



Week of 2-6-23
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Congressional Overview

Congress voted on legislation regarding China and the threat it poses to the United States’ security and economy. Three congressional hearings on the subject were held this week. The House passed a bill that would end the COVID-19 vaccination requirement for foreign travelers and legislation that would direct the Energy Department to provide financial assistance to students taking courses related to energy infrastructure cybersecurity. The House is scheduled to take a two-week break from votes following this week, with a return planned for Feb. 27.

OSHA Adds “Instance-By-Instance” Citation Policy

On Jan. 26, the Occupational Safety and Health Administration (OSHA) issued new enforcement guidance allowing “instance-by-instance” citations for “high-gravity” serious violations of several agency standards. Regional administrators and area office directors will have the authority to issue instance-by-instance citations for violations of fall protection, lockout/tagout, machine guarding, permit-required confined space, respiratory protection, and trenching standards, as well as for cases with other-than-serious violations of recordkeeping requirements. The new policy becomes effective March 27th.

In a separate enforcement memorandum, the agency reminded regional administrators and area office directors of their authority not to group violations but instead to cite them separately.

Table 1 summarizes the minimum and maximum amounts for proposed civil penalties:

| Type of Violation | Penalty Minimum | Penalty Maximum |
|----------------------|-------------------------|--|
| Serious | \$1,036 per violation | \$14,502 per violation |
| Other-Than-Serious | \$0 per violation | \$14,502 per violation |
| Willful or Repeated | \$10,360* per violation | \$145,027 per violation |
| Posting Requirements | \$0 per violation | \$14,502 per violation |
| Failure to Abate | N/A | \$14,502 per day unabated beyond the abatement date [generally limited to 30 days maximum] |

The FY 23 Omnibus Appropriations Bill Brings Employment Law Changes

The Fiscal Year (FY) 2023 Consolidated Appropriations Act contained two important employment law changes, which will go into effect this year. [Click here for information](#) on the *Pregnant Workers Fairness Act (goes into effect June 27)* and *PUMP for Nursing Mothers Act (in effect as of Dec. 31, 2022)*.

Ranking Senate Appropriations Committee Member Susan Collins

Sen. Susan Collins (R-ME), is now the Senate Appropriations Committee Ranking Member, and she laid out her funding priorities for the committee, which will aim to move the panel's dozen appropriations bills to the Senate floor in regular order, instead of relying on a year-end omnibus package. She wrote that modernizing the military and investing in biomedical research, transportation infrastructure and rural America are her priorities in her new role.

Democrats' First 2024 Primary Moves to South Carolina

The Democratic National Committee has approved a revised schedule for presidential primaries in 2024, which elevated South Carolina as the nation's first primary and removes Iowa from the list of early contests. If the states follow through on the plan they would upend a half-century-old schedule that has had New Hampshire's primary and Iowa's caucuses as the first presidential nominating contests. President Biden proposed the new calendar in December, saying the order of Democratic primaries should be adjusted to allow states with racially diverse populations to have more of a say in early presidential contests, which can set the tone for the rest of a campaign.

The plan has gotten pushback, especially in New Hampshire, where state law dictates that the state hold the nation's first presidential primary every four years. The Democrats' new schedule differs from Republicans' primary calendar, placing some states in a difficult position. Under the new calendar for 2024, South Carolina Democrats will vote on Feb. 3, followed by New Hampshire and Nevada on Feb. 6, Georgia on Feb. 13, and Michigan on Feb. 27. Iowa would not be able to hold its caucus before March. It went first in 2020, followed by New Hampshire, Nevada, and South Carolina. New Hampshire Gov. Chris Sununu (R) has said, "Our primary will still be first and the nation will not be held to a substandard process dictated by Biden and the Democrat Party."