of understanding that allows the Federal Energy Regulatory Commission to reimburse PHMSA for the safety inspection and reviews that PHMSA conducts on LNG facility projects costing \$2.5 billion or more. This section allows PHMSA to collect fees directly from those facilities for the necessary expenses it incurs to perform such inspections and reviews.

SECTION 104. ADVANCEMENT OF NEW PIPELINE SAFETY TECHNOLOGIES AND APPROACHES.

This section would provide PHMSA with the authority to establish pilot programs to evaluate innovative technologies and operational practices designed to increase pipeline safety. It would allow PHMSA to exempt pipeline operators participating in the pilot from current regulations to enable the demonstration of new technologies provided that such pilot programs would be limited by mileage and a duration of 3 years. PHMSA cannot approve pilot programs located in high population areas, high consequences areas, or unusually sensitive areas. This section also would allow States to opt-out of pilot programs. PHMSA can incorporate successful pilot program technologies by rulemaking into PHMSA regulations.

SECTION 105. PIPELINE SAFETY TESTING ENHANCEMENT STUDY.

This section directs PHMSA to conduct a study and report to Congress, no later than two years after enactment, on its research and development capabilities and whether an independent pipeline safety testing facility could improve DOT's research and development capabilities. The study requires PHMSA to consider its ability to use existing test facilities established by other modal administrations and federally funded research and development centers, as well as the costs and benefits of developing such a facility.

SECTION 106. REGULATORY UPDATES.

This section directs PHMSA to inform Congress of progress on outstanding congressional mandates every 30 days. Under this section, updates to Congress include a description of the work plan for outstanding mandates, rulemaking timeline, any resource constraints affecting the rulemaking, and other information related to the status and timing of a rulemaking.

SECTION 107. SELF-DISCLOSURE OF VIOLATIONS.

Under current law, in determining the amount of a civil penalty, PHMSA must consider the following: the nature, circumstances, and gravity of a violation; the violator's degree of culpability, history of prior violations, and any effect on the violator's ability to continue doing business, and good faith in attempting to comply. This section requires PHMSA to also consider in determining such civil penalties whether the violator self-disclosed and corrected the violation, or took actions to correct a violation, prior to discovery by PHMSA.

SECTION 108. DUE PROCESS PROTECTIONS IN ENFORCEMENT PROCEEDINGS.

This section addresses PHMSA's procedures for imposing civil penalties on pipeline operators for violations of pipeline safety regulations. It adds many of PHMSA's current due process protections and procedures to statute, and establishes additional transparency for hearings, including public notice and access.

SECTION 109. PIPELINE OPERATING STATUS.

This section directs PHMSA to conduct a rulemaking to establish an idled pipeline operating status and applicable safety requirements. Under this section, idled pipelines must be cleared of combustibles and hazardous materials, and must be inspected by the Secretary or an appropriate State agency to verify that the pipeline has been cleared of relevant materials. This section also requires the idled pipeline to be inspected and meet current regulations before resuming operations.

SECTION 110 UPDATES TO STANDARDS FOR LIQUEFIED NATURAL GAS FACILITIES.

This section authorizes a new risk-based regulatory system that sets minimum inspection and maintenance standards for large scale LNG facilities, replacing outdated regulations that were designed to regulate peak shaving facilities. LNG facilities are required to achieve an equivalent or better safety standard and requires DOT approval of LNG facility implementation plans. Finally, the maximum civil fine for violating a regulatory requirement under this section increases from \$50,000 to \$200,000 per violation.

SECTION 111. NATIONAL CENTER OF EXCELLENCE FOR LIQUEFIED NATURAL GAS SAFETY.

This section directs the Secretary to establish a National Center of Excellence for Liquefied Natural Gas Safety. The purpose of this center is to further U.S. government expertise in operations, management, and regulatory practices of LNG facilities through use of performance-based principles, increased communication with LNG experts, disseminating best practices for operation of LNG facilities, and facilitating collaboration among LNG sector stakeholders.

SECTION 112. PRIORITIZATION OF RULEMAKING.

This section requires, within 90 days of enactment, the Secretary to issue a final rule with respect to the proposed rulemaking titled "Pipeline Safety: Safety of Gas Transmission and Gathering Pipelines". Additionally, this section requires the Comptroller General to complete, within one year of enactment, a study to review the extent to which geospatial and technical data is collected by operators of gathering lines, and assess the plans and timelines for operators to develop mapping information, and to submit a copy of the study to Congress upon completion.

SECTION 113. LEAK DETECTION AND REPAIR.

This section addresses pipeline methane emissions by directing the Secretary to issue final regulations within one year to require operators of regulated non-rural gas gathering lines, new and existing gas transmission pipeline facilities, and new and existing gas distribution pipeline facilities, to conduct leak detection and repair programs that meet the need for gas pipeline safety and protect the environment. Such final regulations must: include minimum performance standards; include a schedule with deadlines for repairing or replacing each leaking pipe except those with leaks that pose no potential hazard; require the use of advanced leak detection and practices; and identify scenarios where operators may depend on human senses.

SECTION 114. INSPECTION AND MAINTENANCE PLANS.

This section further addresses pipeline methane emissions by requiring that the inspection and maintenance plans carried out by owners and operators of gas and hazardous liquid pipeline facilities must meet the requirements of the leak detection and repair regulations promulgated pursuant to section 113 of the bill. In determining the adequacy of inspection and maintenance plans, the Secretary must consider the extent to which they contribute to the elimination and minimization of leaks from natural gas pipeline facilities, in addition to their contribution to public safety and environment protection, as well as the extent to which they address the replacement or remediation of pipelines that are known to leak. The Secretary must review these plans at least every five years. The section also directs the Secretary to submit to Congress within 18 months a report

discussing the best available technologies or practices to prevent or minimize the release of natural gas (without compromising safety) when making planned repairs, replacements, or maintenance, and when intentionally venting or releasing natural gas including during blowdowns; as well as pipeline facility designs that mitigate the need to intentionally vent natural gas. The Secretary has 180 days after the report to update pipeline safety regulations as determined appropriate by the Secretary.

SECTION 115. CONSIDERATION OF PIPELINE CLASS LOCATION CHANGES.

This section directs PHMSA to move forward on the 2018 advanced notice of proposed rulemaking on “Pipeline Safety: Class Location Change Requirements” within one year.

SECTION 116. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

This provision amends 49 U.S.C. 60129, which protects whistleblowing employees from discrimination or unlawful termination. The new language extends the scope of the section to current and former employees, allows for a de novo review after seven months of inaction on a complaint, and prohibits pre-dispute arbitration agreements from infringing upon the rights or remedies of the whistleblower.

SECTION 117. INTERSTATE DRUG AND ALCOHOL OVERSIGHT.

This section requires the Secretary to amend regulations on the pipeline employee testing program for drug and alcohol use as applied to operators and contracted employees. The new language requires the Secretary to improve the efficiency and processes of the regulations by minimizing duplicative testing.

SECTION 118. PURPOSE AND GENERAL AUTHORITY.

This section amends 49 U.S.C. 60102, which directs the Secretary to only propose or issue a pipeline safety standard when the standard’s benefits justify the costs. The new language clarifies that the benefits include environmental and safety benefits.

SECTION 119. NATIONAL ACADEMY OF SCIENCES STUDY ON AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES ON EXISTING PIPELINES.

This section requires the National Academies of Science to conduct a study on potential standards for installation of automatic and remote-controlled shut-off valves on existing pipelines located in high consequence and unusually sensitive areas.

SECTION 120. UNUSUALLY SENSITIVE AREAS.

This section defines the terms “coastal beaches” and “certain coastal waters” in order to provide PHMSA the tools it needs to promulgate a rulemaking mandated in the PIPES Act of 2016. That mandate requires PHMSA to update its regulations to specify that coastal beaches, certain coastal waters, and the Great Lakes, are unusually sensitive areas, for purposes of determining whether a hazardous liquid pipeline is in a high consequence area. This section also establishes a minimum one year inspection period for certain deep water pipelines and requires procedures to protect deep water pipelines from anchor strikes.

SECTION 121. SAFETY-RELATED CONDITION REPORTS.

This section improves transparency and sharing of information related to leading indicators of safety events by requiring an operator that files a safety-related condition report to submit the report to the office of the Governor of a State (when an appropriate State authority does not exist) and to tribes, in addition to submitting such report to the Secretary and an appropriate State authority (if it exists). The State authority or Governor may provide the report to relevant State, local, or tribal emergency response or planning entities upon their request.

SECTION 122. RISK ANALYSIS AND INTEGRITY MANAGEMENT PROGRAMS.

This section addresses issues raised by the National Transportation Safety Board by directing the Secretary to submit to Congress, within two years, a report containing the results of a study of the assessment methods of distribution pipelines that may be used in integrity management programs, other than direct assessment, to

determine whether any such methods are feasible and would provide a greater level of safety than direct assessment. The report must include recommendations based on the study.

SECTION 123. RULE OF CONSTRUCTION.

This section ensures that nothing within the bill infringes upon the authorities of the Environmental Protection Agency, the Department of the Interior, or a State to regulate a release of pollutants or hazardous substances into the environment.

TITLE II – LEONEL RONDON PIPELINE SAFETY ACT

SECTION 201. SHORT TITLE.

“The Leonel Rondon Pipeline Safety Act”.

SECTION 202. DISTRIBUTION INTEGRITY MANAGEMENT PLANS.

This section directs PHMSA to expand its regulations to ensure that distribution integrity management plans for distribution operators evaluate certain risks, such as those posed by cast iron pipes and mains, and low-pressure systems, as well as the possibility of future accidents to better account for high-consequence but low probability events. This section also requires distribution operators to make their updated distribution integrity management plans available to PHMSA, or the relevant State regulatory agency, no later than two years after enactment, and would require inspectors to review such plans if significant changes are made to the plans or system, or at least every five years. Finally, this section directs DOT to revise the State audit protocols and procedures and update the State Inspection Calculation Tool.

SECTION 203. EMERGENCY RESPONSE PLANS.

This section directs PHMSA to update its emergency response plan regulations to ensure that each emergency response plan developed by a distribution system operator includes written procedures for how to handle communications with first responders and the general public after certain significant pipeline emergencies, in order to ensure that pipeline operators contact first responders as soon as practicable after they know an incident has occurred.

SECTION 204. OPERATIONS AND MAINTENANCE MANUALS.

This section directs the Secretary to update the regulations for operations and maintenance manuals in order to require distribution system operators to have a specific action plan to respond to overpressurization events. Additionally, this section requires operators to develop written procedures for management of change processes for significant technology, equipment, procedural, and organizational changes to the distribution system, and ensure that relevant qualified personnel, such as a professional engineer with a license, reviews and certifies such changes.

SECTION 205. PIPELINE SAFETY MANAGEMENT SYSTEMS.

This section directs PHMSA to conduct a study on the distribution industry’s adoption of pipeline safety management systems and provide guidance on how to further the adoption of these systems and to provide a copy of the report to relevant Committees no later than three years after enactment. This section also requires PHMSA and relevant State authorities to promote and assess gas distribution operators’ pipeline safety management systems, including by using independent third-party evaluators as necessary.

SECTION 206. PIPELINE SAFETY PRACTICES.

This section directs PHMSA to issue regulations that require distribution pipeline operators to identify and manage traceable, reliable, and complete maps and records of critical pressure control infrastructure, and update these records as appropriate. These records would have to be submitted or made available to the relevant regulatory agency. These regulations shall require noncritical records to be gathered as they are available. This section also directs PHMSA to issue regulations requiring an agent of a distribution system operator to monitor gas pressure at certain sites and have the ability to cut off or limit gas pressure during construction projects that

have the potential to cause a hazardous overpressurization. Finally, this section directs PHMSA to issue regulations on district regulator stations to ensure that distribution system operators minimize the risk of a common mode of failure at low-pressure district regulator stations, monitor the gas pressure of a low-pressure system, and install overpressure protection safety technology at low-pressure district regulator stations. If it is not operationally possible to install such technology, this section would require the relevant operator to identify plans that would minimize the risk of an overpressurization event.

Division S – Innovation for the Environment

Prepared by the Democratic Staff of the House Committee on Energy and Commerce

Section 101. Reauthorization of diesel emissions reduction program.

Section 101 amends Section 797(a) of the Energy Policy Act of 2005 to reauthorize the diesel emissions reduction program (DERA) until FY 2024.

Section 102. Encouraging Projects to Reduce Emissions.

Section 102 directs the Environmental Protection Agency (EPA) to establish a competitive prize program that awards funds to direct air capture research projects, to reduce CO₂ from stationary sources. It also establishes a Direct Air Capture Technology Advisory Board of experts to advise the Administrator.

Furthermore, section 102 directs the Secretary of Energy to establish a research, development, and demonstration program for carbon utilization to identify and evaluate novel uses for carbon. And, it directs the National Academies to conduct a study examining the barriers and opportunities related to commercial application of CO₂.

Section 102 also amends the Fixing America’s Surface Transportation (FAST) Act to clarify that “covered projects” include carbon capture, utilization, and sequestration (CCUS) projects and CO₂ pipelines.

Additionally, this section directs the Chair of the Council on Environmental Quality to prepare a report evaluating the state of the industry for CCUS projects and CO₂ pipelines, and submit guidance to all relevant agencies to support their efficient, orderly and responsible development. The guidance should address the protections afforded by bedrock environmental laws. Finally, section 102 directs the Chair to establish at least two regional task forces to identify successes and challenges faced by developers and operators of CCUS projects and CO₂ pipelines, and make recommendations to improve the permitting and regional coordination for efficient, orderly and responsible development of such projects.

Section 103. American Innovation and Manufacturing.

Section 103 directs EPA to implement an allowance allocation and trading program to phase down the production and consumption of hydrofluorocarbons (HFCs) by 85 percent over 15 years.

Division T – Smithsonian American Women’s History Museum Act and National Museum of the American Latino

Prepared by the Democratic Staff of the Committee on House Administration

Establishes, within the Smithsonian Institution, the Women’s History Museum and the National Museum of the American Latino. To the maximum extent practicable, the museums will be located on or near the National Mall.

Division U – Homeland Security and Governmental Affairs Provisions

Prepared by the Democratic Staff of the House Committees on Homeland Security and Oversight and Reform

Title I. The AI in Government Act of 2020.

This title codifies the AI Center of Excellence within the General Services Administration to advise and promote the efforts of the federal government in developing innovative uses of artificial intelligence (AI) and competency in the use of AI in the federal government. The section also requires that the Office of Personnel Management identify key skills and competencies needed for federal positions related to AI and establish an occupational series for positions related to AI.

Title II. DHS Overseas Personnel Enhancement Act of 2019.

This title directs the Department of Homeland Security to improve oversight of DHS personnel with primary duties that take place outside of the United States.

Title III. Synthetic Opioid Exposure Prevention and Training Act.

This title amends the Homeland Security Act of 2002 to bolster protections for U.S. Customs and Border Protection (CBP) officers, agents, other personnel, and canines who may be exposed to synthetic opioids in the course of screening activities.

Title IV. The Construction Consensus Procurement Improvement Act.

This title prohibits the use of reverse auctions for awarding federal contracts for complex, specialized, or substantial construction and design services. Generally, a reverse auction is one in which there are multiple sellers lowering their bids to win a supply or service contract.

Title V. The Oversight.gov Act.

This title authorizes the establishment of an oversight.gov website managed by the Council of Inspectors General for Integrity and Efficiency on which each report issued by an Office of Inspector General shall be posted. The section authorizes \$3.5 million to be carried out the duties of the Council, including establishment of the website.

Title VI. Counter Threats Advisory Board Act of 2019.

This title amends the Homeland Security Act to establish a Counterterrorism Advisory Board within the Department of Homeland Security to coordinate and integrate Departmental intelligence, activities, and policies related to counterterrorism within the Department.

Title VII. DHS Countering Unmanned Aircraft Systems Coordinator Act.

This title directs the Department of Homeland Security to designate a senior DHS official as the Countering Unmanned Aircraft Systems (UAS) Coordinator to oversee and coordinate with relevant DHS offices and components on the development of guidance and regulations to counter threats associated with UAS (i.e., drones).

Title VIII. The Whistleblower Expansion Act.

This title makes technical changes to clarify that subcontractors and subgrantees are covered by the whistleblower protections afforded by 41 U.S.C. 4712.

Title IX. The DOTGOV Act.

This title transfers the authority to manage the .gov internet domain from the General Services Administration to the Cybersecurity and Infrastructure Security Agency (CISA) of the Department of Homeland Security. The .gov internet domain shall be available to any Federal, State, local, or territorial government entity, or other publicly controlled entity, subject to registration requirements established by the Director of CISA and approved by the Director of the Office of Management and Budget.

Title X. REAL ID Modernization Act.

This title simplifies the process of applying for a REAL ID and allows TSA and other federal agencies to accept mobile or digital drivers licenses or identity cards for identification purposes.

Title XI. The Southwest Border Security Technology Improvement Act of 2020.

This title requires the Department of Homeland Security to report to Congress an analysis of border security technology along the Southwest border.

Division V – Aircraft Certification, Safety, and Accountability

Prepared by the Democratic Staff of the House Committee on Transportation and Infrastructure

This bipartisan, bicameral legislation strengthens the Federal Aviation Administration’s (FAA) aircraft certification process; ensures transparency, accountability, and integrity in FAA regulation of U.S. aircraft manufacturers; addresses issues identified related to human factors, automation in the cockpit, and international pilot training; and authorizes nearly \$275 million over the next five years in robust FAA oversight and aviation safety-improving programs and initiatives.

Sec. 1. Short title; table of contents.

Provides the short title for this title as the “Aircraft Certification, Safety, and Accountability Act.”

Sec. 2. Safety management systems.

Requires the FAA to issue regulations for holders of both a type certificate and a production certificate, such as aircraft and other aerospace industry manufacturers, to adopt safety management systems (SMS) consistent with international standards and practices.

Sec. 3. Expert review of organization designation authorizations for transport airplanes.

Convenes an independent expert review panel to review The Boeing Company’s organization designation authorization (ODA), safety culture, and capability to perform FAA-delegated functions.

Sec. 4. Certification oversight staff.

Authorizes \$27 million in annual appropriations for the FAA to recruit and retain engineers, safety inspectors, human factors specialists, software and cybersecurity experts, and other qualified technical experts who perform duties related to the certification of aircraft, engines, and other components.

Directs the FAA to conduct a review of its workforce responsible for aircraft certification to determine whether the agency has the necessary expertise and capability to certify new technologies and materials.

Sec. 5. Disclosure of safety critical information.

Requires manufacturers to disclose to the FAA, and to airlines and pilots via airplane flight manuals and flight crew operating manuals, all safety-critical information related to an aircraft, including information regarding systems that manipulate flight controls without direct pilot input and whose failure or erroneous activation would present a risk rated hazardous or catastrophic. Imposes up to a \$1 million civil penalty for a violation of the disclosure requirements.

Sec. 6. Limitation on delegation.

Prohibits the FAA from delegating, to a manufacturer, the authority to certify on behalf of the agency that a critical system design feature, including a “novel or unusual design feature,” complies with the Federal Aviation Regulations until the FAA Administrator has validated any underlying assumptions related to human factors.

Sec. 7. Oversight of ODA unit members.

Requires the FAA Administrator, beginning on January 1, 2022, to approve each new individual selected by an ODA holder engaged in the design of an aircraft, aircraft engine, propeller, or appliance before they become an authorized representative (or ODA unit member) to act on the FAA's behalf in validating compliance of aircraft systems and designs with FAA requirements. Requires new ODA unit members to meet qualifications issued by the FAA Administrator, and that at minimum, such individuals must possess the requisite knowledge and technical skills and be of good moral character. Allows for conditional designations of ODA unit members and requires the FAA to approve or reject those designations within 30 days. Reinforces the FAA Administrator's authority to rescind an approval for an individual to serve as an ODA unit member at any time, for any reason.

Directs the FAA to review each current Boeing ODA unit member to ensure each individual meets the agency's minimum qualifications

Imposes a civil penalty for any supervisor of an ODA holder that manufactures transport category airplanes who interferes with (e.g., harasses, berates, or threatens) an ODA unit member's performance of authorized functions on behalf of the FAA and requires all ODA unit members to promptly report any cases of interference experienced or witnessed at a company.

Directs the FAA to perform periodic audits of each manufacturing ODA unit and its procedures at least once every seven years.

Directs the FAA to assign aviation safety advisors to ODA unit members at certain aircraft and engine manufacturers to ensure unit members are knowledgeable of FAA policies and to monitor their performance.

Prohibits the FAA and ODA holders from prohibiting ODA unit members from communicating with FAA personnel and vice-versa.

Sec. 8. Integrated project teams.

Requires the FAA to convene an interdisciplinary integrated project team with FAA specialists and employees of other agencies, such as the Air Force and NASA, at the outset of a certification program for a new airplane to advise the FAA Administrator and make written recommendations regarding new technology or novel designs.

Sec. 9. Oversight integrity briefing.

Requires the FAA to brief Congress on specific measures the agency has taken to reinforce that each FAA employee responsible for overseeing an aircraft manufacturer's ODA performs their work in accordance with safety management principles and in the public interest of aviation safety.

Sec. 10. Appeals of certification decisions.

Directs the FAA Administrator to issue an order establishing an appeal process to review an FAA employee's decision regarding a manufacturer's compliance with applicable design regulation.

Prohibits FAA leadership from communicating with manufacturing executives about a dispute referenced above outside of the established review process unless those communications are publicly disclosed.

Sec. 11. Employment restrictions.

Implements a one-year cooling off period for incoming FAA employees from overseeing their former aerospace manufacturer employer and a two-year cooling off period for former FAA certification employees representing their new employer before the FAA if they were responsible for overseeing that employer while at the FAA, consistent with existing aviation safety inspector restrictions.

Sec. 12. Professional development, skills enhancement, continuing education and training.

Directs the FAA to develop a program for recurrent and continuing education of FAA engineers, inspectors, and other experts and to provide them with opportunities to expand their knowledge and skills.

Sec. 13. Voluntary safety reporting program.

Directs the FAA, in collaboration with labor groups representing certain FAA employees, to implement a confidential voluntary safety reporting program for FAA engineers, safety inspectors, systems safety specialists, and others.

Sec. 14. Compensation limitation.

Prohibits an FAA employee from receiving a compensation adjustment solely on the basis of meeting or exceeding a deadline related to the completion of a certification function.

Sec. 15. System safety assessments and other requirements.

Directs the FAA to require an applicant for an amended type certificate for a transport airplane to perform a system safety assessment (SSA) with respect to each proposed design change the FAA determines is significant, and to review each SSA for sufficiency and adequate consideration of the airplane-level effects of failures, including pilot responses to those failures.

Sec. 16. Flight crew alerting.

Prohibits the FAA from issuing a type certificate for a new airliner design unless the airplane is equipped with a centralized crew alerting system that helps a pilot differentiate between, prioritize, and respond to warnings, cautions, and advisories on the airplane.

Sec. 17. Changed product rule.

Directs the FAA to exercise leadership in the creation of international policies and standards relating to the issuance of amended type certificates for new airplane designs and requires the FAA to conduct a rulemaking to revise and improve the process for issuing amended type certificates.

Sec. 18. Whistleblower protections.

Adds aviation manufacturing employees to existing laws protecting airline employees from whistleblower retaliation for reporting safety issues or violations.

Sec. 19. Domestic and international pilot training.

Expands the FAA's role in reviewing and approving pilot training requirements for commercial aircraft and initiates several reviews looking at human factors, increased aircraft automation, pilot airmanship, flight deck management, and FAA airman certification standards.

Authorizes expanded FAA programs to assist foreign aviation authorities to improve international aviation safety.

Sec. 20. Nonconformity with approved type design.

Prohibits a transport-category aircraft manufacturer from applying for an airworthiness certificate for an individual aircraft if it does not conform to the type design and assesses a civil penalty if the nonconformity is known but not disclosed by such manufacturer.

Sec. 21. Implementation of recommendations.

Requires the FAA to report to Congress on the status of its implementation of recommendations from various reports and reviews issued in the wake of the 737 MAX accidents.

Sec. 22. Oversight of FAA compliance program.

Requires the FAA to establish an executive council to oversee the effectiveness of the agency's Compliance Program, which emphasizes actions short of punitive measures to encourage regulated entities to comply with FAA regulations and self-report deficiencies.

Sec. 23. Settlement agreement.

Expresses the Sense of Congress that the FAA should hold Boeing fully accountable for any failure to meet the conditions of its 2015 settlement agreement with the FAA.

Sec. 24. Human factors education program.

Requires the FAA to incorporate a human factors education program into its employee training programs.

Sec. 25. Best practices for organization designation authorizations.

Directs an FAA expert panel to identify and develop best practices for ODA holders, including preventing and deterring undue pressure on FAA-designees, and directs the FAA to require such practices to be incorporated in each ODA holder's procedures manual.

Sec. 26. Human factors research.

Directs the FAA to develop research requirements to address the integration of human factors in the design and certification of aircraft and authorizes \$7.5 million in annual appropriations for such effort.

Sec. 27. FAA Center of Excellence for automated systems and human factors in aircraft.

Authorizes \$2 million in annual appropriations for an FAA Center of Excellence focused on automated systems and human factors in transport category aircraft.

Sec. 28. Pilot operational evaluations.

Directs the FAA to ensure the certification of transport airplanes include test pilots from the same air carriers expected to operate the aircraft under review and that manufacturers ensure pilots possessing varying levels of experience are used in their evaluations.

Sec. 29. Ensuring appropriate responsibility for aircraft certification and flight standards performance objectives and metrics.

Repeals previously enacted statutory language related to performance objectives and metrics for the FAA's aircraft certification process and flight standards activities.

Sec. 30. Transport airplane risk assessment methodology.

Requires a review of the transport airplane risk assessment methodology (TARAM) and resulting analyses to ensure it adequately captures the continuing risk to aviation safety associated with a suspected unsafe condition that has caused a crash.

Sec. 31. National air grant fellowship program.

Authorizes \$15 million in annual appropriations for the FAA to create a "National Air Grant Fellowship Program," which establishes fellowships for qualified graduates and post-graduates in aerospace and other related fields of study.

Sec. 32. Emerging safety trends in aviation.

Requires the development of an annual report to identify, categorize, and analyze emerging safety trends in air transportation.

Sec. 33. FAA accountability enhancement.

Strengthens and clarifies the role of the FAA whistleblower office, including by providing it authority to investigate certain instances of whistleblower retaliation and creating an FAA whistleblower ombudsman to ensure FAA employees are properly educated on prohibited acts of whistleblower retaliation.

Sec. 34. Authorization of appropriations for the advanced materials center of excellence.

Authorizes \$10 million in annual appropriations for the FAA's Advanced Materials Center of Excellence.

Sec. 35. Promoting aviation regulations for technical training.

Directs the FAA to issue interim final regulations to establish requirements for issuing aviation maintenance technician school certificates and associated ratings as well as the general operating rules for those certificate and rating holders.

Sec. 36. Independent study on type certification reform.

Directs the FAA to fund a study by a Federally-funded research and development center on amended and supplemental type certificates for transport category airplanes and to report to Congress on the FAA's response to the findings and recommendations of the report and any actions the agency will take as a result.

Sec. 37. Definitions.

Defines certain terms used throughout the title.

Division W – Intelligence Authorization Act for Fiscal Year 2021

Prepared by the Democratic Staff of the House Committee on Intelligence

TITLE I—INTELLIGENCE ACTIVITIES

Section 101. Authorization of appropriations. Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2021.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Section 310. Intelligence community student loan repayment programs. Section 310 requires the DNI to establish minimum student loan repayment standards for IC employees.

Section 321. Assessment on risks posed by genetic testing by the Government of the People's Republic of China. Section 321 directs the Comptroller General to assess efforts in the IC and Department of Defense (DoD) to identify and mitigate the risks posed to the IC and DoD by direct-to-consumer genetic testing by the Government of the People's Republic of China. Section 321 further requires the report to include key national security risks and vulnerabilities, an assessment of the IC's and DoD's identification and mitigation of such risks and vulnerabilities, and recommendations for the IC and DoD to improve identification and mitigation of such risks and vulnerabilities.

Section 322. Report on activities to assure quality and diversity in the IC workforce. Section 322 requires the DNI to submit a report describing how IC elements are exercising hiring flexibilities and expedited human resources practices afforded under 5 U.S.C. § 3326 and related regulations, including the identification of any obstacles encountered by the IC in exercising such authorities.

Section 323. Report on signals intelligence priorities and requirements. Section 323 requires the DNI to submit a report detailing signals intelligence priorities and requirements subject to Presidential Policy Directive-28 that stipulates “why, whether, when, and how the United States conducts signals intelligence activities.”

Section 324. Assessment of demand for student loan repayment program benefit. Section 324 requires the head of each IC element to calculate the number of personnel who qualify for a student loan repayment program benefit, and compare it to the number of personnel who apply for such a benefit. The information provided will include recommendations for how to optimize participation and enhance the effectiveness of the benefit as a retention tool, to identify any shortfall in funds or authorities, and to include such materials with the budget request for Fiscal Year 2022.

Section 325. Assessment of intelligence community demand for child care. Section 325 requires the DNI to provide a report that includes, among other things: a calculation of the total annual demand for child care by employees at certain IC elements; an identification of any shortfalls between demand and the child care support by these IC elements; an assessment of options for addressing any such shortfall; and a plan to meet, within five years after the date of the report, the demand for childcare.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Section 402. Expansion of personnel authority to attract experts in science and engineering. Section 402 facilitates NGA’s recruitment of experts in science or engineering for research and development projects.

Section 403. Shannon Kent Award for distinguished female personnel of the National Security Agency. Section 403 requires the Director of the NSA to establish an honorary award for the recognition of female personnel of the NSA for distinguished career contributions in support of the mission of the NSA.

Section 404. Department of Homeland Security intelligence and cybersecurity diversity fellowship program. Section 404 requires the Secretary of DHS to carry out an intelligence and cybersecurity diversity fellowship program that provides paid internships, tuition assistance, and potential employment opportunities.

TITLE V—MATTERS RELATING TO EMERGING TECHNOLOGIES

Section 501. Requirements and authorities to improve education in science, technology, engineering, arts, and mathematics. Section 501 ensures that the Director of the CIA has the legal authorities required to improve the skills in science, technology, engineering, arts, and mathematics (known as STEAM) necessary to meet long-term national security needs.

Section 502. Seedling investment in next-generation microelectronics in support of artificial intelligence. Section 502 requires the DNI, acting through the Director of the Intelligence Advanced Research Projects

Activity, to award contracts or grants, or enter into other transactions, to encourage microelectronics research.

TITLE VI—REPORTS AND OTHER MATTERS

Section 601. Report on attempts by foreign adversaries to build telecommunications and cybersecurity equipment and services for, or to provide them to, certain U.S. Section 601 requires the CIA, NSA, and DIA to submit a joint report that describes the United States intelligence sharing and military posture in Five Eyes countries that currently have or intend to use adversary telecommunications or cybersecurity equipment, especially as provided by China or Russia, with a description of potential vulnerabilities of that information and assessment of mitigation options.

Section 602. Report on foreign use of cyber intrusion and surveillance technology. Section 602 requires the DNI to submit a report on the threats posed by foreign governments and foreign entities using and appropriating commercially available cyber intrusion and other surveillance technology.

Section 603. Reports on recommendations of the Cyberspace Solarium Commission. Section 603 requires the ODNI and representatives of other agencies to report to Congress their assessment of the recommendations submitted by the Cyberspace Solarium Commission pursuant to Section 1652(j) of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year 2019, and to describe actions that each agency expects to take to implement these recommendations.

Section 604. Assessment of critical technology trends relating to artificial intelligence, microchips, and semiconductors and related matters. Section 604 requires the DNI to complete an assessment of export controls related to artificial intelligence (AI), microchips, advanced manufacturing equipment, and other AI-enabled technologies, including the identification of opportunities for further cooperation with international partners.

Section 605. Combating Chinese influence operations in the United States and strengthening civil liberties protections. Section 605 provides additional requirements to annual reports on Influence Operations and Campaigns in the United States by the Chinese Communist Party (CCP) by mandating an identification of influence operations by the CCP against the science and technology sector in the United States. Section 605 also requires the FBI to create a plan to increase public awareness of influence activities by the CCP. Finally, section 605 requires the FBI, in consultation with the Assistant Attorney General for the Civil Rights and the Chief Privacy and Civil Liberties Officer of the Department of Justice, to develop recommendations to strengthen relationships with communities targeted by the CCP and to build trust with such communities through local and regional grassroots outreach.

Section 606. Annual report on corrupt activities of senior officials of the CCP. Section 606 requires the CIA, in coordination with the Department of Treasury's Office of Intelligence and Analysis and the FBI, to submit to designated congressional committees annually through 2025 a report that describes and assesses the wealth and corruption of senior officials of the CCP, as well as targeted financial measures, including potential targets for sanctions designation. Section 606 further expresses the Sense of Congress that the United States should undertake every effort and pursue every opportunity to expose the corruption and illicit practices of senior officials of the CCP, including President Xi Jinping.

Section 607. Report on corrupt activities of Russian and other Eastern European oligarchs. Section 607 requires the CIA, in coordination with the Department of the Treasury's Office of Intelligence and Analysis and the FBI, to submit to designated congressional committees and the Under Secretary of State for Public Diplomacy, a report that describes the corruption and corrupt or illegal activities among Russian and

other Eastern European oligarchs who support the Russian government and Russian President Vladimir Putin, and the impact of those activities on the economy and citizens of Russia. Section 607 further requires the CIA, in coordination with the Department of Treasury's Office of Intelligence and Analysis, to describe potential sanctions that could be imposed for such activities.

Section 608. Report on biosecurity risk and disinformation by the CCP and the PRC. Section 608 requires the DNI to submit to the designated congressional committees a report identifying whether and how CCP officials and the Government of the People's Republic of China may have sought to suppress or exploit for national advantage information regarding the novel coronavirus pandemic, including specific related assessments. Section 608 further provides that the report shall be submitted in unclassified form, but may have a classified annex.

Section 611. Annual reports on security services of the PRC in the Hong Kong Special Administrative Region. Section 611 requires the DNI to submit a report on the presence and activities of Chinese security services operating within the Hong Kong Special Administrative Region.

Section 612. Research partnership on activities of People's Republic of China. Section 612 requires the Director of the NGA to seek to enter into a partnership with an academic or non-profit research institution to carry out joint unclassified geospatial intelligence analyses of the activities of the People's Republic of China that pose national security risks to the United States, and to make publicly available unclassified products relating to such analyses.

Section 613. Report on pharmaceutical and personal protective equipment regulatory practices of the People's Republic of China. Section 613 requires the DNI to submit a report on the pharmaceutical and personal protective equipment regulatory practices of the People's Republic of China.

Section 614. National Intelligence Estimate on situation in Afghanistan. Section 614 requires the DNI, acting through the National Intelligence Council, to produce a National Intelligence Estimate on the situation in Afghanistan.

Section 615. Assessment regarding tensions between Armenia and Azerbaijan. Section 615 requires the DNI to submit an assessment regarding tensions between the governments of Armenia and Azerbaijan.

Section 617. Annual reports on worldwide threats. Section 617 requires the DNI, in coordination with IC element heads, to submit an annual report with an IC assessment of worldwide threats to United States national security. Section 617 further requires the DNI, together with IC element heads determined appropriate by the congressional intelligence and defense committees in consultation with the DNI, to testify at an open hearing before such committees upon request. It is the intent of the Committees that a request by one of the congressional intelligence or defense committees, or a number of them, shall trigger the obligation of IC element heads to testify at an open hearing before a requesting committee, as specified under Section 617.

Section 618. Annual report on Climate Security Advisory Council. Section 618 requires the chair of the Climate Security Advisory Council to submit an annual report regarding the Council's prior year activities.

Section 619. Improvements to funding for National Security Education program. Section 619 authorizes funds for national security-related scholarship, fellowship, and grant programs.

Section 620. Report on best practices to protect privacy, civil liberties, and civil rights of Chinese Americans. Section 620 makes certain technical and conforming amendments to a reporting provision enacted previously into law—including by requiring a report on civil liberties to be submitted annually.

Section 621. National Intelligence Estimate on the threat of global pandemic disease. Section 621 requires the DNI, acting through the National Intelligence Council, to produce a National Intelligence Estimate on the threat of global pandemic disease.

Section 622. Modification of requirement for briefings on effects of emerging infectious disease and pandemics. Section 622 amends previously enacted, quinquennial reporting provision, so as to require annual reporting.

Section 625. Sense of Congress on report on murder of Jamal Khashoggi. Section 625 provides that it is the sense of Congress that the DNI should reasonably have been able to produce an unclassified report, as required pursuant to section 5714 of the Damon Paul Nelson and Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020, and section 1277 of the National Defense Authorization Act for Fiscal Year 2020.

Division X – Supporting Foster Youth and Families Through the Pandemic

Prepared by the Democratic Staff of the House Committee on Ways & Means

Section 1001. This section provides for the short title.

Section 1002. This section defines terms used throughout the section, including the “public health emergency period,” which begins April 1, 2020 and ends September 30, 2021.

Section 1003. This section provides an additional \$350 million for the John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee), and an additional \$50 million for the John H. Chafee Educational and Training Vouchers Program for Youths Aging out of Foster Care (Chafee ETV) without additional appropriations action, and waives the state match requirement for these additional funds. It also increases the maximum Chafee ETV award amount from \$5,000 up to \$12,000 per youth per year for training and postsecondary education for eligible foster youth, exempts National Youth in Transition Database (NYTD) penalty assessments from these additional funds, and raises the maximum age through 26 for Chafee-eligible former foster youth. It also reserves funding for technical assistance, evaluation, and monitoring of state child welfare programs, including \$500,000 to help them set up youth driving programs.

It temporarily provides the following necessary programmatic flexibilities for older youth in foster care:

- Suspends certain training and postsecondary education requirements,
- Clarifies that under these provisions the Chafee ETV vouchers may be used to maintain training and postsecondary education costs, as well as to support programs to allow foster youth to drive, and
- Lifts the 30 percent spending cap on housing costs

Section 1004. This section provides older foster youth who would normally “age out” with the assurance that they may continue to receive foster care supports and services during the pandemic, or, if they left, may return. It permits states to use pandemic Chafee funds to offset the cost of meeting this requirement for youth for whom federal foster care matching is not available.

Section 1005. This section temporarily waives the match for Family First Prevention Services until the end of the public health emergency period.

Section 1006. This section provides an additional \$85 million in emergency FY 2021 funding for the MaryLee Allen Promoting Safe and Stable Families program, which would be available through the end of FY 2021, waives state matching requirements for the emergency funds, and specifies that FY 2022 funding would be provided at the non-emergency level.

Section 1007. This section reserves \$10 million from the \$85 million in the preceding section for the federal Court Improvement Program and waives the state matching requirement for the emergency funds.

Section 1008. This section temporarily waives the required state match and the requirement that the specific model be in the federal Prevention Services Clearinghouse for kinship navigator programs funded with FY 2020 funds. The section maintains requires that programs which are not in the Clearinghouse be under evaluation, or begin an evaluation, in order to be funded. The evaluation costs are included in the costs federal funds

Section 1009. This section makes a technical correction to Title IV-E treatment of the 6.2% Federal Medical Assistance Percentage (FMAP) rate increase from the Families First Coronavirus Response Act such that it applies to the baseline based on annual average FMAP rate in the state for FY2020 and FY2021, to ensure access to Funding Certainty Grants.

Section 1010. This section provides needed flexibilities to home visiting programs funded by the Maternal, Infant, and Early Childhood Home Visiting program, to allow them to serve at-risk pregnant women and families during the pandemic, for the duration of the public health emergency period.

Section 1011. This section makes a technical correction to provide the District of Columbia with the same adjustment to their matching rate for services provided under Title IV-E of the Social Security Act as states.

Division Y – American Miner Benefits Improvement

Prepared by the Democratic Staff of the House Committee on Ways & Means

Section 1001. This section provides for the short title.

Section 1002. This section authorizes the transfer of federal general revenue funds to the United Mine Workers of America multiemployer benefit plan for retirees who would lose health benefits as a result of future coal operator bankruptcies and disregards the statutory cap put in place in 2019. Furthermore, it addresses cases where benefits confirmed in a prior bankruptcy proceeding are subsequently denied or reduced.

Division Z – Energy Act of 2020

Prepared by the Democratic Staff of the House Committee on Science, Space, and Technology and the House Committee on Energy and Commerce

Title I – Efficiency

Section 1001. Coordination of energy retrofitting assistance for schools.

Section 1001 streamlines available federal energy efficiency programs and financing to help improve efficiency and lower energy costs for schools.

Section 1002. Use of energy and water efficiency measures in Federal buildings.

Section 1002 amends the National Energy Conservation Policy Act (NECPA) to require the Department of Energy (DOE) to report to the President and Congress on each agency's energy savings performance contracts, including their investment value; their initial guaranteed savings compared to actual energy savings from the previous year; the plan for entering into new contracts in the coming year; and information explaining why any previously submitted plans for contracts were not implemented. The section further amends NECPA to allow agencies to accept, retain, sell, or transfer energy savings and apply the proceeds to fund a performance contract under this title. It excludes contracts for work performed at federal hydropower facilities.

Section 1003. Energy efficient data centers.

Section 1003 requires the development of a metric for data center energy efficiency, and requires the Secretary of Energy, Administrator of the Environmental Protection Agency (EPA), and Director of the Office of Management and Budget (OMB) to maintain a data center energy practitioner program and open data initiative for federally owned and operated data center energy usage.

Section 1004. Energy-efficient and energy-saving information technologies.

Section 1004 directs the OMB Director to collaborate with each federal agency to implement energy-efficient and energy-saving information technologies.

Section 1005. Extended Product System Rebate Program.

Section 1005 directs the Secretary of Energy to establish a rebate program to encourage replacement of energy inefficient electric motors.

Section 1006. Energy Efficient Transformer Rebate Program.

Section 1006 directs the Secretary of Energy to establish a rebate program to encourage replacement of energy inefficient transformers.

Section 1007. Smart building acceleration.

Section 1007 directs the Secretary of Energy to establish a program to implement smart building technology in federal buildings and demonstrate the costs and benefits of smart buildings. The section requires the Secretary of Energy, as a part of the Better Building Challenge, to develop smart building accelerators to demonstrate innovative policies and approaches to accelerate the transition to smart buildings. The section also establishes a research and development (R&D) program focused on building-to-grid integration.

Section 1008. Modifications to the ceiling fan energy conservation standard.

Section 1008 amends the Energy Policy and Conservation Act (EPCA) by adding language exempting large-diameter ceiling fans manufactured on or after January 21, 2020 from meeting minimum ceiling fan efficiency requirements as described in the final rule titled "Energy Conservation Program: Energy Conservation Standards for Ceiling Fans." Establishes that large-diameter ceiling fans shall meet Calculation of the Fan Energy Index in accordance with ANSI/AMCA Standard 208-18.

Section 1009. Report on electrochromic glass.

Section 1009 directs the Secretary of Energy to report to Congress on the benefits of electrochromic glass on energy consumption and occupant comfort in buildings.

Section 1010. Energy and water for sustainability.

Section 1010 establishes an interagency committee, led by the Secretaries of Energy and the Interior, to coordinate and collaborate on energy-water nexus activities. It also requires the Secretary of Energy to integrate water and energy considerations into DOE's research, development, and demonstration (RD&D) programs.

Section 1011. Weatherization Assistance Program.

Section 1011 reauthorizes the Weatherization Assistance Program (WAP) through fiscal year 2025. Amends EPCA to clarify that renewable energy technologies are included in the definition of weatherization materials,

and authorizes DOE to take non-energy benefits, such as health and safety improvements, into account when determining appropriate standards and procedures for WAP. This section further amends EPCA to (1) make technical training grants available to private contractors that provide weatherization assistance, and (2) add a new Section 414D to create a competitive grant program within WAP for new and innovative weatherization services.

Section 1012. Federal Energy Management Program.

Section 1012 amends NECPA to formally establish in law the Federal Energy Management Program (FEMP). This section details FEMP's directives and the duties of its director.

Section 1013. CHP Technical Assistance Partnership Program.

Section 1013 amends EPCA to re-designate DOE's Clean Energy Application Centers as the Combined Heat and Power (CHP) Technical Assistance Partnership Program (Program). The Program is required to include the 10 current regional CHP Technical Assistance Partnerships, any others the Secretary of Energy establishes, and any supporting activities under the Technical Partnership Program of the Advanced Manufacturing Office. The Program must encourage deployment of CHP, waste heat to power, and efficient district energy by providing education, outreach, and project-specific support to building and industrial professionals through assessments and advisory activities.

Section 1014. Smart energy water efficiency pilot program.

Section 1014 authorizes a new Smart Energy and Water Efficiency Pilot Program. This pilot program provides grants to water authorities that provide water, wastewater or water reuse services for demonstrating advanced and innovative technology-based solutions.

Title II – Nuclear

Section 2001. Advanced Nuclear Fuel Availability.

Section 2001 requires the Secretary of Energy to establish a program to support the availability of high-assay low-enriched uranium (HA-LEU) for civilian domestic research, development, demonstration, and commercial use. Mandates the Nuclear Regulatory Commission (NRC) to submit to Congress a report that identifies updates to regulations, certifications, and other regulatory policies that the Commission determines are necessary in order for HA-LEU to be commercially available. This section also requires the Secretary of Energy to submit a report on the new program, including schedule and cost estimates, and a report on advanced fuel material availability to detail nuclear material inventories at DOE other than those containing the uranium-235 isotope.

Section 2002. Amendments to definitions in Energy Policy Act of 2005.

Section 2002 amends the Energy Policy Act of 2005 (EPACT05) to update the definition of advanced nuclear reactor.

Section 2003. Nuclear energy research, development, demonstration, and commercial application programs.

Section 2003 reauthorizes DOE's nuclear energy research, development, demonstration, and commercial application (RDD&CA) activities, including advanced fuel, R&D for advanced reactors, used fuel technologies, and integration of nuclear energy systems for both existing plants and advanced nuclear concepts. This section also authorizes an advanced reactor demonstration program, funding for the versatile test reactor, educational programs, as well as an international coordination effort.

Section 2004. High-performance computation collaborative research program.

Section 2004 amends EPACT05 to ensure coordination with other DOE programs and industry to avoid the duplication of high-performance computing activities.

Section 2005. Nuclear energy budget plan.

Section 2005 amends EPACT05 to include a biennial budget plan update which shall be reported to relevant Congressional committees.

Section 2006. Organization and administration of programs.

Section 2006 instructs the Secretary of Energy to coordinate cross-cutting programs among other relevant Federal agencies and national laboratories, collaborate with specific entities on programs, disseminate results of projects as practicable, create an education and outreach program to promote public understanding and support of nuclear energy, and establish a nuclear energy technical assistance program. It also requires the Nuclear Energy Advisory Committee to perform an annual review of all programs.

Section 2007. Extension and expansion of limitations on importation of uranium from Russian Federation.

Section 2007 extends and expands limitations on importing uranium from Russia.

Section 2008. Fusion energy research.

Section 2008 authorizes a program for fusion energy R&D to assist in the establishment of a competitive fusion power industry. It also continues U.S. participation in the International Thermonuclear Experimental Reactor (ITER) fusion collaboration and requires a report to Congress on project schedule.

Title III – Renewable Energy and Storage

Subtitle A – Renewable Energy Research and Development

Section 3001. Water power research and development.

Section 3001 reauthorizes DOE's marine energy and hydropower RDD&CA activities, including the National Marine Energy Centers and research on reducing potential environmental impact and pumped storage hydropower technologies.

Section 3002. Advanced geothermal innovation leadership.

Section 3002 reauthorizes DOE's geothermal energy RDD&CA program, including enhanced geothermal research, additional geothermal demonstration projects, including one specifically in the eastern United States, research for heat pumps and direct use, and expansion of the DOE's Frontier Observations for Research in Geothermal Energy (FORGE) program. It also establishes a program to utilize DOE's computing and modeling capabilities to better understand geothermal resources, expands the definition of renewable energy to include thermal energy, and directs the U.S. Geological Survey to update its geothermal resource assessments.

Section 3003. Wind energy research and development.

Section 3003 reauthorizes DOE's wind energy RDD&CA program, including research on onshore, offshore, and distributed wind energy systems, advanced manufacturing, grid integration, and wind system recycling, amongst other subject areas. It also establishes a wind technician training grant program.

Section 3004. Solar energy research and development.

Section 3004 reauthorizes DOE's solar energy RDD&CA program, including research on photovoltaic, heating and cooling, and concentrating solar energy systems, grid integration, and photovoltaic recycling, among other subject areas. It also establishes an advanced solar manufacturing initiative to enhance domestic manufacturing capabilities.

Section 3005. Hydroelectric production incentives and efficiency improvements.

Section 3005 extends the incentives for hydroelectric production and efficiency authorized in EPACT 2005 through fiscal year 2036 and expands support to include small hydropower facilities in areas with inadequate electric service.

Section 3006. Conforming amendments.

Section 3006 makes conforming amendments to the existing code pursuant to the contents of Sections 3001, 3003, and 3004.

Subtitle B – Natural Resources Provisions

Section 3101. Definitions.

Section 3101 defines key terms in the subtitle, including “covered land,” “Federal land,” “land use plan,” and “eligible project” (a wind, solar, or geothermal project).

Section 3102. Program to improve eligible project permit coordination.

Section 3102 requires the Secretary of the Interior to establish a program to improve interagency cooperation for solar, wind, and geothermal permits on Federal land.

Section 3103. Increasing economic certainty.

Section 3103 provides flexibility for the Secretary of the Interior to ensure solar, wind and geothermal projects are cost competitive on Federal land.

Section 3104. National goal for renewable energy production on Federal land.

Section 3104 requires the Secretary of the Interior to set national goals for wind, solar, and geothermal energy production on Federal land no later than September 1, 2022. The Secretary shall seek to permit at least 25 gigawatts (GW) of electricity from wind, solar, and geothermal projects by 2025.

Section 3105. Facilitation of coproduction of geothermal energy on oil and gas leases. Section 3105 allows noncompetitive leasing for geothermal energy on Federal lands if it will be coproduced from an existing oil or gas well.

Section 3106. Savings clause.

Section 3106 states that nothing in the subtitle shall change responsibilities of the Secretaries of the Interior or Agriculture to manage public lands under the principles of multiple use and sustained yield in accordance with the Federal Land Policy and Management Act and the Forest and Rangeland Renewable Resources Planning Act.

Subtitle C – Energy Storage

Section 3201. Better energy storage technology.

Section 3201 establishes an RD&D program to advance energy storage technologies and directs the Secretary of Energy to carry out three demonstration projects, as well as a competitive pilot project grant program. It also establishes a joint long-term demonstration initiative with the Secretary of Defense. This section further establishes an energy storage materials recycling R&D program.

Section 3202. Energy storage technology and microgrid assistance program.

Section 3202 establishes an energy storage and microgrid grant and technical assistance program at DOE for rural electric cooperatives and public utilities to assist with designing and demonstrating energy storage and microgrid projects that use energy from renewable energy sources.

Title IV – Carbon Management

Section 4001. Fossil energy.

Section 4001 amends EPACT05 to include additional objectives for fossil energy programs that focus R&D activities on achieving emissions reductions and on technologies, including those for export, needed to meet international commitments to address climate change.

Section 4002. Establishment of carbon capture technology program.

Section 4002 directs the Secretary of Energy to conduct RDD&CA activities for carbon capture technologies. It also authorizes and encourages support for large-scale pilot projects. This section includes a commercial-scale carbon capture technology demonstration program to show substantial improvements in the efficiency, effectiveness, costs, and environmental performance of carbon capture technologies for power and industrial applications, which includes sectors like steel production that are unable to reduce emissions using other methods due to the natural processes involved. It also authorizes beyond first-of-kind through third-of-kind projects of a particular technology type to accelerate the effectiveness of carbon capture technologies in helping meet climate change mitigation goals in the United States and abroad.

Section 4003. Carbon storage validation and testing.

Section 4003 directs the Secretary of Energy to establish an RD&D program for carbon storage, a large-scale carbon sequestration demonstration program, and an integrated storage program consistent with the recommendations of the International Panel on Climate Change's special report on limiting global warming to 1.5 degrees Celsius.

Section 4004. Carbon utilization program.

Section 4004 establishes a DOE RD&D program for carbon utilization. This section authorizes research to identify and evaluate novel uses for carbon and includes a national Carbon Utilization Research Center for early-stage R&D activities.

Section 4005. High efficiency turbines.

Section 4005 establishes a DOE RD&D program to improve the efficiency of turbines used in power generation and aviation with a significant focus on turbines using hydrogen and other renewable gas fuels. It also aligns RD&D activities with recommendations from the National Academies on decarbonizing the power and aviation sectors.

Section 4006. National energy technology laboratory reforms.

Section 4006 provides the Director of the National Energy Technology Laboratory (NETL) special hiring authority to better recruit highly talented individuals, such as those pursuing advanced carbon removal research. It also delegates the Director additional human resources authority to meet research needs. This section extends to NETL authority for laboratory-directed R&D.

Section 4007. Study on Blue Hydrogen Technology.

Section 4007 requires the Secretary of Energy to conduct a study on the benefits of blue hydrogen technology and how that can further enhance the deployment and adoption of carbon capture and storage.

Section 4008. Produced water research and development.

Section 4008 authorizes the Secretary of Energy to carry out an R&D program to develop technologies to reduce the environmental impact of produced water and opportunities to reprocess produced water at natural gas or oil development sites.

Title V – Carbon Removal

Section 5001. Carbon removal.

Section 5001 establishes an RD&D program to examine the methods, technologies, and strategies to remove carbon dioxide from the atmosphere at a large scale, consistent with the National Academies' recent

recommendations for a significant federal focus in these areas. It also requires the Secretary of Energy to award prizes to commercial direct air capture projects for qualified facilities that capture CO₂ directly from the ambient air and capture more than 50,000 metric tons of CO₂ annually, a potentially valuable tool for limiting global warming to 1.5 degrees Celsius.

Section 5002. Carbon dioxide removal task force and report.

Section 5002 directs the Secretary of Energy to prepare a report identifying tools the Federal Government can use to advance deployment of carbon dioxide removal projects. It also establishes a Carbon Dioxide Removal Task Force to advise the Secretary of Energy on matters pertaining to carbon dioxide removal, identify barriers to the advancement of carbon dioxide removal projects, and tools for advancing and deploying such projects.

Title VI – Industrial and Manufacturing Technologies

Section 6001. Purpose.

Section 6001 outlines the purposes of the title, which are to encourage the development and evaluation of technologies that increase the technological and economic competitiveness of U.S. industry and manufacturing and decrease the emissions of nonpower industrial sectors.

Section 6002. Coordination of research and development of energy efficient technologies for industry.

Section 6002 updates the American Energy Manufacturing Technical Corrections Act to ensure references in the Act reflect the current organization of DOE.

Section 6003. Industrial emissions reduction technology development program.

Section 6003 establishes a cross-cutting RDD&CA program to further development and commercialization of economic and competitive technologies that reduce emissions from nonpower industrial sectors. The program focuses on several areas, including reducing emissions from production processes for iron, steel, aluminum, cement, and chemical production, as well as from high temperature heat generation. The program also encourages leveraging smart manufacturing and sustainable manufacturing; increasing energy efficiency; using alternative materials and developing net-zero emissions fuels. It further focuses on reducing emissions from shipping, aviation, and long-distance transportation; using carbon capture; and harnessing high-performance computing to develop technologies in these focus areas.

Section 6004. Industrial Technology Innovation Advisory Committee.

Section 6004 authorizes a Federal Advisory Committee composed of members from relevant federal agencies, labor groups, academia, national labs, nonprofit organizations, State government, and industry. The advisory committee is directed to work with the Secretary of Energy to develop missions and goals of the program established in Section 6003, as well as to develop a strategic plan on how to achieve those goals.

Section 6005. Technical assistance program to implement industrial emissions reduction.

Section 6005 authorizes a program to provide technical assistance to eligible entities to promote commercial application of technologies that reduce emissions from the sectors identified in Section 6003.

Section 6006. Development of national smart manufacturing plan.

Section 6006 requires the Secretary of Energy, in consultation with the National Academies, to develop a national plan for smart manufacturing technology development and deployment to improve domestic manufacturing sector productivity and efficiency.

Title VII – Critical Minerals

Section 7001. Rare earth elements.

Section 7001 requires the Secretary of Energy to carry out an R&D program to develop advanced separation technologies for the extraction and recovery of rare earth elements (REEs) and other critical materials from coal and coal byproducts, as well as mitigate any potential environmental and public health impacts of such activities. It also directs the Secretary of Energy to provide a report to Congress that evaluates the development of advanced separation technologies for the extraction and recovery of REEs and other critical materials from coal and coal byproducts.

Section 7002. Mineral security.

Section 7002 promotes a secure and robust critical minerals supply chain by (1) requiring the executive branch designate a list of critical minerals and update that list every three years; (2) requiring the United States Geological Survey to conduct domestic resource assessments of critical minerals and to make that information publicly available; (3) requiring the Department of the Interior and Department of Agriculture to publish critical mineral Federal Register notices within 45 days of being finalized; (4) directing the Secretary of Energy to conduct an RDD&CA program on the development of alternatives to, recycling of, and efficient production and use of critical materials; (5) directing the Secretary of Energy and the Director of the Energy Information Administration to develop analytical and forecasting tools to evaluate critical minerals markets; (6) requiring the Secretary of Labor and the Director of the National Science Foundation to develop curriculum and a program for institutions of higher education to build a strong critical minerals workforce; and (7) reauthorizing the National Geological and Geophysical Data Preservation Program through fiscal year 2029.

Section 7003. Monitoring mineral investments under Belt and Road Initiative of People’s Republic of China.

Section 7003 requires the Director of National Intelligence to study and submit to Congress a report of investments in minerals by the People’s Republic of China. It further directs the Director to make recommendations to the Secretary of the Interior when designating minerals as critical per the designation criteria in Section 7002.

Title VIII – Grid Modernization

Section 8001. Smart grid regional demonstration initiative.

Section 8001 reauthorizes the smart grid demonstration program in the Energy Independence and Security Act of 2007, and adds the commercial application of distribution automation technologies to the goals of the program.

Section 8002. Smart grid modeling, visualization, architecture, and controls.

Section 8002 authorizes an RDD&CA program on modeling emerging technologies for secure and reliable design of the grid, as well as technologies to improve sensing, monitoring, and visualization of the grid. It also authorizes RDD&CA on development of grid architectures for a modern grid; operation and controls of the grid; interoperability of emerging technologies with existing electric grid infrastructure; and underground transmission and distribution lines.

Section 8003. Integrated energy systems.

Section 8003 authorizes an RD&D program to develop cost-effective integrated energy systems for a variety of purposes and incorporating a variety of technologies, including nuclear energy, renewable energy, storage, and carbon capture. The section directs the Secretary of Energy to submit a 10-year strategic plan on integrated energy systems.

Section 8004. Grid integration research and development.

Section 8004 authorizes DOE RD&D activities on integrating renewable energy and electric vehicles onto the electric grid.

Section 8005. Advisory committee.

Section 8005 directs the Secretary of Energy to designate an existing advisory committee to assist with identifying R&D needs, assessing progress on R&D activities, and updating technology roadmaps for the activities authorized in Sections 8001 and 8002.

Section 8006. Coordination of efforts.

Section 8006 directs the Secretary of Energy to coordinate with relevant entities on the activities authorized in the amendments made in this title, including electric utilities, transmission organizations, State, Tribal, and local governments, and the national labs, among other entities.

Section 8007. Technology demonstration on the distribution grid.

Section 8007 requires the Secretary of Energy to establish a grant program to carry out projects related to modernization of the electric grid, including for distribution system technologies.

Section 8008. Voluntary model pathways.

Section 8008 requires the Secretary of Energy to initiate development of voluntary model pathways for modernizing the electric grid through a collaborative public-private effort that produces illustrative policy pathways for states, regions, and regulators, and facilitates the modernization of the grid and associated communications networks.

Section 8009. Performance metrics for electricity infrastructure providers.

Section 8009 directs the Secretary of Energy, in consultation with the steering committee, to submit a report to Congress that includes an evaluation of grid performance and a description of the costs and benefits identified in grid modeling and visualization work.

Section 8010. Voluntary State, regional, and local electricity distribution planning.

Section 8010 directs the Secretary of Energy to provide, on the request of a state, regional organization, or electric utility, assistance to develop electricity distribution plans by conducting resource assessments and analysis of further demand and distribution requirements, and developing open source tools for state, regional, and local planning and operations.

Section 8011. Micro-grid and integrated micro-grid systems program.

Section 8011 directs the Secretary of Energy to establish a program to promote development of integrated micro-grid systems for isolated communities and micro-grid systems to increase critical infrastructure resiliency. It also authorizes micro-grid demonstration grants for isolated communities, rural electric cooperatives, and municipalities.

Section 8012. Technical amendments; authorization of appropriations.

Section 8012 makes technical amendments to existing statute and authorizes appropriations to carry out Sections 8001 through 8011 of this title.

Section 8013. Indian energy.

Section 8013 amends section 2601(2) of the Energy Policy Act of 1992 to include any land occupied by a majority of residents who are members of Alaskan Native Tribes in the definition of Indian Land. The section also allows the Secretary of Energy to reduce any required cost share for energy projects funded through the Office of Indian Energy.

Section 8014. Report on electricity access and reliability.

Section 8014 requires the Secretary of Energy to assess electricity access and reliability by Tribal communities and to produce a report based on the findings of the assessment. The Secretary of Energy must consult with Tribal governments in the design and conduct of the study and consult with the North American Electricity Reliability Council (NERC) and FERC in conducting the study.

Section 8015. Net metering study and evaluation.

Section 8015 directs the Secretary of Energy to enter into an agreement with the National Academies to conduct an evaluation of the current challenges associated with net metering and report on new and alternative technologies to improve net metering.

Title IX – Department of Energy Innovation

Section 9001. Office of technology transitions.

Section 9001 establishes an Office of Technology Transitions, the mission of which is to improve the commercial impact of the research investments of DOE and to focus on commercializing technologies that advance the missions of DOE, including reducing greenhouse gas emission and other pollutants. It requires the Secretary of Energy to appoint a Chief Commercialization Officer to serve as the head of the Office and as the principal advisor on all matters relating to DOE technology transfer. The section also authorizes the Secretary of Energy to carry out additional technology transfer programs, including supporting regional energy innovation and clean energy incubators, providing small business vouchers, and assisting entrepreneurial fellowships, amongst other activities.

Section 9002. Lab partnering service pilot program.

Section 9002 establishes a Lab Partnering Service Pilot Program at DOE to provide services that encourage and support partnerships between the national laboratories and public and private sector entities. The Secretary of Energy is directed to support the development of metrics to determine the effectiveness of the pilot program.

Section 9003. Technology commercialization fund.

Section 9003 reauthorizes the Technology Commercialization Fund at DOE and mandates cost-share in accordance with Section 988 of EPACT05, clarifies requirements for evaluating and selecting applications for funding, and requires an annual report on the projects that the Secretary of Energy has funded each year. The section also requires a report on how to improve the administration of the Fund.

Section 9004. Streamlining prize competitions.

Section 9004 requires the Secretary of Energy to issue Department-wide guidance on the design, development, and implementation of prize competitions, and provide training and prize competition design support, among other activities.

Section 9005. Milestone-based demonstration projects.

Section 9005 authorizes the Secretary of Energy to carry out milestone-based demonstration projects that require specific technical and financial milestones to be met in order for a participant to receive funding from DOE, with cost-share requirements in accordance with Section 988 of EPACT05.

Section 9006. Other transaction authority extension.

Section 9006 extends authorization of the Other Transaction Authority granted under subsection 646(g)(10) of the Department of Energy Organization Act by 10 years. It also provides that the provisions of Section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212, commonly known as Davis-Bacon prevailing wage requirements) shall apply with respect to construction, alteration, or repair work of demonstration projects funded by grants or contracts authorized under Sections 3001, 3003, 3004, 5001, 8007 and the amendments made by such sections.

Section 9007. Technology transfer reports and evaluation.

Section 9007 requires the Secretary of Energy to submit annual reports on the implementation of Sections 9001-9005 of this Title and to submit an evaluation every three years on the extent to which these programs are achieving success on relevant short-term and long-term metrics. The section also requires the Secretary of

Energy to work with the National Academies to issue a report on any programmatic gaps that exist to the commercial application of technologies developed at the national laboratories.

Section 9008. Veterans’ health initiative.

Section 9008 requires the Secretary of Energy to carry out a research program in artificial intelligence and high-performance computing focused on developing tools to solve big data challenges associated with veterans’ health care. It also authorizes the Secretary of Energy to develop tools to apply to big data challenges across federal agencies to leverage DOE capabilities to solve complex problems through a competitive, merit-reviewed process.

Section 9009. Sustainable Transportation Research and Development.

Section 9009 reauthorizes DOE’s RDD&CA activities within the Offices of Hydrogen and Fuel Cell Technologies, Vehicle Technologies, and Bioenergy Technologies for fiscal years 2021 through 2023.

Section 9010. Loan program office title XVII reform.

Section 9010 amends Title XVII of EPCACT05 to defer collection of fees and other expenses from applicants until financial closing, expand project eligibility. It also adds provisions on analysis by the Secretary of the Treasury, application status, outreach, coordination, and reports to Congress. The section authorizes \$32 million each year for fiscal years 2021 through 2025 for administrative and other expenses, and an additional \$25 million for fiscal year 2021, to remain available until expended, for administrative expenses not otherwise covered by fees collected from project applicants.

Section 9011. Established Program to Stimulate Competitive Research.

Section 9011 directs the Secretary of Energy to carry out a program to broaden support and provide grants for science and engineering research in applied energy, environmental management, and basic science.

Title X – ARPA-E Amendments

Section 10001. ARPA–E amendments.

Section 10001 amends the America COMPETES Act (42 U.S.C. 16538(b)) to authorize ARPA-E to support projects addressing nuclear waste clean-up and management, and to improve the resilience, reliability, and security of our energy infrastructure, in addition to its existing missions. It also adds an annual reporting requirement on ARPA-E’s scale-up, demonstration, and coordination activities.

Title XI – Other Matters

Section 11001. Low-Dose Radiation Research.

Section 11001 requires the Secretary of Energy to carry out a research program on low dose and low dose rate radiation to enhance the understanding of the effects of such radiation and inform subsequent risk assessment and management.

Section 11002. Authorization.

Section 11002 amends section 112(a)(1)(B) of the Uranium Mill Tailings Radiation Control Act of 1978 to authorize the operation of the Cheney disposal cell through September 30, 2031.

Section 11003. Sense of Congress.

Section 11003 expresses the Sense of Congress that in order to reduce emissions and meet 100 percent clean, renewable, or zero-emission energy sources while maintaining U.S. leadership in science and technology, DOE must prioritize funding for fundamental research, and research and development infrastructure.

Section 11004. Addressing insufficient compensation of employees and other personnel of the Federal Energy Regulatory Commission.

Section 11004 authorizes FERC, under certain conditions, to compensate persons with scientific, technological, engineering, and mathematical skills at a higher level than the rate allowed under the civil service.

Section 11005. Report on the authority of the Secretary of Energy to implement flexible compensation models.

Section 11005 requires the Secretary of Energy to submit a report to Congress on the hiring authority made available to the Secretary of Energy by the Office of Personnel Management.

Division AA: Water Resources Development Act of 2020

Prepared by the Democratic Staff of the House Committee on Transportation and Infrastructure

Sec. 1. Short Title; Table of Contents.

Sec. 2. Secretary defined.

TITLE I – GENERAL PROVISIONS

Sec. 101. Budgetary Treatment Expansion and Adjustment for the Harbor Maintenance Trust Fund.

This section unlocks the appropriation of additional funds for harbor maintenance needs from the current \$10 billion balance in Harbor Maintenance Trust Fund (HMTF), as well as funds authorized to meet the needs of donor and energy-transfer ports.

Sec. 102. Authorization of Appropriations for Navigation.

This section authorizes critical operation and maintenance expenditures from the HMTF to address critical dredging needs of emerging harbors, donor and energy transfer ports, commercial strategic ports, and Great Lakes Harbors that will become effective at the beginning of fiscal year 2023. In addition, this section authorizes additional expanded uses of Trust Fund expenditures.

Sec. 103. Annual Report to Congress on the Harbor Maintenance Trust Fund.

This section directs the Corps to submit the annual report on HMTF needs and expenditures concurrently with the President's budget request.

Sec. 104. Additional Measures at Donor Ports and Energy Transfer Ports.

This section reauthorizes an existing program to address the maintenance and funding needs of donor and energy transfer ports, and modifies the eligibility criteria for donor ports, medium-sized donor ports, and energy transfer ports. The amendments made by this section will become effective at the beginning of fiscal year 2023.

Sec. 105. Construction of Water Resources Development Projects by Non-Federal Interests.

This section amends the authority for the Corps to assume operation and maintenance responsibilities for projects carried out by non-Federal interests to include navigation projects constructed to the locally preferred option. This section also authorizes non-Federal interests to submit to the Corps a report with necessary information related to the details and justifications for projects constructed by non-Federal interests.

Sec. 106. Coast Guard Anchorages.

This section authorizes the Corps to maintain anchorages of the U.S. Coast Guard.

Sec. 107. State Contribution of Funds for Certain Operation and Maintenance Costs.

This section authorizes the Corps to utilize funds of a Great Lakes state to cover any additional costs for operations and maintenance activities that result from state disposal requirements.

Sec. 108. Great Lakes Confined Disposal Facilities.

This section authorizes the Corps to relocate access to a dredged material disposal facility located in the Great Lakes region.

Sec. 109. Inland Waterways Projects.

This section modifies the cost share for construction or major rehabilitation of a project on the inland waterways to 65 percent from the general fund of the Treasury and 35 percent from the Inland Waterways Trust Fund (IWTF). This modified cost-share is eligible for any inland waterways projects that receives construction funding through fiscal year 2031.

Sec. 110. Implementation of Water Resources Principles and Requirements.

This section directs the Corps to issue final agency procedures for the Principles, Requirements, and Guidelines (PR&G) required by section 2031 of the Water Resources Development Act of 2007. Modernization of the PR&G will allow the Corps to fully identify the national, regional, environmental, and societal benefits of future water resources development projects.

Sec. 111. Resiliency Planning Assistance.

This section emphasizes the need for the Corps to provide technical assistance to non-Federal interests for greater resiliency planning and directs the Corps to prioritize resiliency planning assistance to economically disadvantaged communities and communities subject to repetitive flooding.

Sec. 112. Project Consultation.

This section requires the Corps to update its policies on environmental justice considerations and directs the Corps to promote meaningful involvement with minority communities, economically disadvantaged communities, and Indian Tribes in carrying out water resources development projects.

Sec. 113. Review of Resiliency Assessments.

This section directs the Corps to update existing planning guidance related to sea level rise and increased inland flooding, and to calculate and consider anticipated project benefits accrued over time to address sea level rise and increased inland flooding.

Sec. 114. Small Flood Control Projects.

This section authorizes the Corps to incorporate, where appropriate, natural or nature-based features in carrying out its continuing authorities program for small flood risk management projects.

Sec. 115. Flood Protection Projects.

This section clarifies the cost share for nonstructural or natural and nature-based alternatives for flood risk reduction projects.

Sec. 116. Feasibility Studies; Review of Natural and Nature-Based Features.

This section directs the Corps to document the consideration of natural and nature-based alternatives in the study of flood risk management and hurricane and storm damage reduction projects, including estimates of long-term costs and benefits of such alternatives.

Sec. 117. Federal Interest Determination.

This section directs the Corps to complete a Federal interest determination for feasibility studies that will benefit economically disadvantaged communities, if requested by the non-Federal interest. Additionally, the Corps is directed to assist non-Federal interests in economically disadvantaged communities on how to modify project requests to ensure that the project is in the Federal interest.

Sec. 118. Pilot Programs in the Formulation of Corps of Engineers Projects in Rural Communities and Economically Disadvantaged Communities.

This section establishes pilot programs for the Corps to evaluate opportunities to address the flood risk reduction and hurricane and storm damage reduction needs for economically disadvantaged communities and rural communities.

Sec. 119. Permanent Measures to Reduce Emergency Flood Fighting Needs for Communities Subject to Repetitive Flooding.

This section authorizes a new program for the Corps to study, design, and construct water resources projects for communities that have experienced repetitive flooding events and have received emergency flood fighting assistance.

Sec. 120. Emergency Response to Natural Disasters.

This section authorizes the Corps to work with communities with deficient flood protection projects to recommend proposals to the Corps to increase the level of protection for projects.

Sec. 121. Cost and Benefit Feasibility Assessment.

This section clarifies that a non-Federal interest may contribute in-kind repair work to address the costs and benefits calculation for levee repairs under the P.L. 84-99 program.

Sec. 122. Expediting Repairs and Recovery from Flooding.

This section authorizes the Corps to prioritize the processing of permits and approvals for the repair and reconstruction of certain damaged flood control infrastructure.

Sec. 123. Review of Corps of Engineers Assets.

This section directs the Corps to develop an inventory of projects: (1) which are no longer necessary for the Corps' mission responsibilities; (2) where long-term cost savings or increased resiliency could be achieved through incorporation of natural or nature-based features, or (3) which no longer meet the authorized purposes due to deferred maintenance requirements.

Sec. 124. Sense of Congress on Multipurpose Projects.

This section provides a Sense of Congress that the Corps should maximize the consideration and evaluation of projects with multiple project benefits.

Sec. 125. Beneficial Use of Dredged Material; Dredged Material Management Plans.

This section renews the Congressional commitment to beneficial use of dredged material by: (1) establishing a national policy to maximize the beneficial use of material obtained from Corps projects; (2) increasing the number of beneficial use of dredged material demonstration projects to 35 projects; (3) requiring the Corps to calculate the economic and environmental benefits of the beneficial use of dredged material; (4) directing the Corps to develop five-year regional dredged material management plans; and (5) emphasizing greater coordination across the Corps' dredging contracts

Sec. 126. Aquatic Ecosystem Restoration for Anadromous Fish.

This section authorizes the Corps to carry out efforts to restore anadromous fish habitat under its existing continuing authorities program for aquatic ecosystem restoration.

Sec. 127. Annual Report to Congress on Water Resources Infrastructure.

This section clarifies that project request for municipal and agricultural water supply and certain continuing authority project modifications may be included in annual reports to Congress for future water resources development projects under section 7001 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014). Additionally, this section directs the Corps to provide an accounting of all outstanding feasibility studies being conducted.

Sec. 128. Harmful Algal Bloom Demonstration Program.

This section directs the Corps to carry out a demonstration program for detecting, preventing, treating, and eliminating harmful algal blooms.

Sec. 129. Missouri River Interception-Rearing Complex Construction.

This section prohibits the Corps from constructing any additional interception-rearing complexes on the Missouri River until certain criteria are met.

Sec. 130. Materials, Services, and Funds for Repair, Restoration, or Rehabilitation of Projects.

This section authorizes the Corps to reimburse a non-Federal interest or private party for contributed materials, funds, or services in the case of emergency or major disaster declarations.

Sec. 131. Levee Safety.

This section directs the Corps to identify specific engineering and maintenance deficiencies for certain levees within the National Levee Database.

Sec. 132. National Dam Safety Program.

This section makes changes to the Federal Emergency Management Agency's High Hazard Potential Dam Rehabilitation Program.

Sec. 133. Rehabilitation of Corps of Engineers Constructed Pump Stations.

This section authorizes the Corps to repair and rehabilitate certain pump stations with identified major deficiencies and the failure of which would impair the function of Corps flood risk management projects.

Sec. 134. Non-Federal Project Implementation Pilot Program.

This section reauthorizes the pilot program for non-Federal project implementation (authorized by section 1043(b) of WRRDA 2014) through fiscal year 2026 and directs the Corps to issue new implementation guidance for the program. This section also clarifies the eligibility of the Comprehensive Everglades Restoration Plan projects for the pilot program.

Sec. 135. Cost Sharing Provisions for Territories and Indian Tribes.

This section adjusts for inflation the existing cost share eligibility for a water resources development project for a U.S. territory or tribe.

Sec. 136. Review of Contracting Policies.

This section directs the Corps to review and report to Congress on its procedures for developing contractual agreements with non-Federal interests and utilities. Additionally, this section expresses a Sense of Congress that the Corps should maximize the use of tradeoff procedures in competitive acquisitions while carrying out emergency work.

Sec. 137. Criteria for Funding Environmental Infrastructure Projects.

This section directs the Corps to develop criteria for the evaluation of environmental infrastructure projects.

Sec. 138. Aging Infrastructure.

This section authorizes the Corps to participate with other Federal agencies to carry out enhanced inspections of water-related infrastructure greater than 75 years old.

Sec. 139. Uniformity of Notification Systems.

This section requires the Corps to evaluate and encourage uniformity in its communication and notification systems used in relation to Corps projects, initiatives, and facilities.

Sec. 140. Coastal Storm Damage Reduction Contracts.

This section authorizes the Corps to seek input from communities in the timing of a coastal storm damage reduction project to minimize potential negative impacts of project activities.

Sec. 141. Dam Remediation for Ecosystem Restoration.

This section allows the Corps to carry out dam rehabilitation or modification activities to restore, protect, and preserve the surrounding ecosystem.

Sec. 142. Levee Accreditation Process; Levee Certifications.

This section implements several requirements to assist local communities with the accreditation and certification of flood control levees, including levees operated by the Corps as part of a reservoir project.

Sec. 143. Project Partnership Agreement.

This section requires the Corps to include a brief description of the estimated non-Federal operation and maintenance costs and obligations in project partnership agreements.

Sec. 144. Acceptance of Funds for Harbor Dredging.

This section allows the Secretary to accept and expend funds contributed by a State or other non-Federal interest to dredge or to provide technical assistance related to the planning and design of dredging activities in a non-Federal waterway.

Sec. 145. Replacement Capacity.

This section authorizes the Corps to approve additional capacity and the use of Federal dredge disposal facilities for the construction of non-Federal navigation improvements and clarifies the timing and financial responsibilities of the non-Federal interests for dredged material disposal capacity.

Sec. 146. Reviewing Hydropower at Corps of Engineers Facilities.

This section authorizes the Corps to accept funds from a non-Federal interest to evaluate potential operational changes at Corps projects to facilitate production of non-Federal hydropower and to issue a report to Congress on the potential impacts of such changes.

Sec. 147. Repair and Restoration of Embankments.

This section authorizes the Corps to evaluate the cause of damage to certain reservoir embankments, and to participate in repair or restoration of the embankment if the damage is the direct result of the design or operation of the reservoir by the Corps.

Sec. 148. Coastal Mapping.

This section directs the Corps to map the coastlines of States and territories that are experiencing rapid changes on a reoccurring basis.

Sec. 149. Interim Risk Reduction Measures.

This section directs the Corps to reevaluate certain environmental assessments associated with interim risk reduction measures for dam safety projects.

Sec. 150. Maintenance Dredging Permits.

This section directs the Corps to prioritize the reissuance of expiring regional general permits for maintenance dredging.

Sec. 151. High Water-Low Water Preparedness.

This section authorizes the Corps to undertake emergency mitigation projects to address unsafe conditions on a Federal inland waterway system.

Sec. 152. Treatment of Certain Benefits and Costs.

This section directs the Corps to exclude from its benefit-cost calculation certain design and construction costs of elements to address seismic concerns.

Sec. 153. Lease Deviations.

This section establishes deadlines for approving, denying, or modifying certain existing leases on Federal lands associated with a water resource development project in Oklahoma.

Sec. 154. Sense of Congress on Arctic Deep Draft Port Development.

This section expresses a Sense of Congress on the national security importance of enhancing Arctic maritime infrastructure, including Arctic deep draft ports.

Sec. 155. Small Water Storage Projects.

This section authorizes the Corps to carry out a program to study and construct new small water storage projects or enlarge existing projects that provide flood risk management benefits, ecological benefits, water management or conservation benefits, or water supply benefits.

Sec. 156. Planning Assistance to States.

This section directs the Corps to provide equal priority to all Corps mission areas, including water supply and water conservation, through the Planning Assistance for States program.

Sec. 157. Forecast-Informed Reservoir Operations.

This section directs the Corps to evaluate additional opportunities for the use of forecast-informed reservoir operations (FIRO) in the United States and carry out viable opportunities in the Upper Missouri River Basin and the North Platte River Basin.

Sec. 158. Data for Water Allocation, Supply, and Demand.

This section authorizes the Corps to enter into an agreement with the National Academy of Sciences (NAS) to conduct a study on the ability of Federal agencies to coordinate with all relevant entities with expertise in water resources in the sharing of water allocation, supply, and demand data.

Sec. 159. Inland Waterways Pilot Program.

This section authorizes the Corps to carry out a pilot program for modernization activities on the inland waterways system. Additionally, this section allows the Corps to accept and expend funds from non-Federal interests to carry out modernization activities or allow the non-Federal interest to carry out such activities, subject to certain conditions.

Sec. 160. Definition of Economically Disadvantaged Community.

This section directs the Corps to define the term ‘economically-disadvantaged community’ for purposes of this Act, including an opportunity for public comment.

Sec. 161. Studies of Water Resources Development Projects by Non-Federal Interests.

This section amends the existing authority for a non-Federal interest to carry out feasibility studies for the construction of new, or modification of existing, water resources development projects under section 203 of WRDA 1986. This section clarifies that all Corps study requirements and applicable Federal analyses must be completed before studies are submitted to Congress for authorization.

Sec. 162. Leveraging Federal Infrastructure for Increased Water Supply.

This section authorizes the Corps to accept and expend funds from a non-Federal interest to formulate, review, or revise operational documents of reservoirs where the Corps has management responsibilities under Federal law.

Sec. 163. Sense of Congress on Removal of Unauthorized, Man-Made, Flammable Materials on Corps Property.

This section expresses a Sense of Congress that the Corps should prioritize the removal of flammable, man-made, materials that are unauthorized to be present on certain Corps lands and pose a fire risk that is a threat to public safety

Sec. 164. Enhanced Development Program.

This section directs the Corps to review the master plan and shoreline management plan for any lake under section 3134 of WRDA 2007 to identify structures or improvements suitable for enhanced development, and to develop a plan to sell, at fair market value, any such structures or improvements whose divestment would not adversely impact Corps operations.

Sec. 165. Continuing Authority Programs.

This section establishes a pilot program for small or economically disadvantaged communities seeking to carry out a project under an existing continuing authority program. This section also provides increased authorization levels for continuing authority programs.

TITLE II—STUDIES AND REPORTS

Sec. 201. Authorization of Proposed Feasibility Studies.

This section authorizes the Corps to conduct feasibility studies for 27 projects for water resources development and conservation and other purposes.

Sec. 202. Expedited Completions.

This section directs the Corps to expedite the completion of 65 feasibility studies currently underway, two post-authorization change reports, six watershed assessments, one disposition study, two reallocation studies, and one economic reevaluation report.

Sec. 203. Expedited Modifications of Existing Feasibility Studies.

This section modifies four existing feasibility studies and directs the Corps to expedite their completion.

Sec. 204. Assistance to Non-Federal Sponsors; Feasibility Analysis.

This section directs the Secretary to provide assistance to non-Federal stakeholders in developing project submissions for the section 7001 of WRRDA 2014 annual report process.

Sec. 205. Selma, Alabama.

This section directs the Corps to provide an update on the study for flood risk management and bank stabilization for Selma, Alabama.

Sec. 206. Report on Corps of Engineers Facilities in Appalachia.

This section directs the Corps to submit a report to Congress identifying facilities in Appalachia in distressed areas and which could be improved for economic development, recreation, or for hydropower or energy storage technology activities.

Sec. 207. Additional Studies Under North Atlantic Coast Comprehensive Study.

This section directs the Corps to carry out a feasibility study for additional projects in the geographic scope of the North Atlantic Coast comprehensive study.

Sec. 208. South Atlantic Coastal Study.

This section requires the Corps to provide Congress with an annual status report on the South Atlantic Coastal Study.

Sec. 209. Comprehensive Study of the Sacramento River, Yolo Bypass, California.

This section directs the Corps to conduct a comprehensive study of the Sacramento River in the vicinity of the Yolo Bypass System, California, and make recommendations to respond to any changing hydrologic and climatic conditions in the region.

Sec. 210. Lake Okeechobee Regulation Schedule, Florida.

This section includes direction to the Corps on efforts to manage water within Lake Okeechobee, Florida.

Sec. 211. Great Lakes Coastal Resiliency Study.

This section directs the Corps to conduct a comprehensive assessment of the Great Lakes System and make recommendations to respond to changing hydrologic and climatic conditions in the region. Additionally, this section authorizes the Corps to focus on resiliency issues for the Lake Ontario and the Chicago shorelines.

Sec. 212. Report on the Status of Restoration in the Louisiana Coastal Area.

This section directs the Coastal Louisiana Ecosystem Protection and Restoration Task Force to submit a report to Congress on activities in the coastal Louisiana ecosystem, and the financial participation of each agency in the Task Force.

Sec. 213. Lower Mississippi River Comprehensive Management Study.

This section directs the Corps to submit a report to Congress on the comprehensive study of the Lower Mississippi Basin and make recommendations for the comprehensive management of the Basin.

Sec. 214. Upper Mississippi River Comprehensive Plan.

This section directs the Corps to conduct a watershed assessment of the water resources needs of the Upper Mississippi River Basin.

Sec. 215. Upper Missouri River Basin Mainstem Dam Fish Loss Research.

This section requires the Corps to develop a plan for the management of fish losses through the mainstem dams of the Missouri River Basin during periods of high-water flow.

Sec. 216. Lower and Upper Missouri River Comprehensive Flood Protection.

This section directs the Corps to expand the scope of the Lower Missouri Basin study, or otherwise carry out additional studies to identify site specific flood risk reduction solutions and authorizes the Corps to provide technical assistance to small or economically-disadvantaged communities in the Lower Missouri River Basin. Additionally, this section authorizes a comprehensive study for the Upper Missouri River Basin.

Sec. 217. Portsmouth Harbor and Piscataqua River and Rye Harbor, New Hampshire.

This section requires the Corps to expedite activities to address shoaling impacts at the Rye Harbor, New Hampshire, navigation project and to provide a written status update to Congress.

Sec. 218. Cougar and Detroit Dams, Willamette River Basin, Oregon.

This section directs the Corps to submit a report to Congress on the initial analysis of deauthorizing hydropower as an authorized project purpose at Cougar and Detroit Dams.

Sec. 219. Port Orford, Oregon.

This section directs the Corps to submit a report to Congress regarding the configuration of a breakwater for the navigation project in Port Orford, Oregon, in order to address shoaling issues.

Sec. 220. Wilson Creek and Sloan Creek, Fairview, Texas.

This section directs the Corps to provide Congress with a written status update on efforts to address flooding along Wilson Creek and Sloan Creek in the City of Fairview, Texas.

Sec. 221. Study on Water Supply and Water Conservation at Water Resources Development Projects.

This section directs the Corps to submit a report to Congress that analyzes the benefits and consequences of including water supply and water conservation as a primary mission of the Corps.

Sec. 222. Report to Congress on Authorized Studies and Projects.

This section directs the Corps to issue an annual report that identifies all authorized studies or projects with local support and capability of utilizing appropriated funds for continuation.

Sec. 223. Completion of Reports and Materials.

This section directs the Corps to expedite the completion of all reports and implementation guidance required by previous WRDAs.

Sec. 224. Emergency Flooding Protection for Lakes.

This section directs the Corps to report to Congress on the applicability of existing emergency flood protection authority on lakes.

Sec. 225. Report on Debris Removal.

This section directs the Corps to report to Congress on activities related to debris removal.

Sec. 226. Report on Antecedent Hydrologic Conditions.

This section directs the Corps to report to Congress on the Corps' use of data relating to antecedent hydrologic conditions in the Missouri River Basin since 2010.

Sec. 227. Subsurface Drain Systems Research and Development.

This section directs the Corps, in consultation with other Federal agencies, to research the use of subsurface drains as methods of flood risk reduction or coastal storm risk reduction.

Sec. 228. Report on Corrosion Prevention Activities.

This section directs the Corps to report to Congress on corrosion prevention activities at Corps projects.

Sec. 229. Annual Reporting on Dissemination of Information.

This section requires the Corps to provide updates on its implementation of non-Federal outreach requirements associated with development of section 7001 annual reports.

Sec. 230. Report on Benefits Calculation for Flood Control Structures.

This section requires the Corps to submit a report to Congress on how the reduction of flood insurance premiums resulting from the construction of flood risk management projects can affect the calculation of benefits for the project.

TITLE III – DEAUTHORIZATIONS AND MODIFICATIONS

Sec. 301. Deauthorization of Inactive Projects.

This section establishes a unified process for the deauthorization of \$10 billion in antiquated or inactive water resources development projects.

Sec. 302. Abandoned and Inactive Noncoal Mine Restoration.

This section increases the authorization level for the Corps' Abandoned and Inactive Noncoal Mine Restoration program.

Sec. 303. Tribal Partnership Program.

This section increases the per-project authorization level for the Corps' Tribal Partnership Program.

Sec. 304. Lakes Program.

This section authorizes two additional projects for the Corps' Lakes Program.

Sec. 305. Rehabilitation of Corps of Engineers Constructed Dams.

This section increases the authorization amount for the Corps to carry out projects for the rehabilitation of high hazard potential dams constructed before 1940.

Sec. 306. Chesapeake Bay Environmental Restoration and Protection Program.

This section increases the authorization levels for the Corps' Chesapeake Bay Environmental Restoration and Protection Program.

Sec. 307. Upper Mississippi River System Environmental Management Program.

This section increases the authorization levels for the Upper Mississippi River System Environmental Management Program.

Sec. 308. Upper Mississippi River Protection.

This section makes a technical correction to section 2010 of WRRDA 2014.

Sec. 309. Theodore Ship Channel, Mobile, Alabama.

This section modifies the Theodore Ship Channel navigation project in Mobile Harbor, Alabama.

Sec. 310. McClellan-Kerr Arkansas River Navigation System.

This section clarifies that any Federal funds used to carry out construction of the McClellan-Kerr Arkansas River Navigation System are considered as initiating construction of the project such that future funds will not require a new start designation.

Sec. 311. Ouachita and Black Rivers, Arkansas and Louisiana.

This section authorizes water supply as a project purpose for the Ouachita and Black Rivers, Arkansas and Louisiana project.

Sec. 312. Lake Isabella, California.

This section authorizes the Corps to acquire real property to support the Isabella Dam Safety Modification Project, and the ability to transfer this property to any Federal agency without reimbursement.

Sec. 313. Lower San Joaquin River Flood Control Project.

This section aligns the project for flood risk management and the second phase of the feasibility study for flood risk management in the Lower San Joaquin River, California.

Sec. 314. Sacramento River, Glenn-Colusa, California.

This section deauthorizes a portion of the project for flood control in the Sacramento River, California.

Sec. 315. San Diego River and Mission Bay, San Diego County, California.

This section deauthorizes a portion of the project for flood control and navigation in San Diego River and Mission Bay, San Diego County, California.

Sec. 316. San Francisco, California, Waterfront Area.

This section clarifies a declaration of non-navigability for the San Francisco Waterfront Area, California.

Sec. 317. Western Pacific Interceptor Canal, Sacramento River, California.

This section deauthorizes a portion of levee in the Sacramento River Flood Control Project, California, that is associated with the Western Pacific Interceptor Canal.

Sec. 318. Rio Grande Environmental Management Program, Colorado, New Mexico, And Texas.

This section reauthorizes the Corps' Rio Grande Environmental Management Program.

Sec. 319. New London Harbor Waterfront Channel, Connecticut.

This section deauthorizes a portion of the project for navigation in New London Harbor, Connecticut.

Sec. 320. Wilmington Harbor, Delaware.

This section expresses the Sense of Congress that the Corps should maintain the annual maintenance dredging for Wilmington Harbor, Delaware.

Sec. 321. Wilmington Harbor South Disposal Area, Delaware.

This section directs the Secretary to make certain determinations for the Port of Wilmington Edgemoor Expansion, and clarifies that the use of the Wilmington Harbor South Disposal Area shall not reduce the availability of capacity for ongoing navigation projects.

Sec. 322. Washington Harbor, District of Columbia.

This section deauthorizes a portion of the project for navigation in Washington Harbor, District of Columbia.

Sec. 323. Big Cypress Seminole Indian Reservation Water Conservation Plan, Florida.

This section deauthorizes the Big Cypress Seminole Indian Reservation Water Conservation Plan, Florida, while retaining the responsibility of the Corps to pay any damages awarded to a contractor as a result of a claim arising from construction of the project.

Sec. 324. Central Everglades, Florida.

This section clarifies that the Corps is directed to carry out the Everglades Agricultural Area modification as part of the ongoing Central Everglades Planning Project.

Sec. 325. Miami River, Florida.

This section deauthorizes a portion of the project for navigation in Miami River, Florida.

Sec. 326. Julian Keen, Jr. Lock and Dam, Moore Haven, Florida.

This section renames an existing lock and dam in Moore Haven, Florida, as the “Julian Keen, Jr. Lock and Dam.”

Sec. 327. Taylor Creek Reservoir and Levee L-73 (Section 1), Upper St. Johns River Basin, Florida.

This section deauthorizes a portion of the project for flood control and other purposes in the Upper St. Johns River Basin, Florida.

Sec. 328. Extinguishment of Flowage Easements, Rough River Lake, Kentucky.

This section reaffirms the authority of the Corps to extinguish certain flowage easements on Federal lands at Rough River Lake, Kentucky.

Sec. 329. Calcasieu River and Pass, Louisiana.

This section directs the Corps to submit to Congress a report on plans to modify the Calcasieu River and Pass Dredged Material Management Plan.

Sec. 330. Camden Harbor, Maine.

This section deauthorizes specified portions of the project for navigation in Camden Harbor, Maine.

Sec. 331. Cape Porpoise Harbor, Maine, Anchorage Area Designation.

This section modifies an anchorage area at the Cape Porpoise Harbor project for navigation in Kennebunkport, Maine.

Sec. 332. Baltimore, Maryland.

This section authorizes the Secretary to accept funds for irregular dredging cycles at the Baltimore Inner Harbor Approach Channel, Maryland.

Sec. 333. Thad Cochran Lock and Dam, Amory, Mississippi.

This section renames an existing lock and dam on the Tennessee-Tombigbee Waterway as the “Thad Cochran Lock and Dam.”

Sec. 334. Missouri River Reservoir Sediment Management.

This section requires the Corps to make certain inclusions in the economic justification of a sediment management plan for the Upper Missouri River Basin, as well as authorizes sediment removal activities at reservoirs owned or operated by the Secretary in the Upper Missouri River Basin pursuant to specified statutory authorities.

Sec. 335. Portsmouth, New Hampshire.

This section directs the Corps to expedite activities of the Portsmouth Federal navigation project in Portsmouth, New Hampshire, as a source of clean beach fill material for Nantasket Beach, Hull, Massachusetts.

Sec. 336. Rahway Flood Risk Management Feasibility Study, New Jersey.

This section directs the Corps to nullify a determination of the North Atlantic Division of the Corps on the feasibility study for flood risk management, Rahway, New Jersey, and to identify and expedite an acceptable formulation of the project that is in the Federal interest.

Sec. 337. San Juan-Chama Project, Abiquiu Dam, New Mexico.

This section would remove the 200,000-acre-foot storage limitation at Abiquiu Reservoir and allow for additional storage of either San-Juan Chama or native water if the entity requesting the storage acquires the necessary property interests to accommodate the storage.

Sec. 338. Flushing Bay and Creek Federal Navigation Channel, New York.

This section deauthorizes a portion of the navigation project for Flushing Bay and Creek, New York.

Sec. 339. Rush River and Lower Branch Rush River, North Dakota.

This section deauthorizes a portion of the project in the Red River of the North drainage basin, North Dakota, South Dakota, and Minnesota, as well as the project for flood control in the Lower Branch Rush River, North Dakota.

Sec. 340. Pawcatuck River, Little Narragansett Bay and Watch Hill Cove, Rhode Island And Connecticut.

This section deauthorizes a portion of the project for navigation in Pawcatuck River, Little Narragansett Bay, and Watch Hill Cove, Rhode Island and Connecticut.

Sec. 341. Harris County, Texas.

This section repeals Section 575 of WRDA 1996.

Sec. 342. Cap Sante Waterway, Washington.

This section deauthorizes a portion of the project for navigation in Cap Sante Waterway and Navigation Channel, Skagit County, Washington.

Sec. 343. Local Government Reservoir Permit Review.

This section amends section 1119 of WRDA 2018 to make additional projects eligible under this authority.

Sec. 344. Project Modifications for Improvement of Environment.

This section extends the Corps' authority to prioritize project modifications that restore degraded ecosystems through September 30, 2024.

Sec. 345. Aquatic Ecosystem Restoration.

This section directs the Corps to prioritize aquatic ecosystem restoration projects within certain locations of the South Platte River Basin.

Sec. 346. Surplus Water Contracts and Water Storage Agreements.

This section extends the prohibition on the Corps to charge a surplus water fee for the Upper Missouri River through June 2030.

Sec. 347. No Wake Zones in Navigation Channels.

This section clarifies that vessels covered under Section 1149 of WRDA 2016 includes recreational vessels as well as uninspected passenger vessels.

Sec. 348. Limitation on Contract Execution in the Arkansas River Basin.

This section creates a limit on the amount a local governmental entity must pay for water supply storage on a hydropower lake in the Arkansas River Basin.

Sec. 349. Waiver of Non-Federal Share of Damages Related to Certain Contract Claims.

This section directs the Corps to waive certain payments by the non-Federal interest for damages awarded to a contractor as a result of a claim arising from construction of certain projects.

Sec. 350. Reduced Pricing for Certain Water Supply Storage.

This section increases the maximum amount of water supply storage space that may be provided to certain communities to three million gallons of water per day.

Sec. 351. Flood Control and Other Purposes.

This section authorizes the Corps to renegotiate eligible deferred payment agreements with certain non-Federal interests.

Sec. 352. Additional Assistance for Critical Projects.

This section makes modifications to 14 projects for environmental infrastructure which were included in the Corps' annual report to Congress under section 7001 of WRRDA 2014 for 2019 and 2020. Additionally, this section also includes a modification to the authority related to the Lowell Creek Tunnel, Alaska and Cape Arundel Disposal Site, Maine.

Sec. 353. Project Modification Authorizations.

This section modifies the water supply contracts for three projects and modifies two projects for flood risk management included in the Corps' annual report to Congress under section 7001 of WRRDA 2014 for 2019 and 2020.

Sec. 354. Completion of Maintenance and Repair Activities.

This section directs the Corps to expedite its responsibility for the maintenance and repair activities for four critical water resources development projects.

Sec. 355. Project Reauthorizations.

This section directs the Corps to study and submit a post-authorization change report to Congress on the feasibility of reauthorizing four projects that were previously deauthorized.

Sec. 356. Conveyances.

This section authorizes the Corps to convey real property owned by the Federal government in the following locations: Eufaula, Alabama; Montgomery, Alabama; Wilmington Harbor North Disposal Area, Delaware; Massac County, Illinois; Upper St. Anthony Falls Lock and Dam, Minnesota; Clinton, Missouri; Tri-Country Levee District, Missouri; Judge Joseph Barker, Jr., House, Ohio; Leaburg Fish Hatchery, Oregon; and Willamette Falls Locks, Oregon.

Sec. 357. Lake Eufaula Advisory Committee.

This section authorizes the termination of the Lake Eufaula advisory committee within 30 days after the date on which the committee submits final recommendations to the Corps.

Sec. 358. Repeal of Missouri River Task Force, North Dakota.

This section repeals the Missouri River Task Force, North Dakota.

Sec. 359. Repeal of Missouri River Task Force, South Dakota.

This section repeals the Missouri River Task Force, South Dakota.

Sec. 360. Conforming Amendments.

This section repeals previous WRDA deauthorization provisions to conform with the changes made by section 301 of this Act.

TITLE IV—AUTHORIZATIONS

Sec. 401. Project Authorizations.

This section authorizes 46 water resources projects as well as eight project modifications for previously authorized projects.

Sec. 402. Special Rules.

This section provides additional guidance for certain projects.

Sec. 403. Authorization of Projects Based on Feasibility Studies Prepared by Non-Federal Interests.

This section authorizes six water resources development and conservation projects that were prepared by non-Federal interests and have undergone review assessments by the Corps.

TITLE V—OTHER MATTERS

Sec. 501. Update on Invasive Species Policy Guidance.

This section requires the Corps to periodically update its Invasive Species Policy Guidance.

Sec. 502. Aquatic Invasive Species Research.

This section amends an existing authority for the Corps, through its Engineering Research and Development Center, to: (1) include aquatic invasive species prevention activities; (2) include research on elodea and quagga

mussels; and (3) expand the scope of activities to include the Arctic, Gulf Coast, Great Lakes, and reservoirs operated by the Corps.

Sec. 503. Terrestrial Noxious Weed Control Pilot Program.

This section requires the Corps to carry out a pilot program to address terrestrial noxious weed control on Federal land under the jurisdiction of the Corps, and to submit a report to Congress describing the new and improved strategies developed through the pilot program.

Sec. 504. Invasive Species Risk Assessment, Prioritization, and Management.

This section authorizes the South Florida Ecosystem Restoration Task Force to develop a priority list of invasive species that impact the structure and function of the South Florida ecosystem and that have a strong potential to reduce key indicators used to measure Everglades restoration progress.

Sec. 505. Invasive Species Mitigation and Reduction.

This section increases authorization levels for invasive species mitigation and reduction activities; adds two additional locations to an existing watercraft inspection station authority to control the spread of aquatic invasive species; and establishes a new U.S. Fish and Wildlife Service (USFWS) led pilot program to remove invasive plant species in certain watersheds.

Sec. 506. Aquatic Invasive Species Prevention.

This section expands the program to slow the spread of Asian Carp beyond the Upper Mississippi and Ohio River Basins and tributaries to all six sub-basins of the Mississippi River.

Sec. 507. Invasive Species in Alpine Lakes Pilot Program.

This section requires the Secretary of the Interior to establish a pilot program to address aquatic invasive species in alpine lakes.

Sec. 508. Murder Hornet Eradication Pilot Program.

This section requires the Secretary of the Interior to establish a five-year pilot program to provide financial assistance to States for activities necessary to eradicate the Asian giant hornet and restore bee populations damaged by the Asian giant hornet.

Sec. 509. Asian Carp Prevention and Control Pilot Program.

This section requires the Corps to establish a new pilot program to carry out projects to manage and prevent the spread of Asian carp in the Cumberland and Tennessee Rivers using innovative technologies, methods, and measures, and in coordination with the Tennessee Valley Authority (TVA). This section also establishes a new program for the USFWS to provide financial assistance to States to implement measures to eradicate Asian carp.

Sec. 510. Invasive Species in Noncontiguous States and Territories Pilot Program.

This section requires the Director of the USFWS to establish a pilot program to address invasive species in culturally significant forested watersheds in noncontiguous States and territories of the United States in which the Secretary is carrying out flood risk reduction projects.

Sec. 511. Soil Moisture and Snowpack Monitoring.

This section directs the Secretary to continue the installation of a network of soil moisture and snowpack monitoring stations in the Upper Missouri River Basin. In addition, it directs the Administrator of the National

Oceanic and Atmospheric Administration (NOAA) to establish a pilot program for using data generated by monitoring stations, initiate a study, and issue a report with its finding.

Sec. 512. Great Lakes St. Lawrence Seaway Development Corporation.

This section renames the Saint Lawrence Seaway Development Corporation to the Great Lakes Saint Lawrence Seaway Development Corporation.

Division BB: Private Health Insurance and Public Health Provisions

Title I – No Surprises Act

Section 101. Short title.

Section 101 states that this title may be cited as the “No Surprises Act”.

Section 102. Health insurance requirements regarding surprise medical billing.

Section 102 requires health plans to hold patients harmless from surprise medical bills. Patients are only required to pay the in-network cost-sharing (i.e., co-payment, coinsurance and deductibles) amount for out-of-network emergency care, for certain ancillary services provided by out-of-network providers at in-network facilities, and for out-of-network care provided at in-network facilities without the patient’s informed consent. It also requires that patients’ in-network cost-sharing payments for out-of-network surprise bills are attributed to a patient’s in-network deductible.

Section 103. Determination of out-of-network rates to be paid by health plans; Independent dispute resolution process.

Section 103 provides for a 30-day open negotiation period for providers and payers to settle out-of-network claims. It also states that if the parties are unable to reach a negotiated agreement, they may access a binding arbitration process – referred to as Independent Dispute Resolution (IDR) – in which one offer prevails. Providers may batch similar services in one proceeding when claims are from the same payer. The IDR process will be administered by independent, unbiased entities with no affiliation to providers or payers. The IDR entity is required to consider the market-based median in-network rate, alongside relevant information brought by either party, information requested by the reviewer, as well as factors such as the provider’s training and experience, patient acuity and the complexity of furnishing the item or service, in the case of a provider that is a facility, the teaching status, case mix and scope of services of such facility, demonstrations of good faith efforts (or lack of good faith efforts) to enter into a network agreement, prior contracted rates during the previous four plan years, and other items. Billed charges and public payer rates are excluded from consideration. Following IDR, the party that initiated the IDR may not take the same party to IDR for the same item or service for 90 days following a determination by the IDR entity, in order to encourage settlement of similar claims, but all claims that occur during that 90-day period may still be eligible for IDR upon completion of the 90-day period.

Section 104. Health care provider requirements regarding surprise medical billing.

Section 104 prohibits out-of-network facilities and providers from sending patients surprise bills for more than the in-network cost-sharing amount, in the surprise billing circumstances defined in Sec. 102. It also prohibits certain out-of-network providers from surprise billing patients unless the provider gives the patient notice of their network status and an estimate of charges 72 hours prior to receiving out-of-network services and the patient provides consent to receive out-of-network care. In the case of appointments made within 72 hours of receiving services, the patient must receive the notice the day the appointment is made and consent to receive out-of-network care.

Section 105. Ending surprise air ambulance bills.

Section 105 states that patients are held harmless from surprise air ambulance medical bills. Patients are only required to pay the in-network cost-sharing amount for out-of-network air ambulances, and that cost-sharing amount is applied to their in-network deductible. Air ambulances are barred from sending patients surprise bills for more than the in-network cost-sharing amount. It also provides for a 30-day open negotiation period for air ambulance providers and payers to settle out-of-network claims. If the parties are unable to reach a negotiated agreement, they may access the binding arbitration, which is the same as outlined in Section 103, with additional factors to account for the cost of providing air ambulance service in rural and frontier areas.

Section 106. Reporting requirements regarding air ambulance services.

Section 106 requires air ambulance providers to submit two years of cost data to the Secretaries of Health and Human Services (HHS) and Transportation and insurers to submit two years of claims data related to air ambulance services to the Secretary of HHS. The section requires the Secretaries to publish a comprehensive report on the cost and claims data submitted, and it also establishes an advisory committee on air ambulance quality and patient safety.

Section 107. Transparency regarding in-network and out-of-network deductibles and out-of-pocket limitations.

Section 107 states that a group or individual health plan shall include on their plan or insurance identification card issued to the enrollee the amount of the in-network and out-of-network deductibles and the in-network and out-of-network out-of-pocket maximum limitations.

Section 108. Implementing protections against provider discrimination.

Section 108 requires the Secretaries of HHS, Labor, and Treasury to promulgate a rule no later than January 1, 2022 implementing protections against provider discrimination.

Section 109. Reports.

Section 109 requires the Secretary of HHS, in consultation with the Federal Trade Commission and Attorney General, to conduct a study no later than January 1, 2023 and annually thereafter for the following four years on the effects of the provisions in the Act. It also requires the Government Accountability Office (GAO) to submit to Congress a report on the impact of surprise billing provisions and a report on adequacy of provider networks.

Section 110. Consumer protections through application of health plan external review in cases of certain surprise medical bills.

Section 110 allows for an external review to determine whether surprise billing protections are applicable when there is an adverse determination by a health plan beginning no later than January 1, 2022.

Section 111. Consumer protections through health plan requirement for fair and honest advance cost estimate.

Section 111 requires health plans to provide an Advance Explanation of Benefits for scheduled services at least three days in advance to give patients transparency into which providers are expected to provide treatment, the expected cost, and the network status of the providers.

Section 112. Patient protections through transparency and patient-provider dispute resolution.

Section 112 states that health care providers and facilities must verify, three days in advance of service and not later than one day after scheduling of service, what type of coverage the patient is enrolled in and provide notification of a good faith estimate to the payer or patient whether or not the patient has coverage. It also requires the Secretary of HHS to establish a patient-provider dispute resolution process for uninsured individuals no later than January 1, 2022.

Section 113. Ensuring continuity of care.

Section 113 states that if a provider changes network status, patients with complex care needs have up to a 90-day period of continued coverage at in-network cost-sharing to allow for a transition of care to an in-network provider.

Section 114. Maintenance of price comparison tool.

Section 114 requires health plans to offer a price comparison tool for consumers.

Section 115. State All Payer Claims Databases.

Section 115 establishes a grant program to create and improve State All Payer Claims Databases. It also requires recipients of the grants from this program to make data available to authorized users, including researchers, employers, health insurance issuers, third-party administrators, and health care providers for quality improvement and cost-containment purposes. The Secretary of HHS may waive these requirements if a State All Payer Claims Database is substantially in compliance. It also requires the Secretary of Labor to convene an advisory committee and develop a standardized format for voluntary reporting by group health plans to State All Payer Claims Databases.

Section 116. Protecting patients and improving the accuracy of provider directory information.

Section 116 requires health plans to have up-to-date directories of their in-network providers, which shall be available to patients online, or within one business day of an inquiry. If a patient provides documentation that they received incorrect information from a plan about a provider's network status prior to a visit, the patient will only be responsible for the in-network cost-sharing amount.

Section 117. Advisory committee on ground ambulance and patient billing.

Section 117 requires the Secretaries HHS, Labor, and Treasury to establish an advisory committee for reviewing options to improve disclosure of charges and fees for ground ambulance services, inform consumers of insurance options for such services, and protect consumers from surprise billing. It also requires a report on recommendations from the committee not later than 180 days after first meeting.

Section 118. Implementation funding.

Section 118 provides funding to the Secretaries of HHS, Labor, and Treasury for purposes of carrying out the amendments made by the No Surprises Act, including preparing, drafting, and issuing proposed and final regulations or interim regulations; preparing, drafting, and issuing guidance and public information; preparing and holding public meetings; preparing, drafting, and publishing reports; enforcement of such provisions; reporting, collection and analysis of data; establishment and implementation of processes for independent dispute resolution and implementation of patient-provider dispute resolution; conducting audits, and other administrative duties necessary for implementation. Each of the Secretaries shall report annually to Congress on the funds expended under this section.

Title II – Transparency

Section 201. Increasing transparency by removing gag clauses on price and quality information.

Section 201 bans gag clauses in contracts between providers and health plans that prevent enrollees, plan sponsors, or referring providers from seeing cost and quality data on providers. It also bans gag clauses in contracts between providers and health insurance plans that prevent plan sponsors from accessing de-identified claims data that could be shared, under Health Insurance Portability and Accountability Act (HIPAA) business associate agreements, with third parties for plan administration and quality improvement purposes.

Section 202. Disclosure of direct and indirect compensation for brokers and consultants to employer-sponsored health plans and enrollees in plans on the individual market.

Section 202 requires health benefit brokers and consultants to disclose to plan sponsors any direct or indirect compensation the brokers and consultants may receive for referral of services. The section requires health benefit brokers to disclose to enrollees in the individual market or enrollees purchasing short-term limited

duration insurance any direct or indirect compensation the brokers may receive for referral of coverage. It also establishes a disclosure requirement for compensation that is not known at the time a contract is signed.

Section 203. Strengthening parity in mental health and substance use disorder benefits.

Section 203 requires group health plans and health insurance issuers offering coverage in the individual or group markets to conduct comparative analyses of the nonquantitative treatment limitations used for medical and surgical benefits as compared to mental health and substance use disorder benefits. It requires the Secretaries of HHS, Labor, and the Treasury to request comparative analyses of at least 20 plans per year that involve potential violations of mental health parity, complaints regarding noncompliance with mental health parity, and any other instances in which the Secretaries determine appropriate. If, upon review of the analysis, the Secretaries of HHS, Labor, and the Treasury find that a plan or coverage offered by an issuer is out of compliance with mental health parity law, the Secretary must specify corrective actions for the plan or coverage to come into compliance, which the plan will have 45 days to implement. If the plan is still not in compliance after those 45 days, the plan shall notify all individuals enrolled in noncompliance plans within seven days. Finally, Section 203 requires the Secretaries of HHS, Labor, and the Treasury to publish an annual report with a summary of the comparative analyses.

Section 204. Reporting on pharmacy benefits and drug costs.

Section 204 requires health plans to report information on plan medical costs and prescription drug spending to the Secretaries of HHS, Labor, and the Treasury. It also states that the Assistant Secretary of Planning and Evaluation, in coordination with the Office of the Inspector General, shall publish a report on the HHS website on prescription drug pricing trends and the contribution to health insurance premiums 18 months after the date of enactment, and every two years thereafter.

Title III – Public Health Provisions

Subtitle A – Extenders Provisions

Section 301. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.

Extends mandatory funding for community health centers, the National Health Service Corps, and the Teaching Health Center Graduate Medical Education Program at current levels for each of fiscal years 2021 through 2023.

Section 302. Diabetes programs.

Extends mandatory funding for the Special Diabetes Program for Type I Diabetes and the Special Diabetes Program for Indians at current levels for each of fiscal years 2021 through 2023.

Subtitle B – Strengthening Public Health

Section 311. Improving awareness of disease prevention.

Section 311 authorizes a national campaign to increase awareness and knowledge of the safety and effectiveness of vaccines for the prevention and control of diseases, to combat misinformation, and to disseminate scientific and evidence-based vaccine-related information. It also directs the Department of HHS to expand and enhance, and, as appropriate, establish and improve, programs and activities to collect, monitor, and analyze vaccination coverage data (the percentage of people who have had certain vaccines). The section also requires the National Vaccine Advisory Committee to update, as appropriate, the report entitled, “Assessing the State of Vaccine Confidence in the United States: Recommendations from the National Vaccine Advisory Committee.” Finally, it authorizes grants for the purpose of planning, implementation, and evaluation of activities to address vaccine-preventable diseases, and for research on improving awareness of scientific and evidence-based vaccine-related information.

Section 312. Guide on evidence-based strategies for public health department obesity prevention programs.

Section 312 authorizes HHS to develop and disseminate guides on evidence-based obesity prevention and control strategies for State, territorial, and local health departments and Indian tribes and tribal organizations.

Section 313. Expanding capacity for health outcomes.

Section 313 authorizes the provision of technical assistance and grants to evaluate, develop, and expand the use of technology-enabled collaborative learning and capacity building models to increase access to specialized health care services in medically underserved areas and for medically underserved populations.

Section 314. Public health data system modernization.

Section 314 requires HHS to expand, enhance, and improve public health data systems used by the Centers for Disease Control and Prevention (CDC). It also requires HHS to award grants to State, local, Tribal, or territorial public health departments for the modernization of public health data systems in order to assist public health departments in assessing current data infrastructure capabilities and gaps; to improve secure public health data collection, transmission, exchange, maintenance, and analysis; to enhance the interoperability of public health data systems; to support and train related personnel; to support earlier disease and health condition detection; and to develop and disseminate related information and improved electronic case reporting. Section 314 also requires the Secretary of HHS to develop and submit to Congress a coordinated strategy and accompanying implementation plan that identifies and demonstrates measures utilized to carry out such activities, and requires HHS to consult with State, local, Tribal, and territorial health departments and other appropriate public or private entities regarding the plan and grant program to modernize public health data systems pursuant to this section.

Section 315. Native American suicide prevention.

Section 315 ensures states consult with Indian tribes, tribal organizations, urban Indian organizations, and Native Hawaiian Health Care Systems in developing youth suicide early intervention and prevention strategies.

Section 316. Reauthorization of the Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009.

Section 316 reauthorizes the young women's breast health awareness and education program at \$9 million for each of fiscal years 2022 through 2026.

Section 317. Reauthorization of school-based health centers.

Section 317 reauthorizes the School-Based Health Center program for fiscal years 2022 through 2026.

Subtitle C – FDA Amendments

Section 321. Rare pediatric disease priority review voucher extension.

Section 321 allows the Food and Drug Administration (FDA) to continue to award priority review vouchers for drugs that treat rare pediatric diseases and are designated no later than September 30, 2024, and approved no later than September 30, 2026.

Section 322. Conditions of use for biosimilar biological products.

Section 322 clarifies that biosimilar applicants can include information in biosimilar submissions to show that the proposed conditions of use for the biosimilar product have been previously approved for the reference product.

Section 323. Orphan drug clarification.

Section 323 clarifies that the clinical superiority standard applies to all drugs with an orphan drug designation for which an application is approved after the enactment of the FDA Reauthorization Act of 2017, regardless of the date of the orphan drug designation.

Section 324. Modernizing the labeling of certain generic drugs.

Section 324 allows FDA to identify and select certain covered generic drugs for which labeling updates would provide a public health benefit and require sponsors of such drug applications to update labeling. It also requires FDA to report on the number of covered drugs and a description of the types of drugs selected for labeling changes, and the rationale for such recommended changes, and to provide recommendations for modifying the program under this section.

Section 325. Biological product patent transparency.

Section 325 increases transparency of patent information for biological products by requiring patent information to be submitted to FDA and published in the “Purple Book.” It also codifies the publication of the “Purple Book” as a single, searchable list of information about each licensed biological product, including marketing and licensure status, patent information, and relevant exclusivity periods.

Subtitle D – Technical Corrections

Section 331. Technical corrections.

Section 331 makes technical amendments to the Coronavirus Aid, Relief, and Economic Security Act.

Division CC – Health Extenders

Prepared by the Democratic Staff of the House Committee on Energy & Commerce

Title I – Medicare Provisions

Subtitle A – Medicare Extenders

Section 101. Extension of the work geographic index floor under the Medicare program.

Section 101 increases payments for the work component of physician fees in areas where labor cost is determined to be lower than the national average through December 31, 2023.

Section 102. Extension of funding for quality measure endorsement, input, and selection.

Section 102 provides \$66 million in funding to the Centers for Medicare & Medicaid Services (CMS) for quality measure selection and to contract with a consensus-based entity to carry out duties related to quality measurement and performance improvement through September 30, 2023. It also includes additional reporting requirements, facilitates measure removal, and prioritizes maternal morbidity and mortality measure endorsement.

Section 103. Extension of funding outreach and assistance for low-income programs.

Section 103 extends funding for low-income Medicare beneficiary outreach, enrollment, and education activities provided through State Health Insurance Assistance Programs, Area Agencies on Aging, Aging and Disability Resource Centers, and the National Center for Benefits and Outreach and Enrollment through September 30, 2023. It provides \$50 million in funding for each of fiscal years 2021, 2022, and 2023.

Section 104. Extension of Medicare patient IVIG access demonstration project.

Section 104 extends the Intravenous Immunoglobulin (IVIG) treatment demonstration that is administered in the home through December 31, 2023, allowing up to 2,500 additional Medicare patients with primary immunodeficiency diseases (PIDD) to enroll and requiring an updated evaluation of the demonstration.

Section 105. Extending the Independence at Home medical practice demonstration program under the Medicare program.

Section 105 extends the Independence at Home demonstration for three additional years (through December 31, 2023) and expands the size of the demonstration from 15,000 beneficiaries to 20,000 beneficiaries.

Subtitle B – Other Medicare Provisions

Section 111. Improving measurements under the skilled nursing facility value-based purchasing program under the Medicare program.

Section 111 allows the Secretary to add up to 10 quality measures – including measures of functional status, patient safety, care coordination, or patient experience – to the skilled nursing facility (SNF) value-based purchasing program for facilities with more than the required minimum number of cases.

Section 112. Providing the Medicare Payment Advisory Commission and Medicaid and CHIP Payment and Access Commission with access to certain drug payment information, including certain rebate information.

Section 112 ensures the respective executive directors of the Medicare Payment Advisory Commission (MedPAC) and the Medicaid and CHIP Payment and Access Commission (MACPAC) have access to certain drug pricing data for purposes of monitoring, analysis, and making program recommendations.

Section 113. Moratorium on payment under the Medicare physician fee schedule of the add-on code for inherently complex evaluation and management visits.

Section 113 prohibits the Secretary of the Department of Health and Human Services (HHS) from making payments under the Physician Fee Schedule for services described by Healthcare Common Procedure Coding System (HCPCS) code G2211 (or any successor or substantially similar code) prior to January 1, 2024.

Section 114. Temporary freeze of APM payment incentive thresholds.

Section 114 freezes the current payment and patient count thresholds for physicians and other eligible clinicians participating in Advanced Alternative Payment Models (APMs) to receive a five percent incentive payment in payment years 2023 and 2024 (performance years 2021 and 2022). It also freezes the Partial Qualifying APM participant payment and patient count thresholds at current levels for payment years 2023 and 2024 (performance years 2021 and 2022).

Section 115. Permitting occupational therapists to conduct the initial assessment visit and complete the comprehensive assessment with respect to certain rehabilitation services for home health agencies under the Medicare program.

Section 115 requires the Secretary of HHS, no later than January 1, 2022, to allow occupational therapists to conduct initial assessment visits and complete comprehensive assessments for certain home health services if the referral order by the physician does not include skilled nursing care but includes occupational therapy and physical therapy or speech language pathology.

Section 116. Centers for Medicare & Medicaid Services provider outreach and reporting on cognitive assessment and care plan services.

Section 116 requires the Secretary of HHS to conduct outreach to Medicare physicians and practitioners regarding Medicare payment for cognitive assessment and care plan services furnished to individuals with cognitive impairment, such as Alzheimer's disease and related dementias.

Section 117. Continued coverage of certain temporary transitional home infusion therapy services.

Section 117 ensures continued coverage of home infusion therapy services for beneficiaries taking self-administered and biological drugs that are currently included under the temporary transitional home infusion therapy benefit when the permanent home infusion therapy benefit takes effect January 1, 2021.

Section 118. Transitional coverage and retroactive Medicare Part D coverage for certain low-income beneficiaries.

Section 118 permanently authorizes, beginning January 1, 2024, the Limited Income Newly Eligible Transition (LI NET) demonstration to provide immediate temporary Part D coverage for certain individuals with low-income subsidies (LIS) while their eligibility is processed.

Section 119. Increasing the use of real-time benefit tools to lower beneficiary costs.

Section 119 requires Part D plan sponsors to implement real-time benefit tools (RTBT) that are capable of integrating with provider electronic prescribing (e-prescribing) and electronic health record (EHR) systems.

Section 120. Beneficiary enrollment simplification.

Section 120 eliminates coverage gaps in Medicare by requiring that Part B insurance coverage begin the first of the month following an individual's enrollment and provides for a Part A and Part B Special Enrollment Period for "exceptional circumstances" to mirror authority in Medicare Advantage and Medicare Part D.

Section 121. Waiving budget neutrality for oxygen under the Medicare program.

Section 121 specifies that the budget neutrality requirement for establishing new payment classes of oxygen and oxygen equipment no longer applies, thereby increasing payment for certain oxygen equipment.

Section 122. Waiving Medicare coinsurance for certain colorectal cancer screening tests. Section 122 gradually eliminates cost-sharing for Medicare beneficiaries with respect to colorectal cancer screening tests where a polyp is detected and removed.

Section 123. Expanding access to mental health services furnished through telehealth.

Section 123 expands access to telehealth services in Medicare to allow beneficiaries to receive mental health services via telehealth, including from the beneficiary's home. To be eligible to receive these services via telehealth, the beneficiary must have been seen in person at least once by the physician or non-physician practitioner during the six-month period prior to the first telehealth service, with additional face-to-face requirements determined by the Secretary.

Section 124. Public-private partnership for health care waste, fraud, and abuse detection. Section 124 codifies an existing mechanism used within CMS as part of the agency's ongoing responsibility to combat fraud, waste, and abuse.

Section 125. Medicare Payment for Rural Emergency Hospital Services.

Section 125 creates a new, voluntary Medicare payment designation that allows either a Critical Access Hospital (CAH) or a small, rural hospital with less than 50 beds to convert to a Rural Emergency Hospital (REH) to preserve beneficiary access to emergency medical care in rural areas that can no longer support a fully operational inpatient hospital. REHs can also furnish additional medical services needed in their community, such as observation care, outpatient hospital services, telehealth services, ambulance services, and skilled nursing facility services. REHs will be reimbursed under all applicable Medicare prospective payment systems, plus an additional monthly facility payment and an add-on payment for hospital outpatient services.

Section 126. Distribution of additional residency positions.

Section 126 supports physician workforce development by providing for the distribution of additional Medicare-funded graduate medical education (GME) residency positions. Rural hospitals, hospitals that are already above their Medicare cap for residency positions, hospitals in states with new medical schools, and hospitals that serve Health Professional Shortage Areas will be eligible for these new positions.

Section 127. Promoting rural hospital GME funding opportunity.

Section 127 makes changes to Medicare GME Rural Training Tracks (RTT) to provide greater flexibility for rural and urban hospitals that participate in RTT programs.

Section 128. Five-year extension of the Rural Community Hospital Demonstration.

Section 128 extends the Rural Community Hospital Demonstration (RCHD) by five years. The demonstration tests the feasibility and advisability of establishing “rural community hospitals” to furnish covered inpatient hospital services to Medicare beneficiaries in states with low population densities. Participating hospitals are mostly paid using reasonable cost-based methodology instead of the inpatient prospective payment system.

Section 129. Extension of the Frontier Community Health Integration Project demonstration.

Section 129 extends the Frontier Community Health Integration Project (FCHIP) demonstration by five years. The FCHIP demonstration tests new models of health care delivery for rural CAHs.

Section 130. Improving Rural Health Clinic payments.

Section 130 implements a comprehensive Rural Health Clinic (RHC) payment reform plan. It phases-in a steady increase in the RHC statutory cap over an eight-year period, subjects all new RHCs to a uniform per-visit cap, and controls the annual rate of growth for uncapped RHCs whose payments are above the upper limit. It ensures that no RHC would see a reduction in reimbursement. RHCs with an all-inclusive rate (AIR) above the upper limit will continue to experience annual growth, but the payment amount will be constrained to the facility’s prior year reimbursement rate plus the Medicare Economic Index (MEI). Specifically, the policy raises the statutory RHC cap to \$100 starting on April 1, 2021, and gradually increases the upper limit each year through 2028 until the cap reaches \$190. This brings the RHC upper limit roughly in line with the Federally Qualified Health Centers (FQHC) Medicare base rate. In each subsequent calendar year, starting in 2029, the new statutorily set RHC cap reverts back to an annual MEI inflationary adjustment.

Section 131. Medicare GME treatment of hospitals establishing new medical residency training programs after hosting medical resident rotators for short durations.

Section 131 allows hospitals to host a limited number of residents for short-term rotations without being negatively impacted by a set permanent full-time equivalent (FTE) resident cap or a Per Resident Amount (PRA).

Section 132. Medicare payment for certain Federally Qualified Health Center and Rural Health Clinic services furnished to hospice patients.

Section 132 allows RHCs and FQHCs to furnish and bill for hospice attending physician services when RHC and FQHC patients become terminally ill and elect the hospice benefit, beginning January 1, 2022.

Section 133. Delay to the implementation of the radiation oncology model under the Medicare program.

Section 133 provides for a statutory six-month additional delay, in addition to the delay announced by CMS of the Medicare radiation oncology model to January 1, 2022.

Section 134. Improving access to skilled nursing facility services for hemophilia patients. Section 134 adds blood clotting factors and items and services related to their furnishing to the categories of high-cost, low-probability services that are excluded from the skilled nursing facility per-diem prospective payment system and are separately payable. This change will allow SNF care to be an option instead of continued inpatient care for this limited population.

Title II – Medicaid Extenders and Other Policies

Section 201. Eliminating DSH reductions for fiscal year 2021.

Section 201 amends the current schedule of Medicaid Disproportionate Share Hospital (DSH) payment reductions to eliminate the reductions in effect for fiscal year 2021, eliminate the reductions for fiscal years 2022 and 2023, and add reductions to fiscal years 2026 and 2027.

Section 202. Supplemental payment reporting requirements.

Section 202 establishes a system for supplemental payment reporting to CMS by states, including data on the amount of supplemental payments made to each eligible provider, to better understand how State Medicaid programs use such payments. It requires supplemental payment reports be made publicly available.

Section 203. Medicaid shortfall and third party payments.

Section 203 includes a definition of Medicaid shortfall for purposes of third party payments, which does not currently exist in Medicaid statute.

Section 204. Extension of Money Follows the Person Rebalancing Demonstration.

Section 204 extends funding for the Medicaid Money Follows the Person Rebalancing Demonstration program at \$450 million per fiscal year through fiscal year 2023. It also makes a number of improvements to the program. It changes the institutional residency period from 90 days to 60 days, updates state application requirements to provide additional information on use of rebalancing funds, and requires the Secretary to issue a report on best practices, among other improvements.

Section 205. Extension of spousal impoverishment protections.

Section 205 extends the protections against spousal impoverishment for partners of Medicaid beneficiaries who receive home and community-based services through fiscal year 2023.

Section 206. Extension of community mental health services demonstration program.

Section 206 extends the community mental health services demonstration program through fiscal year 2023.

Section 207. Clarifying authority of State Medicaid fraud and abuse control units.

Section 207 allows state Medicaid fraud control units to investigate complaints of patient abuse or neglect in non-institutional or other settings.

Section 208. Medicaid coverage for citizens of Freely Associated States.

Section 208 restores Medicaid eligibility for citizens of the Freely Associated States (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau) lawfully residing in the United States under the Compacts of Free Association.

Section 209. Medicaid coverage of certain medical transportation.

Section 209 ensures that state Medicaid programs cover nonemergency medical transportation to necessary services. The section also requires states to comply with certain program integrity standards. It also requires CMS to convene stakeholder meetings to address certain challenges regarding Medicaid program integrity and coverage of such services.

Section 210. Promoting access to life-saving therapies for Medicaid enrollees by ensuring coverage of routine patient costs for items and services furnished in connection with participation in qualifying clinical trials.

Section 210 requires state Medicaid programs to cover routine patient costs for items and services that are provided in connection with a qualifying clinical trial regarding serious or other life-threatening conditions starting January 1, 2022.

Title III – Human Services

Section 301. Extension of TANF, child care entitlement to States, and related programs. Section 301 extends current funding and policy for the Temporary Assistance for Needy Families, the Child Care Entitlement to States, and other related programs, including the Healthy Marriage and Responsible Fatherhood grants, through the end of fiscal year 2021.

Section 302. Personal Responsibility Education Program.

Section 302 extends the Personal Responsibility Education Program (PREP) through fiscal year 2023.

Section 303. Sexual Risk Avoidance Education.

Section 303 extends the Sexual Risk Avoidance Education (SRAE) program through fiscal year 2023.

Section 304. Extension of support for current health professions opportunity grants.

Section 304 provides \$3.6 million to cover the cost of ongoing technical assistance and other HHS administrative costs related to currently-operating Health Profession Opportunity Grants (HPOGs) through the end of fiscal year 2021, and for costs related to evaluation and reporting through the end of fiscal year 2022.

Section 305. Extension of MaryLee Allen Promoting Safe and Stable Families Program and State court support.

Section 305 extends current funding, authorization, and reservations within the MaryLee Allen Promoting Safe and Stable Families program, including the Court Improvement Program (CIP), through the end of fiscal year 2022, and make changes and clarifications to CIP that take effect October 1, 2021.

Title IV – Health Offsets

Section 401. Requiring certain manufacturers to report drug pricing information with respect to drugs under the Medicare program.

Section 401 requires all manufacturers of drugs covered under Medicare Part B to report average sales price (ASP) information to the Secretary of HHS beginning on January 1, 2022. Specifically, it adds a new requirement for manufacturers that do not have a rebate agreement through the Medicaid Drug Rebate Program to report ASP information.

Section 402. Extended months of coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

Section 402 establishes eligibility for immunosuppressive drug coverage through Medicare to post-kidney transplant individuals whose entitlement to benefits under Part A ends (whether before, on, or after January 1, 2023) and who do not receive coverage of immunosuppressive drugs through other insurance.

Section 403. Permitting direct payment to physician assistants under Medicare.

Section 403 allows direct payment under the Medicare program to physician assistants for services furnished to beneficiaries on or after January 1, 2022.

Section 404. Adjusting calculation of hospice cap amount under Medicare.

Section 404 extends the change to the annual updates to the hospice aggregate cap made in the Improving Medicare Post-Acute Care Transformation Act (IMPACT Act) of 2014 and applies the hospice payment update percentage rather than the Consumer Price Index for Urban Consumers (CPI-U) to the hospice aggregate cap for fiscal years 2026 through 2030.

Section 405. Special rule for determination of ASP in cases of certain self-administered versions of drugs.

Section 405 authorizes CMS, when determining payment for products covered under Medicare Part B, to review and exclude payments made for the self-administered versions of products that are not covered under Part B.

Section 406. Medicaid Improvement Fund.

Section 406 rescinds \$3,464,000,000 from the Medicaid Improvement Fund.

Section 407. Establishing hospice program survey and enforcement procedures under the Medicare program.

Section 407 makes changes to the Medicare hospice survey and certification process to improve consistency and oversight, allowing the Secretary to use intermediate remedies to enforce compliance with hospice requirements and extending the requirement that hospices be surveyed no less frequently than once every 36 months. It also creates a new Special Focus Facility Program for poor-performing hospice providers, who will be surveyed not less frequently than once every six months. It increases the penalty for hospices not reporting quality data to the Secretary from two to four percentage points, beginning in fiscal year 2024.

Section. 408. Medicare Improvement Fund.

Section 408 provides \$165 million for the Medicare Improvement Fund.

Title V – Miscellaneous

Section. 501. Implementation funding. Section 501 provides \$37 million to the CMS Program Management Account to support implementation of the Medicare and Medicaid related provisions of the legislation.

Division DD – Montana Water Rights Protection Act

Prepared by the Democratic Staff of the House Committee on Natural Resources

Settles the water rights claims for the Confederated Salish and Kootenai Tribes of the Flathead Nation and executes a water rights compact between the federal government, the Confederated Salish and Kootenai Tribes, and the State of Montana.

Division EE – Tax Extenders

Prepared by the Democratic Staff of the House Committee on Ways & Means

TITLE I – EXTENSION OF CERTAIN PROVISIONS

Subtitle A - Certain Provisions Made Permanent

Sec. 101. Reduction in medical expense deduction floor. Between 2013 and 2017, individuals under 65 years old could claim an itemized deduction for unreimbursed medical expenses to the extent that such expenses exceeded 10 percent of AGI, while for individuals 65 or older, the threshold was 7.5 percent of AGI. Prior to this period, the 7.5 percent threshold generally applied regardless of age. The provision makes permanent the lower threshold of 7.5 percent for all taxpayers, originally restored for 2017 and 2018 and then extended for 2019 and 2020.

Sec. 102. Energy efficient commercial buildings deduction. The provision makes permanent the deduction for energy efficiency improvements to building envelope, lighting, heating, cooling, ventilation, and hot water systems of commercial buildings. The provision updates the ASHRAE Reference Standard 90.1 from the 2007 standard to the most recent standard as of two years before the start of construction. The most recent Reference Standard 90.1 is the most recent standard published and affirmed by the Secretary of the Treasury, after consultation with the Secretary of Energy. The provision additionally indexes to inflation the amount of the \$1.80-per-square-foot limitation.

Sec. 103. Benefits provided to volunteer firefighters and emergency medical responders. The provision makes permanent the exclusions for qualified state or local tax benefits and qualified reimbursement payments provided to members of qualified volunteer emergency response organizations and increases the exclusion for qualified reimbursement payments to \$50 for each month during which a volunteer performs services. This provision was originally reinstated for 2020 in the SECURE Act.

Sec. 104. Transition from deduction for qualified tuition and related expenses to increased income limitation for lifetime learning credit. The qualified tuition deduction is capped at \$4,000 for an individual whose AGI does not exceed \$65,000 (\$130,000 for joint filers) or \$2,000 for an individual whose AGI does not exceed \$80,000 (\$160,000 for joint filers). After 2020, the provision repeals the qualified tuition deduction and replaces it by increasing the phase-out limits on the Lifetime Learning credit from \$58,000 (\$116,000 for joint filers) to \$80,000 (\$160,000 for joint filers). In the vast majority of circumstances, these increased phase-out limits hold harmless those taxpayers who would have otherwise benefited from this deduction.

Sec. 105. Railroad track maintenance credit. The provision makes permanent the credit for qualified railroad track maintenance. The credit is equal to 40 percent of expenditures paid or incurred by an eligible taxpayer on maintenance of certain railroad track. For expenditures prior to January 1, 2023, the credit is equal to 50 percent of such expenditures. The credit cannot exceed the product of \$3,500 times the number of miles of railroad track owned or leased by (or assigned to) the eligible taxpayer as of the close of the taxable year.

Sec. 106. Certain provisions related to beer, wine, and distilled spirits. The provision makes permanent the reduction of certain excise taxes and simplified record-keeping requirements related to the taxation of beer, wine, and distilled spirits. The provision also modifies certain requirements for in-bond transfers of bottled distilled spirits.

Sec. 107. Refunds in lieu of reduced rates for certain alcohol produced outside the United States. The provision provides that, starting in 2023, reduced rates for imports will be administered as refunds by the Treasury Department, rather than determined upon entry by Customs and Border Protection. The refunds shall be paid at least quarterly. The provision also determines how interest will be applied to the amount of the refund.

Sec. 108. Reduced rates not allowed for smuggled or illegally produced beer, wine, and spirits. The provision clarifies that reduced rates for beer, wine, and spirits are not allowed for smuggled or illegally produced products.

Sec. 109. Minimum processing requirements for reduced distilled spirits rates. The provision modifies the definition of processing for purposes of determining the volume limitations on reduced rates. The provision disregards mere bottling of distilled spirits in determining whose controlled group is relevant for purposes of the limitations.

Sec. 110. Modification of single taxpayer rules. The provision makes certain modifications to single taxpayer rules for beer, wine, and distilled spirits.

Subtitle B - Certain Provisions Extended Through 2025

Sec. 111. Look-thru rule for related controlled foreign corporations. The provision extends, through 2025, look-thru treatment for payments of dividends, interest, rents, and royalties between related controlled foreign corporations.

Sec. 112. New Markets Tax Credit. The provision extends annual \$5 billion allocations of the New Markets Tax Credit for years 2021 through 2025. The provision also extends through 2030 the carryover period for unused New Markets Tax Credits.

Sec. 113. Work Opportunity Tax Credit. The provision extends, through 2025, an elective general business credit to employers hiring individuals who are members of one or more of ten targeted groups under the Work Opportunity Tax Credit program.

Sec. 114. Exclusion from gross income of discharge of qualified principal residence indebtedness. The provision extends, through 2025, the exclusion from gross income for a discharge of qualified principal residence indebtedness. The provision reduces the maximum amount that may be excluded from \$2,000,000 to \$750,000. Generally, indebtedness must be the result of acquisition, construction, or substantial improvement of primary residence.

Sec. 115. 7-year recovery period for motorsports entertainment complexes. The provision extends, through 2025, a 7-year recovery period for motorsports entertainment complexes. A motorsports entertainment complex is defined as a racing track facility that is permanently situated on land and that hosts one or more racing events within 36 months of the month it is placed in service.

Sec. 116. Expensing rules for certain productions. The provision extends, through 2025, a deduction for qualified film, television, and theatrical productions of up to \$15 million of the aggregate cost (\$20 million for certain areas) of a qualifying film, television, or theatrical production in the year the expenditure was incurred.

Sec. 117. Oil spill liability trust fund rate. The provision extends, through 2025, the excise tax of \$0.09 per barrel on crude oil received at a refinery and petroleum products entered into the United States which is deposited into the Oil Spill Liability Trust Fund.

Sec. 118. Empowerment zone tax incentives. The provision extends, through 2025, tax benefits for certain businesses and employers operating in empowerment zones. The provision modifies the tax incentives available by terminating the increased expensing on qualifying equipment under section 179 and the deferral of capital gains tax on the sale of certain qualified assets, effective for taxable years beginning after December 31, 2020.

Sec. 119. Employer tax credit for paid family and medical leave. The provision extends, through 2025, the employer credit for paid family and medical leave, which permits eligible employers to claim an elective general business credit based on eligible wages paid to qualifying employees with respect to family and medical leave. The credit is equal to 12.5 percent of eligible wages if the rate of payment is 50 percent of such wages, and is increased by 0.25 percentage points (but not above 25 percent) for each percentage point that the rate of payment exceeds 50 percent. The maximum amount of family and medical leave that may be taken into account with respect to any qualifying employee is 12 weeks per taxable year.

Sec. 120. Exclusion for certain employer payments of student loans. The provision extends, through 2025, the allowance for employers to provide a student loan repayment benefit to employees on a tax-free basis. Under the provision, an employer may contribute up to \$5,250 annually toward an employee's student loans, and such payment would be excluded from the employee's income. The \$5,250 cap applies to both the student loan repayment benefit as well as other educational assistance (e.g., tuition, fees, books) provided by the employer under current law. The provision applies to any student loan payments made by an employer on behalf of an employee through 2025.

Sec. 121. Extension of carbon oxide sequestration credit. The provision extends the carbon oxide sequestration credit for facilities that begin construction by the end of 2025.

Subtitle C – Extension of Certain Other Provisions

Sec. 131. Credit for electricity produced from certain renewable resources. The provision extends the production tax credit for renewable power facilities that begin construction by the end of 2021. For wind facilities that begin construction by the end of 2021, the credit continues to be reduced by 40 percent.

Sec. 132. Extension and phaseout of energy credit. The provision extends the current 26 percent investment tax credit for solar energy property, fiber-optic solar equipment, fuel cell property, and small wind energy property that begin construction by the end of 2022, and at a 22 percent rate for property that begin construction by the end of 2023, after which the credit is reduced to 10 or zero percent. The provision extends the 10 percent investment credit for microturbine property, geothermal heat pumps, and combined heat and power property that begins construction through 2023.

Sec. 133. Treatment of mortgage insurance premiums as qualified residence interest. The provision extends, through 2021, a rule treating qualified mortgage insurance premiums as interest for purposes of the mortgage interest deduction. This deduction phases out for taxpayers with adjusted gross income (AGI) over \$100,000 (\$50,000 if married filing separately).

Sec. 134. Credit for health insurance costs of eligible individuals. The provision extends, through 2021, a refundable credit (commonly referred to as the health coverage tax credit or “HCTC”) equal to 72.5 percent of the premiums paid by certain individuals for coverage of the individual and qualifying family members under qualified health insurance.

Sec. 135. Indian employment credit. The provision extends, through 2021, a credit on the first \$20,000 of qualified wages and qualified employee health insurance costs paid to or incurred by the employer with respect to each qualified employee who works on an Indian reservation. The credit is equal to 20 percent of the excess of eligible employee qualified wages and health insurance costs incurred during the current year over the amount of such wages and costs incurred by the employer during 1993.

Sec. 136. Mine rescue team training credit. The provision extends, through 2021, a 20 percent credit (capped at \$10,000) on the training program costs incurred with respect to the training program costs of each qualified mine rescue team employee.

Sec. 137. Classification of certain race horses as 3-year property. The provision assigns a 3-year recovery period to race horses two years old or younger placed in service through 2021.

Sec. 138. Accelerated depreciation for business property on Indian reservations. The provision extends, through 2021, accelerated depreciation for qualified Indian reservation property. To qualify, property must be predominantly used for business purposes within a reservation, owned by someone unrelated to the previous owner, and unrelated to gaming practices. The depreciation deduction allowed also extends to the alternative minimum tax.

Sec. 139. American Samoa economic development credit. The provision extends, through 2021, a credit to certain corporations in American Samoa equal to the sum of certain percentages of a domestic corporation’s employee wages, employee fringe benefit expenses, and tangible property depreciation allowances for the taxable year in respect of the active conduct of a trade or business in American Samoa.

Sec. 140. Second generation biofuel producer credit. The provision extends, through 2021, the \$1.01-per-gallon nonrefundable income tax credit for second generation biofuel sold at retail into the fuel tank of a buyer's vehicle, or second generation biofuel mixtures sold or used as a fuel.

Sec. 141. Nonbusiness energy property. The provision extends through 2021, a credit for purchases of nonbusiness energy property. The provision allows a credit of 10 percent of the amounts paid or incurred by the taxpayer for qualified energy improvements to the building envelope (windows, doors, skylights, and roofs) of principal residences. The provision allows credits of fixed dollar amounts ranging from \$50 to \$300 for energy-efficient property including furnaces, boilers, biomass stoves, heat pumps, water heaters, central air conditioners, and circulating fans, and is subject to a lifetime cap of \$500.

Sec. 142. Qualified fuel cell motor vehicles. The provision extends, through 2021, a credit for purchases of new qualified fuel cell motor vehicles. The provision allows a credit of between \$4,000 and \$40,000, depending on the weight of the vehicle.

Sec. 143. Alternative fuel refueling property credit. The provision extends, through 2021, a credit for the installation of alternative fuel vehicle refueling property, which includes property that dispenses alternative fuels including ethanol, biodiesel, natural gas, hydrogen, and electricity. The credit is capped at \$30,000 per location for business property and \$1,000 for property installed at a principal residence.

Sec. 144. 2-wheeled plug-in electric vehicle credit. The provision extends, through 2021, a 10-percent credit for highway-capable, two-wheeled plug-in electric vehicles. The credit is capped at \$2,500. Battery capacity within the vehicles must be greater than or equal to 2.5 kilowatt-hours.

Sec. 145. Production credit for Indian coal facilities. The provision extends, through 2021, a \$2 per ton production tax credit for coal produced on land owned by an Indian tribe. Adjusted for inflation, the effective credit rate was \$2.525 per ton for 2019.

Sec. 146. Energy efficient homes credit. The provision extends, through 2021, the credit of up to \$2,000 for qualified new energy efficient homes.

Sec. 147. Extension of excise tax credits relating to alternative fuels. The provision extends, through 2021, the \$0.50-per-gallon excise-tax credit or payment for alternative fuel and \$0.50-per-gallon credit for alternative fuel mixtures.

Sec. 148. Extension of residential energy-efficient property credit and inclusion of biomass fuel property expenditures. The provision extends, through 2022, the credit for residential energy efficiency property at the current 26 percent rate for property placed in service through 2022, with the rate reduced to 22 percent for property placed in service in 2023. Starting in 2021, the provision expands the definition of eligible property to include qualified energy efficient biomass fuel property with a thermal efficiency rating of at least 75 percent. Correspondingly, biomass stoves will no longer qualify under section 25C, to prevent a double benefit.

Sec. 149. Black lung disability trust fund excise tax. The provision extends, through 2021, the rates of 1.10 per ton for coal from underground mines and 55 cents per ton for coal from surface mines for the excise tax that funds the Black Lung Disability Trust Fund. Both rates are limited to a maximum of 4.4 percent of the coal's selling price. Under the provision, the coal excise tax rates are scheduled to decline to 50 cents per ton for underground mines and 25 cents per ton for surface mines (both limited to two percent of the coal's selling price) on the earlier of January 1, 2022 or the first January 1 after which there is no balance of repayable

advances from the General Fund that have been made to the Trust Fund and no unpaid interest on previous such advances.

TITLE II - OTHER PROVISIONS

Sec. 201. Minimum low-income housing tax credit rate. This provision provides a permanent 4 percent rate floor for calculating credits related to certain acquisitions and housing bond-financed developments for purposes of the low-income housing credit.

Sec. 202. Depreciation of certain residential rental property over 30-year period. The provision provides that the recovery period applicable to residential rental property placed in service before January 1, 2018, and held by an electing real property trade or business (as defined in section 163(j)(7)(B)) is 30 years. This provision applies only if the alternative depreciation system did not apply with respect to such property prior to January 1, 2018.

Sec. 203. Waste energy recovery property eligible for energy credit. This provision makes waste energy recovery property eligible for the energy investment tax credit. Waste energy property that begins construction after 2021 or 2022 is eligible for a 26 percent credit, and property that begins construction in 2023 is eligible for a 22 percent credit. Waste energy recovery property generates electricity solely from heat (such as exhaust heat) from buildings or equipment the primary purpose of which is not the generation of electricity and is capped at a maximum capacity of 50 MW. If property would qualify as both waste energy recovery property and combined heat and power property, the taxpayer may elect to treat the property as waste energy recovery property rather than combined heat and power property.

Sec. 204. Extension of energy credit for offshore wind facilities. The provision extends the investment tax credit for electing offshore wind facilities that begin construction through 2025. Additionally, offshore wind facilities that begin construction during 2017 to 2025 are not subject to the onshore-wind facilities phase-out rates and are eligible for the full credit amount.

Sec. 205. Minimum rate of interest for certain determinations related to life insurance contracts. To qualify as life insurance contracts for tax purposes, permanent life insurance policies must meet several requirements under Internal Revenue Code section 7702. These requirements include two interest rate assumptions for determining the premiums that can be used to fund the contracts. The interest rate assumptions were set by statute at 4 percent and 6 percent when the requirements were put in place in 1984. This legislation updates section 7702 to reflect the interest rate environment that has been exacerbated by the current crisis, and ensures that the rates will continue to appropriately reflect economic conditions, by tying the rates to either a floating rate prescribed in the National Association of Insurance Commissioners' Standard Valuation Law or a floating rate based on the average applicable Federal mid-term rates over a 60-month period.

Secs. 206 & 207. Employee retention tax credit modifications. The provision extends and expands the CARES Act employee retention tax credit (ERTC). It also contains technical corrections to the CARES Act. Beginning on January 1, 2021 and through June 30, 2021, the provision:

- Increases the credit rate from 50 percent to 70 percent of qualified wages;
- Expands eligibility for the credit by reducing the required year-over-year gross receipts decline from 50 percent to 20 percent and provides a safe harbor allowing employers to use prior quarter gross receipts to determine eligibility;
- Increases the limit on per-employee creditable wages from \$10,000 for the year to \$10,000 for each quarter;

- Increases the 100-employee delineation for determining the relevant qualified wage base to employers with 500 or fewer employees;
- Allows certain public instrumentalities to claim the credit;
- Removes the 30-day wage limitation, allowing employers to, for example, claim the credit for bonus pay to essential workers;
- Allows businesses with 500 or fewer employees to advance the credit at any point during the quarter based on wages paid in the same quarter in a previous year;
- Provides rules to allow new employers who were not in existence for all or part of 2019 to be able to claim the credit; and
- Provides for a small business public awareness campaign regarding availability of the credit to be conducted by the Secretary of the Treasury in coordination with the Administrator of the Small Business Administration.

Retroactive to the effective date included in section 2301 of the CARES Act, the provision:

- Clarifies the determination of gross receipts for certain tax exempt organizations;
- Clarifies that group health plan expenses can be considered qualified wages even when no other wages are paid to the employee, consistent with IRS guidance; and
- Provides that employers who receive Paycheck Protection Program (PPP) loans may still qualify for the ERTC with respect to wages that are not paid for with forgiven PPP proceeds.

Sec. 208. Minimum Age for Distributions During Working Retirement. The provision amends the Internal Revenue Code to allow employees in the building and construction industry who have attained age 55 and are not separated from employment to make distributions from certain tax-exempt multiemployer pension plans if they were participants in such plan on or before April 30, 2013.

Sec. 209. Temporary Rule Preventing Partial Plan Termination. The layoff of a significant number of employees could cause a plan to incur a partial plan termination, even in cases where it is expected that many employees may be rehired once the economy recovers. The provision modifies the current partial plan termination rules to ensure such termination does not occur if the active participant count as of March 31, 2021 is at least 80 percent of the number of active participants covered by the plan on March 13, 2020.

Sec. 210. Temporary allowance of full deduction for business meals. The provision provides a 100-percent deduction for business meal food and beverage expenses, including any carry-out or delivery meals, provided by a restaurant that are paid or incurred in 2021 and 2022. Currently, the deduction is available for only 50 percent of such expenses.

Sec. 211. Temporary special rule for determination of earned income. The provision allows taxpayers to refer to earned income from the immediately preceding year for purposes of determining the Earned Income Tax Credit (EITC) and the Additional Child Tax Credit (ACTC) in tax year 2020.

Sec. 212. Certain charitable contributions deductible by non-itemizers. This provision extends and modifies the non-itemizer charitable deduction for 2021. The provision increases the maximum amount that may be deducted such that married couples filing a joint return may deduct up to \$600 (while non-married filers or married filers who file separately are limited to \$300). Additionally, the provision restructures the deduction such that, although it may be claimed only by non-itemizers, the deduction does not reduce adjusted gross income.

Sec. 213. Modification of limitations on charitable contributions. This provision extends for one year the increased limit from the CARES Act on deductible charitable contributions for corporations and taxpayers who itemize.

Sec. 214. Temporary FSA rule. The provision:

- Allows plans to permit health and dependent care flexible spending arrangements (FSAs) to carryover unused benefits up to the full annual amount from 2020 to 2021 and 2021 to 2022;
- Allows plans to permit a 12-month grace period for unused benefits or contributions in health and dependent care FSAs for plan years ending in 2020 or 2021;
- Allows plans to extend the maximum age of eligible dependents from 12 to 13 for dependent care FSAs for the 2020 plan year and unused amounts from the 2020 plan year carried over into the 2021 plan year; and
- Allows plans to permit a prospective change in election amounts for health and dependent care FSAs for plan years ending in 2021.

TITLE III – DISASTER TAX RELIEF

Sec. 301. Definitions. The provision provides tax relief for individuals and businesses in Presidentially declared disaster areas for major disasters declared on or after January 1, 2020, through 60 days after the date of enactment. The relief generally applies to incident periods beginning on or after December 28, 2019. The title does not apply to areas for which a major disaster has been so declared only by reason of COVID-19.

Sec. 302. Special disaster related rules for use of retirement funds. The provision provides an exception to the 10 percent early retirement plan withdrawal penalty for qualified disaster relief distributions (not to exceed \$100,000 in qualified disaster distributions cumulatively). Amounts withdrawn are included in income ratably over 3 years or may be recontributed to a retirement plan to avoid taxable income and restore savings. It also allows for the re-contribution of retirement plan withdrawals for home purchases cancelled due to eligible disasters, and provides flexibility for loans from retirement plans for qualified disaster relief.

Sec. 303. Employee retention credit for employers affected by qualified disasters. The provision provides a tax credit for 40 percent of wages (up to \$6,000 per employee) paid by a disaster-affected employer to a qualified employee. The credit applies to wages paid without regard to whether services associated with those wages were performed. Certain tax-exempt entities are provided the option to claim the credit against payroll taxes.

Sec. 304. Other disaster related tax relief provisions.

(a) Temporary suspension of limitations on charitable contributions. The provision temporarily suspends limitations on the deduction for charitable contributions associated with qualified disaster relief.

(b) Special rules for qualified disaster-related personal casualty losses. With respect to uncompensated losses arising in the disaster area, the provision eliminates the current law requirements that personal casualty losses must exceed 10 percent of adjusted gross income to qualify for deduction. The provision would also eliminate the current law requirement that taxpayers must itemize deductions to access this tax relief.

Sec. 305. Low-income housing tax credit. The provision increases the 2021 and 2022 state ceilings for 9-percent low-income housing tax credit allocations for allocations to qualified disaster zones. The maximum increase across 2021 and 2022 is equal to \$3.50 multiplied by the number of state residents in disaster zones and is capped at 65 percent of the state's 2020 low-income housing tax credit ceiling. The provision also allows an additional year for properties provided disaster allocations to place buildings in service.

Sec. 306. Treatment of possessions. The provision provides the Secretary of the Treasury the authority to make payments to the territories of the United States equal to the losses the territories would incur by reason of the application of the disaster relief provisions.

Division FF – Other Matters

Prepared by the Democratic Staff of the House Committees on Education and Labor, Natural Resources, Foreign Affairs, Judiciary, Ways and Means, Science, Space, and Technology, Energy and Commerce

Title I—Continuing Education at Affected Foreign Institutions and Modification of Certain Protections for Taxpayer Return Information

Sec. 101. Continuing Education at Foreign Institutions of Higher Education.

This section clarifies that a foreign institution is eligible to offer courses under the CARES Act via distance education and to enter into written agreements with US-based institutions due to a declaration of an emergency in the applicable country or a qualifying emergency in the United States. This section also extends these flexibilities through the latter of the qualifying emergency or June 30, 2022.

Sec. 103. Modification of Certain Protections for Taxpayer Return Information.

This section applies taxpayer confidentiality protections to the tax return information shared by the Internal Revenue Service with the Department of Education under the FUTURE Act and allows for a limited set of specified redisclosures by recipients of such information.

Sec. 104. Rescheduling of the National Assessment of Educational Progress (NAEP).

This section reschedules NAEP from 2020-2021 school year to the 2021-2022 school year. This section clarifies the assessment schedule for the mandated biennial 4th and 8th grade reading and math assessments to every two years after 2022, as required by law. This section also reschedules the mandated quadrennial 12th grade assessment to align with the timing of the 4th and 8th grade assessments.

Title II—Public Lands

Sec. 201. Saguaro National Park Boundary Expansion.

Authorizes a boundary adjustment of Saguaro National Park in the State of Arizona, increasing the park by approximately 1,152 acres.

Sec. 202. New River Gorge National Park and Reserve Designation.

Designates New River Gorge National River in the State of West Virginia as the New River Gorge National Park and Preserve.

Sec. 203. Designation of Miracle Mountain.

Designates a mountain in the State of Utah as “Miracle Mountain”.

Title III—Foreign Relations and Department of State Provisions

Subtitle A: Robert Levinson Hostage Recovery and Hostage-taking Accountability Act.

This bill will enhance the U.S. government’s approach to the recovery of American citizens who are being held hostage or subject to wrongful detention abroad, as well as providing authority for the President to sanction hostage-takers and those perpetrating wrongful detention. The bill also codifies certain aspects of the existing

U.S. government hostage recovery framework including the office of the Special Presidential Envoy for Hostage Affairs and an interagency Hostage Recovery Fusion Cell.

Subtitle B: Taiwan Assurance Act of 2020.

Subtitle C: Support for Human Rights in Belarus.

This legislation amends the 2004 Belarus Democracy Act to reauthorize sanctions for those complicit in the crackdown on fundamental freedoms of Belarusians by Alyaksandr Lukashenka during and after the August 9, 2020 election and authorizes assistance measures to, among other things, counter internet censorship; support the work of women activists; support political refugees fleeing Belarus; support the investigating of the human rights abuses in Belarus; and support the public health response to COVID-19.

Subtitle D: Gandhi-King Scholarly Exchange Initiative Act.

The bill establishes an exchange program for people to better understand the teachings of Dr. Martin Luther King Jr. and Mohandas Gandhi. It authorizes USAID to establish a U.S.-India development foundation that would leverage the Indian private sector to address development priorities in India.

Subtitle E: Tibetan Policy and Support Act of 2020.

This section modifies and reauthorizes various programs and provisions related to Tibet including authorizing assistance to nongovernmental organizations in support of Tibetan communities in Tibet; places restrictions on new Chinese consulates in the United States until a U.S. consulate has been established in Lhasa, Tibet; reauthorizes the Office of the U.S. Special Coordinator for Tibetan Issues and expands the office's duties to include additional tasks, such as pursuing international coalitions to ensure that the next Dalai Lama is appointed solely by the Tibetan Buddhist faith community.

Subtitle F: The United States-Northern Triangle Enhanced Engagement Act

This legislation requires the Secretary of State and USAID Administrator to develop a five-year strategy to advance prosperity, combat corruption, strengthen democratic governance and improve civilian security in El Salvador, Guatemala and Honduras. It also puts in place targeted sanctions to fight corruption and the undermining of democratic processes and institutions in the region.

Subtitle G: Other Provisions.

Establishes the Office of Sanctions Coordination at the Department of State.

Title IV—Senate Sergeant at Arms Cloud Services

Sec. 401. Senate Sergeant at Arms Cloud Services

Section 401 amends current law with respect to the treatment and possession of certain Senate data. This section pertains only to the Senate.

Title V— Repeal of Requirement to Sell Certain Federal Property in Plum Island, New York

The agreement includes a provision related to the sale of federal assets at Plum Island, New York, and repealing prior year requirements related to that sale.

Title VI— Preventing Online Sales of E-Cigarettes to Children

Sec. 601. Short Title.

Section 601 sets for the short title of this title as the “Preventing Online Sales of E-Cigarettes to Children Act”

Sec. 602. Amendments to the Jenkins Act.

Section 602 amends current law to curb online sales of e-cigarettes to minors by bringing such sales under the federal regulations applying to the sale of tobacco products by extending the current definition of a “cigarette” to include any “electronic nicotine delivery system,” such as an e-cigarette. It also includes a rule of construction to ensure that the changes made do not interfere with the regulations implemented by FDA concerning tobacco products.

Sec. 603. Nonmailability of Electronic Nicotine Delivery Systems.

Section 603 requires the U.S. Postal Service, not later than 120 days after the date of enactment, to promulgate regulations to clarify that the prohibition on mailing cigarettes includes electronic nicotine delivery systems.

Title VII—FAFSA Simplification

Sec. 701. Short Title; Effective Date.

This section provides the short title for this Title (the “FAFSA Simplification Act”) and specifies that, unless otherwise provided, the changes made under this title shall take effect on July 1, 2023 and apply to award year 2023–24 and each subsequent award year.

Sec. 702. Making It Easier to Apply for Federal Aid and Making that Aid Predictable.

This section simplifies the financial aid application process by amending sections in Part F of Title IV of the *Higher Education Act of 1965* (HEA), which establishes the methodology for determining the relative financial need of applicants for federal financial aid. This section also amends provisions in the HEA to expand student eligibility for federal financial aid.

Section 471 – Amount of Need.

This section establishes the calculation for determining a student’s amount of need and replaces the term “expected family contribution” (EFC) with the term “student aid index” (SAI).

Section 472 – Cost of Attendance.

This section updates the definition of the cost of attendance for the purposes of Title IV of the HEA and requires each institution of higher education (institution) to disclose all cost of attendance elements on the institution’s website.

Section 473 – Special Rules for Student Aid Index.

This section specifies that applicants eligible for the maximum Pell Grant based on their adjusted gross income under section 401(b)(1)(A) of the HEA (as amended by this Title) will be automatically considered to have a SAI of zero. Applicants who are not required to file a Federal tax return (or, in the case of a dependent student, whose parents are not required to file a Federal tax return) will be automatically considered to have a SAI of –\$1,500. Unlike the EFC, an applicant’s SAI can be as low as –\$1,500, which allows institutions to better target institutional and campus-based aid.

Section 474 – Determination of Student Aid Index.

This section specifies the sections that will be used to determine the SAI for students in three separate dependency categories: dependent students; independent students without dependents other than a spouse; and independent students with dependents other than a spouse.

Section 475 – Student Aid Index for Dependent Students.

This section specifies the methodology that will be used to determine the SAI for dependent students. The methodology reflects contributions from the income and assets of applicants and their parents.

Section 476 – Student Aid Index for Independent Students Without Dependents Other Than a Spouse.

This section specifies the methodology that will be used to determine the SAI for independent students without dependents other than a spouse. The methodology reflects contributions from the income and assets of the applicants and their spouses.

Section 477 – Student Aid Index for Independent Students With Dependents Other Than a Spouse.

This section specifies the methodology that will be used to determine the SAI for independent students with dependents other than a spouse. The methodology reflects contributions from the income and assets of the applicants and their spouses.

Section 478 – Regulations; Updated Tables.

This section authorizes the Secretary of Education to prescribe regulations to update the tables and values used to calculate the SAI based on changes in the Consumer Price Index.

Section 479 – Eligible Applicants Exempt from Asset Reporting.

This section specifies that the following applicants will be exempt from providing asset information when applying for federal aid: applicants who qualify under either of the special rules laid out in section 473 (as amended by this Title); applicants who have an adjusted gross income of less than \$60,000 and who have simple finances as determined by the filing of lettered tax schedules (or, in the case of a dependent students, whose parents meet the aforementioned criteria); and applicants who have received (or, as applicable, whose parents or spouses have received) a means-tested federal benefit within the previous 24 month period.

Section 479A – Discretion of Student Financial Aid Administrators.

This section provides for the discretion of student financial aid administrators in determining a student's eligibility for aid. Financial aid administrators are authorized to adjust an applicant's cost of attendance, to adjust the values used to calculate a student's SAI or Pell Grant eligibility, and to adjust the dependency status of an applicant.

Unlike current law, this section specifies that an institution may not maintain a policy of denying all requests for adjustments under this section and details documentation that can be considered adequate for the purposes of making such adjustments. This section also provides applicants under age 24 with an opportunity to file the Free Application for Federal Student Aid (FAFSA) as a provisionally independent student if they believe they will qualify for an adjustment to their dependency status as authorized under this section. This section further provides added flexibility for financial aid administrators making adjustments under this section during a disaster, emergency, or economic downturn.

Section 479B – Disregard of Student Aid in Other Programs.

This section specifies that student assistance financial from the following sources will not be taken into account when determining a person's need or eligibility for federally-funded benefits or assistance: Title IV of the HEA; the Bureau of Indian Education student assistance programs; and employment and training programs established under section 134 of the Workforce Innovation and Opportunity Act.

Section 479C – Native American Students.

This section maintains current law and specifies that the Secretary of Education shall develop guidance to implement this section without adding additional questions to the FAFSA.

Section 479D – Special Rules for Independent Students.

This section specifies the process that financial aid administrators shall use when determining whether a student qualifies as an independent student based on their status as an unaccompanied homeless youth or foster care youth.

Section 480 – Definitions.

This section establishes definitions for terms used in Part F of Title IV of the HEA.

Section 483 – Free Application for Federal Student Aid.

This section establishes the questions that will be asked on the FAFSA, mandates steps that the Secretary of Education must take once an applicant has completed the FAFSA, and establishes limitations regarding the use and sharing of FAFSA information.

Section 484 – Student Eligibility.

This section expands student eligibility for federal student aid by eliminating the drug conviction penalty and the Selective Service registration requirement. This section establishes requirements for Pell-eligible prison education programs in light of the elimination of the ban on Pell eligibility among incarcerated students in section 401 (as amended by this Title). The Secretary of Education is authorized to implement these student eligibility changes earlier than award year 2023–24 if feasible.

Section 485E – Early Awareness and Outreach of Financial Aid Eligibility.

This section outlines a set of activities the Secretary of Education will conduct to help prospective students and their families learn about their eligibility for Pell Grant and other federal aid, with a particular focus on low-income families and recipients of means-tested federal benefits.

Sec. 703. Federal Pell Grants: Amount and Determinations; Applications.

This section establishes the methodology for calculating an applicant’s eligibility for a Federal Pell Grant, effective award year 2023–24 and each subsequent award year. Similar to current law, a student’s scheduled Pell Grant award will be equal to the maximum Pell Grant award level for the relevant award year minus the student’s SAI. Additionally, applicants with adjusted gross incomes (AGIs) under specified thresholds, which are based on a percentage of the federal poverty line (FPL), will be guaranteed eligibility for a maximum Pell Grant, regardless of their SAI. Eligibility for the maximum Pell Grant award is guaranteed to the following individuals:

- Students in single-parent households (both dependent children of single parents and single parents who are themselves students) with an AGI of less than 225% of FPL; and
- Students in all other households with an AGI of less than 175% FPL

Under this section, students with AGIs under a second, higher set of thresholds will be guaranteed eligibility for the minimum Pell Grant even when they would not be Pell eligible based on their SAI. Eligibility for the minimum Pell Grant is guaranteed to the following individuals:

- Single student parents with an AGI of less than 400% FPL
- Married student parents with an AGI of less than 350% FPL
- Dependent children of single parents with an AGI of less than 325% FPL
- All other students with an AGI of less than 275% FPL

As in current law, a student’s scheduled award will be prorated if they are enrolled on a less-than-full-time basis. This policy is also applied to students who are eligible for a guaranteed maximum or minimum Pell Grant based on their AGI. However, unlike current law, students will not lose eligibility for a Pell Grant if their part-time enrollment results in a prorated award level that is lower than the minimum Pell Grant.

Sec. 704. Conforming Amendments.

This section makes conforming amendments to reflect the change from EFC to SAI.

Sec. 705. Repeal of the Subsidized Usage Limit Applies (SULA) Restriction.

This section repeals the HEA provision that limits a student's usage of subsidized loans to 150% of program length.

Sec. 706. Forgiveness of HBCU Capital Financing Loans.

This section requires the Secretary of Education to discharge disbursed loans borrowed under the HBCU Capital Financing program.

Title VIII—Access to Death Information Furnished to or Maintained by the Social Security Administration

This title reduces improper payments by allowing the Social Security Administration (SSA) to share state death records with the federal Do Not Pay system; ensures that SSA and the states are appropriately reimbursed by users of the state data; requires an independent study on sources and access to death data.

Title IX—Telecommunications and Consumer Protection

Section 901. Portable Fuel Container Safety Act.

Section 901 requires the Consumer Product Safety Commission (CPSC) to promulgate a final rule to require flame mitigation devices in portable fuel containers that impede the propagation of flame into the container. It also directs the CPSC to conduct an education campaign to alert consumers to the dangers of using or storing portable fuel containers near ignition sources and amends the Children's Gasoline Burn Prevention Act to expand existing child-resistance requirements for closures for portable gasoline containers to include portable kerosene and diesel fuel containers and component parts.

Section 902. Don't Break Up the T-Band Act of 2020.

Section 902 repeals the requirement for the FCC to reallocate and auction the 470 to 512megahertz band, commonly referred to as the T-band. In certain urban areas, the T-band is utilized by public-safety entities. It also directs the FCC to implement rules to clarify acceptable expenditures on which 9-1-1 fees can be spent, and creates a strike force to consider how the Federal Government can end 9-1-1 fee diversion.

Section 903. Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Assessed Need and Demand (ACCESS BROADBAND) Act.

Section 903 establishes the Office of Internet Connectivity and Growth (Office) at the NTIA. This Office would be tasked with performing certain responsibilities related to broadband access, adoption, and deployment, such as performing public outreach to promote access and adoption of high-speed broadband service, and streamlining and standardizing the process for applying for Federal broadband support. The Office would also track Federal broadband support funds, and coordinate Federal broadband support programs within the Executive Branch and with the FCC to ensure unserved Americans have access to connectivity and to prevent duplication of broadband deployment programs.

Section 904. Broadband Interagency Coordination Act.

Section 904 requires the Federal Communications Commission (FCC), the National Telecommunications and Information Administration (NTIA), and the Department of Agriculture to enter into an interagency agreement to coordinate the distribution of federal funds for broadband programs, to prevent duplication of support and ensure stewardship of taxpayer dollars. The agreement must cover, among other things, the exchange of information about project areas funded under the programs and the confidentiality of such information. The

FCC is required to publish and collect public comments about the agreement, including regarding its efficacy and suggested modifications.

Section 905. Beat CHINA for 5G Act of 2020.

Section 905 directs the President, acting through the Assistant Secretary of Commerce for Communications and Information, to withdraw or modify federal spectrum assignments in the 3450 to 3550 megahertz band, and directs the FCC to begin a system of competitive bidding to permit non-Federal, flexible-use services in a portion or all of such band no later than December 31, 2021.

Title X—Bankruptcy Relief

These provisions amend various sections of the Bankruptcy Code on a temporary basis to provide additional relief to businesses and individuals directly impacted by the COVID-19 pandemic. These provisions also establish procedures to ensure that relief payments and mortgage forbearances granted under the CARES Act and future COVID-19 legislation can be properly implemented under the Bankruptcy Code.

Sec. 1001. Bankruptcy Relief.

Sec. 1001. (a) Property of the Estate.

Section 1001. (a) exempts 2020 recovery rebates from individuals' bankruptcy estates so that they are protected from creditors. This provision sunsets 1 year after enactment.

Sec. 1001. (b) Discharge.

Section 1001. (b) ensures that individuals who have completed all of their plan payments but who may have missed 3 or fewer mortgage payments due to COVID-19 can still obtain the benefit of a Chapter 13 discharge. The mortgage payments would continue to be owed to the home mortgage creditor, but the homeowner would not lose the benefits of a bankruptcy discharge for other debts. This provision sunsets 1 year after enactment.

Sec. 1001. (c) Protection Against Discriminatory Treatment.

Section 1001. (c) ensures that debtors seeking the benefit of the CARES Act's provisions on mortgage forbearance and eviction moratoria are not denied CARES's protections because they have been bankrupt. This provision sunsets 1 year after enactment.

Sec. 1001. (d) CARES Forbearance Claims.

Section 1001. (d) describes how to file a claim for the amount lost during a CARES Act forbearance period for mortgages and imposes related requirements for such claims. This provision sunsets 1 year after enactment.

Sec. 1001. (e) Modification of Plan After Confirmation.

Section 1001. (e) permits modification of Chapter 13 plans to account for proofs of claim filed in relation to debtors' mortgage forbearance under CARES. This provision sunsets 1 year after enactment. This section also allows the bankruptcy court to grant a debtor an additional 60-day delay (120 total) to pay rent if the company has experienced and is continuing to experience a material financial hardship as a result of COVID-19. Any deferred rent arising from the delay would be entitled to an administrative priority claim. This amendment sunsets 2 years after enactment.

Sec. 1001. (f) Executory Contracts and Unexpired Leases.

Section 1001. (f) provides small businesses that have experienced COVID-related hardship relief on unexpired

leases and generally extends the time period for addressing unexpired leases. This provision sunsets 2 years after enactment.

Sec. 1001. (g) Preferences.

Section 1001. (g) incentivizes landlords and vendors to enter into flexible payment terms with businesses. Under existing law, landlords and vendors who enter into flexible payment terms with businesses could be forced to return future payments because the terms were not “in the ordinary course.” This section protects future payments from being clawed back from landlords and vendors, but only to the extent such payments do not include any fees, penalties, or interest in an amount greater than the amount of fees, penalties, or interest the business would have owed had it not entered into the flexible payment terms.

Sec. 1001. (h) Termination of Utility Services.

Section 1001. (h) makes it more difficult for utilities to cut off service to individual debtors. This provision sunsets 1 year after enactment.

Sec. 1001. (i) Customs Duties.

Section 1001. (i) exempts customs brokers who collect and pay duties to Customs and Border Patrol on behalf of importers from the claw back provisions of the bankruptcy code when an importer files bankruptcy. This amendment sunsets 1 year after enactment.

Title XI—Western Water and Indian Affairs

Sec. 1101. – Bureau of Rec. Aging Infrastructure Account

Establishes an aging infrastructure account to fund the Bureau of Reclamation’s existing extraordinary maintenance program.

Sec. 1102. – Navajo-Utah Water Rights Settlement

Approves the settlement resolving water rights claims of the Navajo Nation on the San Juan River in the Upper Colorado River Basin in Utah.

Sec. 1103. – Aamodt Litigation Settlement Completion

Finalizes the Aamodt water settlement in New Mexico by increasing the agreed-upon federal cost ceiling by \$137 million, extending the substantial completion date by four years (2028), and authorizing the agreement to settlement cost-overruns reached between the United States and the Aamodt settlement parties.

Sec. 1104. – Kickapoo Tribe

Directs U.S. Department of Agriculture Natural Resources Conservation Service to study the Upper Delaware and Tributaries Watershed Plan to facilitate future Congressional consideration of the Kickapoo Tribe Water Rights Settlement Agreement.

Sec. 1105. – Aquifer Recharge Flexibility Act

Provides greater flexibility for the Bureau of Reclamation to use its facilities for aquifer recharge.

Sec. 1106. – WaterSMART Extension & Expansion

Increases the authorization ceiling for the WaterSMART program by \$170 million, expands project applicant eligibility to nonprofit conservation organizations and makes modifications to project eligibility, prioritization, and cost sharing.

Sec. 1107. – Cooperative Watershed Management Program

Reauthorizes the Bureau of Reclamation’s Cooperative Watershed Management Program for 5 years, and adds representatives from “disadvantaged communities” as participants of a watershed group.

Sec. 1108. – Modification of Jackson Gulch Rehabilitation Project, Colorado

Changes the non-federal funding requirement of the Jackson Gulch Rehabilitation Project from a repayment to cost-share structure.

Sec. 1109. – Aquatic Ecosystem Restoration

Establishes an aquatic ecosystem restoration program at the Department of the Interior at \$15 million annually for 5 years that will help fund projects to improve the health of fisheries, wildlife and aquatic habitat (modeled after a similar Army Corps of Engineers program).

Sec. 1110. – Clean Water for Rural Communities

Authorizes \$74 million for the construction of the Musselshell-Judith Rural Water Project and further study of the Dry Redwater Rural Water Project in Montana.

Sec. 1111. – Snow Water Supply Forecasting

Authorizes \$15 million for a Snow Water Supply Forecasting program at the Department of the Interior to provide more accurate data about expected runoff that will allow improved water system operations.

Sec. 1112. – Water Technology Investment (R&D)

Increases the authorization for desalination research at the Bureau of Reclamation from \$3 million to \$20 million annually to provide additional resources to study brine management.

Sec. 1113. – Sharing Arrangements with Federal Agencies

Extends access to Federal Employee Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI) to Bureau of Indian Education (BIE) “297” grant schools, bringing them into parity with federally-operated BIE schools and BIE schools operated by Tribes through “638” contracts.

Sec. 1114. – Health Care Access for Urban Native Veterans

Includes urban Indian organizations (UIOs) as institutions eligible to receive reimbursements from the Department of Veterans’ Administration (VA) for any services UIOs provide to Native American VA eligible beneficiaries.

Title XII—Horseracing Integrity and Safety

This title improves the integrity and safety of horseracing by requiring uniform safety and performance standards, including a horseracing anti-doping and medication control program and a racetrack safety program, to be developed and enforced by an independent Horseracing Integrity and Safety Authority.

Title XIII—Community Development Block Grants

This title allows for certain Community Development Block Grant-Disaster Recovery (CDBG-DR) funding provided in Public Law 113-2 to be used to through fiscal year 2023.

Title XIV—COVID-19 Consumer Protection Act

This title grants authority to the Federal Trade Commission (FTC) to seek civil penalties for unfair and deceptive practices associated with the treatment, cure, prevention, mitigation, or diagnosis of COVID–19 or a

government benefit related to COVID-19.

Title XV—American COMPETE Act

This title directs the Department of Commerce and the FTC to conduct studies and submit reports on technologies including artificial intelligence, the Internet of Things, quantum computing, blockchain, advanced materials, unmanned delivery services, and 3-D printing. The studies include requirements to survey each industry and report recommendations to help grow the economy and safely implement the technology.

Title XVI—Recording of Certain Obligations by the Department of Veterans Affairs

Regards the point in time when obligations are recorded as having been incurred at the Department of Veterans Affairs.

Title XVII—Sudan Claims Resolution

Addresses certain terrorism-related claims against Sudan, including claims of United States citizens and foreign nationals arising out of the August 7, 1998, bombings of the United States embassies located in Nairobi, Kenya, and Dar es Salaam, Tanzania; restores Sudan's sovereign immunity, except with respect to claims pending in the multidistrict proceeding 03-MDL-1570 in the United States District Court for the Southern District of New York; authorizes the appropriation of \$150,000,000 to provide compensation to naturalized United States citizens in connection with the 1998 embassy bombings; establishes a process to determine lump sum catch-up payments for 9/11 victims, 9/11 spouses, and 9/11 dependents; extends the United States Victims of State Sponsored Terrorism Fund through January 2, 2039; and includes certain reporting requirements.

Title XVIII—Theodore Roosevelt Presidential Library Conveyance Act of 2020

Authorizes the conveyance of 93 acres of US Forest Service land to facilitate the construction of the Teddy Roosevelt Presidential Library in North Dakota.

Title XIX—United States-Mexico Economic Partnership Act

Deepens economic cooperation between our countries, including by mandating a strategy from the State Department to prioritize and expand educational and professional exchange programs with Mexico.

Title XX—Consumer Product Safety Commission Port Surveillance

This title directs the CPSC to increase the number of inspectors at ports of entry for the duration of the COVID-19 pandemic. It also directs the CPSC to study and report to Congress regarding the effects of the COVID-19 pandemic on port inspections and the prevalence of and efforts to target violative consumer products entering the United States as de minimis shipments and from certain high-risk countries. The report must also include an assessment of projected technology, resources, and staffing necessary to address these violative products. It further directs the CPSC to hire at least 16 employees every year until staffing needs are met to help identify violative products at ports.

Title XXI—COVID-19 Regulatory Relief and Work from Home Safety Act

Adopts the California flammability standard as the federal standard for upholstered furniture. To meet the

standard, the upholstered furniture must pass a specific test of the materials' ability to resist smoldering when a heat source is applied.