

Comparison of Senate, House, and Proposed Conference Committee Versions of E2SSB 5237

Section		SENATE E2SSB 5237 As passed the Senate on 3/6/21	HOUSE FLOOR STRIKING AMD As passed the House on 4/8/21 (H-1378.E)	PROPOSED CONFERENCE STRIKING AMD (H-1621.1)
Short Title	1	Short Title: Fair Start for Kids Act	Same as E2SSB 5237.	Same as E2SSB 5237.
Intent	2	Intent: Makes various findings and statements of intent.	<ul style="list-style-type: none"> • Recognizes that quality child care can be a stabilizing factor for children experiencing homelessness and is a proven protective factor against the impacts of trauma they may experience. Access to child care is also a necessary support for families with young children in resolving homelessness and securing employment. • Adds references to additional federal funding through the coronavirus response and relief supplemental appropriations act and the American rescue plan act, which purpose is to ensure access to affordable child care and stabilize and support child care providers affected by COVID-19. Intends to use the additional federal funding to supplement state funding to accelerate these investments. 	Same as House floor striking amendment.
Accounts and Oversight	101	Fair Start for Kids Account: Creates this account and expenditures may be used only for child care and early learning purposes.	Same as E2SSB 5237.	Same as E2SSB 5237.
	102	Spending Goals and Strategies: Includes a non-exhaustive list of spending goals and strategies for the Fair Start for Kids Account.	Adds the following spending goals and strategies: <ul style="list-style-type: none"> • providing child care subsidies for families working to resolve homelessness; • allowing the exploration of options to provide regulatory relief and making licensing more affordable for child care providers; 	Same as House floor striking amendment except: <ul style="list-style-type: none"> • Adds supporting the substitute pool for child care and early learning providers to the list of spending goals and strategies.

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Accounts and Oversight		<ul style="list-style-type: none"> • providing supports, in addition to incentives, for child care providers to become licensed; • studying and evaluating options to incentivize business participation in child care and early learning systems; and • providing start-up grants for one-time costs to eligible organizations who provide or commit to providing ECEAP or WCCC. 	
	103	Legislative Balanced Budget Requirement: Adds the Fair Start for Kids Account to the definition of related funds, which includes it in the legislative balanced budget requirement.	Same as E2SSB 5237.
	105	Education Legacy Trust Account: Does not include.	Same as House floor striking amendment.
	104	Early Learning Advisory Council: <ul style="list-style-type: none"> • Directs ELAC to provide recommendations on phasing in strategies and priorities; maintain a focus on racial equity and inclusion; maintain focus on inclusionary practices for children with disabilities; partner with organizations to collect and analyze data; and assist DCYF in monitoring and ensuring that investments support certain objectives. • Adds members, advisory groups, and reports. • Changes appointment authority. 	Same as Senate version except for the following changes: <ul style="list-style-type: none"> • Removes a reference to recognizing that system capacity must be developed and revenue expanded as it relates to annual recommendations regarding phased implementation of strategies and priorities. • Adds that members of a temporary licensing subcommittee of ELAC must include two representatives of DCYF, two child care providers, and two parents. Specifies that one child care provider and one parent representative must reside on the east side of the state, and the other must reside on the west side of the state.

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Accounts and Oversight	<ul style="list-style-type: none"> Directs ELAC to convene a temporary licensing subcommittee to provide feedback and recommendations to DCYF by December 1, 2022. 	<ul style="list-style-type: none"> Adds that one of the strategies the temporary licensing subcommittee must examine is meeting with prospective licensees to explain the licensure requirements and inspect and provide feedback on the physical space that is contemplated for licensure. 	
Working Connections Child Care (WCCC)	<p>201, 501</p> <p>Eligibility: Expands eligibility from 200% FPL, which is roughly 50% of state median income (SMI).</p> <p>At or below 60% SMI Beginning <i>July 1, 2021</i>, a family is eligible when the household's annual income is at or below 60% SMI adjusted for family size and child receiving care is less than 13 or 19 and has a verified special need.</p> <p>Above 60% and at or below 75% SMI Beginning <i>July 1, 2027</i>, and <i>subject to appropriations</i>, a family is eligible when the household's annual income is above 60% SMI and is at or below 75% SMI adjusted for family size and child receiving care is less than 13 or 19 and has a verified special need.</p> <p>Above 75% and at or below 100% SMI Does not include.</p>	<p>At or below 60% SMI Begins <i>October 1, 2021</i>.</p> <p>Above 60% and at or below 75% SMI Begins <i>July 1, 2025</i> and is <i>not</i> subject to appropriations.</p> <p>Above 75% and at or below 100% SMI Begins <i>July 1, 2027</i>, and subject to appropriations, a family is eligible when the household's annual income is above 75% SMI</p>	<p>At or below 60% SMI Same as House floor striking amendment.</p> <p>Above 60% and at or below 75% SMI Same as House floor striking amendment.</p> <p>Above 75% and at or below 85% SMI Same as House floor striking amendment except the income threshold is <i>85% SMI</i> instead of 100% SMI.</p>

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	201	<p>Copayment: Modifies copayment schedule.</p> <table border="1"> <thead> <tr> <th>Beginning date:</th> <th>If the household's income is:</th> <th>Then the household's copayment is:</th> </tr> </thead> <tbody> <tr> <td>Beginning July 1, 2021</td> <td>At or below 20% of SMI</td> <td>\$15 or waived to the extent allowable under federal law</td> </tr> <tr> <td>Beginning July 1, 2021</td> <td>Above 20% and at or below 36% of SMI</td> <td>\$65</td> </tr> <tr> <td>Beginning July 1, 2021</td> <td>Above 36% and at or below 50% of SMI</td> <td>\$115</td> </tr> <tr> <td>Beginning July 1, 2021</td> <td>Above 50% and at or below 60% of SMI</td> <td>\$165</td> </tr> <tr> <td>Beginning July 1, 2027</td> <td>Above 60% and at or below 75% of SMI</td> <td>\$215</td> </tr> </tbody> </table>	Beginning date:	If the household's income is:	Then the household's copayment is:	Beginning July 1, 2021	At or below 20% of SMI	\$15 or waived to the extent allowable under federal law	Beginning July 1, 2021	Above 20% and at or below 36% of SMI	\$65	Beginning July 1, 2021	Above 36% and at or below 50% of SMI	\$115	Beginning July 1, 2021	Above 50% and at or below 60% of SMI	\$165	Beginning July 1, 2027	Above 60% and at or below 75% of SMI	\$215	<table border="1"> <thead> <tr> <th>Beginning date:</th> <th>If the household's income is:</th> <th>Then the household's copayment is:</th> </tr> </thead> <tbody> <tr> <td>Beginning July 1, 2023</td> <td>At or below 36% of SMI</td> <td>Waived to the extent allowable under federal law</td> </tr> <tr> <td>Beginning July 1, 2023</td> <td>Above 36% and at or below 50% of SMI</td> <td>\$65</td> </tr> <tr> <td>Beginning July 1, 2023</td> <td>Above 50% and at or below 60% of SMI</td> <td>\$165</td> </tr> <tr> <td>Beginning July 1, 2025</td> <td>Above 60% and at or below 75% of the state median income</td> <td>\$215</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • Directs DCYF to adopt a copayment model based on available revenue for households with annual incomes above 75% of SMI and at or below 100% of SMI. The model must calculate a copayment for each household that is no greater than 7% of the household's countable income within this income range. • Allows DCYF to adjust the copayment schedule to comply with federal law. 	Beginning date:	If the household's income is:	Then the household's copayment is:	Beginning July 1, 2023	At or below 36% of SMI	Waived to the extent allowable under federal law	Beginning July 1, 2023	Above 36% and at or below 50% of SMI	\$65	Beginning July 1, 2023	Above 50% and at or below 60% of SMI	\$165	Beginning July 1, 2025	Above 60% and at or below 75% of the state median income	\$215	<p>Beginning July 1, 2021 through June 30, 2023:</p> <table border="1"> <thead> <tr> <th>If the household's income is:</th> <th>Then the household's maximum monthly copayment is:</th> </tr> </thead> <tbody> <tr> <td>At or below 20% of SMI</td> <td>Waived to the extent allowable under federal law, otherwise a maximum of \$15</td> </tr> <tr> <td>Above 20% and at or below 36% of SMI</td> <td>\$65</td> </tr> <tr> <td>Above 36% and at or below 50% of SMI</td> <td>\$115 until December 31, 2021 and \$90 beginning January 1, 2022</td> </tr> <tr> <td>Above 50% and at or below 60% of SMI</td> <td>\$115</td> </tr> </tbody> </table> <p>Beginning July 1, 2023:</p> <table border="1"> <thead> <tr> <th>If the household's income is:</th> <th>Then the household's maximum monthly copayment is:</th> </tr> </thead> <tbody> <tr> <td>At or below 20% of SMI</td> <td>Waived to the extent allowable under federal</td> </tr> </tbody> </table>	If the household's income is:	Then the household's maximum monthly copayment is:	At or below 20% of SMI	Waived to the extent allowable under federal law, otherwise a maximum of \$15	Above 20% and at or below 36% of SMI	\$65	Above 36% and at or below 50% of SMI	\$115 until December 31, 2021 and \$90 beginning January 1, 2022	Above 50% and at or below 60% of SMI	\$115	If the household's income is:	Then the household's maximum monthly copayment is:	At or below 20% of SMI
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Working Connections Child Care (WCCC)		<ul style="list-style-type: none"> Requires DCYF to adopt rules, including phase-out eligibility, to implement this section. 	<table border="1" data-bbox="1491 300 1858 592"> <tr> <td></td> <td>law, otherwise a maximum of \$15</td> </tr> <tr> <td>Above 20% and at or below 36% of SMI</td> <td>\$65</td> </tr> <tr> <td>Above 36% and at or below 50% of SMI</td> <td>\$90</td> </tr> <tr> <td>Above 50% and at or below 60% of SMI</td> <td>\$165</td> </tr> </table> <p data-bbox="1491 633 1764 665">Beginning July 1, 2025:</p> <table border="1" data-bbox="1491 698 1858 909"> <tr> <td>If the household's income is:</td> <td>Then the household's maximum monthly copayment is:</td> </tr> <tr> <td>Above 60% SMI and at or below 75% of SMI</td> <td>\$215</td> </tr> </table> <ul style="list-style-type: none"> Directs DCYF to adopt a copayment model for households with annual incomes above 75% of SMI and at or below 85% of SMI, <i>subject to appropriations</i>. The model must calculate a copayment for each household that is no greater than 7% of the household's countable income within this income range. Allows DCYF to adjust the copayment schedule to comply with federal law. Requires DCYF to adopt rules to implement this section, including an income phase-out eligibility period. 		law, otherwise a maximum of \$15	Above 20% and at or below 36% of SMI	\$65	Above 36% and at or below 50% of SMI	\$90	Above 50% and at or below 60% of SMI	\$165	If the household's income is:	Then the household's maximum monthly copayment is:	Above 60% SMI and at or below 75% of SMI	\$215
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Working Connections Child Care (WCCC)	202	<p>Student Parents:</p> <ul style="list-style-type: none"> • Waives work requirements for any parent who is a full-time student of a community, technical college, or tribal college, in good standing, and enrolled in (a) vocational education, (b) associate degree, or (c) apprenticeship program beginning <i>July 1, 2021</i>, subject to appropriations. • Allows waiving of work requirements for bachelor's degree, subject to appropriations. 	<ul style="list-style-type: none"> • Begins <i>August 1, 2021</i>. • Does not require student parents to be in good standing. 	Same as House floor striking amendment except: <ul style="list-style-type: none"> • Begins <i>July 1, 2021</i>.
	301	<p>Child Care Subsidy Rates:</p> <ul style="list-style-type: none"> • Increases base rates and must achieve the 85th percentile of market beginning <i>July 1, 2021</i>. • Directs DCYF to develop and implement a cost estimate model and use to recommend rates to compensate for full costs. • Direct DCYF to build upon the work of the child care collaborative task force to evaluate options to support access to affordable health care insurance coverage for licensed or certified child care providers. 	Same as E2SSB 5237.	Same as E2SSB 5237.
	306	<p>Nonstandard Hours Rate Model: Directs DCYF to develop and submit a rate model for nonstandard child care hours by <i>January 1, 2022</i>, subject to appropriations.</p>	Does not include subject to appropriations.	Same as House floor striking amendment.

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Early Childhood Education and Assistance Program (ECEAP)	208	Entitlement: Delays the entitlement for eligible children from the 2022-23 to the 2026-27 school year.	Adds that entitlement under this section is voluntary enrollment.	Same as House floor striking amendment.
	204, 207	Entitlement Eligibility: Expands definition of "eligible child" to include a child who: (1) has a family with financial need (0-36% of SMI in 2026 and 0-50% of SMI in 2030); (2) is experiencing homelessness in 2026; (3) has participated in Early Head Start/Early Support for Infants and Toddlers or received class C developmental services/Birth-to-3 ECEAP/ECLIPSE in 2026; or (4) is Indian and at or below 100% SMI in 2026. • Directs DCYF to consult and agree on a definition of "Indian" by July 1, 2024.	Same as E2SSB 5237.	Same as E2SSB 5237.
	205	Expanded Enrollment: Allows children to enroll as space is available if at or below 50% of SMI and have a risk factor until August 1, 2030.	Same as E2SSB 5237.	Same as E2SSB 5237.
	206	Early Entry: Expands early entry to ECEAP to allow for children who have a family income at or below <i>100% of SMI</i> and participated in certain early intervention programs, including ECLIPSE.	Same as Senate version except family income is at or below <i>50% of SMI</i> .	Same as House floor striking amendment.
	302	ECEAP Rates: Increases rates to at least 10% higher than the 2019-21 operating budget for the 2021-22 school year.	Same as E2SSB 5237.	Same as E2SSB 5237.

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Provider Supports	303	Complex Needs Funds: Directs DCYF to administer two funds to promote inclusive, least restrictive environments for children with developmental delays, disabilities, behavioral needs, subject to appropriations. One fund for ECEAP and Birth-to-Three ECEAP; one fund for child care and license-exempt child care programs.	<ul style="list-style-type: none"> • Does not include subject to appropriations. • Directs DCYF to work collaboratively with OSPI and providers so that the funds best serve the children. 	<ul style="list-style-type: none"> • Includes subject to appropriations. • Directs DCYF to work collaboratively with OSPI and providers to best serve children.
	304	Trauma-Informed Care Supports: Provides trauma-informed care supports to eligible providers beginning July 1, 2022.	Provides that trauma-informed care supports may include additional compensation, instead of wage increases, for <i>individual</i> staff who have an infant and early childhood mental health or other child development specialty credential.	Same as House floor striking amendment.
	305	Dual Language Rate Enhancement: Establishes a dual language designation and rate enhancements for licensed or certified child care providers who are accepting state subsidy beginning July 1, 2022.	Directs DCYF to establish site-specific grants, in addition to subsidy rate enhancements, for dual language designations.	Same as House floor striking amendment.
	307	Equity Grants: Directs DCYF to distribute grants to eligible applicants who may receive a grant once every two years. Supports inclusive and culturally and linguistically specific programs, subject to appropriations.	Same as E2SSB 5237.	Same as E2SSB 5237.
	308	Employer-Supported Child Care: Requires Commerce to provide technical assistance to employers interested in	Same as E2SSB 5237.	Same as E2SSB 5237.

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Provider Supports		supporting employee's access to high quality child care, subject to appropriations.		
	309	Infant and Early Childhood Mental Health Consultation: Requires one coordinator and at least 12 consultants with at least one for each of the six department-designated regions and placed in regions based on the highest need beginning July 1, 2021, subject to appropriations.	<ul style="list-style-type: none"> Does not include subject to appropriations. Directs DCYF to collaborate with the statewide child care resources and referral network to determine where infant and early childhood mental health consultants should be sited based on factors such as the total provider numbers overlaid with indicators of highest need. 	Same as House floor striking amendment except: <ul style="list-style-type: none"> Merges two sections regarding infant and early childhood mental health consultation into one section.
	310	Play and Learn Groups: Provides resources and supports for inclusive and culturally and linguistically relevant play and learn groups, subject to appropriations.	Same as E2SSB 5237.	Same as E2SSB 5237.
	311	Professional Development: Provides supports to aid eligible providers in reaching professional education and training standards, subject to appropriations.	<ul style="list-style-type: none"> Provides that professional development supports may include supporting a nonprofit organization that provides relationship-based professional development supports to family, friend, and neighbor caregivers, child care centers, and licensed family home providers, and their work to help providers start their businesses. Groups owners and employees for the definition of eligible provider. 	Same as House floor striking amendment.
	312	Negotiated Rule Making with Child Care Centers: Directs DCYF to engage in negotiated rulemaking with the largest organization representing child care	Directs to DCYF to include these affected interests when DCYF elects to engage in negotiated rulemaking.	Same as House floor striking amendment.

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Provider Supports		center owners and directors; the largest organization representing supervisors, teachers, and aides; and other affected interests before adopting requirements that affect child care center licensees.		
	313	Capacity Flexibility for Family Home Providers: Does not include.	<ul style="list-style-type: none"> • Allows DCYF to waive the limit that restricts family home providers from serving not more than 12 children. • Directs DCYF to establish conditions for such waivers by rule and must assess, at a minimum, the provider's available square footage and staffing capabilities prior to issuing any waiver of the limit of 12 children. 	Same as House floor striking amendment.
	314	Support for Child Care Deserts: Does not include.	<ul style="list-style-type: none"> • Requires DCYF, subject to appropriations, to establish a grant program to expand child care in child care deserts. • Specifies that grants must be used for one-time costs associated with opening a child care site. • Directs DCYF to use the child care industry insights dashboard as a tool to identify areas in which additional investments are needed. • Expires the grant program on June 30, 2026. 	Same as House floor striking amendment.
Prenatal-to-3 Supports	402	Education and Support: Directs DCYF to administer a prenatal-to-3 family engagement strategy, subject to appropriations.	Same as E2SSB 5237.	Same as E2SSB 5237.
	403	Birth-to-3 ECEAP: Makes the Birth-to-3 ECEAP pilot project permanent for families ≤ 50% SMI, subject to appropriations.	Same as E2SSB 5237.	Same as E2SSB 5237.

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Prenatal-to-3 Supports	404	Infant Rate Enhancement: Provides an infant rate enhancement for licensed or certified child care providers and Birth-to-Three ECEAP contractors caring for children between birth-11 months and meet other requirements beginning July 1, 2022.	Same as E2SSB 5237.	Same as E2SSB 5237.
	405	Early Therapeutic and Preventative Services: Directs DCYF to administer programs, such as Early Childhood Intervention and Prevention Services Program (ECLIPSE), subject to appropriations.	Same as E2SSB 5237.	Same as E2SSB 5237.
Inflationary Increases	107	Requires rates to be adjusted every two years according to an inflationary adjustment index for ECEAP rates, dual language enhancement, Birth-to-3 ECEAP, and infant rate enhancement beginning July 1, 2023, subject to appropriations.	Same as E2SSB 5237.	Same as E2SSB 5237.
Collective Bargaining	102, 301, 601	Sec. 102 - Spending Goals and Strategies Sec. 301 - Child care subsidy rates	Specifies that the spending goals and priorities section does not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives. Adds that the state and the exclusive representative for family child care providers must enter bargaining over the implementation of the child care subsidy rate	Same as House floor striking amendment.

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	<p>Sec. 601 - Collective bargaining: Provides that the child care subsidy rate section does not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives.</p>	<p>increases. Specifies that the child care subsidy rates section does not interfere with, impede, or in any way diminish the right of family child care providers to bargain collectively with the state through the exclusive bargaining representatives.</p> <p>Removes a provision stating that the parties should bargain over the implementation of the subsidy rates and apply those rates consistent with that section and the agreement reached between the parties.</p>	
Conforming Amendments	501-508 Includes a definition for "family resource and referral linkage system." Fixes a double amendment. Amends three versions of account statute.	Same as E2SSB 5237 except for Sec. 508, which relates to effective date for Sec. 202.	Same as E2SSB 5237.
Misc.	601-611 Includes a federal severability clause; effective dates; codification instructions.	Updates effective and expiration clauses to match effective dates of policies.	Updates effective and expiration clauses to match effective dates of policies.