



*Week of 5-8-23  
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### **Congressional Overview**

This week, the House voted on border security and immigration legislation as the pandemic-era Title 42 policy that has allowed officials to expel migrants at the border expired Thursday. Additionally, the House voted on legislation that would offer incentives to states to recoup fraudulent overpayments of pandemic and regular unemployment benefits. The House and Senate Committees began deliberations on the must-pass 2024 National Defense Authorization Act (NDAA) and the Senate held several nomination votes.

Sen. Dianne Feinstein (D-CA) returned to the Senate ending a more than two-month absence due to illness. Rep. George Santos (R-NY) plead not guilty to 13 criminal counts, including federal charges of fraud, money laundering, theft of public funds, false statements in his campaign finance filings and other claims. Speaker Kevin McCarthy (R-CA) said he'd "look at the charges," and that he would not call on Santos to resign.

### **Debt Ceiling Update**

After the hour-long White House meeting on Tuesday, no progress appeared to be made in coming to an agreement on the debt ceiling, but President Biden and House and Senate congressional leaders agreed to talk again on May 12. In the meantime, staff will meet to come up with some options on ways forward. Senate Minority Leader Mitch McConnell (R-KY) said after the meeting that the U.S. will not "default" on its debt. Time is running out to reach a deal, as Treasury Secretary Janet Yellen announced the Federal government could be unable to pay its bills as early as June 1.

Senate Minority Leader McConnell and 40 of his members signed a letter saying they would not back a debt-ceiling bill without "substantive" budget and spending reforms. President Biden said rescinding unspent COVID-19 relief funds is "on the table" when it comes to an area where he and lawmakers can agree to make some spending cuts, but he was vague on whether that could also be part of debt ceiling talks. When asked if he would consider clawing back the unspent funds "even if it's independent on these debt limit discussions," President Biden appeared to leave that option open.

### **International Vaccine Requirements**

President Biden has revoked requirements that most international visitors to the U.S. be vaccinated against COVID-19 as well as similar rules for federal employees and contractors. President Biden's orders take effect with the expiration of the U.S. COVID public health emergency. The Biden administration's rules imposed in September 2021 requiring about 3.5 million federal employees and contractors to be vaccinated or face firing or disciplinary action have not been enforced for over a year after a series of court rulings.

### **OSHA Updates**

We are seeing an increase in activity coming out of OSHA well into the summer and below is a brief update of activities that we, along with the Construction Industry Safety Coalition (CISC), are actively monitoring:

- **OSHA Announces NEP on Fall Prevention:** As of May 1, OSHA has begun a National Emphasis Program (NEP) focusing on reducing fall-related injuries and fatalities for people working at heights across all industries. More specifically, the program establishes guidance for locating and inspecting fall hazards and allows OSHA compliance safety and health officers to open inspections whenever they observe someone working at heights, and as stated in the NEP, OSHA “anticipates that most of the inspections will occur in construction because the majority of the fatal falls to lower levels each year occur on construction worksites.”
- **Workplace Injury and Illness Recordkeeping Final Rule under OMB Review:** The Office of Information and Regulatory Affairs received from OSHA the final rule on its electronic tracking of workplace injuries and illnesses. If issued, the rulemaking would likely require establishments with **100 or more employees** in certain designated industries to electronically submit information from their OSHA Forms 300, 301, and 300A to OSHA once a year, among other things.
- **President Biden Signs Regulatory Review Executive Order:** On April 6, President Biden issued an Executive Order (EO) on “Modernizing Regulatory Review,” which aims to facilitate the initiation of meeting requests from potential participants who have not historically requested such meetings, as well as to improve the efficiency and effectiveness of E.O. 12866 meetings. Of concern to CISC is the potential for associations, coalitions, and even individual associations represented by coalitions to be more easily denied E.O. 12866 meeting with the Office of Management and Budget because of the frequency in which they request meetings. Additionally, OMB is accepting comments in response to implementation of Section 2 (e) of the EO, which includes language on establishing a new process for these meetings, through June 6th.
- **Heat Injury and Illness Standard Update:** As we continue to track movement on this issue, representatives from OSHA have publicly stated the agency intends to initiate the Small Business Regulatory Enforcement Fairness Act (SBREFA) panel process in early May. The Steering Committee is working to select a representative(s) to represent the coalition, but we would also advise you to begin identifying your small business/small entity members and clients who would be interested in participating in the panel.
- **OSHA PPE Proposed Rule Clears OMB Review:** On April 4th, the Office of Management and Budget approved OSHA’s draft proposed rulemaking clarifying the requirements for the fit of PPE in construction. As of now, the proposed rule has not been published on the Federal Register or OSHA websites, but we expect text to come out soon.

### **Senator Introduces Training America’s Workforce Act**

Sen. Tim Scott (R-SC) has introduced legislation entitled Training America’s Workforce Act, which would revive apprenticeship programs and make them more responsive to industry workforce needs. It would also help individuals obtain industry-specific skills through on-the-job learning and classroom instruction, as well as an industry-recognized credential upon completion of the program. The bill would help individuals obtain industry-specific skills through on-the-job learning and classroom instruction, as well as an industry-recognized credential upon completion of the program.

The legislation would allow third-party Department of Labor-recognized entities, such as “qualifying trade associations or institutions of higher education,” to recognize and perform oversight of industry-led apprenticeship programs developed by the private sector and other organizations. The bill instructs the

Secretary of Labor to establish a process to recognize private and public sector entities as “standards recognition entities” within one year of the legislation’s enactment.

That term pertains to entities that are marked by the Secretary of Labor for the purpose of recognizing apprenticeship programs as being industry-recognized. Those entities will need to establish standards that show their programs would include paid work, on-the-job learning, mentorship, education and classroom instruction, a written training plan and apprenticeship agreement, and more. They would also be required to provide proof of an industry-recognized credential upon completion of programs.