

## **EXTENSIONS, TECHNICAL CORRECTIONS, AND OTHER MATTERS**

*Included in H.R. 1865 – FY2020 Consolidated Domestic and International Assistance Bill*

### **EXTENDERS**

**Immigration Extenders and H-2B.** The immigration provisions reauthorize four visa programs and the E-verify employment eligibility verification system. Three of the programs and E-Verify are historically reauthorized in this manner each year. The visa programs to be reauthorized include the Conrad-30 program for foreign doctors, the EB-5 investor visa regional center program, and the religious workers (R-1) program. The provisions also grant the Secretary of Homeland Security discretion to add more H-2B visas to the 66,000 H-2B visas currently authorized to be issued annually. This provision has been included in recent years as a means to address extreme shortages in the domestic workforce.

**National Flood Insurance Program extension.** Extends the National Flood Insurance Program's authorization to September 30, 2020.

**Secure Rural Schools.** Extends for two years the Secure Rural Schools program, which provides funding for rural forest counties that are struggling to fund essential services. Effects approximately 4,400 schools, which serve nine million students in 41 states.

**Charter of the U.S. Export-Import Bank (EXIM or Bank).** Seven years authorization and it includes provisions from legislation pending in the House and Senate to reauthorize the Bank. The title provides for procedures to establish a temporary board in the absence of a sufficient number of Senate-confirmed Directors to comprise a quorum. This title would establish the Program on China and Transformational Exports and direct the EXIM to set a goal of reserving 20% of its exposure authority to support American exports that compete directly with exports from the People's Republic of China and certain advanced or innovative technology exports. The title would also require the EXIM to report to Congress that the Bank has consulted with the Department of State and other appropriate agencies to assess the risk to the national interest of transactions over \$25 million for which EXIM believes the end-user, obligor or lender is an entity of or controlled by the People's Republic of China. This title would revise the small business policy of the EXIM to direct the Bank to encourage the participation of a broad range of small business exporters, increase the threshold of small business financed exports as a percentage of total exports from 25% to 30% beginning January 1, 2021, and exclude unutilized insurance authorizations from the calculation of total small business exports. This title would also direct the EXIM to set a goal of reserving 5% of its exposure authority to support renewable energy, energy efficiency, and energy storage technology exports. This title would also require the EXIM to deny an application for financing if the end user, borrower, lender or exporter has been convicted of an act of fraud or corruption in connection with an EXIM application for financing in the preceding five years, unless the convicted person can be excluded from the transaction.

**Terrorism Risk Insurance Program Reauthorization Act of 2019 (S. 2877).** Identical in substance to H.R. 4634, reauthorizes the Program for seven years through December 31, 2027 and adjusts the timing of mandatory recoupment commensurately. Additionally, it establishes two new reporting requirements, including: (1) the Treasury Department to include in its biennial report on

the effectiveness of the Program to include an evaluation of the availability and affordability of terrorism risk insurance, including specifically for places of worship; and (2) the Government Accountability Office to analyze and address, and report on, the vulnerabilities and potential costs of cyber terrorism, adequacy of coverage under the Program, and to make recommendations for future legislative changes to address evolving cyber terrorism risks.

**NASA Enhanced Use Lease.** Extends by two years Enhanced Use Leasing authority for NASA Centers to lease non-excess underutilized property to industry, state/local government, and academic partners and use the proceeds for capital improvement projects.

**INKSNA.** Ensures continued American access to the International Space Station by extending a waiver allowing US to continue to obtain needed International Space Station-related goods and services from Russia, including allowing U.S. astronauts to fly on Russian launch vehicles. Assured access to the ISS is necessary as the NASA Commercial Crew program continues testing and development.

**BRAND USA.** Extends funding for Brand USA, an organization dedicated to promoting international travel to the United States, with zero cost to U.S. taxpayers.

**DC Opportunity Scholarship Program.** This provision reauthorizes the DC Opportunity Scholarship program for four years.

## **FOREIGN POLICY**

**The VERDAD Act.** Strengthens the U.S response to Venezuela's growing humanitarian crisis and its impact on neighboring countries. It also maintains strategic pressure on the Maduro regime and its foreign supporters, and advances efforts to address resources stolen from the Venezuelan people by regime officials.

**The Eastern Mediterranean Security and Energy Partnership Act of 2019.** Deepens U.S. security and energy relationships in the Eastern Mediterranean region, especially with Israel, Cyprus and Greece. The bill authorizes security assistance for Cyprus and Greece and would lift arms restrictions on Cyprus. It also authorizes the establishment of a United States-Eastern Mediterranean Energy Center to facilitate energy cooperation among the U.S., Israel, Greece, and Cyprus.

**END Neglected Tropical Diseases Act.** This provision builds on existing U.S. government efforts to treat Neglected Tropical Diseases (NTDs) by facilitating improved research and increasing program coordination with ongoing health interventions, at no additional cost to U.S. taxpayers.

**Preventing Child Marriage in Displaced Populations Act.** Directs the U.S. Ambassador to the United Nations to push for a comprehensive strategy to address the prevalence of child marriage inside UN-administered refugee settlements, which should include protocols for prevention, programs for supporting victims of child marriage, and data collection.

**The Global Fragility Act.** Improves the coordination and effectiveness of U.S. Government programs to stabilize conflict-affected areas, address global fragility, and lead international efforts to prevent extremism and violent conflict and authorizes dedicated funding for such programs.

**Rescuing Animals With Rewards (RAWR) Act.** This bill modifies the Department of State rewards program to authorize rewards to individuals who provide information that assists in the prevention or identification of crimes related to wildlife trafficking.

**Championing American Business Through Diplomacy Act.** This provision establishes the promotion of U.S. commercial interests abroad as a principal duty of U.S. diplomatic missions, mandates new trade promotion training for economics-focused FSOs and Chiefs of Mission, and streamlines currently required country-specific business climate reports. It also formalizes and updates the authority of the existing Assistant Secretary for Economic and Business Affairs to clarify its role in the Department, and improve the promotion of American economic interests abroad.

**United States Commission on International Religious Freedom Extension.** The bipartisan compromise on USCIRF reauthorization includes a three-year authorization of the Commission, requires Commissioners to disclose certain foreign travel, mandates submission of a strategic plan every two years, and clarifies the Commission is included under the Congressional Accountability Act.

**The Cuba/China provision.** Authorizes the Department of State to provide USG personnel with brain injuries and cognitive issues stemming from health incidents that occurred during their service in Cuba and China with additional benefits, if their worker's compensation or primary insurance does not cover their prescribed care. It also provides covered dependents who have experienced the same injuries with reimbursement for any treatment that their private insurance does not cover.

**Saudi Fugitive Declassification Act.** The press has identified cases in which Saudi nationals charged with or investigated for crimes in the United States have fled the country. The Saudi Fugitive Declassification Act requires the FBI Director, in coordination with the DNI, to declassify – consistent with protecting intelligence sources and methods – any information about whether the Saudi government has assisted these Saudi nationals.

**Anti-Terrorism Clarification Act amendment.** Amends the Anti-Terrorism Clarification Act of 2018 (ATCA) to provide American victims of international terrorism with additional legal grounds on which to pursue justice in U.S. courts against perpetrators or supporters of terrorist attacks. Directs the State Department to assist in facilitating resolution of pending terrorism claims between American victims and the Palestinian Authority/Palestine Liberation Organization. Ensures that ATCA does not preclude the ability of NGOs to receive assistance from the U.S. Government and would allow for the resumption of certain U.S. assistance programs.

**Somalia Debt Relief and Debt Restructuring.** This text, requested by Treasury and State, allows available funds to be provided to the Department of Treasury for the purpose of debt restructuring if Somalia meets national and international conditions as outlined under the IMF Heavily Indebted Poor Countries (HIPC) initiative. Additionally, the text extends the authorization of appropriations for the necessary costs of debt cancellation from 2010 to 2021.

## **MINIBUS VEHICLES**

**National Law Enforcement Museum Commemorative Coin.** Directs the Department of the Treasury to mint and issue coins that are emblematic of the National Law Enforcement Museum in the District of Columbia and the service and sacrifice of law enforcement officers.

**DHS Cyber Incident Response Teams Act.** This provision authorizes the deployment of the National Cybersecurity and Communications Integration Center's Cyber Hunt and Incident Response Teams to lead Federal asset response activities, and provide technical assistance to Federal and non-Federal entities in response to cyber-attacks.

## **BIPARTISAN AMERICAN MINERS**

The agreement includes the Bipartisan American Miners Act of 2019 to prevent insolvency of the 1974 UMW Pension Plan. Further, this provision protects health benefits for miners impacted by coal company bankruptcies that took place in 2018 and 2019. Without this provision, in the coming year, 92,000 coal miners' pensions would have been dramatically reduced and the health care benefits for 13,000 miners would have been eliminated.

## **HEALTH & HUMAN SERVICES EXTENDERS AND MISCELLANEOUS PROVISIONS**

### **Medicare Provisions**

#### ***Extension of the work geographic index floor under the Medicare program.***

Payments under the Medicare physician fee schedule are adjusted geographically for three factors to reflect differences in the cost of resources needed to produce physician services: physician work, practice expense, and medical malpractice insurance. This section extends the application of the current floor for the work GPCI—which applies to localities for which the work GPCI is less than 1.0—through May 22, 2020.

#### ***Extension of funding for quality measure endorsement, input and selection.***

Extends funding through May 22, 2020, for a contract with a consensus-based entity, such as the National Quality Forum (NQF), to support activities related to quality measurement and performance improvement in the Medicare and Medicaid programs.

#### ***Extension of funding outreach and assistance for low-income programs.***

Extends funding through May 22, 2020, for State Health Insurance Assistance Programs, Area Agencies on Aging, Aging and Disability Resource Centers, and the contract with the National Center for Benefits and Outreach and Enrollment. These programs support outreach, enrollment, and education activities for low-income Medicare beneficiaries seeking insurance coverage.

#### ***Extension of appropriations to the Patient-Centered Outcomes Research Trust Fund; extension of certain health insurance fees.***

Extends the Patient Centered Outcomes Research Institute Trust Fund, the collection of health insurance fees, and an increased level of mandatory appropriations through 2029. Eliminates transfers from the Federal Hospital Insurance Trust Fund and makes changes relating to research activities, governance, and oversight.

#### ***Laboratory Access for Beneficiaries.***

This provision would revise the timing of the reporting requirements related to clinical diagnostic laboratory tests established under the Protecting Access to Medicare Act of 2014 (PAMA). The same data collection period as under current regulations (January 1<sup>st</sup>, 2019 through June 30<sup>th</sup>, 2019)

would be used for the next data reporting period. Data, however, would be reported during a different reporting period (January 1<sup>st</sup>, 2021 through March 31<sup>st</sup>, 2021), a one-year delay from current regulations allowing a more representative share of labs to report private payor payment rate data.

***Exclusion of complex rehabilitative manual wheelchairs from Medicare competitive acquisition program.***

Exclusion of Complex Rehabilitative Manual Wheelchairs from the Competitive Acquisition Program and non-application of Medicare fee schedule adjustments for manual wheelchair accessories and seating systems when used in conjunction with complex rehabilitation technology (CRT) wheelchairs

***Extending pass-through status for certain drugs under part B of the Medicare program.***

The Centers for Medicare and Medicaid Services (CMS) previously approved a multi-year coverage with evidence development program, the Imaging Dementia Evidence for Amyloid Scanning (IDEAS) study that will provide more evidence related to the effects of amyloid PET imaging on diagnosis or health outcomes for people with cognitive conditions, including Alzheimer's disease or related dementias. This provision would extend the FY 2018 omnibus pass through payment policy to the other diagnostic radiopharmaceuticals furnished in the context of the IDEAS study.

***Hematopoietic stem cell acquisition payments.***

This provision would ensure that hospitals receive adequate reimbursement for hematopoietic stem cell transplants under the Medicare program by reimbursing hospitals for the costs of searching for donors and acquiring cells and bone marrow, separately from the cost of completing the transplant.

**Medicaid Provisions**

***Extension of Community Mental Health Services demonstration program.***

Extends the authorization of the Certified Community Behavioral Health Clinic demonstration program through May 22, 2020. The demonstration allows eight states to deliver comprehensive mental and substance use disorder treatment to Medicaid beneficiaries at an enhanced provider rate.

***Medicaid funding for the territories.***

Extends funding to the U.S. territories for FY2020 and FY2021; includes important program integrity improvements for Puerto Rico's Medicaid program. This funding will be available at a Federal Match rate of 76% for Puerto Rico and 83% for the other territories.

***Delay of DSH reductions.***

Delays the reduction in the allotments for Medicaid disproportionate share hospitals (DSH) through May 22, 2020.

***Extension of spousal impoverishment protections.***

Extends protections through May 22, 2020, for spouses of Medicaid patients. These would allow the spouse to maintain a certain level of assets and income a Medicaid patient goes into a home and community-based services.

***Extension of the Money Follows the Person rebalancing demonstration program.***

Extends the demonstration program through May 22, 2020, which provides states with enhanced FMAP for services and supports to help seniors and people with disabilities moving from institutions to a community-based setting.

**Human Services and Other Health Programs**

***Extension of demonstration projects to address health professions workforce needs.***

Extends funding for the HPOG demonstration through May 22, 2020. In fiscal year 2020, local HPOG grantees will enter the fifth year of demonstration grants which require them to use a career pathways approach to help disadvantaged workers enter health professions in need of workers. In addition to the grants, HPOG funding supports rigorous evaluation and technical assistance to grantees.

***Extension of the temporary assistance for needy families program and related programs.***

Extends funding for the TANF, the Child Care Entitlement to States (CCES) and related programs, including the TANF Contingency Fund through May 22, 2020.

***Extension of sexual risk avoidance education program.***

Extends current funding through May 22, 2020 for the SRAE grant program, which provides resources to implement educational programs that educate adolescents on relationships, abstaining from sexual activity and resisting sexual coercion.

***Extension of personal responsibility education program.***

Extends current funding through May 22, 2020 for the PREP state grant program. Provides grants to fund evidence-based education programs that inform adolescents about the prevention of teen pregnancy and sexually-transmitted infections, among other topics.

**Public Health Provisions**

***Extension for community health centers, the national health service corps, and teaching health centers that operate GME programs.***

Extends the Community Health Centers Fund and National Health Service Corps Fund through May 22, 2020. Additionally, it continues current funding for the Teaching Health Center Graduate Medical Education through May 22, 2020. These programs improve our medical workforce by supporting the training of health providers in underserved areas.

***Diabetes programs.***

Extends funding through May 22, 2020, for the Special Diabetes Program, which supports research on the prevention and cure for Type 1 diabetes, and the Special Diabetes Program for Indians, which supports diabetes treatment and prevention to the Indian Health Service, Tribal, and Urban Indian Health Programs.

***Poison Center Network Enhancement.***

Reauthorizes the national poison center network program through FY2024. This allows the use of other communication technologies (in addition to the national toll-free number) to control centers and requires the program to include toxic exposure (in addition to poisoning) in nationwide media campaigns.

***Kay Hagan Tick Act.***

Requires HHS to ensure the development and implementation of a national strategy for vector-borne diseases, including tick-borne diseases, to identify strategic goals and address gaps and unnecessary duplication in federal activities related to vector-borne diseases. Codifies and continues regional centers of excellence in vector-borne diseases. Authorizes grants to health departments in areas at high risk of vector-borne diseases to increase capacity to identify, report, prevent, and respond to such diseases and related outbreaks.

**Revenue Provisions**

Repeals the 2.3% excise tax on medical devices, the sales tax on health insurance, and the excise tax on employer-provided health insurance plans.

**Miscellaneous Provisions**

***Alaska native regional health entities.***

Extends the authorization for Alaska Native Regional Health Entities. The health entities may receive disbursements from the Indian Health Services to provide care in their service areas.

***Addressing expiration of child welfare demonstration projects and supporting Family First implementation.***

Addresses the expiration of child welfare demonstration projects by including the Family First Transition Act to support states in the implementation of the Family First Prevention Services Act. This would help states transition to child welfare systems that strive to keep more children safely at home, instead of placing them in foster care.

***Minimum age of sale of tobacco products.***

Updates the Federal Food, Drug, and Cosmetic Act to increase the minimum age of sale of tobacco products from 18 to 21 years of age.

***Sale of tobacco products to individuals under the age of 21.***

As a condition for receiving block grant funding under Section 1921 of the Public Health Service Act, continues a requirement that states conduct inspections to ensure retailers do not sell tobacco products to individuals under a certain age, updates that age to 21 years of age, and requires reporting on relevant activities. Provides flexibility for states found to be in non-compliance, including adding an option for a negotiated corrective action plan. Authorizes grants to states to support transition to the updated requirements.

***Biological product definition, protecting access to biological products and streamlining transition of biological products.***

Provisions to incentivize more competition in the insulin market.

***Reenrollment of certain individuals in qualified health plans in certain Exchanges.***

Maintains current policy for plan year 2021 for auto-enrollment in Exchange plans.

***Protection of silver loading practice.***

Maintains current policy for plan year 2021 on silver loading for qualified health plans on Exchanges.

***Actions for delays of generic drugs and biosimilar biological products.***

Provides for a process that allows biosimilar or generic drug developers to obtain samples of reference product biologics or drugs for the purposes of developing and seeking approval of a biosimilar or generic drug.

**SETTING EVERY COMMUNITY UP FOR RETIREMENT ENHANCEMENT**

The SECURE Act of 2019 expands access to retirement plans for millions of workers and increases retirement security for both savers and employers. SECURE improves retirement security by expanding Multiple Employer Plans (MEPs) to make it easier for small employers to sponsor a single retirement plan for their workers. SECURE creates new rules for employers that offer lifetime-income arrangements to workers in their retirement plans. In addition, the SECURE Act expands the portability of retirement plan assets, including annuities, allowing workers to keep their retirement savings when they change jobs throughout their career. The bill also encourages employees to increase their retirement savings annually through automatic increases into their 401(k) plans.

**OTHER MATTER**

**Extends Platte River Recovery Implementation Program (PRRIP).** Extends a cooperative agreement among the governors of Colorado, Wyoming, Nebraska, and the Secretary of the Interior designed to achieve Endangered Species Act compliance on the Platte River, while allowing new and existing water use and development through a streamlined consultation process. This program was set to expire December 31, 2019; the legislation extends the program an additional 13 years.

**Supports Great Lakes Sport and Commercial Fishery Industry.** Directs the U.S. Geological Survey (USGS) to support the \$7 billion Great Lakes sport and commercial fishery industry. Prioritizes research used by Great Lakes states and Canada on fish populations and invasive species.

**Reauthorizes Udall Foundation.** Reauthorizes the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation), whose authorization expired in 2008. This Federal agency provides environmental conflict resolution services to resolve legal disputes between states, federal agencies, and environmental organizations. It provides scholarships, fellowships, and internships, including for Native American students. It also implements environmental and public health awareness programs.

**Renames National Game Preserve.** Renames the Sully Hill National Game Preserve, which is located within the Spirit Lake Indian Reservation near Devils Lake, North Dakota. The Spirit Lake Tribe, which maintains hunting and fishing rights on the land, has requested that the Preserve be renamed to White Horse Hill, which is its traditional Dakota name.

**Modernizes Pittman-Robertson Program for Sportsmen and Sportswomen.** Modernizes the Pittman-Robertson Wildlife Restoration Act of 1937, which uses the proceeds of federal excise tax on firearms, ammunition, and archery equipment to fund wildlife conservation and hunter education grants for state and territorial fish and wildlife agencies. Provides state fish and wildlife agencies with additional flexibility to enhance wildlife conservation and management efforts.

**Reauthorizes Kennedy Center.** The legislation reauthorizes funding for maintenance, repair, security, and capital projects at the John F. Kennedy Center for the Performing Arts.

**American Battlefields.** Reauthorizes a cooperative program that protects battlefields of the American Revolution, the War of 1812, and the Civil War while also enhancing the visitor experience at them.

**Agent Orange.** This provision would require VA, in consultation with the Office of Management and Budget, to submit a report to the House and Senate Committees on Veterans' Affairs that includes details related to the status of the decision to update VA's list of conditions presumed to be associated with Agent Orange exposure.

**Disaster Recovery Workforce Act.** The amendment provides access to 3,000 additional foreign labor permits in the Northern Mariana Islands under the existing Commonwealth-only Transitional Worker program (48 U.S.C. 1806) for a three-year period to speed typhoon recovery. All protections for workers currently in law remain in force.

**Television Viewer Protection Act.** This provision makes permanent the requirement that multi-channel video programming distributors and television broadcasters negotiate retransmission consent in good faith. This legislation also establishes new billing disclosure requirements for providers of video services in the commercial marketplace.

**The Satellite Television Community Protection and Promotion Act of 2019.** Extends the Section 119 compulsory copyright license for RVs, long distance truckers, and short markets from the four major broadcasters for use by qualifying satellite providers. Satellite providers qualify for the license if they deliver full local into local service into all 210 designated market areas (DMAs) by May 31, 2020. Rates for the license will continue to be set by the Copyright Royalty Board.

**Groundfish Trawl Fishery.** This provision would forgive interest accrued on a fishery buyback loan for the West Coast Groundfish fleet that accrued while the Secretary of Commerce was determining how to process payments.

**Temporary Relief from Certain ERISA Requirements Act of 2020.** This provision is intended to provide temporary regulatory flexibility from certain ERISA requirements in order to allow for the use of a virtual pharmacy benefit management program that will lower drug costs for workers and their families.

**Library of Congress Technical Corrections Act of 2019.** The Library of Congress Technical Corrections Act of 2019 updates the authorities for a number of programs within the Library of Congress (LOC).

The American Folklife Preservation Act is updated to add the Secretary of Veterans Affairs and the Director of the Institute of Museum and Library Services to the board of the American Folklife Center. Additionally, the legislation clarifies that the position of the Director of the American Folklife Center is classified as a Senior Level official, which is consistent with other similarly-situated positions at the LOC.

The authorizing statute for the National Library Service (NLS) is updated to establish the statutory name for the NLS as the National Library Service for the Blind and Print Disabled, expand services

to the reading disabled population, update terminology, and allow the international exchange of digital materials as envisioned under the Marrakesh Treaty and the Marrakesh Treaty Implementation Act.

The legislation aligns the classification and compensation authorities for all career senior executives at the LOC.

Finally, the legislation gives the Copyright Royalty Board flexibility to hire additional staff to support the Copyright Royalty Judges, whose workload has increased significantly since the establishment of the program in 2004.

**Senate Entities.** The legislation gives the Secretary of the Senate authority to transfer funds from its appropriations for representation and reception expenses from \$10,000 to \$15,000. The transfer authority authorization has not increased since 1992. This change is necessary to account for cost increases.

Additionally, the legislation authorizes the Senate Sergeant at Arms (SAA) to incur obligations, or expend its own funds, to provide support services to the Senate necessary for members and staff during an emergency situation. Currently the Chief Administrative Officer (CAO) of the House of Representatives, the Architect of the Capitol (AOC), and the U.S. Capitol Police (USCP) have authority to expend funds in support of personnel responding to and working during an emergency situation. This provision would harmonize the SAA's authority with the existing authorities for the House CAO, the AOC, and the USCP.

**The Legislative Branch Inspectors General Independence Act of 2019.** The Legislative Branch Inspectors General Independence Act of 2019 would harmonize several provisions of section 3 of the Inspector General Act of 1978 (IG Act), as amended, with the Architect of the Capitol (AOC) Inspector General Act of 2007; the Government Publishing Office (GPO) Inspector General Act of 1988; and the Library of Congress (LOC) Inspector General Act of 2005. In addition, the bill would grant statutory law enforcement authority to these Offices of Inspector General (OIG), to be conferred to Special Agents who meet certain criteria with the Inspector General responsible for maintaining and certifying the law enforcement program. The bill would also confer increased independence on the AOC, GPO, and LOC OIGs with respect to their budgets and hiring authority.

**Political Fund Designees for Leadership.** A standing order to allow two Political Fund Designees for each Senate Leader.

**Kentucky Wildlands National Heritage Area Study Act.** Directs the Secretary of the Interior to complete a study to determine whether the mountainous and wild region of Southern and Eastern Kentucky meets the requirements for a National Heritage Area designation.

**International Bank for Reconstruction and Development.** This proposal provides for a U.S. contribution to the capital increase for the International Bank for Reconstruction and Development.

**European Energy Security and Diversification Act.** Authorizes financing to catalyze public and private sector investment in strategically important energy projects in European and Eurasian countries. This is a new tool to counter Russia's predatory energy policies and promote the energy security of U.S. allies and partners.