



Policy Resolution Group Reconciliation & Infrastructure Update

April 29, 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:

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

Congress returned to Washington, D.C. this week and hit the ground running after a two-week recess. Both the House and the Senate conducted hearings on President Biden's Fiscal Year 2023 budget, making it a busy week for the Biden Cabinet. While there were many issues of focus, one particularly contentious topic was President Biden's proposed EV tax credit, with Senator Joe Manchin (D-WV) calling the credit "ludicrous." Also, another blow was dealt to a potential reconciliation bill when Senator Manchin convened a bipartisan group of Senators to discuss a potential bipartisan energy and climate legislative package, indicating that Senator Manchin has once again turned his focus to legislation other than reconciliation. While a reconciliation package still remains a possibility should President Biden begin negotiations in earnest, the September 30 deadline is fast approaching and with the mid-term elections looming, Congress is running out of legislative work periods.

Liam Donovan's Bottom Line

It was supposed to be simple. With various must-pass priorities behind them, including a historic SCOTUS confirmation, Democrats would return to Washington and finally hammer out a deal to resurrect key swaths of the Biden domestic agenda. After months of quiet, patient maneuvering, Joe Manchin was [ready to engage](#), and the [administration had a plan](#) to get him to yes—or so weeks of beltway narrative priming would have us believe.

But a funny thing happened on the way to reconciliation rapprochement. Manchin stuck to his rhetorical guns, insisting that “[there’s not a Build Back Better revival](#),” and [repeating reconciliation stipulations](#) that have known objections elsewhere in the caucus. (For its part, the White House [did not take the bait](#), seemingly learning their lesson from December’s messy public spat.) He raised eyebrows in a Senate committee hearing on Thursday, calling the administration’s proposed expansion of the electric vehicle (EV) tax credit “[ludicrous](#)” at a time when demand outstrips production and supply. [\[The full exchange in context](#) suggests it was a flip aside in a wind up to a point about the battery supply chain and the need to invest in hydrogen mobility.] And most notably, Manchin introduced a new variable by [opening up bipartisan talks](#) on energy policy with several of his Republican counterparts, an outgrowth of a recess visit to Alaska where he and Senator Lisa Murkowski (R-AK) discussed the importance of ramping up domestic production.

Meanwhile, legislative spillover from the previous work period continues to chew up time and bandwidth, as leadership struggles to move a COVID bill mired in immigration politics, and the chambers finally move to a formal conference on a China competition bill that was first passed nearly a year ago.

So, what should we make of this new wrinkle? Is a bipartisan energy agreement of any sort possible? Could it carry climate-related elements? And what do these talks mean for the odds of a reconciliation deal?

While anything is possible, and the fluid situation in Eastern Europe in particular has potential to change the dynamics here in Washington, my colleague Tim Urban has a clear-eyed look at the potential scenarios, examined here starting with the longest odds:

- **Both/And**: Congress approves both a bipartisan energy policy bill (with over 60 votes in the Senate, presumably more than ten of them coming from Republicans) and a budget reconciliation package (with 50 Democrats approving in the Senate and no Republicans) containing environmental and energy tax titles, and also making a significant down payment on deficit reduction via a revenue-raising package that asks wealthy corporations and individuals to “pay their fair share.” *Given the track record of this Congress for expeditiously moving difficult legislation, we think that the various political hurdles presented by achieving the legislative equivalent of a full house in a game of poker is extremely unlikely.*
- **BIF Redux**: Ten or more Senate Republicans join with as many as 49 or 50 Democrats to approve a bipartisan energy bill containing a robust title of energy tax incentives and revenue raising offsets. The advantage of this hybrid approach is that Congress has to approve one bill instead of two. However, as the negotiations pick up GOP votes by accommodating their interests in conventional energy, they may lose the votes of the more progressive, climate-minded Democrats. Also, the inclusion of a tax title opens pandora’s box for a bitter partisan back and forth exchange over the contents and revenue offsets, which could imperil the bill. And finally, to obtain more than ten Republican votes the bill likely must have either the passive or active support of the Senate Republican Leader, a canny strategist who is not likely to facilitate a big legislative success story and subsequent positive bump in the polls for congressional Democrats at a time when they are believed to be on the ropes politically. *If a glorified highway bill split the GOP in an odd year, and a bipartisan competition bill is proving to be a challenge, the idea of a late-*

breaking energy package outside the immediate context of Ukraine fallout moving via regular order is hard to imagine in the leadup to a heated midterm election.

- **BBB Spark:** The Bipartisan Gang of X works diligently to get to yes on a big energy package, but in the end fail for the above noted reasons. Having publicly exhausted all reasonable opportunities for a compromise bill, Senator Manchin allows himself to be drawn into redrafting BBB, reducing the revenue offsets, providing for some deficit reduction, eliminating progressive priorities like the expanded Child Tax Credit (CTC) and other contested social spending measures, and the bill is approved by the House and Senate on party-line votes. *We continue to believe this is a possible outcome but note that use of a reconciliation bill will possibly exclude some of the energy policy ideas currently being floated due to the operation of the Byrd Rule in the Senate. Also, it may require some adroit coordination to prevent congressional progressives from blowing up the deal, and it will also require clever drafting to ensure that Sen. Manchin's desire to increase corporate taxes doesn't create an insuperable schism with Sen. Sinema, who has drawn her own line in the sand over the proposed corporate rate increases.*
- **Bupkis:** The bipartisan energy bill process fails after weeks of sincere effort, but in so doing extracts all the oxygen from the room and smothers any remaining chance of moving the Democrats' budget reconciliation package, the underlying privilege of which expires on September 30, 2022. The unresolved angst over federal energy and tax policy gets unceremoniously postponed until the post-election lame duck period (at the earliest), and taxpayers following the course of the 26 tax credits that expired on December 31, 2021, and the 11 tax credits that will expire on December 31, 2022, become increasingly nervous. *This scenario seems to be emerging as the most likely, with the eventual fate of these tax policy items determined by the post-election political incentive structure.*

The [harried reaction](#) to Manchin's comments this week reflects more commotion than actual motion. The lack of progress and Bartleby-esque repetition of the same rote talking points has shocked previously optimistic Democratic sources and flummoxed their journalistic interlocutors. Very little has actually changed, which is meant less as reassurance than a reminder that things have not been on track for success, and with week one of a make or break stretch now in the rear view there is even less clarity on the horizon. The opening of bipartisan talks is a decidedly negative development on net, a distraction at a time when Dems need to bear down and focus. But as with any legislative enterprise, things sometimes must fall apart before they come back together. The question, as ever, is whether this gut check moves the White House to stop handwringing and send in President Biden to close the deal, or if they risk letting the remainder of his agenda go out with a whimper.

PRG Podcasts

Need more PRG? Try listening to our podcasts!

[Madam Policy](#) - Two Michiganders and a Senator walk into a hydrogen production facility...want to know how that story ends? Tune into Madam Policy to hear from Yooper Katie Ellet, Air Liquide's President of Hydrogen Energy and Mobility, to hear about her recent tour of the company's new hydrogen production facility in Nevada with U.S. Secretary of Energy Jennifer Granholm (former Michigan Governor) and Senator Catherine Cortez Masto (D-NV). You can also hear about Katie's path to President, combining over 25-years of experience in the chemical and oil and gas sectors with her background as a chemical engineer and keen business strategist. Katie joins hosts Dee

Martin and Rebecca Brown to discuss her current work; her support of Air Liquide's STEM mentorship program, aka ALEX; and the importance of making complex issues, like hydrogen energy, relatable. Plus, hear what advice she would give to her 24-year-old self! This is an episode you won't want to miss! Listen [HERE](#).

Document Library

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](#).

New Relevant Documents

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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