



AAU Analysis (House Rules Committee Revision of H.R. 5376)

Last updated: November 4, 2021 (3 pm EDT)

OVERVIEW: The House Rules Committee on November 3 released updated text for H.R. 5376, the Build Back Better Act (see [Nov. 3 text](#), [Nov. 3 text compared to the text approved by the House Budget Committee](#), and a [section-by-section summary](#)).

The revised text retains many of the proposed changes contained in the bill text the Rules Committee released on October 28 that mirrored President Biden’s \$1.75 trillion reconciliation bill framework (see [framework](#), [fact sheet](#), and the Rule Committee [October 28 text](#)).

Resource: [AAU’s analysis of the Build Back Better Act Framework and October 28 text](#).

STUDENT AID AND HIGHER EDUCATION

Department of Education

*** Student Aid and Higher Education provisions below remain the same as listed in the Build Back Better (BBB) Framework. Sec.22103 is new***

<u>Provision</u>	<u>Funding (\$)</u>	<u>Details</u>
Pell Grant Maximum Award (Sec. 20021)	+\$550 Increase	Expands access to DACA recipients, those with temporary protected status (TPS), or deferred enforced departure (DED). Guarantees eligibility for a maximum Pell Grant for FAFSA applicants who, in the past 24 months have received, or in the case of a dependent student whose parents have received, a means-tested federal benefit.
Retention and Completion Grants (Sec. 20024)	\$500 million	Provides grants to states, systems of institutions of higher education, and Tribal Colleges and Universities to improve student outcomes, including enrollment, retention, completion, and transfer rates, and labor market outcomes. At least \$142.5 million will be used to implement reforms and practices meeting certain evidence standards. The program will sunset in seven years.
Institutional Aid (Sec. 20025)	\$6 billion	Provides \$6 billion to increase the mandatory appropriations to HBCU’s TCUs, and MSIs authorized under Section 371 of the Higher Education Act for activities authorized by such section and to award need-based financial aid to low-income students.
Improving Research and Development Infrastructure for HBCU’s, TCU’s, and MSI’s (Sec. 20026)	\$3 billion	Establishes a competitive grant program to improve the research capacity and research and development infrastructure at four-year HBCUs, TCUs, and MSIs. Competitive grant funds can be used to improve infrastructure, hire and retain faculty/students, and to create and support inter- and intra-institutional research centers.
College Access for Students in Outlying Areas (Sec. 20027)	\$50 million	Provides funding to cover the difference between in-state and out-of-state tuition for eligible students from the Northern Mariana Islands, American Samoa, U.S. Virgin Islands, Guam, and the Freely Associated States who attend a four-year public institution of higher education.

Community College and Industry Partnership Grants (Sec. 22103)	\$5 billion	Establishes competitive grants, contracts or cooperative agreements to community colleges that are part of or in the process of establishing industry or sector partnerships to expand workforce development programs in high-skill, high-wage, or in-demand industry sectors or occupations, including providing supportive services, career services and job placement assistance to individuals with barriers to employment, and of the funds made available, \$100 million is appropriated for outreach, administrative costs, and evaluation.
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RESEARCH AND DEVELOPMENT

Department of Energy (DOE)

*** \$2.5 billion in total funding to remain available until September 30, 2026. Sec. 90002 is new. ***

<u>Provision</u>	<u>Funding (\$)</u>	<u>Details</u>
Office of Energy Efficiency and Renewable Energy (Sec. 90001)	\$1 billion	Provides funding to carry out demonstration projects, including: Building technologies, solar energy technologies, geothermal energy technologies, wind energy technologies, waterpower technologies, bioenergy technologies and (vehicle technologies
Office of Science (Sec.90001)	\$985 million	Supports research including (but not limited to): low-dose radiation research program, fusion materials research and development program, fusion energy development program, fusion reactor system design activities, support programs across DOE's civilian research, development, demonstration, and commercial application activities.
Office of Fossil Energy and Carbon Management (Sec. 90001)	\$10 million	Provides funding to support demonstration of advanced: building technologies, solar energy technologies, geothermal energy technologies, wind energy technologies, waterpower technologies, bioenergy technologies, and vehicle technologies.
Office of Economic Impact and Diversity (Sec. 90001)	\$5 million	Provides funding to support programs across the Department's civilian research, development, demonstration, and commercial activities.
* Availability of High-Assay Low-Enriched Uranium Sec. 90002*	\$500 million	Consistent with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), use a competitive, meritbased review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020.

National Aeronautics and Space Administration (NASA)

*** Overall total funding remains the same. \$2M moved from (Sec. 90005) to (Sec. 90007). \$1.1 billion in total funding to remain available until September 30, 2028 ***

<u>Provision</u>	<u>Funding (\$)</u>	<u>Details</u>
Infrastructure (Sec. 90005)	\$748 million	Provides funding to support physical infrastructure and facility modernization.
Climate change R&D (Sec. 90006-1)	\$85 million	Supports research and development on sub seasonal to seasonal models and observations, climate resilience and sustainability, and for airborne instruments, campaigns, and surface networks to understand, observe, and mitigate climate change and its impacts, consistent with NASA's mission.
Climate Change Data (Sec. 90006-2)	\$30 million	Provides funding to support investments in data management and processing to support research, development, and applications to understand, observe, and mitigate climate change and its impacts.
Wildfire R&D (Sec. 90006-3)	\$25 million	Supports research and development to support the wildfire fighting community and improve wildfire fighting operations.
Aeronautics (Sec. 90006-4)	\$225 million	Provides funding for Aeronautics research and development on sustainable aviation.
(Sec. 90007) Office of Inspector General	\$2 million	Provides funding for the Inspector General to provide oversight and management.

National Institute of Standards and Technology (NIST)

\$1.25 billion in total funding to remain available until September 30, 2028. Previously listed as Sec. 90006-90009 in BBB Framework

<u>Provision</u>	<u>Funding (\$)</u>	<u>Details</u>
Fire Research (Sec. 90008)	\$100 million	Supports research on the impact of fire on structures and communities located at the Wildland Urban Interface.
Manufacturing Parentship (Sec 90009)	\$260 million	Provides funding for Hollings Manufacturing Extension Partnership (MEP).
Advanced Manufacturing Research (Sec. 90010-1)	\$220 million	Provide funding for advanced manufacturing research, development, and testbeds, through new and existing programs and public private partnerships.
Cybersecurity (Sec. 90010-2)	\$20 million	Provides funding to support the development and execution of a cybersecurity workforce training center.
Research Infrastructure (90011)	\$650 million	Provides funding for the upgrade, replacement, maintenance, or renovation of facilities and equipment.

National Oceanic and Atmospheric Administration (NOAA)

***\$859 million in total funding to remain available until September 30, 2026. Previously listed as (Sec. 90010-90013) in BBB Framework. Sec. 90012-C is new ***

<u>Provision</u>	<u>Funding (\$)</u>	<u>Details</u>
Forecasting and Research (Sec. 90012-A)	\$200 million	Accelerates advances and improvements in research, observation systems, modeling, forecasting, assessments, and dissemination of information to the public as it pertains to ocean and atmospheric processes related to weather, coasts, oceans, and climate.
Research Grants and Science Information Products (Sec. 90012-B)	\$200 million	Provides \$100,000,000 for competitive grants to fund climate research as it relates to weather, ocean, coastal; and \$100,000,000 for education and training for increased development and dissemination of climate science information.
(Sec. 90012-C) Research and Infrastructure Procurement	\$100 million	Supports research infrastructure that improves accuracy, timing, and dissemination of public information concerning extreme climate and weather and for procurements necessary to support the activities described in subsections (a) and (b), and for related administrative expenses.
Climate Education (Sec. 90013)	\$20 million	Provides funding to support contracts, grants, and technical assistance for education activities and materials improve public understanding of climate change as it relates to weather, ocean, coastal, and atmospheric processes and conditions and marine fisheries and resources.
Computing/Data (Sec. 90014)	\$200 million	Provides funding to support the procurement of additional high-performance computing, data processing capacity, data management, and storage assets.
Aircraft (Sec. 90015)	\$139 million	Provides funding for the Acquisition of hurricane hunter aircraft.

<u>Department of Agriculture</u>		
<u>Provision</u>	<u>Funding (\$)</u>	<u>Details</u>
Agriculture Advanced Research and Development Authority (AGARDA) (Sec. 13001)	\$30 million	Provides funding to support the Office of the Chief Scientist to carry out advanced research and development relating to climate through AGARDA
Agriculture food and Research Initiative (AFRI) (Sec. 13001)	\$210 million	Supports AFRI research, education, and grants.
Advanced Manufacturing Research (Sec. 90010-1)	\$210 million	For the Foundation for Food and Agriculture Research to carry out activities related to climate change.

<u>Environmental Protection Agency (EPA)</u>		
\$100 million in total funding to remain available until September 30, 2026. Previously listed as Section 90002 in BBB Framework		
<u>Provision</u>	<u>Funding (\$)</u>	<u>Details</u>
Air Quality and Climate Research (Sec. 90003)	\$100 million	Supports air quality and climate research under section 103 of the Clean Air Act (42 U.S.C. 7403) in support of research related to climate change mitigation, adaptation and resilience activities to help reduce the impacts of climate change on human health and welfare.

<u>Economic Development Administration (EDA)</u>		
\$3.36 billion in total funding to remain available until September 30, 2031		
<u>Provision</u>	<u>Funding (\$)</u>	<u>Details</u>
EDA Economic Growth Grants (Sec. 110009)	\$3.36 billion	Grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to develop regional economic growth clusters, including grants for technical assistance, planning, and pre-development activities.

National Science Foundation (NSF)

***\$3.5 billion of total funding to remain available ranging from FY26-FY28. \$7M moved from (Sec. 90016) to (Sec. 90019).
Sec. 90019 is new ***

Provision	Funding (\$)	Details
Core Research (Sec. 90016-1)	\$668 million	Fund or extend new and existing research awards, traineeships, scholarships, and fellowships administered by the National Science Foundation (FY26).
Core Research (Sec. 90016-2)	\$25 million	Research and activities to ensure broad demographic participation in NSF activities (FY28).
Core Research (Sec. 90016-3)	\$500 million	Climate change research (FY28).
TIP Directorate (Sec. 90017-1)	\$1.52 billion	Fund and administer the Directorate for Technology, Innovation, and Partnerships (TIP) (FY26).
TIP Directorate (Sec. 90017-2)	\$25 million	Research security activities (FY28).
TIP Directorate (Sec. 90017-3)	\$200 million	Research capacity building at MSIs administered through the Directorate for TIP (FY28).
TIP Directorate (Sec. 90017-4)	\$55 million	Cybersecurity education and training, including scholarships (FY28).
Infrastructure (Sec. 90018-1)	\$200 million	Repair, renovation, or, in exceptional cases, replacement of obsolete science and engineering facilities primarily devoted to research and research training (FY26).
Infrastructure (Sec. 90018-2)	\$200 million	Additional mid-scale and major research instrumentation, equipment, and infrastructure awards (FY26).
Infrastructure (Sec. 90018-3)	\$100 million	Academic research facilities modernization and research instrumentation, at HBCU, TCU, HSI, and other minority serving institutions (FY28).
(Sec. 90019) NSF Oversight	\$7 million	Funding for the Inspector General to provide oversight and management.

TAX

Provisions noted below remain the same as listed in the BBB Framework. The proposed modifications to the excise tax on investment income of private universities has been removed.

<u>Provision</u>	<u>Details</u>
Public University Research Infrastructure Credit (Sec. 137501)	<p>Provides a 40 percent general business credit for cash contributions made by a taxpayer to a public college or university (or a non-profit organization to which authority has been delegated by the institution to apply for administering credit amounts on behalf of the institution) in connection with a qualifying research infrastructure program.</p> <p>Taxpayers may elect to claim this credit with respect to a qualifying cash contribution in lieu of treating such contribution as a charitable deduction. The amount of cash contributions an institution may designate as qualified cash contributions may not exceed 250% of the credit amount allocated to it under this provision. The provision provides \$500 million of credits for calendar years 2022-26 to be awarded by the Treasury Department on a project application basis.</p>
Treatment of Federal Pell Grants for Income Tax Purposes (Sec. 137502) *Previously listed as Sec. 137503*	<p>Effective 2022, excludes the full value of Pell Grant awards from gross income, and for purposes of the American Opportunity Tax Credit, the Lifetime Learning Credit, and exclusion of qualified scholarship from income, qualified tuition and related expenses would not be reduced by any amount paid for the benefit of an individual as a Pell Grant.</p>
AOTC and Felony Drug Convictions (Sec. 137503) *Previously listed as Sec. 137504*	<p>Repeals the prohibition excluding students convicted of state or felony drug offence from claiming the American Opportunity Tax Credit.</p>
Qualified Environmental Justice Program Credit (Sec. 136601)	<p>Creates a capped refundable competitive credit of \$1 billion for each year from 2022 through and including 2031 to institutions of higher education and environmental justice (EJ) programs.</p> <p>The base credit is 20 percent of costs to be spent within five years by the receiving of institution. Programs with material participation from HBCU's and MSI's are eligible for a higher credit of 30 percent.</p>

IMMIGRATION

Provisions noted below remain the same as listed in the BBB Framework.

<u>Provision</u>	<u>Details</u>
Protections and Work Permits (Sec. 60001)	Five-year parole eligibility for those who entered prior to January 1, 2011.
Recapture of Unused Immigrant Visa Numbers (Sec. 60002)	Recaptures unused employment and family-based immigrant visas since FY 1992.
Adjustment of Status (Sec. 60003)	Allows an individual to receive an exemption from the per-country and worldwide limitations on immigrant visas and have their status adjusted if such individual— (A) is the beneficiary of an approved family-based visa petition that bears a priority date that is more than 2 years before the date the alien requests an exemption from the numerical limitations and pays a supplemental fee of \$2,500; (B) is the beneficiary of an employment-based first, second, or third preference visa petition that bears a priority date that is more than 2 years before the date the alien requests an exemption from the numerical limitations and pays a supplemental fee of \$5,000; (C) is the beneficiary of an employment-based fifth preference petition that bears a priority date that is more than 2 years before the date the alien requests an exemption from the numerical limitations and pays a supplemental fee of \$50,000.
Additional Supplemental Fees (Sec. 60004)	<p>Allows increased fees for certain immigration applications:</p> <ul style="list-style-type: none"> • \$100 for certain family-sponsored immigrant visa petitions (Form I-130) • \$800 for each employment-based immigrant visa petition (Form I-140) • \$19 for each Form I-94/I-94W issued to nonimmigrants who enter the United States • \$250 for each F-1 and M-1 nonimmigrant student and J-1 exchange visitor to be paid by the approved educational institution or designated exchange visitor program • \$500 for each application to replace an LPR card that has expired or is expiring • \$500 for each petition for E, H-1B, L, O, or P status (Form I-129) • \$500 for each application to change or extend nonimmigrant status (Form I-539) • \$500 for applications for employment authorization (Form I-765) filed by spouses of certain nonimmigrants, students seeking optional practical training, and applicants for adjustment of status • \$75 for each approved nonimmigrant visa