

Legislative & Regulatory Update

The 116th Congress got off to a relatively slow start with the House transitioning to Democratic control and the political posturing and brinksmanship over President Trump's demand to fund the border wall. A second government shutdown was averted when the President signed a \$325 billion seven-bill appropriations package, and legislative activity has significantly picked up.

As the new Congress finally gets down to business, here is an update on policy and regulatory issues of vital interest to contractors and the union construction and maintenance industry.

Multiemployer Pensions

After the collapse of the Joint Select Committee on the Solvency of Multiemployer Pension Plans at the end of the last Congress, committees with jurisdiction over pension reform have been digging in on this looming crisis. The House Committee on Ways and Means held a hearing last month on improving retirement security. This coming week, the House Committee on Education and Labor will hold a hearing on multiemployer pension plan solvency. These hearings have (and will) mainly focus on the magnitude of the crisis, the need to protect retirement income security, and the cost of failing to act — not solutions.

Cadillac Tax Repeal

This legislation would repeal the so-called "Cadillac tax" on employer-provided health care benefits. H.R. 748, the Middle-Class Health Benefits Tax Repeal Act of 2019, cosponsored by Congressman Joe Courtney (D-CT) and Congressman Mike Kelly (R-PA), would repeal the impending 40 percent tax on employer-provided health care. Congress has twice delayed the implementation of this tax. H.R. 748 would repeal the tax all together.

Green New Deal

As Congress begins the process of developing infrastructure legislation, there will be a renewed focus on developing advancing "green" projects, modes of transportation, industries, and technologies with the goal of moving the U.S. towards net-zero greenhouse gas emissions. Proposed by Rep. Alexandria Ocasio-Cortez (D-NY) and Sen. Ed Markey (D-MA), the Green New Deal resolution calls for a "national, social, industrial, and economic mobilization on a scale not seen since World War II and the New Deal era." The non-binding resolution calls for a ten-year national mobilization and investments in infrastructure and energy. It appears this initiative will complicate efforts to develop bipartisan infrastructure legislation, as many in Congress have been very critical of the effort.

Senate Confirms Wheeler for EPA

The Senate voted in a mostly partisan vote to approve Andrew Wheeler as Administrator of the Environment Protection Agency (EPA). Wheeler has been serving as Acting Administrator since last summer when former Administrator Scott Pruitt resigned. He has a long history working on both environmental and construction issues, having served as a senior staffer on the Senate Environment and Public Works Committee and at the EPA.

OSHA Administrator Approved by Committee

Scott Mugno's nomination to be the Assistant Secretary of Labor for OSHA was once again reported out of the Senate Health, Education, Labor and Pension Committee. Last Congress, Mugno's nomination was returned to the White House after the Senate failed to confirm him prior to adjourning for the session. There is no timetable for the consideration of this nomination by the full Senate. OSHA has been without an administrator for over two years.

OSHA Crane Operator Rule

OSHA delayed full enforcement of its crane operator qualification rule until April 15th. The rule was published in November 2018 and was supposed to take effect on February 7th. During this period, OSHA will be providing compliance assistance instead of enforcement for employers making a good faith effort to comply with the new qualification standards.