



# ALASKA SHRM STATE COUNCIL



## WASHINGTON OUTLOOK: CIVICS MATTERS, RELATIONSHIPS MATTER, ADVOCACY MATTERS

PRESENTED BY  
CHATRANE BIRBAL, SHRM

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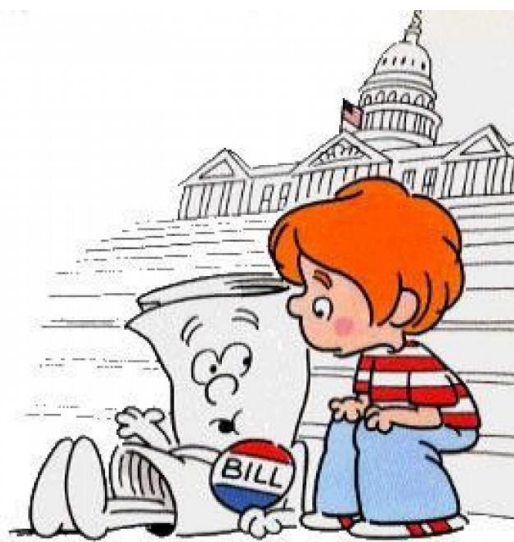
## *Washington Outlook*

*Civics Matters, Relationships Matter, Advocacy Matters*

**BETTER WORKPLACES  
BETTER WORLD™**

# Civics Matters








*"I'm just a bill. Yes, I'm only a bill.  
And I'm sitting here on Capitol Hill.  
Well, it's a long, long journey to  
the capital city. It's a long, long  
wait while I'm sitting in committee,  
but I know I'll be a law someday,  
at least I hope and pray that I will,  
but today I am still just a bill."*

**-ABC's School House Rock**



# U.S. Federalism Establishes Three Levels of Government

Level of government	Executive	Legislative body	Judicial body
 Federal (United States)	President	Congress: (House of Representatives & Senate)	Supreme Court & Federal Courts
 State (50 states)	Governor	State Legislature: (State Representatives & State Senators)	State Supreme Court
 Local (Counties & Municipalities)	Mayor	City Council	State-Appointed Judges



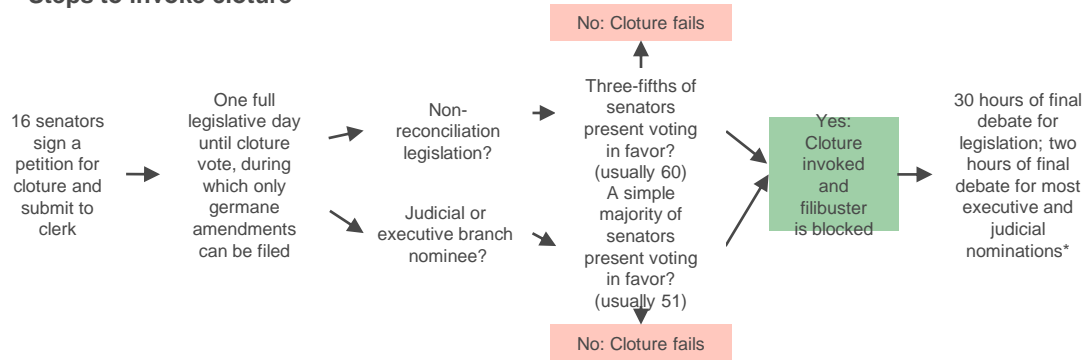
# Legislative and Executive Makeup

Chamber/Office	Control before election	Control in 2021
House of Representatives	Democrats	Democrats
Senate	Republicans	Democrats
President	Republicans (Trump)	Democrats (Biden)

SOURCE Associated Press  
AP DATA AS OF 1/6/2021 4:20 PM

## Cloture is the process in the US Senate to end a filibuster

### Steps to invoke cloture



#### Cloture was established by U.S. Senate Standing Rule XXII

- In 1975, the Senate reduced the number of votes necessary to invoke cloture from two-thirds to three-fifths (changes to Senate Standing Rules still require two-thirds vote)
- In November 2013, the Senate invoked the “nuclear option,” reducing the cloture threshold to a simple majority for judicial and executive branch nominees, except nominees to the Supreme Court
- The Senate extended the nuclear option to Supreme Court nominations in 2017 with the confirmation of Neil Gorsuch
- Timing of the cloture vote as well as the final vote after cloture is invoked can be amended by unanimous consent

\*In April 2019, the Senate voted to reduce post-cloture debate to two hours for district court nominees and lower-level executive nominees

SOURCE US Senate Reference, Congressional Research Service, CBS News, The Washington Post.  
DANIEL STUBLEN 11/03/20

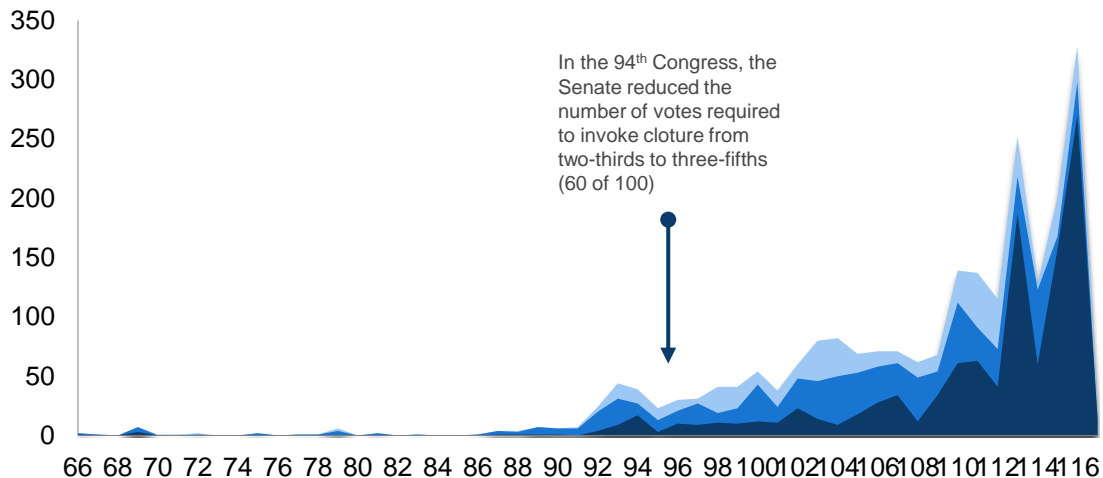


# The Use of Cloture Motions has Increased Over Time

Senate action on cloture motions, 65th-116th Congress

1917-2020

■ Motions Filed   ■ Votes on Cloture



\*Though the number of cloture motions measures formal attempts to overcome a filibuster, it does not capture the full extent of bills that failed to pass due to a filibuster or the prospect of a filibuster

SOURCE US Senate Reference  
PRESENTATION CENTER 3/19/21





# KNOW-menclature: RECONCILIATION



## Allows for quick legislating

- Created via the Congressional Budget Act of 1974
- Provides an expedited process for passing congressional measures related to the budget



## Cannot be filibustered

- Debate in Senate is limited to 20 hours
- Allows passage of certain legislation by simple majority



## Provisions must abide by the “Byrd rule”

- Must have a non-incidental effect on the budget
- Must not change overall spending/revenue
- Must not add to the deficit outside the budget window covered by the bill

## Budget reconciliation process

Both House and Senate pass a budget resolution which includes reconciliation instructions (No filibuster - simple majority vote in both chambers)



Instructed committees develop and vote on policy recommendations related to the instructions (simple majority vote)



Budget committees bundle proposals into budget measure and vote (simple majority vote)



Full House votes (rules for debate and final passage are by simple majority vote)

Senate debate limited to 20 hours (no filibuster) but unlimited amendments can be offered (vote-a-rama)



President signs budget reconciliation measure

SOURCE Vox, Congressional Research Service, US House of Representatives Committee on Rules, Politico.  
ZACHARY GOLDSTEIN 10/23/19

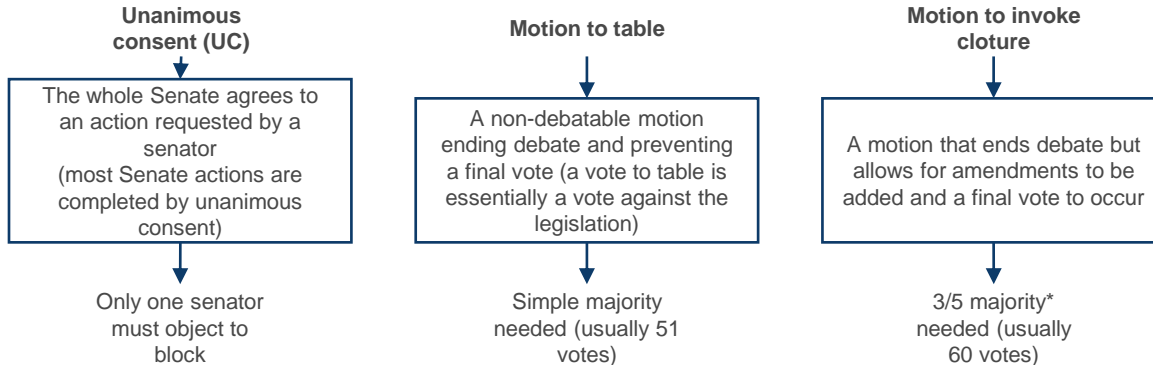
## A **filibuster** is a tactic to stall business in the US Senate

Unlike the House of Representatives, the **Senate customarily has unlimited debate on most legislation**



A senator takes advantage of this custom by **holding the floor indefinitely**, also known as a filibuster

Certain procedures can be invoked to limit debate:



\*3/5 majority needed for most legislation (except reconciliation bills)



# President Biden on Filibuster Reform

## Biden on reforming the filibuster



*"I don't think that you have to eliminate the filibuster, you have to do what it used to be when I first got to the Senate back in the old days. You had to stand up and command the floor, you had to keep talking"*

PRESIDENT JOE BIDEN, ON  
REFORMING THE FILIBUSTER

## Implications for Biden's agenda



- Biden is **unlikely to achieve a 60-vote Senate supermajority** on major pieces of legislation in areas such as health care and climate change
- Regardless of whether Congress uses the nuclear option for legislation, Biden could face **obstacles in convincing moderate Democrats** to back his proposals

SOURCE The New York Times, Roll Call, Axios, CBS News, NPR.



# Key Senators On Filibuster Reform

## Majority Leader Chuck Schumer (D-NY)

- “We Democrats ... believe we need big, bold change. We hope our Republican colleagues will work with us to produce that change. We will try to get them to work with us. But if not, we will put our heads together and figure out how to go, and everything is on the table.”

## Minority Leader Mitch McConnell (R-KY)

- “If the Democrats kill the legislative filibuster, history would repeat itself, but more dramatically. As soon as Republicans wound up back in control, we wouldn't stop at erasing every liberal change that hurt the country.”

## Sen. Dianne Feinstein (D-CA)

- “Ideally the Senate can reach bipartisan agreement on those issues. But if that proves impossible and Republicans continue to abuse the filibuster by requiring cloture votes, I'm open to changing the way the Senate filibuster rules are used.”

## Sen. Joe Manchin (D-WV)

- “I want to make it very clear to everybody: There's no way that I would vote to prevent the minority from having input into the process in the Senate. That means protecting the filibuster.”
- “The filibuster should be painful. And we have made it more comfortable over the years. Not intentionally maybe, it just evolved into that.”

## Sen. Kyrsten Sinema (D-AZ)

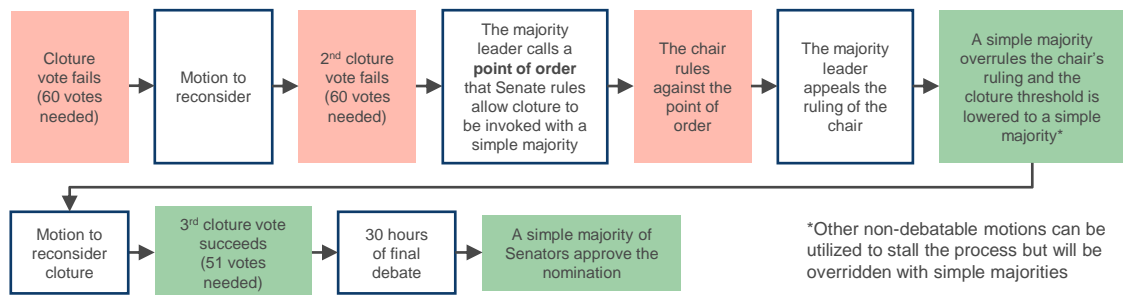
- “My position on the filibuster has been steady my entire career. I would always oppose efforts to eliminate the filibuster.”
- “I want to restore the 60-vote threshold for all elements of the Senate's work.”



# KNOW-menclature: NUCLEAR OPTION

## The **nuclear option** changes cloture rules with a simple majority

### Steps to triggering the nuclear option for nominations



#### Analysis

- On April 6, 2017, Senate Republicans invoked the nuclear option, reducing the cloture threshold to a simple majority for Supreme Court nominees, but leaving the cloture threshold for legislation at three-fifths
- Cloture, the process to limit debate in the Senate, was established by U.S. Senate Standing Rule XXII
- The nuclear option could be used in the future to reduce the cloture threshold to a simple majority for all legislation



# Executive Branch

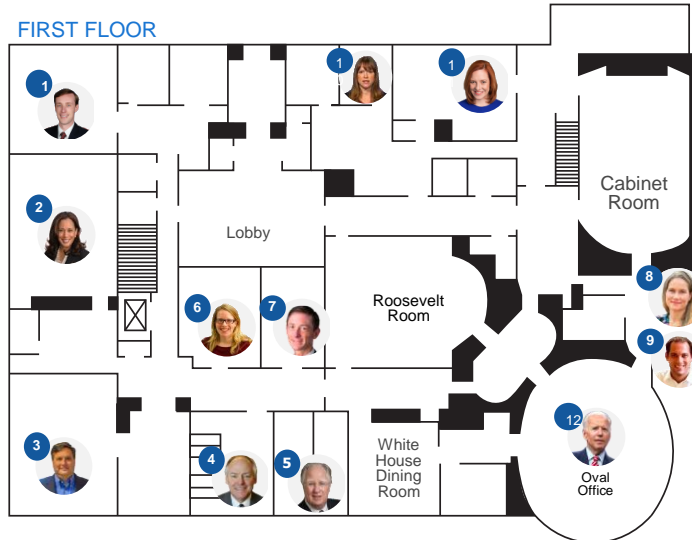




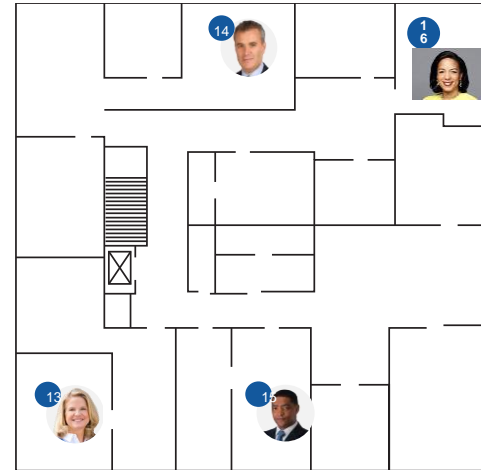
# White House Offices



## FIRST FLOOR

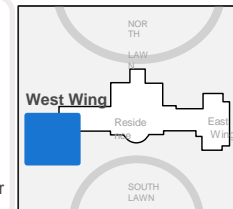


## SECOND FLOOR



- 1 **Jake Sullivan** National Security Advisor
- 2 **Kamala Harris** Vice President
- 3 **Ron Klain** Chief of Staff
- 4 **Steve Ricchetti** Senior Adviser
- 5 **Mike Donilon** Senior Adviser
- 6 **Jen O'Malley Dillon** Deputy Chief of Staff for Operations
- 7 **Bruce Reed** Deputy Chief of Staff
- 8 **Annie Tomasini** Director of Oval Office Operations

















- 9 **Stephen Goepfert** Personal Aide to POTUS
- 10 **Kate Bedingfield** Communications Director
- 11 **Jen Psaki** Press Secretary
- 12 **Joe Biden** POTUS
- 13 **Dana Remus** White House Counsel
- 14 **Jeff Zients** Coordinator of Covid-19 Response and Counselor to POTUS
- 15 **Cedric Richmond** Senior Adviser to POTUS and Director of the White House Office of Public Engagement












# The Biden Administration

PICTURE BORDER INDICATES NOMINEE HAS BEEN CONFIRMED

 <b>Vice President</b> Kamala Harris	 <b>State</b> Antony Blinken	 <b>Treasury</b> Janet Yellen	 <b>Defense</b> Lloyd Austin
 <b>Attorney General</b> Merrick Garland	 <b>Interior</b> Deb Haaland	 <b>Agriculture</b> Tom Vilsack	 <b>Commerce</b> Gina Raimondo
 <b>Labor</b> Marty Walsh	 <b>Health &amp; Human Services</b> Xavier Becerra	 <b>Housing &amp; Urban Development</b> Marcia Fudge	 <b>Transportation</b> Pete Buttigieg
 <b>Energy</b> Jennifer Granholm	 <b>Education</b> Miguel Cardona	 <b>Veterans Affairs</b> Denis McDonough	 <b>Homeland Security</b> Alejandro Mayorkas

## Cabinet-level officials

 <b>White House Chief of Staff</b> Ronald Klain	<b>White House OMB Director</b> TBD	 <b>Director of the Office of Science and Technology Policy</b> Eric Lander	 <b>EPA Administrator</b> Michael Regan
 <b>Director of Nat'l Intelligence</b> Avril Haines	 <b>US Trade Representative</b> Katherine Tai	 <b>Small Business Administrator</b> Isabel Guzman	 <b>US Ambassador to the UN</b> Linda Thomas-Greenfield





# Secretary of Labor Marty Walsh



**MAYOR OF BOSTON**  
**2014-present**

**DATE OF BIRTH**  
**4/10/67 (Age: 53)**

**HOMETOWN**  
**Dorchester, MA**

**EDUCATION**  
**Boston College, BA, 2009**

**Boston mayor and Democrat with union background who advocates for low-income communities and has become a leading voice on substance abuse. Frequently cites unconventional political profile as recovering alcoholic who earned his college degree as an adult**

- Son of Irish immigrants who was born and raised in Dorchester and battled childhood cancer
- Union member for his entire adult life and received crucial support from labor groups during mayoral run; has embraced pro-business groups, including Boston Chamber of Commerce, on initiatives to grow economy
- Work with State Rep. James Brett served as primer to entering public office; earned spot in Massachusetts State House without a college degree
- Advocates for low-income families through workforce development initiatives and affordable housing, including pushing for higher state-wide minimum wage and expanding public housing
- Struggled with alcoholism as a young adult and has made combatting substance abuse a priority as mayor and in his role at the U.S. Conference of Mayors



# Secretary of Homeland Security Alejandro Mayorkas



DEPUTY SECRETARY, DHS  
**2014-2016**

DIRECTOR, US CITIZENSHIP AND  
IMMIGRATION SERVICES  
**2009-2013**

DATE OF BIRTH  
**11/24/1959 (Age: 61)**

HOMETOWN  
**Havana, Cuba**

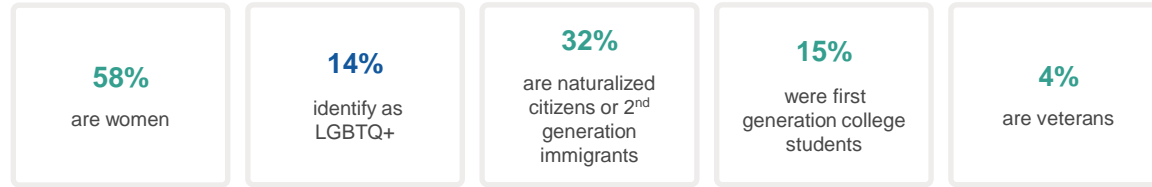
EDUCATION  
**UC Berkeley, BA, 1981**  
**Loyola Marymount U., JD, 1985**

**Experienced DHS policymaker and lawyer who started his public service career as a California assistant US attorney and is now secretary of homeland security; balances immigration priorities with national security concerns**

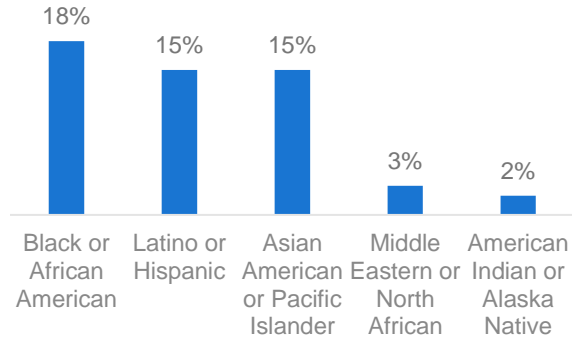
- Born in Cuba, Mayorkas immigrated with his parents to the US as refugees following the Cuban Revolution; moved from Miami, FL to LA and later Beverly Hills, CA
- After graduating from law school and completing several years in private practice, Mayorkas became an assistant US attorney for the Central District of California and was later appointed as a US attorney by Pres. Bill Clinton; developed a specialization in white collar crime and oversaw high profile criminal cases, including the prosecution of Buford O. Furrow, Jr. for the murder of a postal worker
- Returned to private practice as a litigation partner before being selected to serve on then President-elect Obama's transition team in 2008, where he led the team responsible for the Department of Justice's criminal division; later nominated and confirmed as director of US Citizenship and Immigration Services (USCIS), where he implemented the Deferred Action for Childhood Arrivals (DACA) program within 60 days of its implementation in 2013 and pushed for management efficiencies, fiscal responsibility, and safeguarding the integrity of the immigration system
- Nominated by Pres. Obama to serve as deputy secretary of the Department of Homeland Security (DHS) and confirmed in a party line Senate vote in 2014; prioritized cybersecurity issues, expanding the department's Cyber Crimes Center
- Re-entered the private sector in 2016 to work at law firm Wilmer Cutler Pickering Hale and Dorr
- Nominated by President Biden as secretary of homeland security, Mayorkas is projected to reverse Trump administration immigration policies and prioritize cybersecurity; his announcement was received favorably by members of both parties, as well as immigrant advocacy groups



# Biden Administration Hired ~1,500 Political Appointees In First 100 Days



## More than half of appointees are minorities



Department of Education appointees are former educators



Department of Interior appointees are American Indian or Alaska Natives

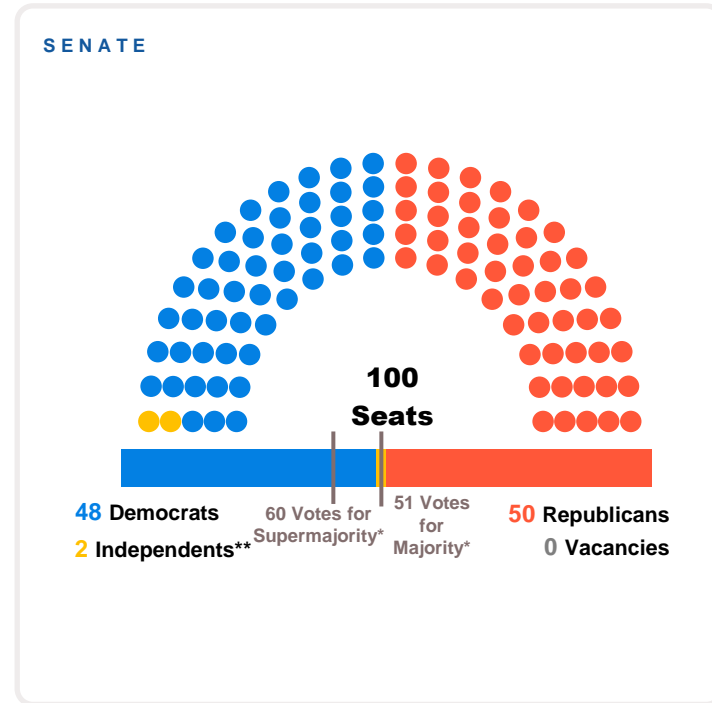
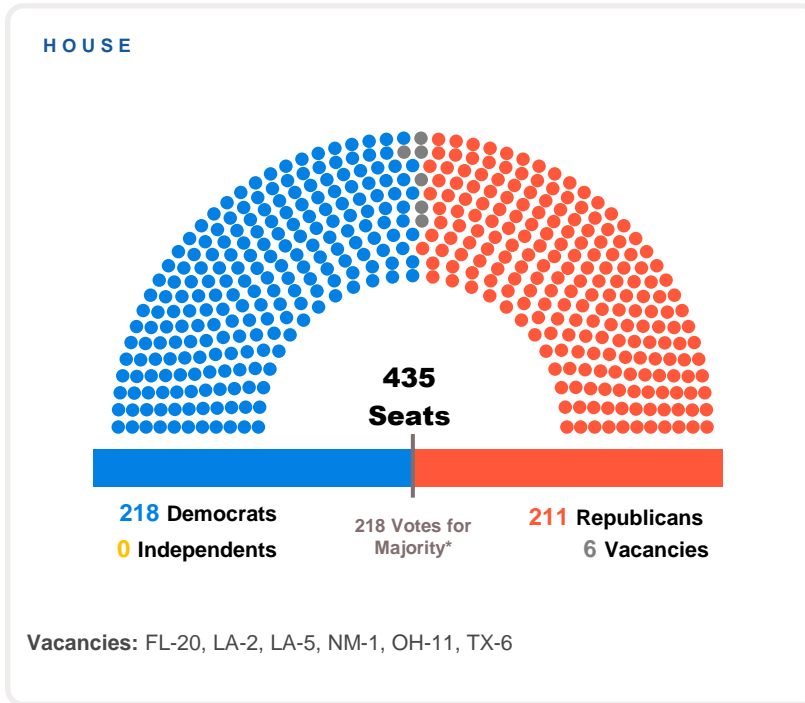
SOURCE White House  
PRESENTATION CENTER 5/4/21



# Legislative Branch

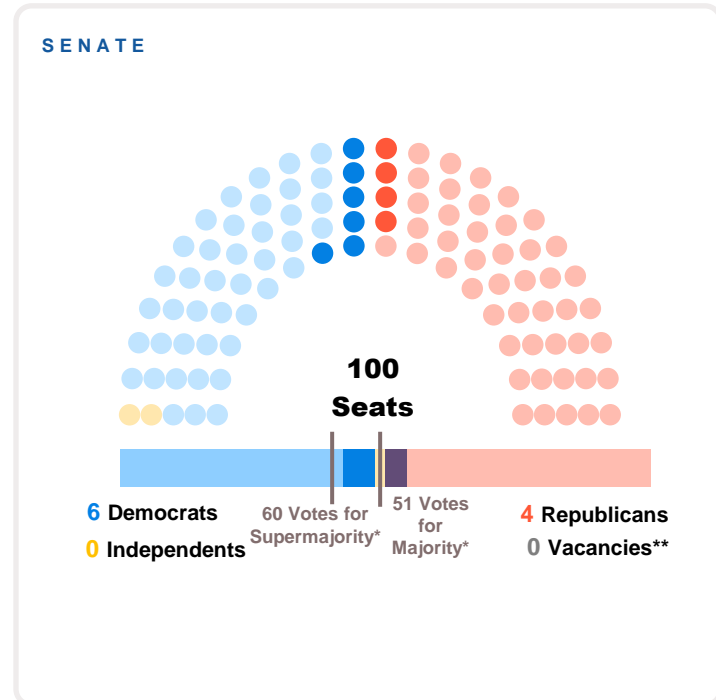
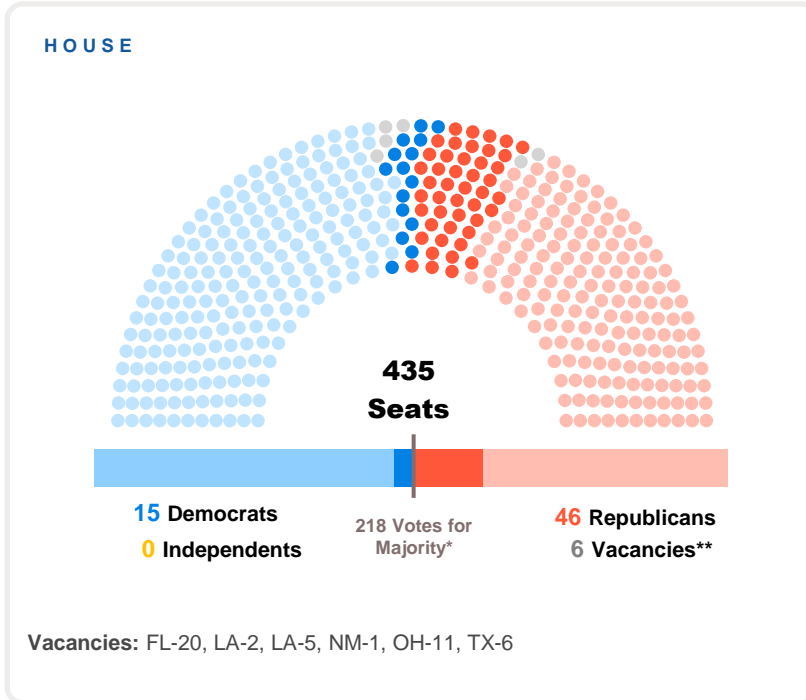


# 117th Congress Makeup





# 117th Congress Makeup: Freshmen Members



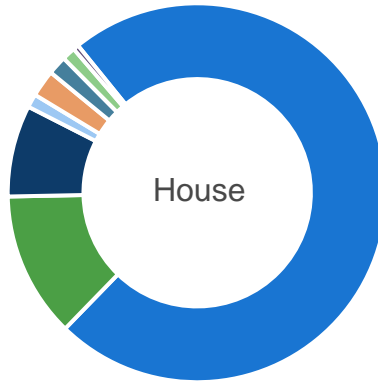
\*If no vacancies and all members vote \*\*Number of freshmen members could increase based on who fills the vacancies



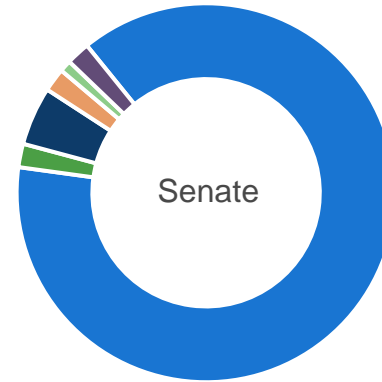
# 117th Congress is Most Diverse in History

## 117<sup>th</sup> Congress by ethnic/racial background

■ White ■ Black ■ Hispanic/Latino ■ Indian/Native American ■ Asian/Pacific American  
■ Other ■ Two or more races ■ Uncalled election



White	318 (73%)
Black	54 (12%)
Hispanic/Latino	34 (8%)
Indian/Native American	5 (1%)
Asian/Pacific American	10 (2%)
Other	7 (2%)
Two or more	5 (1%)
Uncalled election	2

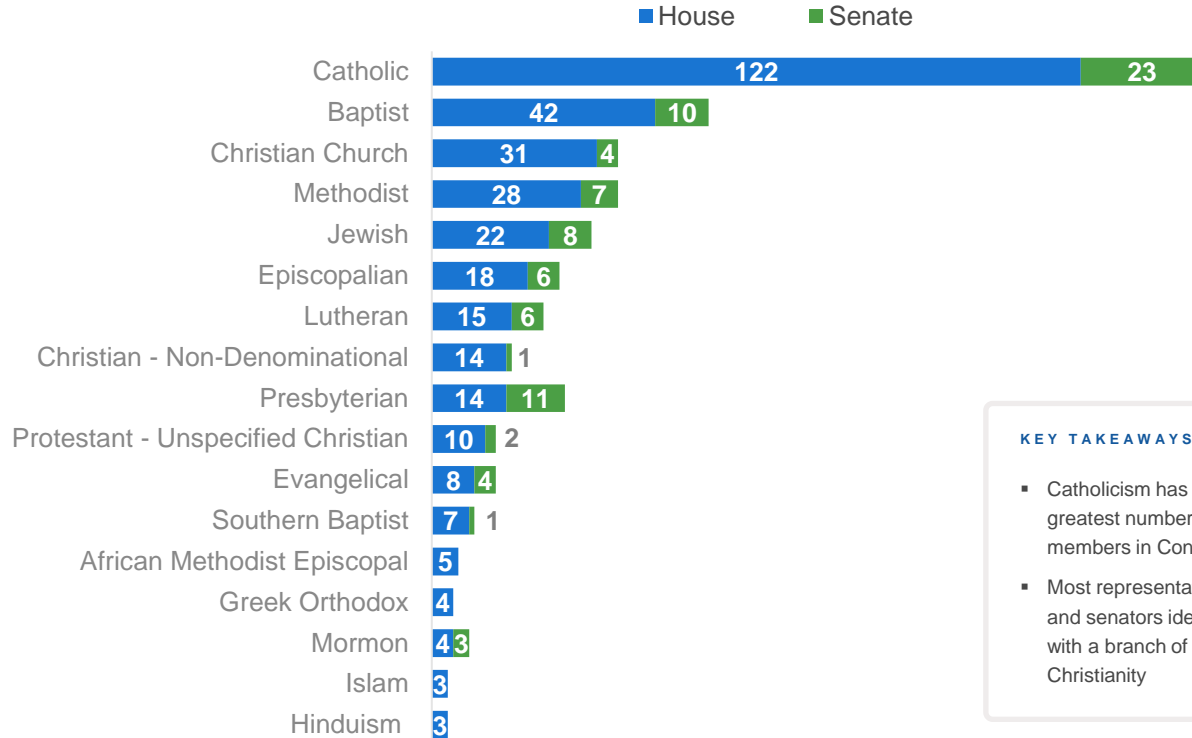


White	88%
Black	2%
Hispanic/Latino	5%
Asian/Pacific American	2%
Two or more	1%
Uncalled election	2%



# 117th Congress is Most Diverse in History

## 117<sup>th</sup> Congress (2021-2022) by religion



### KEY TAKEAWAYS

- Catholicism has the greatest number of members in Congress
- Most representatives and senators identify with a branch of Christianity

*\*This list is not exhaustive*  
SOURCE National Journal Vignette





# Status Of Legislative Priorities For The First 100 Days

## COVID-19 stimulus

- **H.R.1319** – American Rescue Plan Act of 2021: **Became Law**

## Health care

- **H.R.153** – Protecting Consumer Access to Generic Drugs Act of 2021: **Introduced**
- **H.R.3** – Elijah E. Cummings Lower Drug Costs Now Act: **Introduced**

## Climate change/infrastructure

- **H.R. 1512** - Climate Leadership and Environmental Action for our Nation's Future Act of 2021: **Introduced**
- On March 31, Biden released his American Jobs Plan, a \$2 trillion proposal to restore and upgrade US infrastructure

## Immigration

- **S.264** – Dream Act of 2021: **Introduced**
- **H.R.1177/S.348** – US Citizenship Act: **Introduced**

## Education

- **S.96/H.R.604** – Reopen and Rebuild America's Schools Act of 2021: **Introduced**
- On April 28, Biden released his American Families Plan, a \$1.8 trillion proposal which includes investments in child care, universal preschool, and free community college

## Political/government reform

- **H.R.1** – For the People Act of 2021: **Passed House**

SOURCE The State, The Washington Post, AP News, WhiteHouse.gov, Congress.gov  
PRESENTATION CENTER 4/29/21



# Judicial Branch

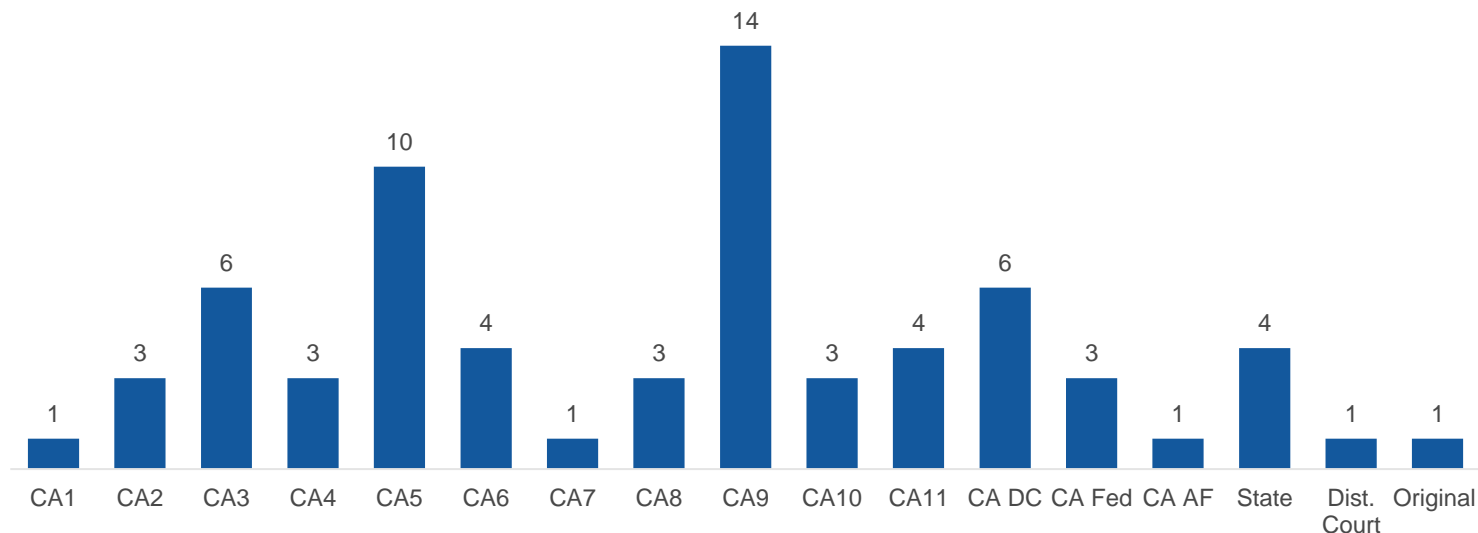




# This term, most Supreme Court cases came from the Ninth and Fifth Circuit Courts

## October 2020 term, by number of cases from each court

CASES TAKEN UP AS OF FEBRUARY 22, 2021



SOURCE SCOTUS Blog.  
SLIDE LAST UPDATED ON 2/25/21

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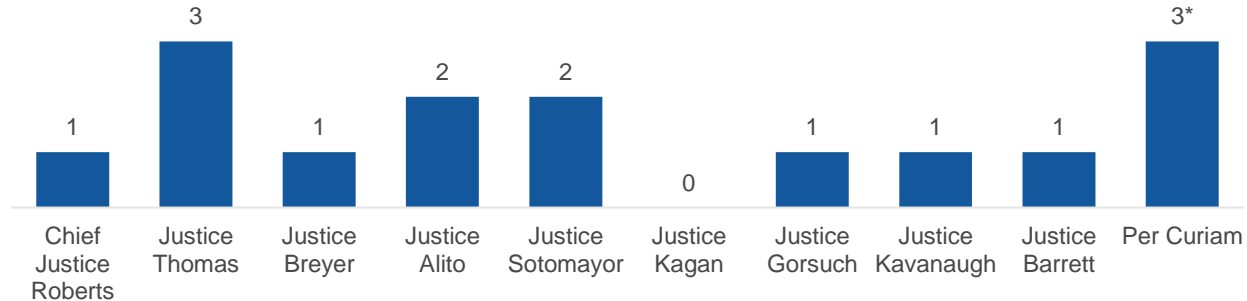


# This term, Justices Thomas, Alito, and Sotomayor have authored the highest number of majority opinions

Cases Argued*	October	November	December	January	February	March	Unscheduled	Total
	10	8	10	5	6	7	13	59
Cases Decided	7	3	4	1	0	0	-	15

## Majority opinions authored per justice

*\*Per curiam is defined as "by decision of a judge or of a court in unanimous agreement"*



Cases argued and decided as of March 9, 2021

SOURCE SCOTUS Blog.  
SLIDE LAST UPDATED ON 3/9/21

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# The majority of the Court's rulings this term have been decided by a 9-0 vote and an 8-0 vote

## Ideological makeup of the Court

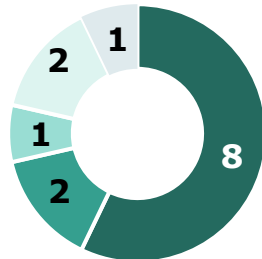
Judicial Common Space score

Recently appointed Justice Barrett is estimated to have an ideological score somewhere between Justice Alito and Justice Gorsuch



## 2020-21 October term voting breakdown

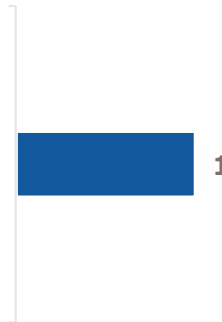
- 9-0 or 8-0 decisions
- 8-1 or 7-1 decisions
- 7-2 decisions
- 6-3 or 5-3 decisions
- 5-4 decisions



*\*Cases decided without oral arguments are not included in this breakdown*

## 2020-21 October term 5-4 lineups

Chief Justice Roberts and Justices Sotomayor, Kagan, Breyer, and Kavanaugh



# Relationships Matter





# Policy Not Politics



As the Voice of All Things Work, SHRM pursues nonpartisan public policy efforts to promote flexible, inclusive and equitable workplaces that help employers thrive as talent is tapped, trained and empowered to reach its full potential.



## All Politics is Local



Senator  
Lisa Murkowski



Senator  
Dan Sullivan



Representative  
Don Young





# Senate Oversight





# Senate Committee on Health, Education, Labor, and Pensions (HELP)

## Leadership



CHAIR

Patty Murray

D-WA-III



Dem



RANKING MEMBER

Richard Burr

R-NC-III



GOP

## Jurisdiction

- Most of the agencies, institutes, and programs of HHS including FDA, CDC, NIH, Administration on Aging, SAMHSA, and the Agency for Healthcare Research and Quality
- **Most federal labor and employment laws**
- Private retirement plans and the Pension Benefit Guaranty Corporation
- Education

## Subcommittees

3

- Subcommittee on Children and Families
- **Subcommittee on Employment and Workplace Safety**
- Subcommittee on Primary Health and Retirement Security

## Priorities for 117<sup>th</sup> Congress

- COVID-19 relief
- Education and child safety
- **Improving healthcare infrastructure**
- Addressing systemic racism, inequities, sexism, and ableism
- Issues on childcare
- **Worker rights including paid-sick leave and increasing the federal minimum wage and economic growth**

SOURCE House Clerk; Secretary of the Senate  
LAST UPDATED 3/17/21



# Senate HELP Committee

## Democrats

1. Patty Murray (D-WA), Chair
2. Bernie Sanders (D-VT)
3. Bob Casey (D-PA)
4. Tammy Baldwin (D-WI)
5. Chris Murphy (D-CT)
6. Tim Kaine (D-VA)
7. Maggie Hassan (D-NH)
8. Tina Smith (D-MN)
9. Jacky Rosen (D-NV)
10. Ben Lujan (D-NM)
11. John Hickenlooper (D-CO)

## Republicans

1. Richard Burr (R-NC), Ranking Member
2. Rand Paul (R-KY)
3. Susan Collins (R-ME)
4. Bill Cassidy (R-LA)
5. Lisa Murkowski (R-AK)
6. Mike Braun (R-IN)
7. Roger Marshall (R-KS)
8. Tim Scott (R-SC)
9. Mitt Romney (R-UT)
10. Tommy Tuberville (R-AL)
11. Jerry Moran (R-KS)



# Senate HELP, Subcommittee on Employment & Workplace Safety

## Leadership



CHAIR

John Hickenlooper

D-CO-II



RANKING MEMBER

Mike Braun

R-IN-I

## Jurisdiction



- Workforce education and training
- Worker health and safety
- Wage and hour laws
- Workplace flexibility

### Democrats

1. John Hickenlooper (D-CO), Chair
2. Tammy Baldwin (D-WI)
3. Tina Smith (D-MN)
4. Jacky Rosen (D-NV)
5. Ben Lujan (D-NM)
6. Patty Murray (D-WA), Ex Officio

### Republicans

1. Mike Braun (R-IN), Ranking Member
2. Tommy Tuberville (R-AL)
3. Rand Paul (R-KY)
4. Tim Scott (R-SC)
5. Mitt Romney (R-UT)
6. Richard Burr (R-NC), Ex Officio



# Senate HELP, Subcommittee on Primary Health & Retirement Security

## Leadership



CHAIR

Bernie Sanders

I-VT-I



RANKING MEMBER

Susan Collins

R-ME-II

## Jurisdiction



- Health Resources and Services Act
  - Substance abuse and **mental health**
  - Oral health
  - Health care disparities
  - Railroad retirement
  - Private retirement plans and the Pension Benefit
- Guaranty Corporation
  - Domestic activities of the Red Cross

### Democrats

1. Bernie Sanders (D-VT), Chair
2. Bob Casey (D-PA)
3. Tammy Baldwin (D-WI)
4. Chris Murphy (D-CT)
5. Tim Kaine (D-VA)
6. Maggie Hassan (D-NH)
7. Jacky Rosen (D-NV)
8. Ben Lujan (D-NM)
9. Patty Murray (D-WA), Ex Officio

### Republicans

1. Susan Collins (R-ME), Ranking Member
2. Rand Paul (R-KY)
3. Lisa Murkowski (R-AK)
4. Roger Marshall (R-KS)
5. Tim Scott (R-SC)
6. Jerry Moran (R-KS)
7. Bill Cassidy (R-LA)
8. Mike Braun (R-IN)
9. Richard Burr (R-NC), Ex Officio



# House Oversight





# House Committee on Education and Labor

## Leadership



CHAIR

Robert C. "Bobby" Scott

D-VA-3

29

Dem



RANKING MEMBER

Virginia Foxx

R-NC-5

24

GOP

## Jurisdiction

- Elementary and secondary education initiatives
- Higher education programs
- Early childhood education programs
- Financial oversight of the Dept. of Education
- Programs and services for the care and treatment of at-risk youth, child abuse prevention, and child adoption
- Adult education, job training, and workforce development
- Anti-poverty programs
- All matters dealing with relationships between employers and employees
- Pension and retirement security for US workers
- Access to quality health care for working families and other employee benefits
- Worker health and safety, including occupational health and safety
- Equal employment opportunity and civil rights in employment

## Subcommittees

5

- Subcommittee on Workforce Protections
- Subcommittee on Higher Education and Workforce Investment
- Subcommittee on Health, Employment, Labor, and Pensions
- Subcommittee on Early Childhood, Elementary, and Secondary Education
- Subcommittee on Civil Rights and Human Services

## Chair Priorities for 117<sup>th</sup> Congress

- Protecting the Right to Organize Act
- K-12 and higher education investments in the American Rescue Plan
- Raising the minimum wage to \$15 an hour
- Strengthen workplace and school safety
- Reopening schools safely
- Continuing to enforce civil rights in education



# House Committee on Education and Labor

## Democrats

1. Robert C. "Bobby" Scott (D-VA-3), Chair
2. Raúl M. Grijalva (D-AZ-3)
3. Joe Courtney (D-CT-2)
4. Gregorio Kilili Camacho Sablan (D-MP-AL)
5. Frederica S. Wilson (D-FL-24)
6. Suzanne Bonamici (D-OR-1)
7. Mark Takano (D-CA-41)
8. Alma S. Adams (D-NC-12)
9. Mark DeSaulnier (D-CA-11)
10. Donald Norcross (D-NJ-1)
11. Pramila Jayapal (D-WA-7)
12. Joseph D. Morelle (D-NY-25)
13. Susan Wild (D-PA-7)
14. Lucy McBath (D-GA-6)
15. Jahana Hayes (D-CT-5)
16. Andy Levin (D-MI-9)
17. Ilhan Omar (D-MN-5)
18. Haley M. Stevens (D-MI-11)
19. Teresa Leger Fernandez (D-NM-3)
20. Mondaire Jones (D-NY-17)
21. Kathy Manning (D-NC-6)
22. Frank Mrvan (D-IN-1)
23. Jamaal Bowman (D-NY-16)
24. Mark Pocan (D-WI-2)
25. Joaquin Castro (D-TX-20)
26. Mikie Sherrill (D-NJ-11)
27. John Yarmuth (D-KY-3)
28. Adriano Espaillat (D-NY-13)
29. Vacant

## Republicans

1. Virginia Foxx (R-NC-5), Ranking Member
2. Joe Wilson (R-SC-2)
3. Glenn Thompson (R-PA-15)
4. Tim Walberg (R-MI-7)
5. Glenn Grothman (R-WI-6)
6. Elise M. Stefanik (R-NY-21)
7. Rick W. Allen (R-GA-12)
8. Jim Banks (R-IN-3)
9. James Comer (R-KY-1)
10. Russ Fulcher (R-ID-1)
11. Fred Keller (R-PA-12)
12. Gregory F. Murphy (R-NC-3)
13. Mariannette Miller-Meeks (R-IA-2)
14. Burgess Owens (R-UT-4)
15. Bob Good (R-VA-5)
16. Lisa McClain (R-MI-10)
17. Diana Harshbarger (R-TN-1)
18. Mary Miller (R-IL-15)
19. Victoria Spartz (R-IN-5)
20. Scott Fitzgerald (R-WI-5)
21. Madison Cawthorn (R-NC-11)
22. Michelle Steel (R-CA-48)
23. Vacant
24. Vacant





# House Committee on Education and Labor, Subcommittee on Workforce Protections

## Leadership



CHAIR

Alma S. Adams

D-NC-12



RANKING MEMBER

Fred Keller

R-PA-12

## Jurisdiction



- Workers' wages and hours, including Davis-Bacon Act, Walsh-Healey Act, Service Contract Act, and Fair Labor Standards Act
- Workers' compensation
- Migrant and Seasonal Agricultural Workers Protection Act
- Family and Medical Leave Act
- Worker Adjustment and Retraining Notification Act
- Employee Polygraph Protection Act of 1988
- Trade and immigration issues as they impact employers and workers
- Workers' safety and health

## Democrats

- Alma S. Adams (D-NC-12), Chair
- Mark Takano (D-CA-41)
- Donald Norcross (D-NJ-1)
- Pramila Jayapal (D-WA-7)
- Ilhan Omar (D-MN-5)
- Haley M. Stevens (D-MI-11)
- Mondaire Jones (D-NY-17)
- John Yarmuth (D-KY-3)
- Robert C. "Bobby" Scott (D-VA-3)

## Republicans

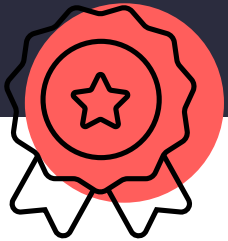
- Fred Keller (R-PA-12), Ranking Member
- Elise Stefanik (R-NY-21)
- Mariannette Miller-Meeks (R-IA-2)
- Burgess Owens (R-UT-4)
- Bob Good (R-VA-5)
- Madison Cawthorn (R-NC-11)
- Michelle Steel (R-CA-48)

# Advocacy Matters



# SHRM PUBLIC POLICY PRIORITIES

WORKFORCE  
DEVELOPMENT



WORKPLACE  
EQUITY



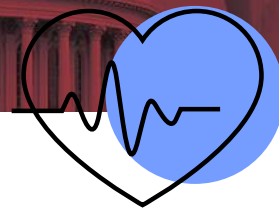
WORKPLACE  
FLEXIBILITY & LEAVE



WORKPLACE  
IMMIGRATION



WORKPLACE  
HEALTH CARE



WORKPLACE  
GOVERNANCE





## WORKFORCE DEVELOPMENT

- ✓ Untapped talent pools: older workers, individuals with disabilities, formerly incarcerated
- ✓ Employer educational assistance
- ✓ Apprenticeships and job training



## WORKPLACE EQUITY

- ✓ Culture
- ✓ Compensation equity
- ✓ Gender equity
- ✓ ADA



## WORKPLACE FLEXIBILITY & LEAVE

- ✓ Overtime
- ✓ Sick leave mandates
- ✓ Social insurance program
- ✓ Paid leave requirements
- ✓ FMLA improvements
- ✓ Tax credits



## WORKPLACE IMMIGRATION

- ✓ Work visas (H and J)
- ✓ Green cards
- ✓ E-Verify
- ✓ Trusted Employer program
- ✓ DACA



## WORKPLACE HEALTH CARE

- ✓ Employer-based system
- ✓ Definition of full-time
- ✓ Wellness programs



## WORKPLACE GOVERNANCE

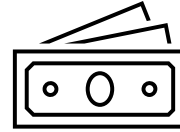
- ✓ Labor-management relations
- ✓ Minimum wage
- ✓ Employment relationships
- ✓ Workplace safety



# Democratic Legislative Priorities



Climate change/infrastructure



Tax reform



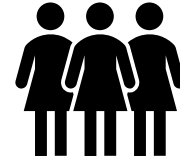
Political/government reform



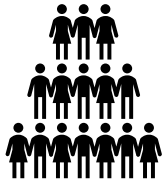
Education reform



Health care reform



Racial equity



Immigration reform



# American Jobs Plan

**BACKGROUND:** On March 31<sup>st</sup>, President Biden released his \$2 trillion American Jobs Plan, a proposal to restore and upgrade US infrastructure, and his Made in America Tax Plan, a proposal to overhaul the corporate tax code and fully fund the American Jobs Plan within 15 years. The American Jobs Plan focuses on:



Repairing highways, roads, and bridges



Expanding high-speed broadband internet access



Completing and upgrading new schools



Shifting towards clean energy

## Purpose



- Rebuild US infrastructure after decades of disinvestment
- Create millions of jobs
- Position the US to out-compete China

## Outlook



- Republican support for the plan in the Senate appears unlikely
- To avoid the filibuster, Democrats would need the support of their entire caucus plus ten Republican senators
- Democrats could use budget reconciliation to pass the legislation with a simple majority, which they already used to pass the American Rescue Plan



# American Families Plan



## Context

- President Biden has put forward **two infrastructure proposals**: the \$2.3 trillion American Jobs Plan and the \$1.8 trillion American Families Plan
- The American Families Plan, announced during Biden's April 28<sup>th</sup> address to Congress, contains roughly **\$1 trillion in investments** and **\$800 billion** in enhanced **tax credits**



## Outlook

- **Republican lawmakers largely oppose** the prospect of **tax hikes** and **increased federal spending**
- Democrats **could seek a compromise** on a scaled-down package or attempt to advance the plan via **budget reconciliation**, through which they would only need a **simple majority** of votes for Senate passage

## Key provisions



**Education** – Invest \$200 billion in universal pre-K for three- and four-year-olds; invest in teacher recruitment; invest \$25 billion to make summer Pandemic-EBT permanent; invest \$109 billion to make two years of community college free; enhance Pell Grants



**Childcare** – Ensure that low- and middle-income families pay no more than 7% of income on childcare for children under five; expand investment in childcare workforce to bring wages up to \$15/hour



**Paid leave** – Provide workers with a total of 12 weeks of paid parental, family, and personal illness/safe leave by the program's 10<sup>th</sup> year

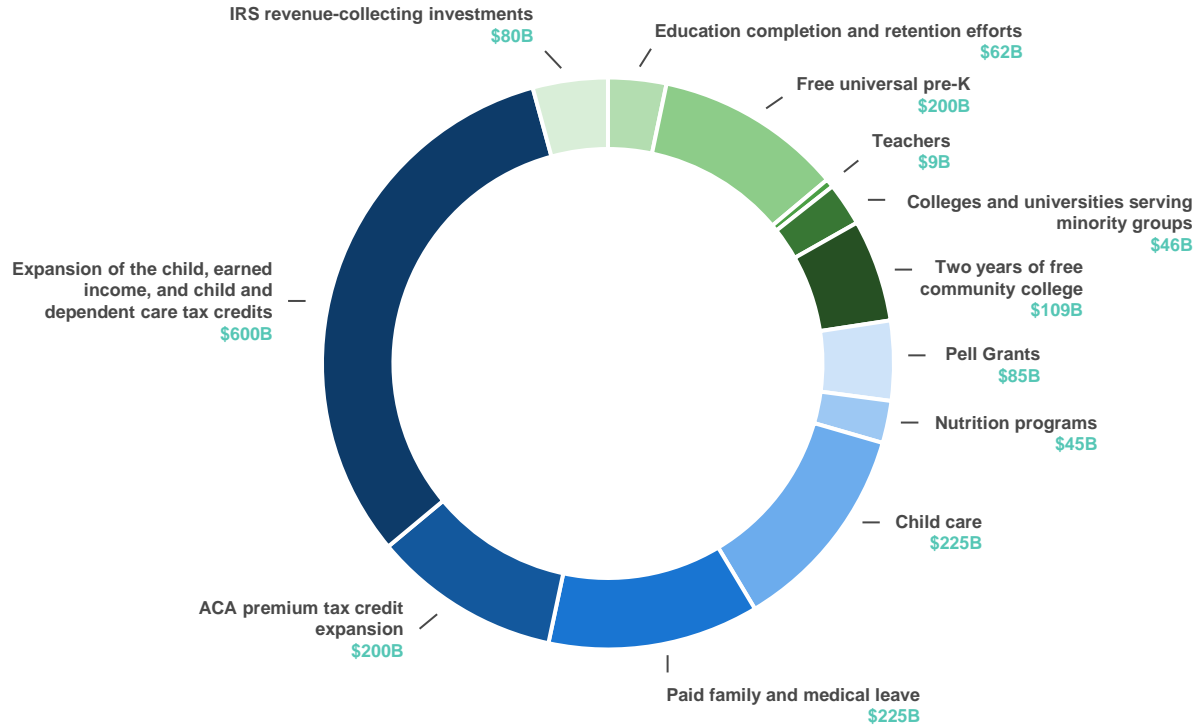


**Taxes** – Extend or make permanent several tax credits included in the \$1.9 trillion American Rescue Plan, which was signed into law in March; credits will be financed by increasing taxes on the wealthiest Americans, resulting in an estimated \$1.5 trillion over the next decade

SOURCE USA Today, CNN, NPR, JD Supra.  
SLIDE LAST UPDATED ON 04/30/21



# American Families Plan \$1.8 Trillion Funding Allocation



SOURCE NY Times, White House.  
PRESENTATION CENTER 5/3/21





# Labor Policy Look-Ahead



## American Families Plan

- Biden's American Families Plan includes the following provisions:
  - Childcare and investments in the childcare industry
  - Paid medical and family leave
  - Expanded tax cuts for workers and provisions to equate tax on investment and wage income



## Updates on the PRO Act

- The AFL-CIO have planned rallies and events on the East Coast to advocate for passing the PRO Act
- Some union leaders told Senate Democrats not to expect their support in future campaigns if the legislators do not vote for the PRO Act



## Nominations and appointments

- Nominee for Deputy Secretary of Labor Julie Su was reported favorably out of committee on April 21; she now awaits a full Senate vote
- After President Biden fired Trump-appointed Peter Robb as General Counsel at the NLRB, he nominated Jennifer Abruzzo, whose committee hearing was held on April 29

## Outlook

- The legislation is unlikely to pass the Senate in its current form due to strong Republican opposition and a slim Democratic majority
- Some provisions have become focal points for many Democrats
  - More than 150 Democrats co-signed a letter calling for increased funds for child care; Rep. DeLauro and Sen. Gillibrand have introduced bills to provide paid family and medical leave

## Outlook

- 47 Senators have co-sponsored the bill (45 Democrats, 2 Independents), which is short of the 60 votes needed to overcome the Senate filibuster
- Democrats who haven't sponsored the bill and are up for tough reelection races in 2022, such as Sen. Kelly (D-AZ), are facing pressure from unions

## Outlook

- Republicans have challenged the legality of Robb's dismissal prior to his term end; the NLRB said they will allow the courts to determine the legality of the move
- During her hearing, Abruzzo received questions about her involvement in the decision to fire Robb; she has yet to be approved by the Senate HELP Committee

SOURCE The White House, The Washington Post, Politico, Govtrack.  
JENA KANJI 5/4/21



# H.R. 447 – National Apprenticeship Act

## Bill sponsor



Rep. Robert Scott  
D-VA-3

## Background

- Legislation was passed in the House in November 2020, but voted down in the then-Republican-majority Senate

## Outlook

- Passed in the House on Feb. 5, 2021
- Higher likelihood of passing in 117<sup>th</sup> Congress due to Democratic majority in Senate
- The House majority leader believes President Biden would sign it if passed in the Senate

## Key provisions



Permanently authorizes the DOL's Office of Apprenticeship; strengthens connections between the Departments of Labor and Education to support creation of apprenticeships



Invests over \$3B over the next 5 years to create almost \$1 million additional apprenticeship opportunities



Updates the original National Apprenticeship Act to expand opportunities, promote diversity, and ensure labor standards

## Status

H.R. 447

Introduced: Senate

Passed Senate

Differences resolved

Signed by president

Introduced: House  
1/25/21

Passed House  
2/5/21

SOURCE Congress.gov, GovTrack, Rep. Steny Hoyer, Rep. Terri Sewell.  
JENA KANJI 5/4/21

# H.R. 5/S. 393 – Equality Act

## Bill sponsor



Rep. David  
Cicilline\*  
D-RI-1

## Background

- Legislation was passed in the House in May 2019, but was not taken up in the Republican-majority Senate
- Sen. Jeff Merkley (D-OR) introduced a companion bill in the Senate.

## Outlook

- Passed in the House on Feb. 25, 2021
- With a slim Democratic majority in the Senate, this bill requires all Democrats and at least 10 Republicans to vote in favor in order to avoid a filibuster
- Republicans and many religious groups oppose the bill as it does not include religious exemptions

## Key provisions



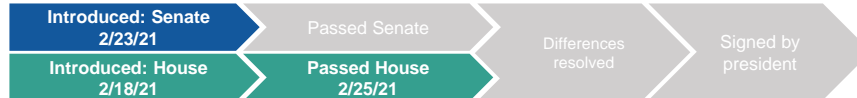
Includes sex, sexual orientation, and gender identity in the prohibited categories of discrimination and segregation



Prohibits denial of access to a shared facility, including a restroom, locker room, and dressing room, that is in accordance with a person's gender identity

## Status

H.R. 5/S. 393



SOURCE Congress.gov, GovTrack, The Washington Post.  
JENA KANJI 5/4/21

\*Rep. Cicilline introduced the original version of this bill in the House; Sen. Merkley introduced the companion bill in the Senate a few days later



# H.R. 7/S. 205 – Paycheck Fairness Act

## Bill sponsor



Rep. Rosa  
DeLauro\*  
D-CT-3

## Background

- Multiple versions of this bill have been introduced in Congress dating back to 1997
- A version of the bill was introduced in the 116<sup>th</sup> Congress on March, 27, 2019; the bill passed the House, but died in a Republican-controlled Senate
- Sen. Patty Murray (D-WA) introduced a companion bill in the Senate

## Outlook

- Passed the House on April 15, 2021
- The bill is co-sponsored by almost every Democrat in the House as well as 3 Republicans
- The Senate companion bill is co-sponsored by every senator in the Democratic caucus

## Key provisions



Reinforces laws prohibiting wage discrimination on the basis of sex



Requires EEOC employees to be trained on wage discrimination; Directs the DoL to establish programs and studies to decrease the incidence of pay disparities related to sex



Requires regulations for collecting compensation and employee data from employers in order to enforce pay discrimination laws

## Status

H.R. 7/S. 205

Introduced: Senate  
3/2/21

Passed Senate

Differences resolved

Signed by president

Introduced: House  
1/28/21

Passed House  
4/15/21

SOURCE Congress.gov, GovTrack, National Write Your Congressman.  
JENA KANJI 5/4/21

\*Rep. DeLauro introduced the original version of this bill in the House; Sen. Murray introduced the companion bill in the Senate a few days later



# H.R. 842/S. 420 – Protecting the Right to Organize Act of 2021 (PRO Act)

## Bill sponsor



Rep. Robert Scott\*  
D-VA-3

## Background

- 116<sup>th</sup> Congress: Passed House on 2/6/2020, but did not pass the Republican-controlled Senate
- Has largely Democratic support: Of the 213 cosponsors, 210 are Democrats and 3 are Republicans
- Many Republicans and key business groups oppose the bill
- Sen. Patty Murray (D-WA) introduced a companion in the Senate

## Outlook

- The PRO Act is unlikely to pass in the Senate due to the filibuster and a slim Democratic majority
- To pass the bill and avoid a filibuster, every Senate Democrat and 10 Republicans must support the bill
- Though unlikely to pass in its current form, future legislation may include certain elements of the PRO Act

## Key provisions



Bolsters workers' rights to organize by allowing workers to override "right-to-work" laws and protecting the right to strike



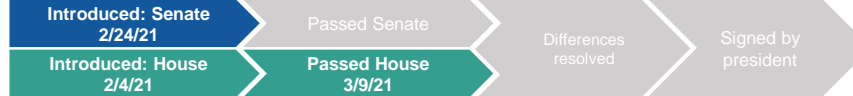
Makes classification rules for independent contractors more stringent



Imposes harsher punishments for companies that violate workers rights; prevents companies from interfering in union elections and facilitates secure elections

## Status

H.R. 842/S. 420



\*Rep. Scott introduced the original version of this bill in the House; Sen. Murray introduced the companion bill in the Senate a few weeks later

SOURCE GovTrack, Congressman Bobby Scott, House Education and Labor Committee, The Hill, CNBC, The Washington Post, Construction Dive, Forbes.  
JENA KANJI 5/4/21



# Biden Administration Hopes to Reform the High-Skill Visa System



## Outlook

- The Biden administration has promised to reform the H-1B visa program by addressing shortages in the US workforce, increasing the number of visas available each year, and investing in foreign talent

## Key considerations

1

### Visa legislation must have majority-Congressional support

- H-1B reform has had bipartisan support in the past, but without support from the majority of members in the House and Senate, a sustainable overhaul of the visa program will remain in flux
- Biden will work with Congress to establish a wage-based allocation process and establish implement procedures to boost American innovation and competitiveness

2

### Biden administration plans to reform Trump-era restrictions

- The Trump administration suspended several work visa programs amidst the pandemic until the end of 2020 and implemented additional restrictions on the H-1B program

3

### New program will address exploitation and expand visa opportunities

- The administration plans to expand the number of high-skilled visas, eliminate limits on employment-based visas, and create a new visa category to allow cities and countries to support economic opportunity for high-skilled immigrants



# H.R. 1177 – U.S. Citizenship Act of 2021

## Bill sponsor



Rep. Linda Sanchez  
D-CA-38

## Background

- Identical to the immigration reform bill introduced by President Biden last month
- Introduced concurrently to the Senate by Sen. Robert Menendez (D-NJ)

## Outlook

- H.R. 1177 has the highest number of cosponsors for any immigration bill thus far in the 117<sup>th</sup> Congress
- Republican support for the bill to pass the Senate as is remains uncertain, it could be broken up into smaller pieces of legislation

## Key provisions



Provides an 8-year path to citizenship for undocumented individuals living in the U.S. that meet certain criteria



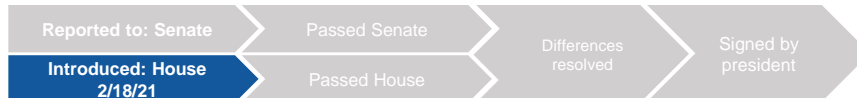
**Expands pathways for employment-based visas and green cards; protects work authorization for dependents of H-1B visa holders**



Eliminates per country cap restrictions on the number of immigrants who may enter the U.S. each year

## Status

H.R. 1177



SOURCE GovTrack, NCSL, The Hill.  
PRESENTATION CENTER 3/3/21



## President Joe Biden

### *The Biden Plan For Strengthening Worker Organizing, Collective Bargaining, And Unions*

#### Key priorities:

##### Strengthen labor laws

- Support the **PRO Act**
- Pursue employers violating labor laws
- Build on Obama-era efforts to ensure that federal funds do not go to employers engaged in anti-union activities

##### Encourage unionization & collective bargaining

- Make it easier for workers to unionize
- Establish a federal right to union organizing and collective bargaining for public-sector employees
- Repeal Taft-Harley provisions allowing states to implement "right-to-work"
- Expand protections for farm and domestic workers

##### Ensure workers' protections

- Ensure fair wages by increase federal minimum wage to \$15, strictly enforce prevailing wages, and protecting overtime pay
- Eliminate non-compete clauses and no-poaching agreements
- Incentivize states to streamline licensing requirements
- End mandatory arbitration clauses
- Expand protections for undocumented immigrants reporting labor violations

##### Gig economy provisions

- Biden plans to reduce employer misclassification by working with Congress to establish a federal standard for employee classification modeled off on the ABC test used in California
- Supports changing antitrust laws to allow independent contractors to organize and bargain collectively

SOURCE Biden for President.  
SLIDE LAST UPDATED 8/17/20





# How We Work



# SHRM Federal Engagement



## The Protecting the Right to Organize (PRO) Act

- **Feb. 4, 2021:** PRO Act introduced.
- **March 8, 2021:** SHRM sends letter to Congress opposing the PRO Act.
- **March 9, 2021:** PRO Act passes House (225 to 206), sent to Senate for consideration.

The **PRO Act** is a **BIG CON**

Don't be fooled. The PRO Act would disrupt labor-management relations and harm employers and employees.

Vote "No" on the **PRO Act**. **SHRM**  
BETTER WORKPLACES  
BETTER WORLD

LEARN MORE ABOUT THE BIG CON

#VoteNoOnPro [shrm.org/policy](https://shrm.org/policy)



## The Pregnant Workers Fairness Act



- **Previous Congress:** SHRM was one of the first business groups to support the Pregnant Workers Fairness Act, leading to passage in the House of Representatives.
- **Feb. 15, 2021:** Reintroduced in current Congress.
- **May 14, 2021:** Pregnant Workers Fairness Act passes House (315 to 101), Sent to Senate for consideration



# SHRM Federal Engagement



## The Paycheck Fairness Act

- **Jan. 28, 2021:** Paycheck Fairness Act introduced.
- **April 14, 2021:** SHRM sends letter to Congress.
- **April 15, 2021:** Paycheck Fairness Act passes House (217 to 210), sent to Senate for consideration.



# SHRM Federal Engagement



## The Equality Act

- **Feb. 18, 2021:** Equality Act introduced.
- **Feb. 25, 2021:** SHRM sends letter to House leadership.
- **Feb. 25, 2021:** Equality Act passes House (224 to 206), sent to Senate for consideration.



# Agency & Regulatory Actions



Occupational Safety and Health Administration (OSHA)

- Emergency Temporary Standard (ETS)



United States Citizenship and Immigration Services (USCIS)

- Employment Authorization Document (EAD) delays



U.S. Department of Labor (DOL)

- Proposed Joint Employer Rule
- Independent Contractor Definition



Equal Employment Opportunity Commission (EEOC)

- Hearing on the Impact of COVID-19 on U.S. Workers



# Presenter Contact Information



**Policy  
Not  
Politics**

**Chatrane Birbal**

Vice President, Public Policy

 Chatrane Birbal

 @SHRMBirbal



# ALASKA SHRM STATE COUNCIL



WASHINGTON OUTLOOK:  
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PRESENTED BY  
CHATRANE BIRBAL, SHRM

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Reflect  
Restore  
Renew  
2021

ALASKA STATE HR CONFERENCE

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