



*Week of 4-26-21
Volume 21 | Issue 14*

Congressional Overview

The Senate considered a water infrastructure bill and legislation to reduce methane emissions. This week, there were no votes in the House and President Biden addressed a joint session of Congress on Wednesday.

OSHA Emergency Temporary Standard for COVID-19 Update

On Monday, OSHA submitted its draft COVID-19 emergency temporary standard to the Office of Management and Budget (OMB) for review. This review is usually the final step in the process before publishing the rule. We do not currently know the scope of the rule or what may be in it. However, FCA International and the Construction Industry Safety Coalition (CISC) has requested a meeting to sit down with the agency to discuss the rule. FCA and the CISC sent letters to the OMB and OSHA in February, outlining issues we believe the Agency should consider while they deliberate the need for an emergency temporary standard (ETS) on COVID-19.

White House Executive Order Creates Task Force for Worker Unionization

On Monday, President Biden signed an executive order creating a task force that would aim to make it easier for workers to unionize. The team will examine existing policies and issue a series of recommendations within 180 days on how they can be leveraged to “promote worker organizing and collective bargaining in the federal government.” President Biden will also direct the task force to recommend what new policies should be created.

The effort will be led by Vice President Kamala Harris and staffed by more than a dozen cabinet secretaries, along with various agency heads. The task force will focus in particular on facilitating collective bargaining by the federal workforce; wielding federal policies to pave the way for other workers to organize; aiding workers in “jurisdictions with restrictive labor laws,” along with “marginalized workers” like women and people of color; and increasing union membership.

Labor Secretary Marty Walsh will act as vice chair and the announcement comes as the “Protecting the Right to Organize (PRO) Act,” which would make it easier for workers to unionize, is stalled in the Senate. The bill has resounding Democratic support, as the House has passed it twice and President Biden endorsed it on the campaign trail. However, it currently has 47 Senate backers, well short of the 60 it would need to overcome the filibuster.

White House Announces Second Phase of Economic Recovery Plan

President Biden unveiled the second phase of his two-part economic recovery plan this week. The plan is expected to cost roughly \$1.5 trillion, but it is not expected to include a healthcare push that would expand insurance subsidies and let the federal government negotiate with manufacturers to lower the cost of prescription drugs. Democratic lawmakers have stated that they intend to pursue a health care initiative.

The Biden Administration plans to pay for the legislation by raising the top marginal income tax rate from 37 percent to 39.6 percent (which is what the rate was prior to the 2017 Republican tax cuts). The plan also calls for taxing capital gains at the new ordinary income rate of 39.6 percent on incomes above \$1 million. The new economic bill is expected to have the same problems that the infrastructure proposal is facing with partisan standoffs.

2020 Census Results: Congressional Seat Changes

On Monday, the US Census Bureau released apportionments, which will result in some congressional seat changes. Per population totals, Texas will gain two House seats, while Colorado, Florida, North Carolina, Montana, and Oregon each gain one. California, Illinois, Michigan, New York, Ohio, Pennsylvania, and West Virginia each will lose one.

Construction Industry Procurement Caucus Kicks Off

On April 22, FCA International, along with the Construction Industry Procurement Coalition (CIPC), assisted Reps. Scott Peters (D-CA) and Pete Stauber (R-MN) with the launch of a construction procurement caucus for the 117th Congress to advance “sensible reforms” for federal contractors. The federal government’s annual spending on procurement has increased steadily in recent years and it spends “tens of billions of dollars” on construction related procurements. The caucus’ goals are to simplify the process for federal construction procurement, foster a competitive market for businesses of all sizes, support better opportunities for businesses in the federal marketplace and advance procurement-related legislation.

Per Chair Peters, “When we talk about using federal money, one of the ways you close the gap is you make sure you’re not spending too much money on processing and permitting and you want to do reform to make things more efficient, that’s, I think, where we have a real opportunity.”

Chair Stauber added, “The Small Business Administration needs to be a help not a hindrance to small business for capital, infrastructure and education, so they can reach their maximum potential.”

Senate Appropriations Chairman Announces Return of Earmarks

Senate Appropriations Chairman Patrick Leahy officially announced that the Senate will include earmarks in the FY 22 Appropriations Bills with the Senate rules being similar to the House. They include capping earmarks at 1 percent of all discretionary spending, banning earmarks to for-profit entities, requiring Senators to post their requests online, having the Government Accountability Office audit some earmarks every year, and requiring Senators to certify in writing that neither they nor their immediate families have financial interests in the earmarks they are requesting.

The appropriations committee is discussing which accounts will be eligible for earmarks and that list is expected to be different than the House. Senators will not be subject to a cap on the number of requests they can submit (their House colleagues are limited to 10 per fiscal year). Sen. Leahy (D-VT) stated, "Every member of this chamber has their hands tied. Why? Because we ceded the power of the purse to unelected bureaucrats here in Washington when we instituted a ban on congressionally directed spending."