

POLICY MATTERS

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And STILL It Continues . . . As the partial government shutdown moves into its 34th day, the Senate took up two competing bills under a parliamentary structure allowing votes on either, or both, bills. The first adopted the President's recent proposal including \$5.7 billion in border barrier funding, as well as temporary Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS) relief (among other provisions). The second was the House-passed proposal that provided stopgap government funding through February 8, ostensibly to provide a window in which to negotiate further. The parliamentary move allows some debate on the issues and provides an opportunity for Senators to go on record with a particular vote (to demonstrate their position for particular constituencies), even with the knowledge that it is highly likely that both bills would fail. In this case, failure meant not obtaining the 60 votes needed to move to debate. As expected in the context of this futile and somewhat cynical procedure, both proposals did fail. There were, however, some signs of the deadlock breaking, with a number of crossover votes, including Sen. Manchin (D-WV) supporting the President's proposal and Republican Sens. Gardner (CO), Collins (ME), Alexander (TN), Isakson (GA), Murkowski (AK), and Romney (UT) supporting the House Democrats' proposal.

Business Community Calls for an End to the Shutdown. Meanwhile, this afternoon, a number of trade associations sent an open [letter](#) to the President and Members of Congress, urging an end to the shutdown. More than 600 national, state, and local associations signed on, representing a wide range of American industries.

OSHA to Publish Final Rule on Tracking Workplace Injuries and Illnesses. During the lapse in funding, the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) is limiting its review to those regulatory actions deemed excepted activity. That apparently includes OSHA's [Final Rule](#) rescinding the requirement for establishments with 250 or more employees to electronically submit information from OSHA Forms 300 and 301. Citing worker privacy concerns, OSHA notes that the required records will nevertheless continue to be kept on-site, and will be reviewed by OSHA during inspections and enforcement. Establishments will continue to submit summary information to OSHA.

White House Reviewing Salary Level and Regular Rate Rulemakings. Over the past week, the Department of Labor's Wage & Hour Division has submitted for OIRA review its [proposed rule](#) increasing the salary level required for the white-collar exemption and its [proposed rule](#) related to regular and basic rates. Once OIRA completes its review, the proposals will be published in the Federal Register and the regulated community will have the opportunity to provide comments. Particularly with the lapse in funding, it is difficult to pinpoint how long OIRA will take to review the proposals, but it should be a few weeks to a few months before we see them in the Federal Register.

House Education and Labor Committee Fully Assigned. Chairman Bobby Scott and Ranking Member Virginia Foxx have announced the [majority](#) and [minority](#) party membership of the House Ed & Labor Committee. The committee is almost evenly split between returning members and first-timers, which is sure to create some interesting dynamics as the committee undertakes an aggressive oversight and legislative agenda.

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