

### **Topline Messages:**

- This bill includes many E&C Republican priorities across subcommittees.
- This bill delivers several bipartisan wins for the American people to help as we continue to be impacted by the COVID-19 pandemic and ensures our nation bounces back better than before.
- This bill takes important steps to connect Americans both during the COVID-19 pandemic and for future generations by expanding broadband services across all U.S. communities, securing our networks, and boosting our domestic supply chains.
- This bill helps protect consumers during the COVID-19 pandemic and takes substantive steps to ensure U.S. leadership in emerging technologies that will define our future, our economy, our national security, and our way of life as we know it.
- This bill protects our energy security by ensuring Americans can continue to access affordable, reliable energy and maintaining the safe transportation of natural gas through pipelines.
- This bill protects our environment and promotes innovative technologies by allowing for the use of carbon capture technologies.
- This bill ends the egregious practice of surprise billing; funds public health, Medicare and Medicaid priorities; and includes many substantive reforms to protect patients and taxpayers.

### **Communications and Technology Subcommittee:**

- **Funds Supply Chain Security Program (Sections 901 and 906)**
  - The bill fully funds the rip-and-replace program established by the Secure and Trusted Communications Networks Act by appropriating \$1.9 billion dollars for communications providers with 10,000,000 subscribers or less to replace equipment in their communications networks that poses a national security threat.
- **Expands Telehealth Grant Program (Section 903)**
  - The bill appropriates an additional \$250 million to the FCC to carry out the temporary telehealth pilot program authorized under the CARES Act and requires that the Commission equitably distributes the funding to the extent feasible.
- **Promotes Broadband Expansion to Unserved Americans (Section 905)**
  - The bill establishes a \$300 million broadband deployment program at NTIA to support broadband infrastructure deployment to unserved areas, prioritizing unserved areas and rural areas.
- **Connects Minority Communities (Section 902)**
  - The bill establishes an Office of Minority Broadband at the National Telecommunications and Information Administration (NTIA) and appropriates \$285 million to support minority-serving education institutions and qualifying partnerships with minority-owned businesses to receive Internet access.
- **Creates Emergency Broadband Benefit Program for Low-Income Americans (Section 904)**
  - The bill establishes a temporary, emergency broadband benefit program at the Federal Communications Commission (FCC) to provide \$3.2 billion in support for low-income

Americans to get connected or remain connected to Internet access for the duration of the public health emergency.

- **Expands Broadband in Tribal Communities (Section 905)**
  - The bill establishes a \$1 billion program at NTIA to support broadband infrastructure deployment, telehealth, and broadband adoption activities for federally recognized tribal nations.
- **Funds Broadband Mapping (Section 906)**
  - The bill fully funds the Broadband DATA Act by appropriating \$65 million dollars to carry out Title VIII of the Communications Act of 1934 so federal funds can be more efficiently targeted to close the digital divide.

#### **Additional C&T Legislation Included:**

- **Don't Break Up the T-Band Act (Section 902)**
  - This section repeals the requirement for the Federal Communications Commission (FCC) to reallocate and auction the 470 to 512 megahertz band, commonly referred to as the T-band. 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.
- **Beat CHINA for 5G Act (Section 905)**
  - This section 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 Federal Communications Commission to begin a system of competitive bidding to permit non-Federal, flexible-use services in such band no later than December 31, 2021.
- **Broadband Interagency Coordination Act (Section 904)**
  - This section requires the Federal Communications Commission, National Telecommunications and Information Administration, and the U.S. 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.
- **Advancing Critical Connectivity Expands Service, Small Business Resources, Opportunities, Access, and Data Based on Need and Demand, or ACCESS BROADBAND (Section 903)**
  - This section establishes the Office of Internet Connectivity and Growth (Office) at the National Telecommunications and Information Administration. 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.

*For questions on these provisions, contact Kate O'Connor at [Kate.OConnor@mail.house.gov](mailto:Kate.OConnor@mail.house.gov).*

## Consumer Protection and Commerce Subcommittee:

- **American Competitiveness of a More Productive Emerging Tech Economy Act, or American COMPETE Act (Division FF – Title XV)**
  - This section directs the Secretary of Commerce, as well as the Federal Trade Commission, to initiate studies to set the table for national strategies on emerging technologies. This legislation, which was also a recommendation in the *House Republican China Task Force Report*, focuses on a number of emerging technologies being utilized in our country's COVID-19 response.
    - E&C Bills: *Generating Artificial Intelligence Networking Security Act* or “GAINS Act”, *Advancing IoT Manufacturing Act*, *Advancing Quantum Computing Act*, *Advancing Blockchain Act*, *Advancing New and Advanced materials Study Act*, *Advancing Unmanned Delivery Services Act*, *State of Modern Application, Research, and Trends of IoT Act* or the “Smart IoT Act”, *Advancing 3D Printing Act*, *Countering Online Harms Act*
- **Consumer Product Safety Commission Port Surveillance Act (Division FF – Title XX)**
  - This section directs the Consumer Product Safety Commission (CPSC), in consultation with the Customs and Border Protection (CBP) to enhance targeting, surveillance, and screening of violative consumer products for the duration of the COVID-19 public health emergency. It also authorizes the CPSC to hire and train at least 16 full-time personnel to be stationed at or support efforts at ports.
- **COVID-19 Regulatory Relief and Work from Home Safety Act (formerly known as Safer Occupancy Furniture Flammability Act, or SOFFA) (Division FF – Title XXI)**
  - This section adopts a flammability standard by California as the national flammability standard to be promulgated by the Consumer Products Safety Commission, which requires each manufacturer to include a permanent label stating its compliance directly on the product.
- **COVID-19 Consumer Protection Act (Division FF – Title XIV)**
  - This section provides Federal Trade Commission (FTC) additional civil penalties tools for duration of the pandemic for unfair and deceptive acts and practices on “treatment, cure, prevention, mitigation, or diagnosis of COVID–19” and “government benefits” related to COVID-19 (such as SBA loans, direct payments, etc).
- **Performance Standards to Protect Against Portable Fuel Container Explosions Near Open Flames of other Ignition Sources (Division FF, Title IX, Section 901)**
  - This section directs the Consumer Product Safety Commission (CPSC) to promulgate a rule requiring fuel containers to include devices that prevent flames from entering those containers. The rulemaking would apply to flammable, liquid fuel containers, with a capacity of 5 gallons or less, and is intended for transportation, storing, and dispensing of the fuel. It also directs the CPSC to educate consumers about the dangers associated with portable and flammable, liquid fuel containers and submit a report to Congress detailing those efforts.
- **Horse Racing Integrity and Safety Act (Division FF – Section XII)**
  - This section establishes the Horseracing Integrity and Safety Authority to develop and implement a horseracing anti-doping and medication control program and a racetrack

safety program – overseen by the Federal Trade Commission (FTC) – to ensure uniformity across racing jurisdictions.

For questions on these provisions, contact Tim Kurth at [Tim.Kurth@mail.house.gov](mailto:Tim.Kurth@mail.house.gov).

## Energy Subcommittee:

### Energy Act of 2020 (Division Z)

#### ■ Energy Efficiency (Title I)

- This title includes provisions to promote energy efficiency in schools and federal buildings, which can lead to savings for American taxpayers. It also establishes rebate programs to encourage the replacement of energy inefficient electric motors and transformers, accelerates smart building technology in federal buildings, gives consumers more choices by exempting certain ceiling fans from energy conservation standards for ceiling fans, and reauthorizes the Weatherization Assistance Program through fiscal year 2025.
  - E&C Bills: *Streamlining Energy Efficiency for Schools Act, Energy Savings through Private-Public Partnerships Act, Energy Efficient Government Technology Act, Smart Building Acceleration Act, Ceiling Fan Improvement Act of 2020, Smart Energy and Water Efficiency Act of 2020*

#### ■ Nuclear Energy (Title II)

- This title 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; reauthorizes DOE's nuclear energy research, development, demonstration, and commercial application activities; authorizes an advanced reactor demonstration program, funding for the versatile test reactor, educational programs, as well as an international coordination effort; instructs the Secretary of Energy to initiate an outreach program to promote public understanding and support of nuclear energy and establish a nuclear energy technical assistance program; and extends and expands limitations on importing uranium from Russia.
  - E&C Bills: *Advanced Nuclear Fuel Availability Act, Defending Against Rosatom Exports Act*

#### ■ Renewable Energy and Storage (Title III)

- This title reauthorizes DOE's marine energy and hydropower research activities; reauthorizes DOE's geothermal energy research activities program; reauthorizes DOE's wind energy research activities program; reauthorizes DOE's solar energy research activities program; extends the incentives for hydroelectric production and efficiency; improves coordination for wind, solar, and geothermal on federal lands; establishes a research program to advance energy storage technologies; and 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.

- E&C Bills: *Reliable Investment in Vital Energy Reauthorization Act, Expanding Access to Sustainable Energy Act of 2019*
- **Carbon Management & Removal (Titles IV & V)**
  - These titles include provisions to establish a carbon capture technology program; improve carbon storage and utilization; establish an RD&D program to examine the methods, technologies, and strategies to remove carbon dioxide from the atmosphere at a large scale; and directs the Secretary of Energy to identify tools the Federal Government can use to advance deployment of carbon dioxide removal projects.
- **Industrial and Manufacturing Technologies (Title VI)**
  - This title includes provisions that encourage the development and evaluation of technologies that increase the competitiveness of U.S. industry and manufacturing and decrease the emissions of nonpower industrial sectors by improving coordination of research and development of energy efficient technologies; and require development of a national plan for smart manufacturing technology development and deployment.
- **Critical Minerals (Title VII)**
  - This title requires the Secretary of Energy to carry out a research and development program to develop advanced separation technologies for the extraction and recovery of rare earth elements and other critical materials from coal and coal byproducts; promotes a secure and robust critical minerals supply chain; and 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.
- **Grid Modernization (Title VIII)**
  - This title reauthorizes the smart grid demonstration program in the Energy Independence and Security Act of 2007; authorizes a research program on modeling emerging technologies for secure and reliable design of the grid; authorizes a research program to develop cost-effective integrated energy systems; requires the Secretary of Energy to establish a grant program to carry out projects related to modernization of the electric grid; directs the Secretary of Energy to assist states in developing electricity distribution plans; and improves reliability for micro-grid and tribal communities.
    - E&C Bills: *Tribal Power Act*
- **Department of Energy Innovation (Title IX)**
  - This title establishes an Office of Technology Transitions at the Department of Energy to improve commercial impact of the research investments of the DOE; establishes a Lab Partnering Service Pilot Program to provide services that encourage and support partnerships between the national laboratories and public and private sector entities; reauthorizes the Technology Commercialization Fund; and 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; and improvise research to help solve challenges in veterans health care.
- **Other Matters (Titles X & XI)**
  - These titles include provisions to amend the America COMPETES Act to authorize ARPA-E to support projects addressing nuclear waste clean-up and management and improving the resilience, reliability, and security of our energy infrastructure; to require 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 to authorize the Federal Energy Regulatory Commission (FERC) to recruit and retain highly specialized personnel under certain conditions.

- E&C Bills: *Responsible Disposal Reauthorization Act of 2019, Timely Review of Infrastructure Act*

## **PIPES Act**

### **▪ The PIPES Act of 2020 (Division R)**

- The Protecting our Infrastructure of Pipelines Enhancing Safety (PIPES) Act of 2020 will strengthen and reauthorize our nation's pipeline safety laws for three years. The safe operation of our nation's pipeline system is vital to our economy with more than 2.6 million miles of pipelines delivering natural gas and liquid petroleum products to homes, gas stations, and businesses across the United States.
- The PIPES Act of 2020 will provide the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the States with important resources and tools to perform pipeline safety responsibilities. The legislation enables pipeline operators to use innovative technologies and best practices to improve safety. These provisions also encourage PHMSA to strengthen and update its regulations in a timely manner.

*For questions on these provisions, contact Mary Martin at [Mary.Martin@mail.house.gov](mailto:Mary.Martin@mail.house.gov). Click [here](#) for a comprehensive section-by-section, [here](#) for a one-pager on the Energy Act of 2020, and [here](#) for a one-pager on the PIPES Act.*

## **Environment & Climate Change Subcommittee:**

### **Innovation for the Environment (Division S)**

#### **▪ Diesel Emissions Reduction Act, or DERA (Section 101)**

- This section extends the authorization of the Diesel Emissions Reduction Act (DERA) program at the U.S. Environmental Protection Agency (EPA) through Fiscal Year 2024 at \$100 million annually.

#### **▪ Utilizing Significant Emissions with Innovative Technologies Act, or USE IT (Section 102)**

- This section contains the Utilizing Significant Emissions with Innovative Technologies Act (USE IT Act) which authorizes EPA, in consultation with the Department of Energy, to conduct certain carbon dioxide research and development activities, and makes the review and permitting process for CO2 infrastructure, including pipelines, more efficient, orderly and responsible.

#### **▪ American Innovation and Manufacturing Act, or AIM (Section 103)**

- This section contains the American Innovation and Manufacturing Act of 2020 (AIM Act) which directs the EPA Administrator to implement a graduated phase-down of the production and consumption of regulated hydrofluorocarbon (HFC) substances over a 15-year period, while maintaining adequate supplies for critical uses and requiring the consideration of consumer affordability.

*For questions on these provisions, contact Mary Martin at [Mary.Martin@mail.house.gov](mailto:Mary.Martin@mail.house.gov). Click [here](#) for a section-by-section on the environment provisions.*

## Health Subcommittee

- **Ends Surprise Medical Billing**
  - This bill protects patients from surprise medical bills by holding them harmless beyond their in-network cost-sharing amount when they receive care from an out-of-network provider they had no way of choosing, including air ambulances. The bill also provides for a fair and accessible independent dispute resolution process to resolve payment disputes between health plans and providers in a way that lowers health care costs but ensures reasonable payment for out-of-network providers. Also included are new transparency protections for patients to receive a fair and honest cost estimate for health care services, accurate provider directories, and cost-sharing tools from their health insurer.
    - E&C Bill: *No Surprises Act*
- **Provides Long-term Funding for Public Health, Medicare and Medicaid Programs**
  - The bill extends public health, Medicare and Medicaid programs for an additional three years. Specifically, for public health, the bill extends mandatory funding for community health centers, the National Health Service Corps, the Teaching Health Center Graduate Medical Education Program, and the Special Diabetes Programs. For the Medicare program, the bill extends funding for quality measure endorsements and low-income programs, extends the work geographic index floor, and extends and expands the patient IVIG access and independence at home medical practice demonstration programs. For the Medicaid program, the bill extends spousal impoverishment protections and the Money Follows the Person Program and the community mental services demonstration programs.
    - E&C Bills: *REACH Act, Lowering Prescription Drug Costs and Extending Community Health Centers and Other Public Health Priorities Act, Community Health Investment, Modernization, and Excellence Act, Training the Next Generation of Primary Care Doctors Act, Special Diabetes Program Reauthorization Act, Special Diabetes Programs for Indians Reauthorization Act, To amend title XVIII of the Social Security Act to extend the work geographic index floor under the Medicare program (H.R. 3445), To amend title XVIII of the Social Security Act to extend funding for quality measure endorsement, input, and selection under the Medicare program (H.R. 3430), Fair Choices for Medicare Beneficiaries Act, To amend the Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012 to extend the Medicare Patient IVIG Access Demonstration Project (H.R. 7839), Independence at Home Demonstration Act*

## Medicare

- **Improves Medicare Through a Number of Republican-led Reforms Reflected Across Many Energy and Commerce Bills That Will Improve Anti-Fraud Efforts and Payment Reform**
  - The bill responds to specialists' and other providers practicing in the Medicare program concerns about the effects on them of the CY 2021 physician fee schedule's budget neutrality rules, the package includes a suite of mitigation provisions that benefit both them and all providers in the Medicare program. First, the bill blocks a new code created by the rule for three years, which will mitigate these cuts by a projected third. Second, the bill injects \$3B into the physician fee schedule in 2021, resulting in

payment increases across the board helping all Medicare providers during the ongoing COVID-19 pandemic. Third, the bill continues the current APM thresholds for two additional years, allowing more providers to qualify for the 5% APM payment who would otherwise have been disqualified because of statutory increases in threshold amounts. Finally, the bill delays the 2% sequester cuts that were supposed to resume 1/1/21 for three additional months. Together, these policies will greatly benefit all providers during the pandemic and mitigate at least 2/3 of the cuts to certain providers due to Medicare budget neutrality requirements. The bill also gradually eliminates cost-sharing for Medicare beneficiaries with respect to colorectal cancer screening tests where a polyp is detected and removed. The bill 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 within the past six months, with additional face-to-face requirements determined by the Secretary.

- E&C Bills: *To amend title XVIII of the Social Security Act to improve measurements under the skilled nursing facility value-based purchasing program under the Medicare Program (H.R. 3406), Payment Commission Data Act, Medicare Home Health Flexibility Act, Improving HOPE for Alzheimer's Act, Improving Low-Income Access to Prescription Drugs Act, Shop Rx Act, More Efficient Tools to Realize Information for Consumers Act, Beneficiary Enrollment Notification and Eligibility Simplification Act of 2020, To amend title XVIII of the Social Security Act to waive budget neutrality for oxygen under the Medicare program, and for other purposes (H.R. 8158), Removing Barriers to Colorectal Cancer Screening Act, Mental Health Telemedicine Expansion Act, Facilitating Reforms that Offer Necessary Telehealth In Every Rural (FRONTIER) Community Act, CONNECT for Health Act, Telemental Health Expansion Act, EASE Behavioral Health Services Act, Strengthening the Health Care Fraud Prevention Task Force Act, Resident Physician Shortage Reduction Act, Rural Community Hospital Demonstration Extension Act, Supporting Graduate Medical Education at Community Hospitals Act, Rural Access to Hospice Act, Hemophilia SNF Access Act*

- **Improves Support for Rural and Underserved Health Care**

- Through increased funding and increased flexibility, rural and underserved communities are benefiting from provisions in this bill including but not limited to, allowing either a Critical Access Hospital (CAH) or a small, rural hospital with less than 50 beds to convert to a Rural Emergency Hospital (REH) in order to preserve beneficiary access to emergency medical care in rural areas that can no longer support a fully operational inpatient hospital; extending payments to help physicians in areas where labor cost is lower than the national average ; dedicating funding to train new doctors at rural and underserved medical schools and allowing RHCs and Federally Qualified Health Centers (FQHCs) to furnish and bill for hospice.

## Medicaid

- **Eliminates DSH reductions for fiscal years 2021-2023 (Section 201)**

- Section 201 Medicaid disproportionate share hospital (DSH) payments are statutorily required payments intended to offset hospitals' uncompensated care costs to improve access for Medicaid and uninsured patients as well as the financial stability of safety-net hospitals. The Affordable Care Act (ACA) cut the DSH payments and this section stops

that cut from happening in 2021-2023, including a buy-out of DSH payment reductions in 2021.

- E&C Bill: *DSH Cuts Delay Act*

- **Supplemental payment reporting requirements (Section 202)**

- Section 202 requires states to report provider-level data on supplemental payments and how they are financed: In fiscal year (FY) 2018, states made over \$56 billion in supplemental payments (10 percent of total Medicaid benefit spending), but provider-level data on these payments are not available. Moreover, because supplemental payments are often financed by providers that receive them, data on the source of non-federal share are important to understand net payments that providers receive. Complete data on net Medicaid payments for all providers are important for accurate analyses of whether supplemental payments are consistent with federal payment principles.

- E&C Bill: *To prohibit the Secretary of HHS from taking certain actions with respect to Medicaid supplemental payments reporting requirements, and for other purposes (H.R. 6521)*

- **Clarifies authority of State Medicaid fraud and abuse control units to investigate and prosecute cases of Medicaid patient abuse and neglect in any setting (Section 207)**

- Medicaid Fraud Control Units (MFCUs) investigate and prosecute Medicaid provider fraud as well as patient abuse or neglect in health care facilities and board and care facilities. However, they are prohibited from investigating cases of abuse in home-based settings. This section changes that and allows that to protect patients receiving care in a home-based setting.

- E&C Bill: *Sustaining Excellence in Medicaid Act*

- **Medicaid coverage for citizens of Freely Associated States (Section 208)**

- Compact of Free Association Migrants (COFA Communities) hail from the Federated States of Micronesia, The Republic of the Marshall Islands and the Republic of Palau have a unique relationship with the U.S. In exchange for permitting the U.S. exclusive use and military strategic positioning in the Pacific, the U.S. provides grants to fund education, health care, and infrastructure in these jurisdictions. The Compacts allow COFA citizens to freely travel, live and work in the country without a visa and with no time restraints. While they are classified as “non-immigrants” when they enter the U.S., The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) changed what federal benefits COFA communities were eligible for, and they lost access to Medicaid. The station in the stores Medicaid eligibility to Cofa communities.

- E&C Bills: *Covering our FAS Allies Act*

- **Medicaid coverage of certain medical transportation (Section 209)**

- Section 209 codifies, in Title XIX of the Social Security Act, the longstanding mandatory Medicaid transportation benefit and includes critical program integrity requirements to ensure that this important benefit continue to provide beneficiaries over 100 million rides to medical appointments each year.

- E&C Bills: *Protecting Patients Transportation to Care Act*

- **Promotes 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)**

- This important section would ensure states cover routine care costs of participation in an approved clinical trial for Medicaid enrollees with life-threatening conditions.
  - E&C Bills: *CLINICAL TREATMENT Act*

## **Public Health and Food and Drug Administration Provisions**

### **Improves awareness of disease prevention (Section 311)**

- This section 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 Health and Human Services (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.
  - E&C Bills: *VACCINES Act, Commitment to Defeat the Virus and Keep America Healthy Act*

### **Expands capacity for health outcomes (Section 313)**

- 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.
  - E&C Bills: *Expanding Capacity for Health Outcomes Act, Commitment to Defeat the Virus and Keep America Healthy Act*

### **Public health data system modernization (Section 314)**

- 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.
  - E&C Bills: *Public Health Infrastructure Modernization Act, Commitment to Defeat the Virus and Keep America Healthy Act*

- **Reauthorizes Young Women’s Breast Health Education and Awareness Requires Learning Young (EARLY) Act of 2009 (Section 316)**
  - Section 316 reauthorizes the young women’s breast health awareness and education program at \$9 million for each of fiscal years 2022 through 2026.
    - E&C Bills: *EARLY Act Reauthorization Act*
- **Reauthorizes School-Based Health Centers (Section 317)**
  - Section 317 reauthorizes the School-Based Health Center program for fiscal years 2022 through 2026.
    - E&C Bills: *School-Based Health Centers Reauthorization Act*
- **Extends Rare pediatric disease priority review vouchers (Section 321)**
  - 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.
    - E&C Bills: *Creating Hope Reauthorization Act*
- **Conditions for use of biosimilar biological products (Section 322)**
  - 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.
- **Orphan drug clarification (Section 323)**
  - 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.
- **Modernizes the labeling of certain generic drug products (Section 324)**
  - 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.
    - E&C Bills: *MODERN Labeling Act*
- **Biological product patent transparency (Section 325)**
  - 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.
    - E&C Bills: *Purple Book Continuity Act*

## Transparency Provisions

- **Increases transparency by removing gag clauses on price and quality information (Section 201)**
  - This section 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.

- E&C Bills: *Know the Price Act*

- **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)**

- This section 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.

- **Strengthens parity in mental health and substance use disorder benefits (Section 203)**

- This section 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 Labor, HHS, 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 Labor, HHS, 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 7 days. Finally, Section 203 requires the Secretaries of Labor, HHS, and the Treasury to publish an annual report with a summary of the comparative analyses.

- E&C Bills: *Strengthening Behavioral Health Parity Act*

- **Reporting on pharmacy benefits and drug costs (Section 204)**

- This section requires health plans to report information on plan medical costs and prescription drug spending to the Secretary of HHS. 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.

For questions on these provisions, contact James Paluskiewicz "J.P." at [James.Paluskiewicz@mail.house.gov](mailto:James.Paluskiewicz@mail.house.gov). Click [here](#) and [here](#) for section-by-sections of the Health provisions.