AMENDMENT NO._____ Calendar No._____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

H. R. 2347

To amend the Internal Revenue Code of 1986 to exclude from gross income any damages, other than punitive damages, received on account of any sexual acts or sexual contact.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LEE (for himself, Mr. HEINRICH, Mrs. CAPITO, and Mr. WHITEHOUSE) to the amendment (No. 6883) proposed by Mrs. CAPITO

Viz:

On page 73, line 9, strike ''9(b)'' and insert ''19(b)''.

On page 120, lines 12 and 13, strike ''subclause'' and insert ''clause''.

On page 120, line 20, insert ''the'' before ''certifying''.

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On page 160, line 14, strike ''(B)(i)'' and insert ''(B)''.

On page 170, line 1, insert ''and final'' after ''necessary''.

On page 182, line 22, strike ''(d)'' and insert ''(c)''.

On page 202, line 15, strike ''(b)'' and insert ''(c)''.

On page 202, between lines 19 and 20, insert the following:

(h) REQUIREMENT TO MAKE FEDERAL AUTHORIZATIONS OR PERMITS PUBLIC.—Any action that is a Federal authorization or permit shall be made public (as defined in section 3 of the National Environmental Policy Act of 1969) unless otherwise provided for by applicable law.

Beginning on page 237, strike line 17 and all that follows through page 238, line 2, and insert the following:

''(5) LANDOWNER INPUT.—

''(A) IN GENERAL.—The term 'landowner input' means input received—

''(i) by the Commission;

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"(ii) from affected landowners, such as farmers and ranchers, in the path of the proposed construction or modification of an electric transmission facility; and

"(iii) pursuant to notification provided to, and consultation with, those affected landowners, farmers, and ranchers by the Commission.

"(B) NOTIFICATION.—For purposes of subparagraph (A)(iii), the term 'notification' means a written notice that includes—

"(i) a general description of the proposed facilities, including the purpose and general location of the facilities, accompanied by a map or a reference to an easily accessible map; and

"(ii) information on—

"(I) the general process of Commission proceedings; and

"(II) the rights that affected landowners retain in Commission proceedings.

On page 242, strike line 2 and insert the following: the siting of the applicable facility.

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"(6) LAND RESTORATION.—

"(A) IN GENERAL.—The Commission shall have the power to attach to the issuance of a permit under subsection (b) such reasonable terms and conditions as the Commission may find necessary to appropriately restore the applicable land following construction.

"(B) CORRECTIVE ACTION.—If the holder of a permit issued under subsection (b) fails to comply with any requirement or condition imposed by the Commission that is related to the preservation or restoration of, or mitigation of impacts to, affected property, the Commission shall require corrective action, including through an order requiring corrective action, the costs of which shall be borne by the permit holder.

"(C) SAVINGS PROVISION.—Nothing in this paragraph precludes measures or requirements that differ from those prescribed in this paragraph to protect or restore affected property or to mitigate impacts on such property.

"(7) STANDARD OF CONDUCT FOR COMMUNICATING WITH AFFECTED LANDOWNERS.—

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"(A) IN GENERAL.—An applicant for a permit under subsection (b) shall adopt and implement a standard of conduct for communicating with affected landowners, including, at a minimum, requirements—

"(i) to maintain a log accounting for each instance of applicant communications with each affected landowner;

"(ii) to ensure that all communications with each affected landowner are transparent and accurate to the maximum extent possible;

"(iii) to refrain from any coercive or threatening communications with an affected landowner; and

"(iv) to hold, in each county in which the proposed facilities would be located, a reasonable number of public meetings accessible to affected landowners.

"(B) PRESERVATION OF OTHER PROTECTIONS.—The requirements of subparagraph (A) shall not be construed to limit or supersede any additional or more stringent requirement established by the Commission.".

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On page 284, strike lines 6 through 12 and insert the following:

(ii) EXCLUSION.—The term ''computational load site'' does not include—

(I) computing or data storage equipment that is ancillary to a facility the primary purpose of which is a commercial or industrial activity other than an activity described in clause (i); or

(II) a facility or any equipment that is primarily used to provide—

(aa) Internet access (as defined in section 1105(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note; Public Law 105–277)); or

(bb) cable service (as defined in section 602 of the Communications Act of 1934 (47 U.S.C. 522)) or telecommunications service, information service, interconnected VoIP service, non-interconnected VoIP service, or other wire communications (as

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those terms are defined in section 3 of that Act (47 U.S.C. 153)).

On page 459, strike lines 13 through 19 and insert the following:

other form of financial assistance with respect to which a Federal agency does not exercise predominant control and responsibility over the subsequent use of such financial assistance or any adverse effect of the project, activity, or program on a historic property;

On page 461, strike line 17 and insert the following:

section.

''(C) RULE OF CONSTRUCTION WITH RESPECT TO FEDERAL FINANCIAL ASSISTANCE.—

''(i) TRANSPORTATION PROJECTS.—For purposes of clause (ii) of subparagraph (B), the Department of Transportation shall be considered to have predominant control and responsibility over the subsequent use of financial assistance described in that clause for any project, activity, or program that receives more than

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$10,000,000 of financial assistance from the Department of Transportation.

''(ii) OTHER FEDERALLY ASSISTED PROJECTS.—Nothing in clause (i) precludes a determination that a Federal agency exercises predominant control and responsibility over the subsequent use of financial assistance described in subparagraph (B)(ii) with respect to a project, activity, or program that receives financial assistance from any other Federal agency, without regard to the amount of such assistance.''; and

On page 491, line 21, strike ''$200,000,000'' and insert ''$300,000,000''.

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