

# Washington, D.C. Update: Federal Government Policy Developments

Prepared by  
The Franklin Partnership, LLC  
Policy Resolution Group at Bracewell  
August 26, 2022



# Your Team in Washington, D.C.



## Lobbying Firm – The Franklin Partnership, LLC

- Bi-partisan Washington, D.C.-based government relations firm
- Representing manufacturing industry since 2002
- Clients include: manufacturing associations, defense contractors, hospitals, cities



## Strategic Communications Firm – Policy Resolution Group at Bracewell

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- Promote NTMA and PMA in print, digital and other media
- Support Franklin Partnership government relations efforts by designing and implementing coordinated strategic communications strategy
- Representing metalworking industry since 2003

*Nothing contained in here shall be deemed legal or financial advice.*

# Contents

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- Federal COVID, Monkeypox Updates
- Climate, Health Care, Tax Law Signed
- Update on Competition, Supply Chain Bill
- Tariffs Update

*All information presented as of August 24, 2022*

# Recent COVID Regulatory Actions

# CDC COVID Isolation Updates



## When to Isolate

Regardless of vaccination status, you should isolate from others when you have COVID-19. You should also isolate if you are sick and suspect that you have COVID-19 but do not yet have test results. If your results are positive, follow the full isolation recommendations below. If your results are negative, you can end your isolation.



IF YOU TEST

**Negative**

You can end your isolation



IF YOU TEST

**Positive**

Follow the full isolation  
recommendations below

<https://www.cdc.gov/coronavirus/2019-ncov/your-health/isolation.html> *As of August 11, 2022*

# CDC COVID Isolation Updates

After you have ended isolation, when you are feeling better (no fever without the use of fever-reducing medications and symptoms improving),

- Wear your mask through day 10.

OR

- If you have access to antigen tests, you should consider using them. With two sequential negative tests 48 hours apart, you may remove your mask sooner than day 10.

Note: If your antigen test results<sup>1</sup> are positive, you may still be infectious. You should continue wearing a mask and wait at least 48 hours before taking another test. Continue taking antigen tests at least 48 hours apart until you have two sequential negative results. This may mean you need to continue wearing a mask and testing beyond day 10.

<https://www.cdc.gov/coronavirus/2019-ncov/your-health/isolation.html> *As of August 11, 2022*

# CDC COVID Isolation Updates

When you have COVID-19, isolation is counted in days, as follows:

## If you had no symptoms

- **Day 0 is the day you were tested** (not the day you received your positive test result)
- **Day 1 is the first full day** following the day you were tested
- If you develop symptoms within 10 days of when you were tested, the **clock restarts at day 0 on the day of symptom onset**

## If you had symptoms

- **Day 0 of isolation is the day of symptom onset**, regardless of when you tested positive
- **Day 1 is the first full day** after the day your symptoms started



# CDC Isolation Restarting w/new Positive

Note: If your antigen test results<sup>1</sup> are positive, you may still be infectious. You should continue wearing a mask and wait at least 48 hours before taking another test. Continue taking antigen tests at least 48 hours apart until you have two sequential negative results. This may mean you need to continue wearing a mask and testing beyond day 10.

After you have ended isolation, if your COVID-19 symptoms recur or worsen, restart your isolation at day 0. Talk to a healthcare provider if you have questions about your symptoms or when to end isolation.



# CDC COVID Guidance Updated

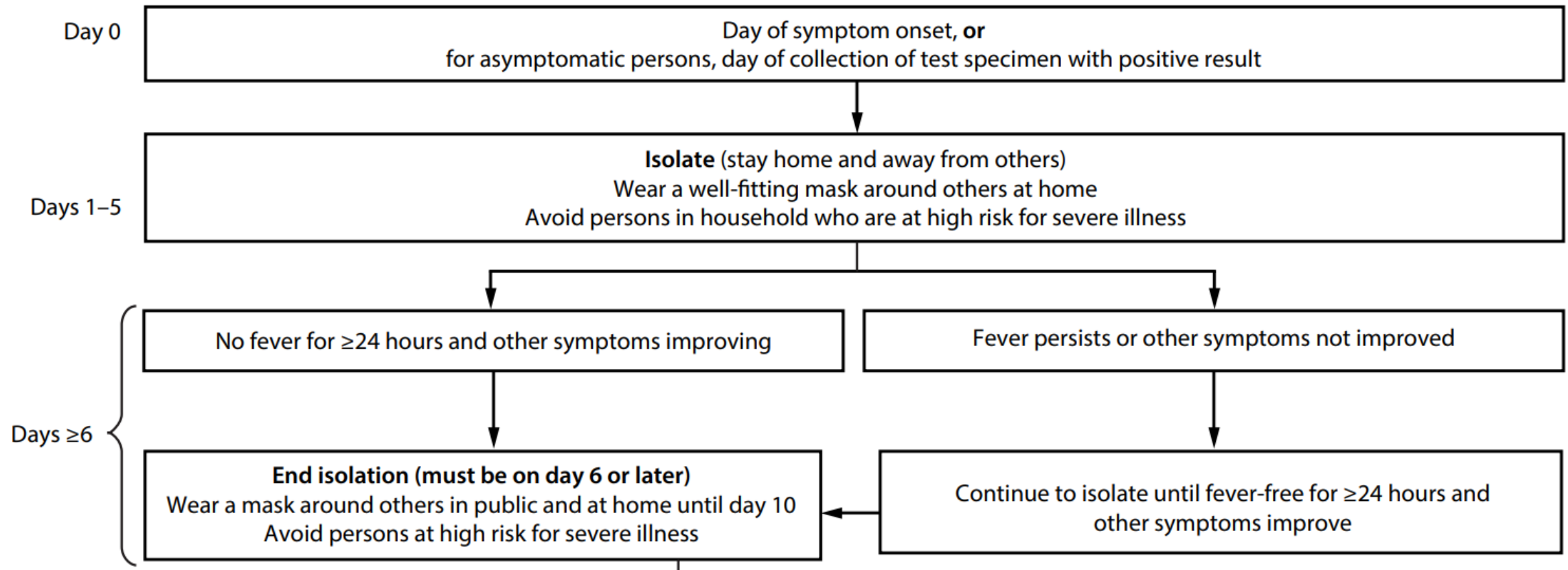
- Reiterating that regardless of vaccination status, you should isolate from others when you have COVID-19.
  - You should also isolate if you are sick and suspect that you have COVID-19 but do not yet have test results.
    - If your results are positive, follow CDC's full isolation recommendations.
    - If your results are negative, you can end your isolation.
- Recommending that if you test positive for COVID-19, you stay home for at least 5 days and isolate from others in your home. You are likely most infectious during these first 5 days. Wear a high-quality mask when you must be around others at home and in public.
  - If after 5 days you are fever-free for 24 hours without the use of medication, and your symptoms are improving, or you never had symptoms, you may end isolation after day 5.
  - Regardless of when you end isolation, avoid being around people who are more likely to get very sick from COVID-19 until at least day 11.
  - You should wear a high-quality mask through day 10.
- Recommending that if you had moderate illness  (if you experienced shortness of breath or had difficulty breathing) or severe illness  (you were hospitalized) due to COVID-19 or you have a weakened immune system, you need to isolate through day 10.

<https://www.cdc.gov/media/releases/2022/p0811-covid-guidance.html>

*As of August 11, 2022*

# CDC Flow Chart; COVID Positive

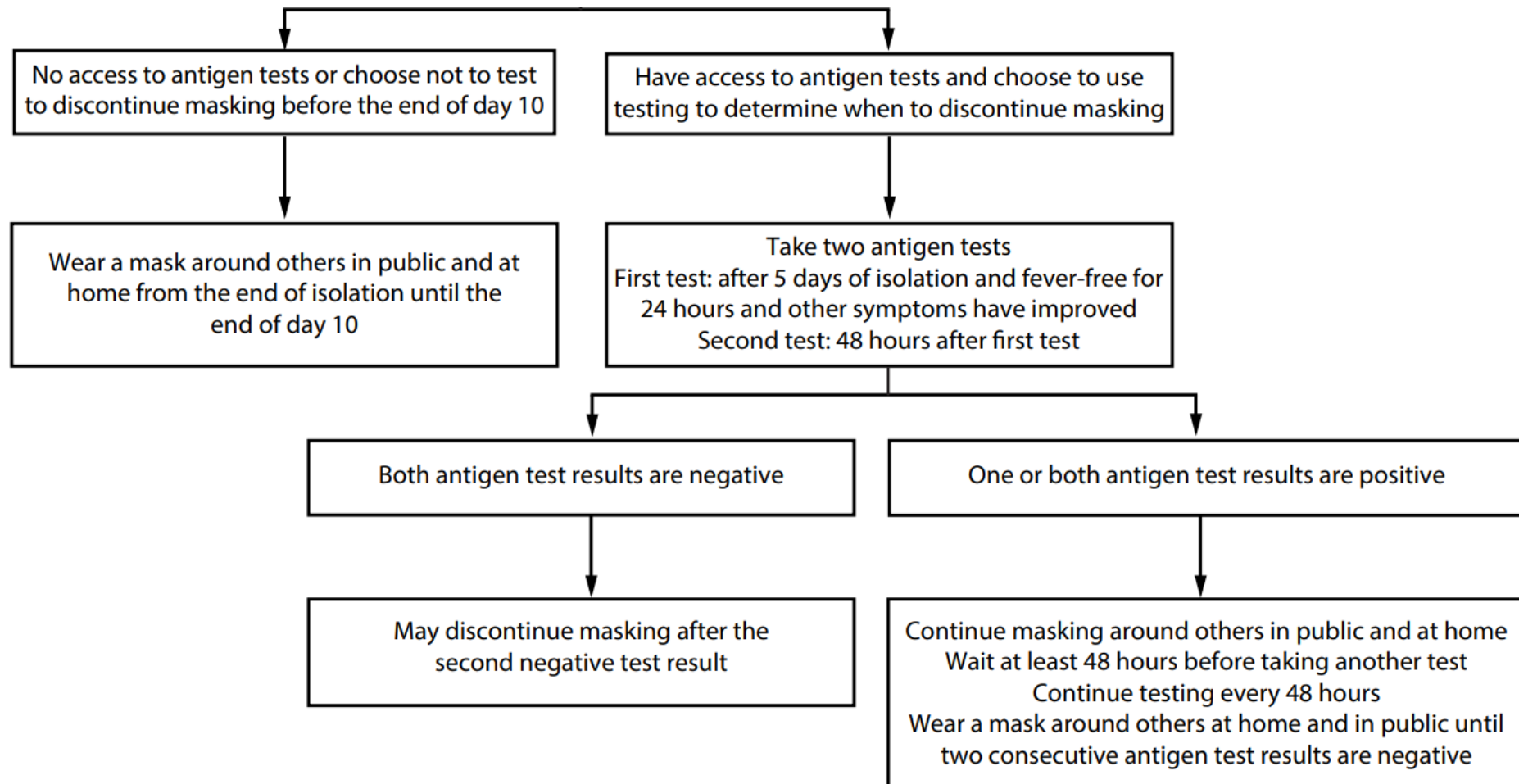
FIGURE. Recommendations for isolation,\* masking,<sup>†</sup> and additional precautions for persons with COVID-19 illness<sup>§</sup> or who receive a positive SARS-CoV-2 test result<sup>¶,\*\*</sup> — United States, August 2022



*As of August 19, 2022*

# CDC Flow Chart; COVID Positive

FIGURE. Recommendations for isolation,\* masking,<sup>†</sup> and additional precautions for persons with COVID-19 illness<sup>§</sup> or who receive a positive SARS-CoV-2 test result<sup>¶,\*\*</sup> — United States, August 2022



# CDC COVID Exposure Guidance Updated

**Length of time:** How long were you with the infected person?

Longer exposure time **increases** the risk of transmission (for example, contact longer than 15 minutes is more likely to result in transmission than two minutes of contact).

Shorter exposure  
time



Lower Risk

Medium exposure  
time



Moderate Risk

Longer exposure  
time



Higher Risk

*As of August 11, 2022*

<https://www.cdc.gov/coronavirus/2019-ncov/your-health/risks-exposure.html>

# CDC COVID Exposure Guidance Updated

**Cough or heavy breathing:** Was the infected person coughing, singing, shouting, or breathing heavily?

Activities like coughing, singing, shouting, or breathing heavily due to exertion **increase** the risk of transmission.

Less



Lower Risk

Moderate



Moderate Risk

Elevated



Higher Risk

*As of August 11, 2022*

<https://www.cdc.gov/coronavirus/2019-ncov/your-health/risks-exposure.html>



# OSHA COVID Updates

OSHA will update this guidance over time to reflect developments in science, best practices, and standards.

Guidance posted **January 29, 2021**; Updated **June 10, 2021**

Summary of changes **August 13, 2021**

- Update to reflect the July 27, 2021 Centers for Disease Control and Prevention (CDC) mask and testing recommendations for fully vaccinated people
- Reorganize Appendix recommendations for Manufacturing, Meat and Poultry Processing, Seafood Processing, and Agricultural Processing Industries
- Add links to guidance with the most up-to-date content

<https://www.osha.gov/coronavirus/safework>

*As of August, 13, 2022*

# OSHA COVID Updates

In meat, poultry, and seafood processing settings; manufacturing facilities; and assembly line operations (including in agriculture) involving unvaccinated and otherwise at-risk workers:

- Ensure adequate ventilation in the facility, or if feasible, move work outdoors.
- Space such workers out, ideally at least 6 feet apart, and ensure that such workers are not working directly across from one another. Barriers are not a replacement for worker use of face coverings and physical distancing.
- If barriers are used where physical distancing cannot be maintained, they should be made of a solid, impermeable material, like plastic or acrylic, that can be easily cleaned or replaced. Barriers should block face-to-face pathways and should not flap or otherwise move out of position when they are being used.
- Barriers do not replace the need for physical distancing – at least six feet of separation should be maintained between unvaccinated and otherwise at-risk individuals whenever possible.

<https://www.osha.gov/coronavirus/safework>

*As of August, 13, 2022*

# CDC Monkeypox Notices

A person with monkeypox can spread it to others from the time symptoms start until the rash has fully healed and a fresh layer of skin has formed. The illness typically lasts 2–4 weeks

## Monkeypox and Pregnancy

A pregnant person can spread the virus to their fetus through the placenta.

## Infected Animals

It's also possible for people to get monkeypox from infected animals, either by being scratched or bitten by the animal or by preparing or eating meat or using products from an infected animal.

## Scientists are Still Researching

- If the virus can be spread when someone has no [symptoms](#)
- How often monkeypox is spread through respiratory secretions, or when a person with monkeypox symptoms might be more likely to spread the virus through respiratory secretions.
- Whether monkeypox can be spread through semen, vaginal fluids, urine, or feces.

<https://www.cdc.gov/poxvirus/monkeypox/prevention/protect-yourself.html>

*As of July 29, 2022*



# CDC Monkeypox Recommendations

- 1** **Avoid close, skin-to-skin contact with people who have a rash that looks like monkeypox.**
  - Do not touch the rash or scabs of a person with monkeypox.
  - Do not kiss, hug, cuddle or have sex with someone with monkeypox.
- 2** **Avoid contact with objects and materials that a person with monkeypox has used.**
  - Do not share eating utensils or cups with a person with monkeypox.
  - Do not handle or touch the bedding, towels, or clothing of a person with monkeypox.
- 3** **Wash your hands often.**
  - Wash your hands often with soap and water or use an alcohol-based hand sanitizer, especially before eating or touching your face and after you use the bathroom.

Congressional Activity:

CHIPS Plus Science Act Signed into Law

Climate, Health Care and Tax Bill Passed

# U.S. Climate Law – How it Happened

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- Months of failed talks between Schumer-Manchin
- Years of failed climate bills – partisan and bipartisan
- More carrots than sticks; a reversal – using incentives
- Progressives conceded: allow more oil, gas leases
- Climate hawks backed off carbon cap and trade system

# Climate, Health, Tax Reconciliation Bill

<b>TOTAL REVENUE RAISED</b>	<b>\$737 billion</b>
<i>15% Corporate Minimum Tax</i>	<i>222 billion*</i>
<i>Prescription Drug Pricing Reform</i>	<i>265 billion***</i>
<i>IRS Tax Enforcement</i>	<i>124 billion**</i>
<i>1% Stock Buybacks Fee</i>	<i>74 billion*</i>
<i>Loss Limitation extension</i>	<i>52 billion*</i>
<b>TOTAL INVESTMENTS</b>	<b>\$437 billion</b>
<i>Energy Security and Climate Change</i>	<i>369 billion*</i>
<i>Affordable Care Act Extension</i>	<i>64 billion**</i>
<i>Western Drought Resiliency</i>	<i>4 billion***</i>

Congressional Budget Office

**Summary:** PWBM estimates that the Senate-passed version of the Inflation Reduction Act would reduce non-interest cumulative deficits by \$264 billion over the budget window. The impact on inflation is statistically indistinguishable from zero. GDP falls slightly within the first decade while increasing slightly by 2050. Most, but not all, of the tax increases fall on higher income households.

Penn Wharton Business Model

# Electric Vehicles (EV) Provisions

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- \$7,500 credit divided into two parts:
  - \$3,750 for critical minerals in batteries portion
  - \$3,750 for battery components assembled portion
- \$7,500 federal tax credit for EV purchases of cars under \$55k; EV trucks, vans and SUV's under \$80k;
  - Incomes over \$150k/300k couples will not qualify.
  - Eliminates 200,000 EV OEM cap for credits

# Electric Vehicles (EV) Provisions

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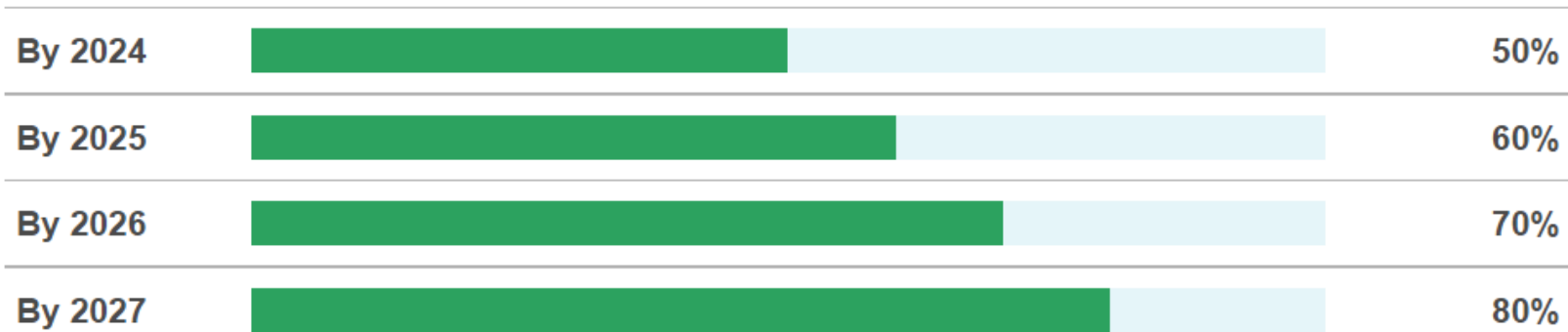
- In effect for cars put into service after Dec. 31, 2022, and are valid through 2032.
- Eliminates tax credits for vehicles not assembled in North America, including the BMW i4, Hyundai Ioniq 5, Kia EV6, and Toyota bZ4X. Buyers with binding contracts still eligible for credit.
- Used Vehicle at least 2 yrs old tax credit up to \$4,000
- Used EVs put into service after Dec. 31, 2023

# Domestic EV and Battery Production

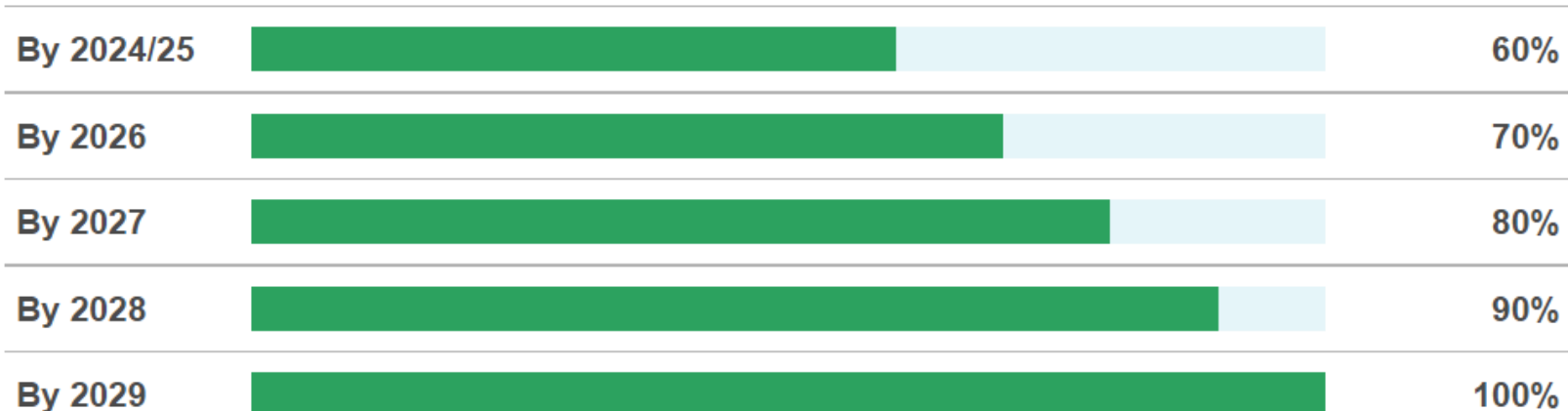
- Domestic Manufacturing Conversion Grants - \$2 billion through 2031 to retool existing auto manufacturing facilities to promote for domestic production of clean vehicles, including hybrids, plug-in hybrids, EVs, and hydrogen fuel cell vehicles.
- Enhanced Use of Defense Production Act - \$500m for Defense Production Act critical mineral processing and heat pumps – available until September 30, 2024

# Electric Vehicles (EV) \$7,500 Restrictions

» **For critical minerals:** Before 2024 and after the U.S. treasury secretary issues the proposed guidance: 40% must be extracted or processed in the U.S. or in a country where the U.S. has a free-trade agreement in effect, or from materials that were recycled in North America.



» **For battery components:** Before 2024 and after the U.S. treasury secretary issues the proposed guidance: 50% must be made or assembled in North America.



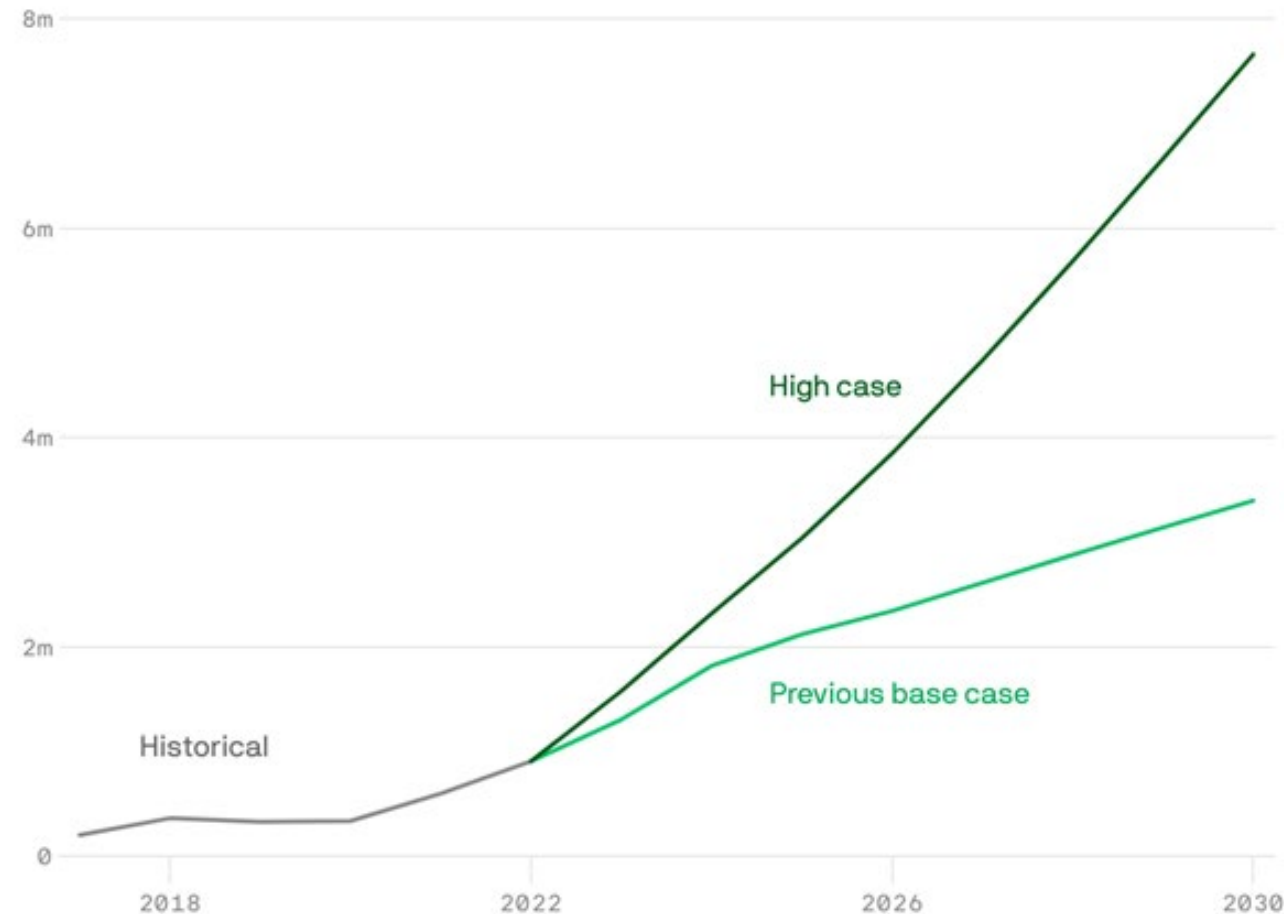
- China is focus
- Infrastructure Law provides \$7b for EV batteries
- Domestic Production Act invoked



# Post-Bill Passage EV Projections

## U.S. passenger EV sales forecast

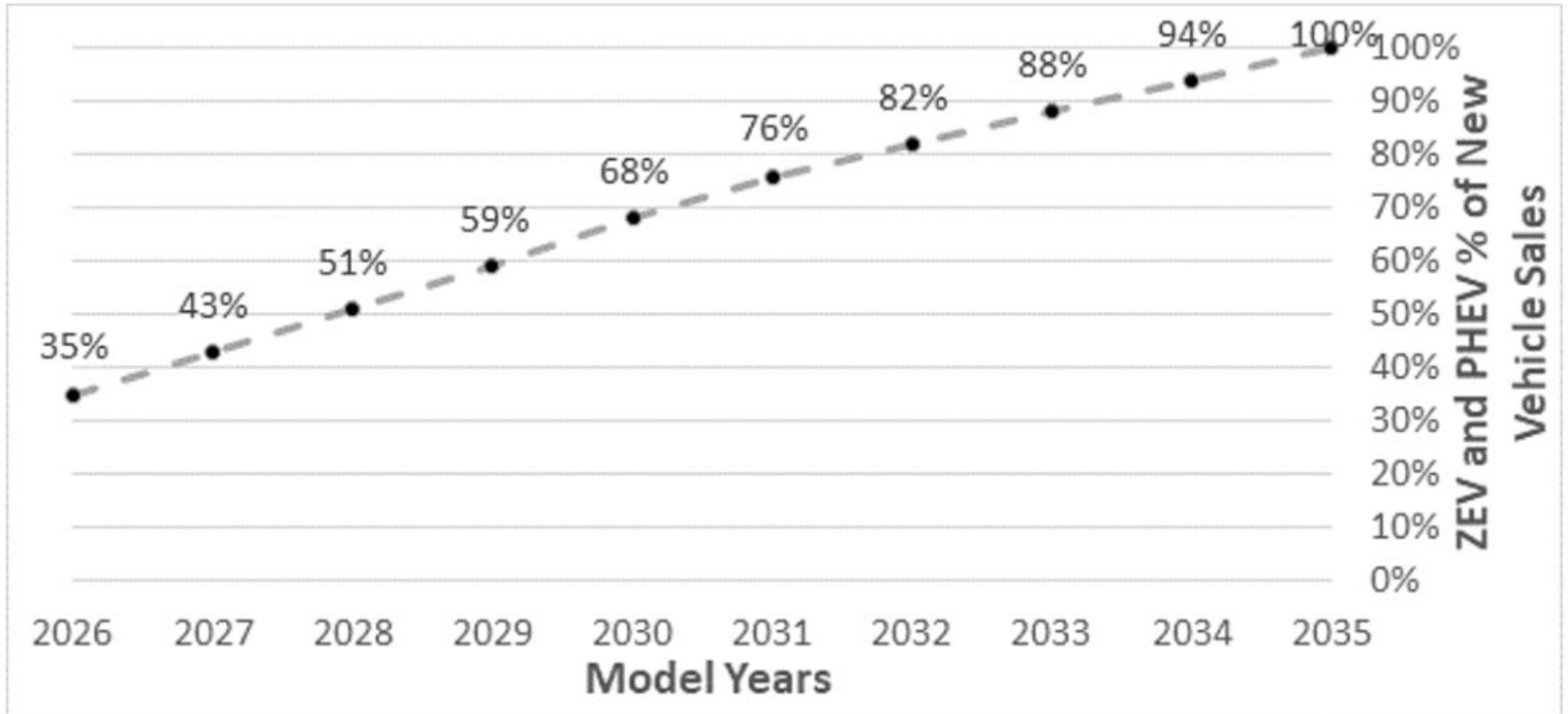
Vehicles sold annually; 2017-2030



Data: Rystad Energy; Note: Includes battery-electric vehicles and plug-in hybrid electric vehicles; Chart: Simran Parwani/Axios

# New California Rule: 100% EV by 2035

EV sales must double by 2026



# California Electric Vehicle Rule

- GM: all passenger vehicles zero emissions by 2035
- Ford: 40% EV by 2030; fully EV in Europe by 2035
- VW: half of U.S. sales electric by 2030
- Volvo: manufacturing only fully electric by 2030

## In California:

- Sales of used gas vehicles may continue beyond 2035
- EVs made up 15% of new vehicle sales 1<sup>st</sup> half 2022
- Hybrids 2.9% of new sales in 1<sup>st</sup> half 2022
- Hybrids: up to 20% of all sales (highways electric only)

# Tax Credits, Provisions - New & Extended

## **Part 1. Clean Electricity and Reducing Carbon Emissions**

Sec. 13101	Extension and Modification of Credit for Electricity Produced From Certain Renewable Resources
Sec. 13102	Extension and Modification of Energy Credit
Sec. 13103	Increase in Energy Credit for Solar Facilities Placed in Service in Connection With Low-Income Communities
Sec. 13104	Extension and Modification of Credit for Carbon Oxide Sequestration
Sec. 13105	Zero-Emission Nuclear Power Production Credit

## **Part 2. Clean Fuels**

Sec. 13201	Extension of Incentives for Biodiesel, Renewable Diesel and Alternative Fuels
Sec. 13202	Extension of Second Generation Biofuel Incentives
Sec. 13203	Sustainable Aviation Fuel Credit
Sec. 13204	Clean Hydrogen <sup>c</sup>

# Tax Credits, Provisions - New & Extended

## **Part 3. Clean Energy and Efficiency Incentives for Individuals**

Sec. 13301	Extension, Increase, and Modifications of Nonbusiness Energy Property Credit Energy Property Credit
Sec. 13302	Residential Clean Energy Credit
Sec. 13303	Energy Efficient Commercial Buildings Deduction
Sec. 13304	Extension, Increase, and Modifications of New Energy Efficient Home Credit

## **Part 4. Clean Vehicles**

Sec. 13401	Clean Vehicle Credit
Sec. 13402	Credit for Previously-Owned Clean Vehicles
Sec. 13403	Qualified Commercial Clean Vehicles
Sec. 13404	Alternative Fuel Refueling Property Credit

# Tax Credits, Provisions - New & Extended

## **Part 5. Investment in Clean Energy**

### **Manufacturing and Energy Security**

- Sec. 13501    Extension of the Advanced Energy Project Credit
- Sec. 13502    Advanced Manufacturing Production Credit

## **Part 7. Incentives for Clean Electricity**

- Sec. 13701    Clean Electricity Production Credit
- Sec. 13702    Clean Electricity Investment Credit
- Sec. 13703    Cost Recovery for Qualified Facilities, Qualified Property, and Energy Storage Technology
- Sec. 13704    Clean Fuel Production Credit

## **Part 8. Credit Monetization and Appropriations**

- Sec. 13801    Elective Payment for Energy Property and Electricity Produced From Certain Renewable Resources,



# Green Home Provisions

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- 10-year rooftop solar extension of 30% tax break
  - Home Battery Systems for rooftop solar storage now qualifies for 30% credit
- Rebates and tax credits for installing new, energy-efficient appliances — including heat pumps, electric stoves and electric dryers, new circuit breaker boxes
- New incentives for developers to build energy-efficient homes, or to retrofit older ones

# Tax Provisions Included

- Creates 1% excise tax on stock buybacks
- Extends to 2028 TCJA passthrough business limits on losses deducted - \$270,000 indiv/\$540,000 for joint
- 15% corporate alternate minimum tax on corporations reporting over \$1 billion in profits for three years
  - Impacts roughly 200 companies; half in mfg sector
  - Supporters state that of the largest corporations in the U.S., 55 paid no taxes on profits in 2020



# Sample of Corporations Impacted

COMPANY	▼ PRETAX INCOME (BILLIONS)	TAX RATE
Intel	\$23.6	<div><div>9.6%</div></div>
General Motors	\$9.4	<div><div>7.3%</div></div>
Texas Instruments	\$6.9	<div><div>12.0%</div></div>
Micron Technology	\$5.4	<div><div>6.5%</div></div>
Ford Motor	\$5.3	<div><div>9.9%</div></div>
Northrop Grumman	\$5.1	<div><div>12.7%</div></div>
Applied Materials	\$4.7	<div><div>13.5%</div></div>
Advanced Micro Devices	\$1.8	<div><div>0.7%</div></div>
Johnson Controls	\$1.5	<div><div>10.8%</div></div>
Xcel Energy	\$1.5	<div><div>0.0%</div></div>

# Startup Small Biz R&D Credit Doubled

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- Gross receipts of less than \$5 million
- Company is less than 5 years old
- Additional credit of up to \$250,000 applied against the Medicare payroll tax starting after Dec. 31, 2022
- Currently can only claim up to \$250,000
- Currently, small businesses that lack enough income tax liability to take advantage of their research and development credit use the small business startup R&D

# Passthrough NOL Limits Extended

- Extends non-corporate loss limitations through 2028
- TCJA of 2017 set loss limitation to expire 2026
- Impacts \$250k indiv/500k joint adjusted for inflation for partnerships at partner level
- Provision temporarily suspended 2018 -20 (CARES)
- Deductions limits extended through 2026 (ARPA)
- Generates \$53.7b in additional federal revenue

# Expired, Expiring Tax Provisions (Year-end)

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- Jan. 2022: R&D Tax Credit converted to amortization
- Jan. 2022: 30% of EBITDA does not include “DA”
- Jan. 2022: Child Tax Credit (CTC) expired
- Year-end “tax extenders” bill may be more substantive
- Likely includes technical corrections for climate law
- Democrats will not move corporate tax extensions without extension of Child Tax Credit

# China Competition, Supply Chain, and Semiconductor Bill

# CHIPS and Science Act Signed into Law

- Creates National Supply Chain Database
- Supports creation of new Manufacturing Institutes
- Triples MEP funding for SMEs for training, cyber, supply
- \$10 billion new funding for regional technology hubs
- \$11b R&D and workforce development programs
- Advanced Manufacturing Investment Credit
  - 25% investment credit for investment in semiconductor manufacturing
  - Incentives for semiconductor manufacturing equipment
  - Property placed in service after 12/31/22 ; construction begins by 1/1/27

# CHIPS and Science Act Signed into Law

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- \$2.23 billion for Manufacturing Extension Partnership
  - Grants to MEP centers to expand services for workforce development, domestic supply chain resiliency, cyber vulnerability mitigation & adoption of advanced technology upgrades at small & medium manufacturers
- Grants to MEP centers to build capability for supply chain resiliency and optimization such as assessing the current manufacturing capabilities and expanding services to assist in reshoring

# National Labs and Industrial Grants

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- \$25m/year for small business vouchers to perform research, development, demonstration, technology transfer, skills training and workforce development, or commercial application activities at the national laboratories – Advanced Manufacturing: Oak Ridge National Laboratory (TN), Idaho National Laboratory
- \$6 billion in grants to reduce emissions from industrial manufacturing processes including retrofits, upgrades or operational improvements

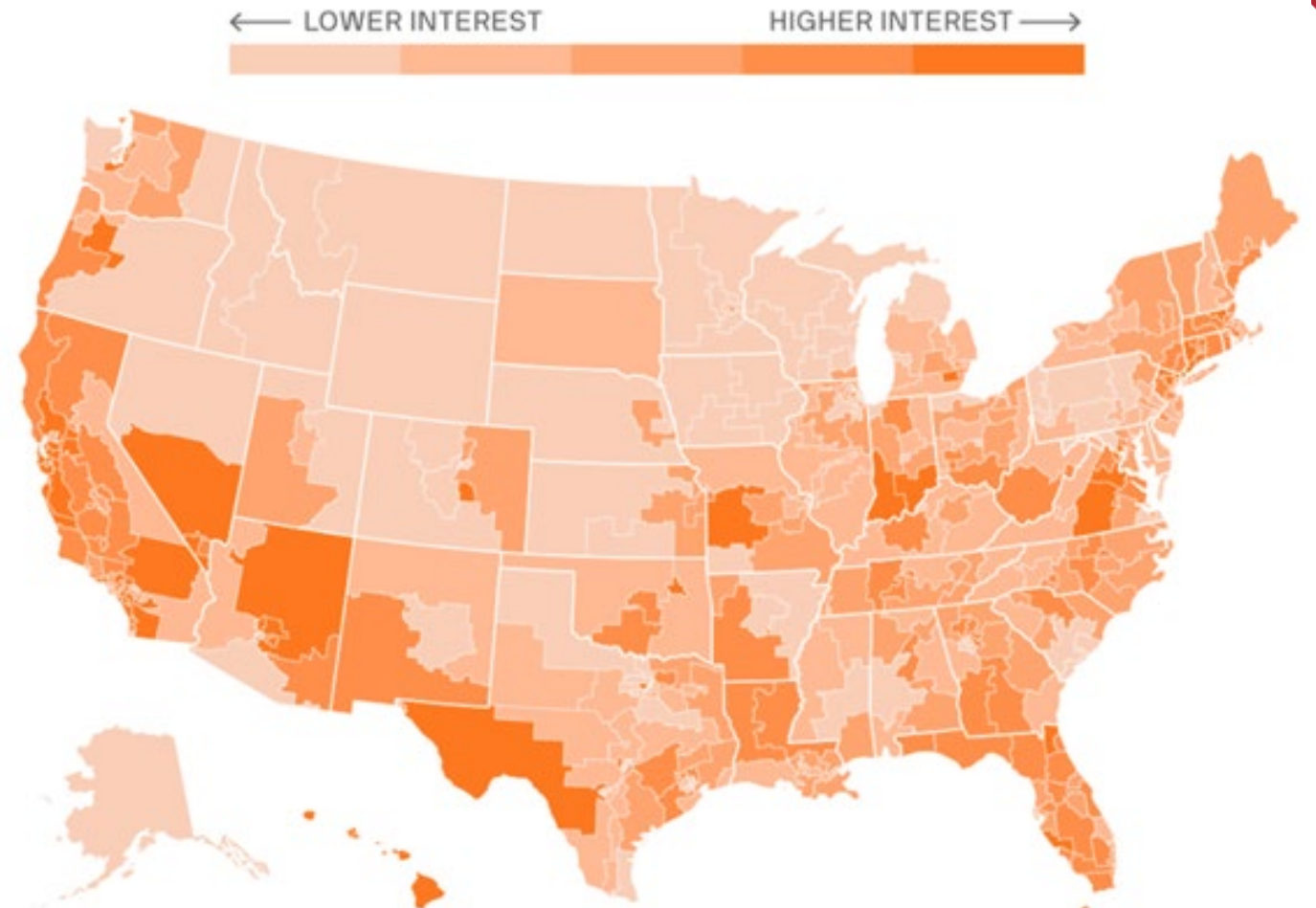


# U.S.-China Ties – Voter Interest Surging

## Relative interest in “China” by congressional district

Aug. 1-8, 2022

**"China" became the third most-searched topic across the nation last week out of a list of issues likely to sway midterm voters**  
*Axios' Stef Kight*



Data: Google Trends. Map: Jacque Schrag and Will Chase/Axios

# China Tariff Outlook/U.S.-China Relations

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- Speaker Pelosi's visit to Taiwan added new dynamic
- Some tie lifting tariffs to reducing inflation (election)
- Biden hesitant to lift tariffs on China (election)
- China not willing to reciprocate and lift tariffs on U.S.
- Concern adding new tariffs will escalate with Beijing
- Tariff suspensions through exclusion process likely
- Expect most China tariffs to remain through 2024
- Biden, Chinese President Xi to meet in November

# Comments from CAMMU



August 24, 2022

The Honorable Lisa R. Barton  
Secretary  
U.S. International Trade Commission  
500 E Street, S.W., Room 112  
Washington, D.C. 20436

*Re: Economic Impact of Section 232 and 301 Tariffs on U.S. Industries (Inv. No. 332-591);  
Written Submission*

Dear Madam Secretary:

Please accept these formal comments in the above-referenced investigation on behalf of the Coalition of American Metal Manufacturers and Users.

Sincerely,

Paul Nathanson

Bracewell LLP

CAMMU POST-HEARING SUBMISSION  
FOLLOWING THE U.S. INTERNATIONAL TRADE COMMISSION (USITC)  
PUBLIC HEARING ON THE  
ECONOMIC IMPACT OF SECTION 232 AND 301 TARIFFS ON U.S. INDUSTRIES  
JULY 20-22, 2022

CAMMU appreciated the opportunity to testify on July 20, 2022, on Panel 3 of the public hearings on the *Economic Impact of Section 232 and 301 Tariffs on U.S. Industries*. In addition to our oral hearing statement submitted for the record, CAMMU is submitting these final comments to expand on our oral testimony in response to several issues raised by Commissioners during questioning.

Request for Data on Production and Prices

Several Commissioners requested additional data on the impact of the 232 steel tariffs on production and prices.

Regarding steel, the Commissioners' assumption that the domestic steel producers are not only willing but able to manufacture and deliver the specific steel products in question is incorrect. The supply challenge that U.S. steel-using manufacturers continue to face is not due to a lack of imports, but, in fact, it is mostly due to a lack of domestic availability – resulting from either a lack of willingness or ability. Paying a 25 percent tariff, while an option for some, does not incentivize domestic production, but penalizes U.S. manufacturers who do not have a choice but to import due to lack of domestic availability.

What purpose is a tariff that raises the cost of an imported product if it is not leading to an increase in the domestic production and supply of that specific product? Who is the United States government protecting with the tariff if sufficient domestic production does not result, as witnesses testified on July 20, 2022? As for foreign competition, during the testimony, the steel industry admitted that the tariffs are not having an impact on global competitors like China. The situation regarding steel is clear: The U.S. government's Section 232 tariffs create a global market disruption that serves to restrict availability and artificially inflate prices in the U.S., which punishes American businesses using steel.

Commissioners also asked whether the tariffs imply a lack of supply from overseas. This is correct. Tariffs are a disincentive for importers to supply the U.S. market, as their price is automatically inflated by the U.S. government. Companies would normally want to sell into a high-priced market to increase their profit margins, but the 25 percent and 10 percent tariffs act as a deterrent to domestic production of value-added products, as a customer could import a more finished product and avoid the inflated costs due to the 232 tariffs. The protection of a targeted market implies a sufficient supply exists to protect, yet this is not the case for steel and aluminum. Simply paying the tariff if you have the means is not as easy as it may sound. Yes, when available, U.S. manufacturers can be forced to pay the government-imposed 25 percent or 10 percent tariff, but this results in thousands of small businesses absorbing higher prices, making them less competitive globally.

Tariffs are not resulting in domestic steel producers making more of the metal our members need. It has only enabled them to charge at least 25 percent more for the steel our members need. This is an important point, with Commissioner Kearns asking how the price of steel can have increased beyond the 25 percent tariff rate. Manufacturers report price increases of 35-40 percent due in part to less supply in the U.S. and the existence of only a handful of select companies that dominate the supply of specific steel used by our member companies.

# Stay Connected – One Voice Podcast



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**NTMA's Government Affairs Administrative Fund (GAAF)** allows the association to undertake initiatives aimed at educating elected officials on tooling and machining and the industry's priority issues. It also permits us to support a variety of activities to inform and mobilize our members, as well as to protect and promote the industry with key lawmakers. You can use corporate OR personal funds to donate to the GAAF.

Donate Today!

<https://ntma.org/programs/advocacy/>

## **PMA ADVOCACY FUND**

PMA's Advocacy Fund supports the association's day-to-day lobbying and public relations efforts in Washington, D.C., increasing the industry's visibility in Congress, the Administration and the public. You can use corporate OR personal funds to donate to the advocacy fund.

Donate Today!

<https://www.pma.org/advocacy/donate-today.asp>

# Questions?

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