



## Policy Resolution Group Reconciliation & Infrastructure Update

December 3, 2021

Please find below the latest addition 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
- Document Library

### **State of Infrastructure and Reconciliation Negotiations**

Legislative debates on the Build Back Better reconciliation package proceeded behind closed doors, with little public progress and declining expectations of a final bill being signed into law before the New Year. Senate Majority Leader Chuck Schumer (D-NY) held private discussions with Senator Joe Manchin (D-WV) at which they mostly discussed energy and tax provisions, but they failed to achieve any notable breakthroughs. Since that meeting, high level Democratic lawmakers, including Senator Manchin and House Ways and Means Chair Richard Neal (D-MA), have become more publicly skeptical that a bill can be passed before Christmas; there are reports that Senator Kyrsten Sinema (D-AZ) has privately expressed the same sentiment.

Despite hopeful statements from leadership that a compromise can be reached in the next few weeks, Congress is staring down a series of important deadlines that can all be drawn out through procedural delays and legislative negotiations. While Congress narrowly avoided a government shutdown, they must still raise the debt ceiling to avoid a government default by December 15 and pass the annual National Defense Authorization Act by the end of the year. These must pass items are likely to spur prolonged procedural bickering that will drain focus and resources away from the Build Back Better bill.

### **Liam Donovan's Bottom Line**

Congress returned from the Thanksgiving recess this week to a host of thorny issues, from government funding to defense authorization (NDAA) to the federal debt limit. The sudden intervention of ordinary, if urgent, legislative business serves as a reminder that there are a number

of loose ends for Congress to tie up before the end of the year, all of which are liable to leapfrog Senate consideration of the Build Back Better Act (BBB), complicating leadership's stated goal of passing the reconciliation bill before the holidays. And while the legislative week was indeed eaten up by negotiation and consideration of the continuing resolution, buying time and clearing the decks until mid-February, the administration's climate and social spending package remains in a holding pattern pending procedural assent and substantive agreement from key decision makers.

Elizabeth MacDonough, the Senate parliamentarian, and Senator Joe Manchin (D-WV), the chamber's perennial 50th vote, have always been the most important figures in the resolution of the BBB, and any hope of December passage hinges on their swift input and cooperation with leadership's desired timetable. Thus far their sense of urgency remains unclear. While the parliamentarian held a "Byrd bath" on Democrats' immigration proposal earlier this week, the third iteration of such a plan, she otherwise remains in listening mode. She is fielding memos and initial findings on contested issues from either side, suggesting that guidance on any other questions may be weeks away. And while Majority Leader Chuck Schumer controls the calendar, meaning he could choose to move forward at any time, with or without answers to the various procedural questions, it is hard to see him doing so until he is assured of the necessary votes.

For his part, Senator Manchin has remained coy about his intentions, referring questions of timing to leadership while refusing to commit his support for the bill in its current form; meanwhile, his longstanding inflation concerns have been seemingly validated by recent economic data, leading to speculation that he will stick to his wait-and-see posture through the end of the year. Once Manchin fully engages and names his demands, the process can move quite swiftly, with Republicans reduced to minor speed bumps; until then, Schumer and his caucus are stuck in neutral, left to guess what changes might be required to win his support and press ahead to the floor.

The window remains open for consideration by the end of the year, but only barely. Leaving aside the Byrd bath process, which may or may not delay consideration, in order to pass the bill by Majority Leader Schumer's stated Christmas deadline, Democrats would almost certainly need to vote to begin debate the week of December 13th, reportedly Majority Leader Schumer's goal. The prospect of not only winning Manchin's support and crafting a Senate substitute in that time, but also getting it scored would require an uncharacteristically swift and seamless turn of events. Another wild card remains the federal debt limit, which Treasury Secretary Yellen has warned could be in peril as early as December 15th, eating into precious floor time at a key juncture. One should never underestimate the threat of working through the holidays as a means of changing senatorial attitudes, but absent significant developments in the next week to ten days, BBB appears increasingly likely to slip into early 2022.

### **Document Library**

#### **Bill Text and Summaries**

Bill Text and Comparisons:

- For the House Rules Committee Print of the Build Back Better Act released on November 3 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](#).

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 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](#).

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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