



Policy Resolution Group Reconciliation & Infrastructure Update

July 15, 2022

Please find below the latest edition of the Policy Resolution Group's FY2022 Budget Reconciliation & Infrastructure Update.

Included in this newsletter are sections on:

- State of Infrastructure and Reconciliation Negotiations
- Liam Donovan's Bottom Line
- PRG Podcasts
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State of Infrastructure and Reconciliation Negotiations

The fate of a partisan reconciliation bill remains up in the air, as Senator Joe Manchin (D-WV) has stated he is "very, very cautious" about including measures that could contribute to inflationary pressures after the most recent inflation report showed inflationary rates once again reaching a 40-year peak. On Thursday, July 14, reports surfaced that Senator Joe Manchin (D-WV) informed Democratic leadership that he will not support a reconciliation package that includes clean energy tax credits or new tax increases. Instead, those reports indicated that Sen. Manchin only desires for a bill to extend Obamacare subsidies for two years and to allow the government to negotiate prescription drug prices for seniors covered under Medicare. However, on Friday, July 15, Sen. Manchin went on the Hoppy Kercheval radio show and said that he would not necessarily rule out climate or tax measures and would instead prefer to wait for the next inflation report to ensure additional government spending would not further exacerbate inflationary forces. Democrats now appear to face a choice of passing a healthcare focused bill in the near term to avoid spikes in Obamacare premiums before the midterm elections, or to wait until September in the hopes that inflation has declined enough for Sen. Manchin to commit to a climate and tax-oriented package. President Biden has announced his support for the healthcare-focused package, stating "The Senate should move forward, pass it before the August recess, and get it to my desk so I can sign it," but a bill must still be drafted, vetted by the parliamentarian, and receive approval by both chambers.

Liam Donovan's Bottom Line

Reconciliation talks were thrown into turmoil late this week, imperiling the effort's clean energy tax core, and leaving unanswered questions as to how and whether Democrats might proceed. With just three weeks left before August recess, Majority Leader Chuck Schumer (D-NY) made a full court press to move forward with a broad-based climate, health, and deficit reduction package by the end of the work period, a move Senator Joe Manchin (D-WV) rejected. Manchin indicated a willingness to proceed with a limited number of items that have been agreed to, such as drug pricing reform and ACA subsidies, but that an agreement on clean energy incentives and tax increases would have to wait, citing a September timetable. Manchin's stance leaves leadership with a nominal choice between pursuing a narrow bill that would address a serious near-term political problem or holding out for climate policy contingent on his terms.

Schumer's fury over Manchin's posture was evident, with his team immediately sourcing a [barrage of pieces blasting Manchin](#) for walking away from the negotiating table and renegeing on their understanding. [Charges](#) of bad faith followed from [colleagues in both chambers](#) as Democrats vented while considering what to do next. Reports played up the many concessions Schumer is said to have offered, ranging from dropping the electric vehicle (EV) tax provisions altogether, to striking the direct pay option for renewable energy incentives, to supporting permitting reform and drilling efforts outside of the reconciliation process.

For his part, Manchin took to the airwaves Friday morning, [joining his favorite local radio host Hoppo Kercheval](#) to provide his version of events to the folks back home. In measured terms--a stark contrast to the December falling out with the President and his staff--Manchin insisted that he had not walked away from anything, that he still desired to reach a broader deal on energy, and that he merely wanted more data to confirm that inflation is receding before committing to a deal of this magnitude. And while he spilled the details of their private conversation, seeking to blame Schumer's "political deadline" for the blow-up, he seemed to leave the door open to resuming talks.

But a [late-breaking statement](#) from President Biden promised executive action on climate, urging congressional Democrats to push forward with the drug pricing and ACA subsidy bill before the August recess, effectively writing Manchin off, and likely dooming any hope of resuscitating the broader negotiation.

This was not how this week was supposed to go for Senate leadership. Coming off a stretch punctuated by the smooth release of the plan's first major component, and a so-far-so-good trial balloon of a significant pay-for, there was a growing sense that the piecemeal rollout strategy would continue to build momentum. Hill chatter suggested further revenue items would be forthcoming by the end of the week, and, among the most optimistic players, perhaps even an agreement on the energy title.

None of it was to be.

There were challenges from the beginning, starting with Leader Schumer being [sidelined with COVID](#), another reminder of Democrats' shaky grasp on functional control of the floor. Schumer soldiered on, virtually and via his trademark flip phone, taking pains to keep things on track, and meeting with Manchin on Monday afternoon. Manchin's first public statements on the heels of that meeting amounted to foreshadowing, telling reporters that he [didn't know](#) if they could reach a deal by August recess, pointing to the true deadline of September 30th, and saying he [didn't need a deal](#) before then.

By Tuesday, the [conversation turned](#) to the proposed 3.8 percent tax increase on active pass-through owners, billed to Manchin as closing a loophole, but which prompted a [letter signed by 192 business groups](#) representing industries around the country. Outside groups [hit the West Virginia airwaves](#) seeking to appeal to his constituents. Republicans fanned the flames, [citing the response on the floor](#) and calling out Manchin specifically. And with rogue House moderates [pitching a package without tax hikes](#), in a bid to elevate their SALT concerns, suddenly Democrats in both chambers were expressing various levels of [election-year revenue anxiety](#).

The Wednesday morning release of the CPI print—with a 9.1 percent headline number, the worst in over 40 years—seems to have been the coup de grâce. Manchin's office [weighed in on the release](#) for the first time since April, signaling his thinly veiled doubts in ominous terms: "No matter what spending aspirations some in Congress may have, it is clear to anyone who visits a grocery store or a gas station that we cannot add any more fuel to this inflation fire." He spent the rest of the day giving similar quotes to reporters, and notably [backing away](#) from the idea of increasing taxes on businesses, citing economic concerns.

The worse-than-expected number came at a critical moment in the negotiations, at once validating Manchin's long-standing priors with regard to inflation and offering him a pretext to drag out negotiations further, if not an offramp to walk away altogether. Schumer's aggressive timeline made it all too easy.

In the end, the apparent demise of the climate title (and the tax increases needed to fund it) may have been overdetermined; a late but furious push by small business groups against the proposed 3.8 percent tax increase on pass-through owner-operators; a devastatingly high CPI print that went to the heart of the Senator's inflation fears; an asymmetrical sense of urgency as leaders sought to wrap up the entire process during the current work period. But at the end of day, the talks were plagued by the same dynamics that had scotched previous negotiations—an abiding lack of trust that was often mutual, and a political will that simply never materialized.

With 76 days before the September 30th deadline, and an uncertain whip count for a skinny, health-centric bill, there may still be a few twists and turns for reconciliation; but for now, the Joe and Chuck Show seems to have been put on hiatus, with hopes of significant clean energy tax activity defaulting to the lame duck session.

PRG Podcasts

Need more PRG? Try listening to our podcasts!

[Madam Policy](#) - As the world continues to prioritize a cleaner and more energy efficient future, large-scale clean energy projects have taken center stage. But who is behind the policy and implementation of these types of projects?

Meet Cordi O'Hara, President of National Grid Ventures—the unregulated, innovation arm of National Grid—and the woman leading the charge for developing and operating large-scale clean energy projects like offshore wind, solar, onshore wind, and transmission in the US and electricity connectors in the UK.

Cordi sat down with hosts Dee Martin and George Felcyn to discuss her pathway to becoming the President of National Grid Ventures and how her continuous work contributes to groundbreaking National Grid projects—like linking England and Norway through the world's largest subsea

interconnectors (450 miles!) and supporting National Grid’s plan to go fossil free by 2050. Don’t miss this special episode of Madam Policy with Cordi, a 2019 Officer of the Order of the British Empire recipient, to learn more about how she shapes policy and creates history in the energy industry. Listen [HERE](#).

[The Lobby Shop](#) - This week, the Lobby Shop team is joined by Michael Gottlieb, a partner at Willkie Farr & Gallagher LLP focusing on crisis management, media, and freedom of speech. He shares his experience representing election workers who testified before the January 6 committee, analyzes how the Supreme Court has changed since the days when he clerked there, and explains how skills that he learned during his high school debate days are still relevant in his current work. Listen [HERE](#).

Document Library

New Relevant Documents

For the Republican Energy Climate, & Conservation Task Forces strategy to “Unlock American Resources” click [HERE](#).

For a memo from House Ways & Means Republicans on the Democrats’ “War on Energy” click [HERE](#).

FY23 Budget

For President Biden’s Budget Request for Fiscal Year 2023 click [HERE](#).

For Analytical Perspectives on the FY23 Budget Request click [HERE](#).

For the FY23 Budget Request Appendix click [HERE](#).

For Supplemental Materials on the FY23 Budget Request click [HERE](#).

Center for American Progress Letter

For a memo issued by Patrick Gaspard, CEO of the Center for American Progress Action Fund urging Democratic offices to pass a skinner version of the Build Back Better plan click [HERE](#).

Bill Text and Summaries

For the House Committee on Rules information page on the Build Back Better Act, including recordings of committee meetings and proposed amendments click [HERE](#).

House Bill Text and Comparisons:

- For the House Rules Committee Print of the Build Back Better Act released on November 3 click [HERE](#).
- For the 1st Manager’s Amendment adopted and agreed to on November 6, 2021 click [HERE](#).
- For the 2nd Manager’s Amendment adopted and agreed to on November 18, 2021 click [HERE](#).

- For a comparative print between the November 3 print and the October 28 print click [HERE](#).
- For a comparative print between the November 3 print and the initial text of H.R. 5376 click [HERE](#).
- For the House Committee on Rules page on the Build Back Better Act, including announcements, videos, bill text, amendments, and votes click [HERE](#).

Senate Bill Text:

- For the Senate legislative text for “Title I - Committee on Agriculture, Nutrition, and Forestry” click [HERE](#).
- For the Senate legislative text for “Title II - Committee on Health, Education, Labor, and Pensions” click [HERE](#).
- For the Senate Legislative Text for “Title III – Committee on Environment and Public Works” click [HERE](#).
- For the Senate legislative text for “Title IV - Committee on Banking, Housing, and Urban Affairs” click [HERE](#).
- For the Senate legislative text for “Title V - Committee on Homeland Security and Governmental Affairs” click [HERE](#).
- For the Senate legislative text for “Title VII – Committee on Energy and Natural Resources” click [HERE](#).
- For the Senate legislative text for “Title VIII - Committee on Commerce, Science, and Transportation” click [HERE](#).
- For the Senate legislative text for “Title IX - Committee on Indian Affairs” click [HERE](#).
- For the Senate legislative text for “Title X - Committee on Small Business and Entrepreneurship” click [HERE](#).
- For the Senate legislative text for “Title XI - Committee on Veterans' Affairs” click [HERE](#).
- For the Senate legislative text for “Title XII - Committee on Finance” click [HERE](#).

Summaries and Fact Sheets:

- For a section-by-section summary of the Build Back Better Act click [HERE](#).
- For a fact sheet on the agriculture provisions in the Build Back Better Act click [HERE](#).
- For a fact sheet on the homeland security provisions in the Build Back Better Act click [HERE](#).
- For a fact sheet on the science, space, and technology provisions in the Build Back Better Act click [HERE](#).
- For a fact sheet on the energy & commerce provisions in the Build Back Better Act click [HERE](#).
- For a fact sheet on the judiciary provisions in the Build Back Better Act click [HERE](#).
- For a fact sheet on the small business provisions in the Build Back Better Act click [HERE](#).
- For a fact sheet on the education & labor provisions in the Build Back Better Act click [HERE](#).
- For a fact sheet on the natural resources provisions in the Build Back Better Act click [HERE](#).
- For a fact sheet on the financial services provisions in the Build Back Better Act click [HERE](#).
- For a fact sheet on the oversight and reform provisions in the Build Back Better Act click [HERE](#).
- For a fact sheet on the transportation & infrastructure provisions in the Build Back Better Act click [HERE](#).
- For a fact sheet on the veterans’ affairs provisions in the Build Back Better Act click [HERE](#).

- For a fact sheet on the ways & means provisions in the Build Back Better Act click [HERE](#).

Budgetary Effects

For the Congressional Budget Office's summary of the cost estimate for H.R. 5376, the Build Back Better Act, click [HERE](#).

For a December 8 update from the Congressional Budget Office on the budgetary effects of the Build Back Better Act, click [HERE](#).

For the Congressional Budget Office's report on the budgetary effects of making specified policies in the Build Back Better Act permanent, click [HERE](#).

House bill:

- For the Congressional Budget Office's estimated budgetary effects of the Homeland Security provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Small Business provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Veterans Affairs provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Science, Space, and Technology provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Transportation and Infrastructure provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Oversight and Reform provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Financial Services provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Energy and Commerce provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Judiciary provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Ways and Means provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Education and Labor provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Natural Resources provisions in the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office's estimated budgetary effects of the Agriculture provisions in the Build Back Better Act click [HERE](#).

Senate bill:

- For the Congressional Budget Office's estimated budgetary effects of the Senate's "Title I - Committee on Agriculture, Nutrition, and Forestry" of the Build Back Better Act click [HERE](#).

- For the Congressional Budget Office’s estimated budgetary effects of the Senate’s “Title II - Committee on Health, Education, Labor, and Pensions” of the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office’s estimated budgetary effects of the Senate’s “Title III – Committee on Environment and Public Works” of the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office’s estimated budgetary effects of the Senate’s “Title IV - Committee on Banking, Housing, and Urban Affairs” of the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office’s estimated budgetary effects of the Senate’s “Title V - Committee on Homeland Security and Governmental Affairs” of the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office’s estimated budgetary effects of the Senate’s “Title VII - Committee on Energy and Natural Resources” of the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office’s estimated budgetary effects of the Senate’s “Title VIII - Committee on Commerce, Science, and Transportation” of the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office’s estimated budgetary effects of the Senate’s “Title IX - Committee on Indian Affairs” of the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office’s estimated budgetary effects of the Senate’s “Title X - Committee on Small Business and Entrepreneurship” of the Build Back Better Act click [HERE](#).
- For the Congressional Budget Office’s estimated budgetary effects of the Senate’s “Title XI - Committee on Veterans' Affairs” of the Build Back Better Act click [HERE](#).
- For the Joint Committee on Taxation’s preliminary review of estimated budgetary effects of the Senate’s “Title XII - Committee on Finance” of the Build Back Better Act click [HERE](#).

Other Budgetary Estimates:

- For the Joint Committee on Taxation’s Estimated Budget Effects of the Build Back Better Act click [HERE](#).
- For the White House’s preliminary budgetary estimates of the Build Back Better Act click [HERE](#).
- For a Dear Colleague Letter from the Speaker of the House issued on November 4 regarding the preliminary budget estimate of the Build Back Better Act click [HERE](#).

October 28 Text

For the House Rules Committee Print of the Build Back Better Act released on October 28 click [HERE](#).

For a section-by-section summary of the Build Back Better Act click [HERE](#).

For the Build Back Better Framework released on October 28 click [HERE](#).

For the White House fact sheet on the Build Back Better Framework released on October 28 click [HERE](#).

September 27 Text

For the text of H.R. 5376 the Build Back Better Act as reported by the House Committee on the Budget on September 27 click [HERE](#).

For the report from the Committee on the Budget to accompany H.R. 5376 click [HERE](#).

Background Material

For the Congressional Research Service report on “The Senate’s ‘Byrd Rule’” click [HERE](#).

Provisional Text

For a preliminary budget reconciliation framework signed by Sen. Joe Manchin (D-WV) and Sen. Majority Leader Chuck Schumer (D-NY) on July 28 click [HERE](#).

For the House Committee on the Budget’s full text of the Build Back Better Act click [HERE](#).

- For Part 1 of the House Committee on the Budget’s report on the Build Back Better act click [HERE](#).
- For Part 2 of the House Committee on the Budget’s report on the Build Back Better act click [HERE](#).
- For Part 3 of the House Committee on the Budget’s report on the Build Back Better act click [HERE](#).

For the summary of the Senate budget resolution click [HERE](#).

- For the text of the Senate budget resolution click [HERE](#).
- For the committee print to accompany the FY22 budget resolution click [HERE](#).
- For Senate Majority Leader Chuck Schumer’s (D-NY) dear colleague letter regarding the climate impacts of the budget resolution click [HERE](#).

For the summary of the House budget resolution click [HERE](#).

- For the text of House Resolution advancing the bipartisan infrastructure agreement, the Senate budget resolution, and H.R. 4 the John R. Lewis Voting Rights Advancement Act of 2021 click [HERE](#).

For a summary of Sen. Ron Wyden’s (D-OR) proposals for tighter tax rules on partnerships and an excise tax on stock buybacks click [HERE](#).

- For the text of Sen. Wyden’s proposals click [HERE](#).

Markups

Agriculture: For the text of the House Agriculture Committee print containing legislative proposals click [HERE](#).

- For a summary of the proposals click [HERE](#).

Education and Labor: For the text of the House Committee on Education & Labor print containing legislative proposals click [HERE](#).

- For an amendment in the nature of a substitute offered by Chairman Bobby Scott (D-VA) click [HERE](#).

Energy and Commerce: For a fact sheet of the House Committee on Energy and Commerce markup of the Build Back Better Act click [HERE](#).

- For a memorandum on the markup click [HERE](#).
- For Subtitle A on Air Pollution click [HERE](#).
- For Subtitle B on Hazardous Materials click [HERE](#).
- For Subtitle C on Drinking Water click [HERE](#).
- For Subtitle D on Energy click [HERE](#).
- For Subtitle E on Drug Pricing click [HERE](#).
- For Subtitle F on Affordable Care Coverage click [HERE](#).
- For Subtitle G on Medicaid click [HERE](#).
- For subtitle H on CHIP click [HERE](#).
- For subtitle I on Medicare click [HERE](#).
- For subtitle J on Public Health click [HERE](#).
- For subtitle K on Next Generation 9-1-1 click [HERE](#).
- For subtitle L on Wireless Connectivity click [HERE](#).
- For subtitle M on Distance Learning click [HERE](#).
- For subtitle N on the Manufacturing Supply Chain click [HERE](#).
- For subtitle O on FTC Privacy Enforcement click [HERE](#).
- For subtitle P on the Department of Commerce Inspector General click [HERE](#).
- For a full committee action summary click [HERE](#).

Financial Services: For the text of the House Committee on Financial Services click [HERE](#).

- For an amendment in the nature of substitute offered by Chairwoman Maxine Waters (D-CA) click [HERE](#).
- For the committee Memorandum click [HERE](#).
- For the text of H.R. 5195, the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2021” click [HERE](#).
- For the text of H.R. 5196, the “Expediting Assistance to Renters and Landlords Act of 2021” click [HERE](#).

Homeland Security: For the committee print of the reconciliation of the House Homeland Security Committee print containing legislative proposals click [HERE](#).

- For the amendments adopted click [HERE](#).

Judiciary: For the text of the House Committee on the Judiciary print containing legislative proposals click [HERE](#).

- For an amendment in the nature of a substitute offered by Chairman Jerrold Nadler (D-NY) click [HERE](#).

Natural Resources: For the text of the House Natural Resources Committee print containing legislative proposals click [HERE](#).

Science, Space, and Technology: For the committee print of the House Science, Space, and Technology Committee print containing legislative proposals click [HERE](#).

- For an amendment in the nature of a substitute offered by Chairwoman Eddie Bernice Johnson (D-TX) click [HERE](#).

Small Business: For the text of the House Committee on Small Business print containing legislative proposals click [HERE](#).

- For an amendment in the nature of a substitute offered by Chairwoman Nydia Velázquez (D-NY) click [HERE](#).

Transportation and Infrastructure: For the text of the House Transportation and Infrastructure Committee print containing legislative proposals click [HERE](#).

- For the amendment in nature of a substitute click [HERE](#).

Ways and Means: For a summary of the House Ways and Means Committee markup of the Build Back Better Act click [HERE](#).

- For a memorandum on the markup click [HERE](#).
- For a section-by-section summary of subtitles A-E click [HERE](#).
 - For Subtitle A on Universal Paid Family and Medical Leave click [HERE](#).
 - For Subtitle B on Retirement click [HERE](#).
 - For Subtitle C on Child Care Access and Equity click [HERE](#).
 - For Subtitle D on Trade Adjustment Assistance click [HERE](#).
 - For Subtitle E, Part 1 on Health Careers click [HERE](#). For Part 2 on Elder Justice click [HERE](#). For Part 3 on Skilled Nursing Facilities click [HERE](#). For Part 4 on Medicare Dental, Hearing, and Vision Coverage click [HERE](#).
- For a section-by-section summary of Subtitle F-J click [HERE](#).
 - For legislative recommendations relating to infrastructure financing, green energy, social safety net, and prescription drugs click [HERE](#).
 - For the estimated budgetary effects of the revenue provisions from the Joint Committee on Taxation click [HERE](#).
 - For the estimated distributional effects of the revenue provisions from the Joint Committee on Taxation click [HERE](#).
 - For a description of the Chairman’s Amendment in the Nature of a Substitute from the Joint Committee on Taxation click [HERE](#).
 - For a summary of Subtitle F on Infrastructure from the Joint Committee on Taxation click [HERE](#).
 - For a summary of Subtitle G on Green Energy from the Joint Committee on Taxation click [HERE](#).
 - For a summary of Subtitle H on the Social Safety Net from the Joint Committee on Taxation click [HERE](#).
 - For a summary of Subtitle J on Drug Pricing from the Joint Committee on Taxation click [HERE](#).
- For a section-by-section summary of Subtitle I click [HERE](#).
 - For legislative recommendations relating to Funding Our Priorities click [HERE](#).
- For the Joint Committee on Taxation’s estimated budgetary effects of legislative recommendations relating to infrastructure financing and community development, green energy, social safety net, responsibly funding our priorities, and drug pricing click [HERE](#).
- For the final vote results click [HERE](#).

Letters

For a letter for Senate Majority Leader Chuck Schumer on the environmental benefits of the infrastructure bill and reconciliation bill see [HERE](#).

For Senator Joe Manchin’s Opinion piece calling for a strategic pause on spending click [HERE](#).

For a letter from Rep. Stephanie Murphy (D-FL) and Rep. Henry Cuellar (D-TX) rejecting deficit spending except on climate policy click [HERE](#).

For a letter from Democrats calling for increased support for biofuels click [HERE](#).

For a letter from House Democrats supporting the Polluter Pays Climate Fund Act click [HERE](#).

For a letter from House Democrats supporting an array of international tax provisions see [HERE](#).

For a letter from Democratic governors supporting the budget reconciliation bill click [HERE](#).

For an endorsement of the environmental provisions from a coalition of environmental groups see [HERE](#).

For a letter from the United Mine Workers of America opposing the initial proposal for a Clean Electricity Standard click [HERE](#).

For a letter from America's Power opposing the Clean Electricity Performance Program click [HERE](#).

For a letter from the National Rural Electric Cooperative Association opposing the Clean Electricity Performance Program click [HERE](#).

For a letter from the American Public Power Association opposing the Clean Electricity Performance Program click [HERE](#).

For a letter from America Electric Power opposing the Clean Electricity Performance Program click [HERE](#).

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