



*Week of 10-16-23  
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### **Congressional Overview**

This week, the House continued to determine their next Speaker and the Senate resumed their work on the Administration's nominees and a spending bill package. After securing the House Republican's nomination for Speakership, Rep. Jim Jordan (R-OH) was unable to get the 217 votes needed to be appointed as Speaker on the House floor in three separate votes. Rep. Jordan lost Republican supporters with each vote, and the conference voted to move forward with a different Speaker candidate on Friday afternoon. Speaker Pro Tem Patrick McHenry (R-NC) said that House Republicans will vote on a new pick for Speaker next Tuesday morning.

### **DHS Revises Federal Drug Testing Guidelines to Clarify Use of Medical Marijuana**

The Department of Health and Human Services (HHS) has formally revised federal workplace drug testing guidelines to clarify that ***using medical marijuana under a doctor's recommendation in a legal state is not a valid excuse*** for a positive THC test. In a pair of notices set to be published in the Federal Register, the Substance Abuse and Mental Health Services Administration (SAMHSA) announced that it had amended guidance of saliva and urine testing to include the cannabis policy clarification, despite receiving comments opposing the proposal after they were first announced last year.

The agency did make one change to its initial plan, however. The updated language now notes that passive exposure to or unintentional ingestion of any illegal drug (not just cannabis) does not excuse a positive test for the purposes of federal employment. While it is already the case that participating in a state medical cannabis program doesn't shield federal workers from being fired over marijuana use, the newly adopted language further clarifies the federal government's ongoing prohibitionist stance.

In the new notices, SAMHSA acknowledged that it received comments urging reconsideration of the marijuana testing policy, with many taking the opportunity to call for federal cannabis legalization, but it said the current law justifies the revised guidance. The HHS, which is the umbrella agency that SAMHSA falls under, recently recommended that the Drug Enforcement Administration (DEA) move marijuana from Schedule I to the less strict Schedule III of the Controlled Substances Act (CSA).

Here's the updated language for Sections 13.5(c)(2) and 13.5(d)(2) of the Mandatory Guidelines for Federal Workplace Drug Testing Programs:

- i. Passive exposure to a drug (e.g., exposure to marijuana smoke) is not a legitimate medical explanation for a positive drug test result.*
- ii. Ingestion of food products containing a drug (e.g., products containing marijuana, poppy seeds containing codeine and/or morphine) is not a legitimate medical explanation for a positive urine drug test result.*
- iii. A physician's authorization or medical recommendation for a Schedule 1 controlled substance is not a legitimate medical explanation for a positive drug test result.*

### **Agencies Accepting Comments on Rules that Could Impact Signatory Contractors**

**Worker Walkaround Representative Designation Process Rule:** OSHA is seeking public input on a proposal to amend its regulations dealing with representatives of employers and employees. Specifically,

the agency seeks to codify the practice of allowing third-party representatives to participate in OSHA inspections if requested by an employee, provided they have “relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language skills of third-party representative(s) authorized by employees who may be reasonably necessary to the conduct of a physical inspection of the workplace.”

- Comments due by Nov. 13
- [Link to proposed rule’s text and supporting materials](#)
- [Link to Submit Comments](#)

**Heat Injury and Illness Standard:** OSHA finished its series of Small Business Advocacy Review panels on its forthcoming heat injury and illness prevention standard for indoor and outdoor work settings. The agency reopened the comment period for interested stakeholders to submit comments now through late December.

- Comments due by Dec. 23
- [Link to proposed rule’s text and supporting materials](#)
- [Link to Submit Comments](#)

**Overtime Rule:** The Department of Labor has denied requests to extend the comment period for the proposed changes to the overtime pay rule. The rule proposes increasing the minimum salary threshold for overtime eligibility under the Fair Labor Standards Act to \$1,059 per week or \$55,068 per year.

- Comments due by Nov. 7
- [Link to proposed rule’s text and supporting materials](#)
- [Link to Submit Comments](#)

### **FY 23 Federal Deficit Was Nearly \$1.7 Trillion**

Per the Congressional Budget Office (CBO), the official federal deficit for FY 23 was nearly \$1.7 trillion, an increase from just under \$1.4 trillion a year earlier. Excluding the effects of the now-voided student debt relief plan, total federal spending increased to 11 percent in FY 23 over last year, or \$625 billion, while tax receipts were down by 9 percent, or \$455 billion. Spending on the largest federal benefit programs (Social Security, Medicare, and Medicaid) accounted for about 43 percent of the \$6.5 trillion in total FY 23 outlays, and spending on those three programs grew by 11 percent year over year. Interest payments on U.S. debt rose sharply by 33 percent due to higher interest rates as well as larger debt and are now approaching the \$774 billion spent on military outlays in FY 23, which rose 7 percent over FY 22.

### **2024 Social Security Cost-of-Living Adjustment**

Per the Social Security Administration, shrinking inflation has decreased the annual cost-of-living adjustment for Social Security beneficiaries to 3.2 percent next year, down from the 8.7 percent raise seniors received for 2023. Some of that figure will be lowered by the annual increase in Medicare Part B premiums, which could be nearly \$15 based on the most recent Medicare trustees report. The amount of wages and salary subject to Social Security taxes will also rise in 2024. Currently, the first \$160,200 is subject to tax, which is a 12.4 percent split evenly between the worker and the employer. That amount will rise to \$168,600 due to inflation.

### **Biden Administration Requests \$100 Billion in Supplemental Aid for U.S. Allies, Border and Disaster Assistance**

This week, the Biden Administration requested \$100 billion in supplemental aid for Israel, Ukraine, the southern border, and U.S. disaster assistance. Senate Majority Leader Schumer (D-NY) said he wants to

move quickly on this request; however, some House Republicans are still against including Ukraine in the supplemental package.

Senate Minority Leader Mitch McConnell (R-KY) supports the funding and said “this is all interconnected, you’ve got the North Koreans, the Iranians, the Russians and the Chinese, sort of, on the same side against the democratic world, so there is a connection between all of this. I am not surprised, frankly, that the administration seems to be inclined to send up a broad package.”