



September 2021

Fact Sheet on Key Provisions in the Committee Prints of the Build Back Better Act **COMMITTEE ON ENERGY & COMMERCE**

The Committee is set to move forward on its portion of the Build Back Better Act. The Build Back Better Act will deliver more jobs, cut taxes, and lower costs while also making the wealthiest few and big corporations pay their fair share. The Build Back Better Act makes historic investments in families, in workers, and in the middle class.

The Energy and Commerce Committee prints fulfill the Committee's commitment to making investments in lowering costs for American families, revitalizing our economy, and combating the climate crisis. Following, are some of the key provisions in the Committee prints.

KEY HEALTH PROVISIONS:

The Build Back Better Act follows through on Democrats' commitment to expand access to health care for all Americans and make health care more affordable.

Prescription Drug Pricing:

The Build Back Better Act provides critical assistance to Americans struggling to afford skyrocketing prescription drug costs by including H.R. 3, the Elijah E. Cummings Lower Drug Costs Now Act. The legislation saves both the American people and the federal government money by taking steps to lower the cost of prescription drugs. The Congressional Budget Office (CBO) previously estimated H.R. 3 could save the federal government more than \$456 billion over ten years, while also increasing wages and reducing health insurance premiums. The legislation:

- Requires the Secretary of the Department of Health and Human Services (HHS) to annually negotiate with drug manufacturers for the highest priced and most commonly used prescription drugs, including insulin;
- Requires drug manufacturers who increase their prices faster than inflation to pay back that excess amount to the federal government, helping to hold down the rapid increase in drug prices for consumers – both on Medicare and those with employer-sponsored insurance;
- Caps out-of-pocket costs for Medicare Part D beneficiaries for the first time at \$2,000 each year and better aligns incentives to lower prices and protect Medicare; and
- Blocks the implementation of a Trump Administration regulation that would significantly increase premiums for Part D beneficiaries.

Medicare Dental, Vision, and Hearing Coverage:

The Build Back Better Act makes historic investments in dental, vision, and hearing coverage for seniors under Medicare. Currently, dental benefits are not generally covered by Medicare, while Medicare excludes coverage for hearing aids and examinations pertaining to hearing aids and provides only limited vision coverage. The Build Back Better Act:

- Adds new comprehensive dental benefits to Medicare Part B including coverage of preventive services, basic and major services, and dentures as determined by the Secretary of HHS;

- Adds new comprehensive hearing benefits to Medicare Part B including coverage of hearing aids that cannot be purchased over the counter and that are for individuals with severe or profound hearing loss. It also expands the services audiologists may provide under Medicare to include treatment services; and
- Adds new comprehensive vision benefits to Medicare Part B including coverage of routine eye examinations, refraction, eyeglasses, and contact lenses.

Medicaid Coverage Gap:

The Build Back Better Act permanently expands Medicaid eligibility to millions of Americans who previously fell within the Affordable Care Act (ACA) coverage gap. Closing this coverage gap will allow up to 4 million uninsured Americans to gain access to coverage.

- Beginning in 2022 through 2024, the legislation expands the ACA's premium tax credits to below 100 percent of the federal poverty line (FPL) and provides enhanced cost-sharing assistance.
- Then, beginning in 2025, the legislation establishes a federal Medicaid program in the remaining non-expansion states. The legislation directs the Secretary of HHS to contract with third party entities to operate a federal Medicaid program in non-expansion states that closely mirrors the benefit package and beneficiary protections of the Medicaid expansion under the ACA. It also implements a maintenance of effort requirement to incentivize states to maintain Medicaid coverage at current eligibility levels.

Affordable Care Act Reinsurance Program:

The Build Back Better Act will lower health care costs by investing in programs that reduce health care premiums and deductibles for all Americans including through a reinsurance program. The legislation also allows states to use the funds to directly lower premiums, out-of-pocket costs, and deductibles for their state residents. According to CBO, individual market premiums would be 7 percent lower than under current law.

Home- and Community-Based Services:

The Build Back Better Act makes historic investments to allow more seniors and individuals with disabilities to receive the services they need in their homes, alongside their friends and family. The legislation invests \$190 billion to expand access to quality home-based services and care for millions of older adults and people with disabilities. It will also strengthen the direct care workforce by improving provider payment rates and giving states the resources to improve their care infrastructure. The legislation also makes permanent the Money Follows the Person and the spousal impoverishment program, both successful Medicaid programs that help low-income older adults and individuals with disabilities receive home-based services.

Children's Health Insurance Program and Medicaid:

The Build Back Better Act includes funding to permanently extend the Children's Health Insurance Program (CHIP), which will ensure that low-income children will always have access to quality, affordable health insurance. Currently, 9.6 million children receive coverage through CHIP. It also helps children in both Medicaid and CHIP maintain a consistent source of health coverage by requiring state Medicaid and CHIP programs to keep children continuously enrolled in these programs for a 12-month period.

Maternal Health:

The Build Back Better Act will improve maternal health outcomes for vulnerable populations by ensuring that all pregnant women on Medicaid will keep their health insurance for the critical first year postpartum, while also making significant public health investments to reduce inequities in maternal health outcomes and strengthen the maternal health workforce. Currently, the United States ranks as the worst place in the developed world on maternal mortality, and Black women are 2.5 times more likely than White women to die due to complications resulting from childbirth.

Justice-Connected Populations:

The Build Back Better Act will address continuity of care and improve health outcomes for justice-connected individuals by ensuring that Medicaid coverage begins automatically 30 days prior to an individual's release from incarceration. Studies have shown that earlier eligibility and access to health insurance coverage helps to minimize disruptions in access to care, including access to treatment for substance use disorders, when individuals transition back into the community.

9/11 Health:

The Build Back Better Act provides \$2.86 billion in funding for the World Trade Center Health Program to ensure that the program can continue to fulfill the commitment to provide medical treatment and monitoring to more than 110,000 9/11 responders and survivors. While the program has been extended by Congress until 2090, data from the Centers for Disease Control and Prevention projects that this vital program will face a funding shortfall starting in 2025. The legislation will address this shortfall and provide stability for the thousands of individuals participating in the program. It also provides funding to cover the 10 percent match that New York City currently pays for this program.

Advanced Research Projects Agency for Health:

The Build Back Better Act provides \$3 billion in funding to establish the Advanced Research Projects Agency for Health (ARPA-H). ARPA-H will use this funding to make pivotal investments in breakthrough technologies that have the potential to transform important areas of medicine and health for the benefit of all individuals and that cannot readily be accomplished through traditional biomedical research or commercial activity.

Public Health Infrastructure and Workforce:

The Build Back Better Act invests in public health infrastructure and workforce by funding more than \$36 billion in investments to rebuild and modernize public health departments; to support the construction and modernization of health care facilities, including hospitals, community health centers, behavioral health centers, and schools of medicine and nursing; and to expand capacity for training the next generation of primary health care providers.

Public Health Preparedness:

The Build Back Better Act builds on the American Rescue Plan and provides more than \$15 billion in targeted investments for pandemic preparedness so our nation will be able to address any future public health emergencies, including shoring up the Strategic National Stockpile, strengthening our supply chains, supporting domestic and global manufacturing of vaccines, bolstering biosecurity, and investing in therapeutics.

KEY ENERGY & ENVIRONMENTAL PROVISIONS:

The Build Back Better Act follows through on Democrats' commitment to combat the climate crisis by creating a clean energy future that produces millions of good-paying American jobs.

Clean Electricity Performance Program:

The Build Back Better Act invests \$150 billion in a Clean Electricity Performance Program (CEPP) at the Department of Energy (DOE). The CEPP, which complements tax incentives for clean energy, will issue grants to and collect payments from electricity suppliers for calendar years 2023 through 2030 based on how much qualified clean electricity each supplier provides to customers.

- An electricity supplier will be eligible for a grant if it increases the amount of clean electricity it supplies to customers by 4 percentage points compared to its benchmark previous high certified clean electricity percentage. The grant will be \$150 for each megawatt-hour of clean electricity above 1.5 percent of that benchmark.
- Electricity suppliers must use the grants exclusively for the benefit of their customers, including direct bill assistance, investments in qualified clean electricity and energy efficiency, and worker retention.
- An electricity supplier that does not increase its clean electricity percentage by at least 4 percentage points compared to its benchmark will owe a payment to DOE based on the shortfall. If, for example, the electricity supplier only increases its clean electricity percentage by 2 percentage points, the supplier will owe \$40 for each megawatt-hour that represents the 2 percentage points shortfall.
- The CEPP gives electricity suppliers the option to defer a grant or a payment for up to two consecutive years.
- Eligible clean electricity is electricity generation with a carbon intensity of not more than 0.10 metric tons of carbon dioxide equivalent per megawatt-hour.

Electric Vehicles:

The Build Back Better Act invests \$13.5 billion in electric vehicle infrastructure to support development of an electric vehicle charging network to assist the transition to zero emissions vehicles. This funding will go toward construction of charging infrastructure in publicly accessible locations, multi-unit housing structures, workplaces, and underserved areas. It will also support electrification of industrial and medium-heavy duty vehicles. Additionally, this money will ensure that state energy offices have resources to develop energy transportation plans.

Investing in Clean Energy Innovation and Communities:

The Build Back Better Act invests \$7 billion in multiple loan and grant programs at DOE to support development of innovative technologies and American manufacturing of zero emission transportation technologies. The legislation also provides the Secretary of Energy with resources to enable reinvestments in American energy communities while reducing electricity ratepayer costs.

Clean Heavy-Duty Vehicles:

The Build Back Better Act invests \$5 billion in replacing certain heavy-duty vehicles, such as refuse trucks and school buses, with zero emission vehicles through a new grant program at the Environmental Protection Agency (EPA). In addition to funding new clean vehicles, this program will provide funds for associated infrastructure and workforce development and training.

Electric Transmission:

The Build Back Better Act invests \$9 billion into creating a 21st Century energy grid capable of ensuring the reliable delivery of clean energy throughout the United States. The legislation funds grants to assist states with siting transmission projects, funds DOE's transmission planning and modeling capabilities, and provides grants and loans for constructing high priority transmission lines and modernizing critical grid infrastructure. These measures will reduce consumer costs, maintain the reliable delivery of electricity during extreme weather events, and are necessary to address the climate crisis.

Green Federal Procurement:

The Build Back Better Act invests \$17.5 billion in decarbonizing federal buildings and fleets. Among other things, the funds support DOE's Federal Energy Efficiency Fund and agencies' efforts to procure 24/7 clean electricity and low carbon materials, as well as to install electric vehicle charging stations.

Appliance & Building Efficiency Rebates:

The Build Back Better Act invests \$18 billion in home energy efficiency and appliance electrification rebates. Buildings account for some 30 percent of greenhouse gas pollution in the United States. Reducing energy usage and electrifying appliances is crucial to tackling the climate crisis.

Greenhouse Gas Reduction Fund:

The Build Back Better Act invests \$27.5 billion in nonprofit, state, and local climate finance institutions that support the rapid deployment of low- and zero-emission technologies. These financing entities will build on the successful track record of similar programs across the United States, leveraging public and private investment to help communities reduce greenhouse gas emissions and other forms of air pollution. At least 40 percent of investments will be made in low-income and disadvantaged communities.

Low Income Solar:

The Build Back Better Act invests \$2.5 billion for planning and installing solar facilities and community solar projects that serve low-income households or multi-family affordable housing complexes. Funding will also support development of these facilities in underserved areas and areas with high energy burden.

Lead Pipe Replacement:

The Build Back Better Act invests \$30 billion for the full replacement of lead service lines in drinking water systems throughout the country, protecting public health, putting people to work in well-paying jobs, and making good on President Biden's commitment.

Superfund:

The Build Back Better Act invests \$10 billion for the cleanup of Superfund sites on the National Priority List where federal agencies are the responsible parties, a bipartisan priority.

Environmental and Climate Justice Block Grants:

The Build Back Better Act invests \$5 billion to community-led projects that address environmental and public health harms related to pollution and climate change. This grant program provides direct funding to the communities most impacted by climate change and environmental injustice, funding local projects and solutions to decrease pollution and increase climate readiness.

Methane Fee:

The Build Back Better Act establishes a methane fee on pollution from the oil and gas industry above specific intensity thresholds. The methane fee builds on EPA's existing Greenhouse Gas Reporting Program, recognizes the cleanest performers, holds individual companies responsible for their own leaks and excess methane pollution, drives innovation in the sector, and supports the creation of good-paying jobs.

KEY PUBLIC SAFETY, BROADBAND, MANUFACTURING, & PRIVACY PROVISIONS:

The Build Back Better Act follows through on Democrats' commitments to continue to provide relief to struggling families and to protect consumers.

Next Generation 9-1-1:

The Build Back Better Act provides \$10 billion in grants for the implementation of Next Generation 9-1-1 services to make 9-1-1 service more accessible, effective, and resilient. This service would protect first responders and save lives by allowing callers to send text messages, images, or videos to 9-1-1 to help responders better assess the nature of an emergency and reach people in need.

Emergency Connectivity Fund:

The Build Back Better Act continues President Biden's and Congressional Democrats' efforts to bridge the homework gap by providing an additional \$4 billion to the Emergency Connectivity Fund to ensure students, school staff, and library patrons have internet connectivity and devices at locations other than a school or library.

Wireless Innovation:

The Build Back Better Act helps foster innovation by setting aside 200 MHz of our nation's airwaves for auction—raising revenues for the Treasury—while also allowing for permissionless, opportunistic, or licensed by rule uses of spectrum to help Americans invent the next big breakthrough in wireless technology.

Consumer Privacy and Data Protection:

The Build Back Better Act protects consumers and businesses by providing the Federal Trade Commission with \$1 billion to create and operate a new bureau, including by hiring technologists and other experts, dedicated to stopping unfair and deceptive acts and practices related to privacy violations, data security incidents, identity theft, and other data abuses.

Manufacturing Supply Chains:

The Build Back Better Act provides the Department of Commerce \$10 billion to monitor and identify critical manufacturing supply chain vulnerabilities that imperil our national security and economic vitality and support domestic companies and other domestic entities in closing those vulnerabilities.