

College of Labor and Employment Lawyers

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U.S. Chamber of Commerce**

April 1, 2017

“The Road Ahead”

The Road Ahead

- New 115th Congress (2017-2018)
 - U.S. House of Representatives
 - 237 Republicans; 193 Democrats, 5 vacancies
 - U.S. Senate
 - 52 Republicans; 46 Democrats; 2 Independents (both caucus with the Dems)
 - 60 votes needed to invoke cloture to end a filibuster
 - Need majority vote for nominations except for Supreme Court

Key Congressional Members



Sen. McConnell (R-KY)
Majority Leader



Sen. Schumer (D-NY)
Minority Leader



Rep. Ryan (R-WI)
Speaker



Rep. Pelosi D-CA)
Minority Leader

Key Congressional Members



Sen Alexander (R-TN) Chair
Sen. HELP Comm.



Sen Murray (D-WA)
Ranking Democrat
Sen. HELP Comm.


























Rep. Foxx (R-NC)
Chair – House Ed. &
Workforce Comm.



Rep. Scott (D-VA)
Ranking Democrat –
House Ed. & Workforce
Comm.

Members of Trump's Cabinet

Require Senate confirmation

State  Rex W. Tillerson Confirmed	Treasury  Steven Mnuchin Confirmed	Defense  James N. Mattis Confirmed	Att. General  Jeff Sessions Confirmed	Interior  Ryan Zinke Confirmed	Commerce  Wilbur Ross Confirmed
Health  Tom Price Confirmed	Housing  Ben Carson Confirmed	Transportation  Elaine L. Chao Confirmed	Energy  Rick Perry Confirmed	Education  Betsy DeVos Confirmed	Veterans  David J. Shulkin Confirmed
Homeland Security  John F. Kelly Confirmed	C.I.A.  Mike Pompeo Confirmed	U.N.  Nikki R. Haley Confirmed	E.P.A.  Scott Pruitt Confirmed	Small Business  Linda McMahon Confirmed	O.M.B.  Mick Mulvaney Confirmed
D.N.I.  Dan Coats Confirmed	Agriculture  Sonny Perdue	Labor  R. Alexander Acosta	U.S. Trade Rep.  Robert Lighthizer	C.E.A. 	

The Road Ahead

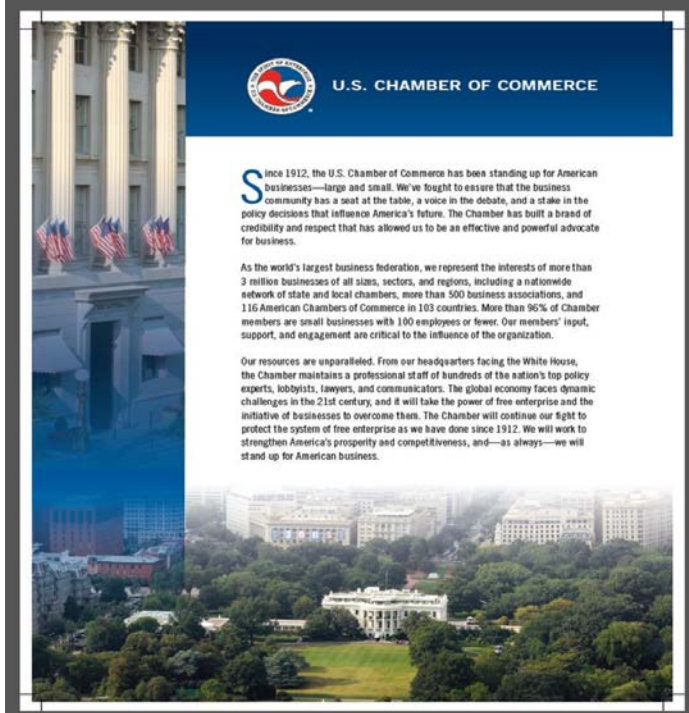
- New Congress/New White House/
New Federal Agencies/ New Supreme
Court
- New Agenda
- First 100 Days

The Road Ahead (Cont.)

- New Faces
 - DOL – original nominee Andy Puzder withdrew from consideration; new nominee Alex Acosta Senate HELP hearing, March 22, 2017- likely to revisit overtime reg. and revoke AI's
 - Sub-Cabinet (Deputy; Solicitor; Policy; WHD; OFCCP; EBSA; OSHA; OLMS; ILAB)
 - President Trump nominated Neil Gorsuch for vacancy on Supreme Court
 - NLRB – New Acting Chairman and Two Vacancies; Current GC until 11/17
 - EEOC – New Acting Chair and One Vacancy; General Counsel Vacant, Acting GC is Deputy General Counsel James L. Lee

What Changes to Expect

About the U.S. Chamber of Commerce



The graphic features a vertical strip on the left showing the columns of the U.S. Capitol and American flags. The main area has a blue header with the U.S. Chamber of Commerce logo and name. Below this, three paragraphs of text describe the organization's history, membership, and mission. The bottom of the graphic shows an aerial view of the White House and surrounding Washington D.C. buildings.

 **U.S. CHAMBER OF COMMERCE**

Since 1912, the U.S. Chamber of Commerce has been standing up for American businesses—large and small. We've fought to ensure that the business community has a seat at the table, a voice in the debate, and a stake in the policy decisions that influence America's future. The Chamber has built a broad of credibility and respect that has allowed us to be an effective and powerful advocate for business.

As the world's largest business federation, we represent the interests of more than 3 million businesses of all sizes, sectors, and regions, including a nationwide network of state and local chambers, more than 500 business associations, and 116 American Chambers of Commerce in 103 countries. More than 96% of Chamber members are small businesses with 100 employees or fewer. Our members' input, support, and engagement are critical to the influence of the organization.

Our resources are unparalleled. From our headquarters facing the White House, the Chamber maintains a professional staff of hundreds of the nation's top policy experts, lobbyists, lawyers, and communicators. The global economy faces dynamic challenges in the 21st century, and it will take the power of free enterprise and the initiative of businesses to overcome them. The Chamber will continue our fight to protect the system of free enterprise as we have done since 1912. We will work to strengthen America's prosperity and competitiveness, and—as always—we will stand up for American business.

U.S. Chamber of Commerce Policy Recommendations

- 2017 Labor Policy Recommendations
- 2017 Health Care Policy Recommendations
- 2017 Retirement Policy Recommendations

Available at <http://www.uschamber.com>

Avenues for Undoing Prior Administration's Actions

- Congressional Review Act
 - (e.g., ergonomics regulation)
- Repeal using rulemaking under Administrative Procedure Act
 - Clinton-era blacklisting
- Repeal is not easy as promulgating original rule
 - “Airbags” decision (*Motor Vehicles Manufacturers Ass’n v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29 (1983))
- Independent agencies such as the Board will have to be reconstituted with new appointees and general counsel

Executive Orders That Could Be Struck

- E.O. 13494, Nonreimbursement for Labor Relations Costs
- E.O. 13495, Non-displacement of Qualified Workers Under Service Contracts
- E.O. 13496, Notice of Employee Rights Under Federal Labor Law
- E.O. 13502, Use of Project Labor Agreements for Federal Construction Projects
- E.O. 13665, Non-Retaliation for Disclosure of Compensation Information
- E.O. 13658, Establishing a Minimum Wage for Contractors
- E.O. 13706, Establishing Paid Sick Leave for Federal Contractors

Executive Order Struck

- E.O. 13673, Fair Pay and Safe Workplaces (a.k.a. “blacklisting”) struck down using CRA
- CRA resolution passed U.S. House of Representatives and U.S. Senate, signed into law
- E.O. 13782 revokes E.O. 13673 implementing guidance

Congressional Review Act

- CRA provides for expedited procedures to invalidate final regulations; prohibits agency from issuing “substantially similar” reg. without explicit Congressional authorization.
- Regulations Eligible for CRA
 - “Fair Pay and Safe Workplaces” E.O. (a.k.a. “blacklisting”) FAR final implementing regulation and final DOL guidance: August 25, 2016. H.J. Res. 37 voted upon by U.S. House (Vote: 236-187, 2/2/2017). U.S. Senate passed resolution (Vote: 49-48, 3/6/2017). Signed into law 3/27/2017. Chamber sent Key Vote letter to Hill in support.
 - Saving Arrangements Established by States for Non-Governmental Employees final regulation: August 30, 2016. H.J. Res. 66 voted upon by U.S. House (Vote: 231-193, 2/15/2017). Chamber sent Key Vote letter to Hill in support.
 - “Volks” final regulation: H.J. Res. 83 voted upon by U.S. House (Vote: 231-191, 3/1/2017). U.S. Senate passed resolution (50-48, 3/23/2017). Chamber sent Key Vote letter to Hill in support.

Top Targets for Repeal Beyond Executive Orders

- Persuader regulation: Expands the scope of reportable persuadable activity, and significantly limits “advice” exemption.
 - Permanent injunction granted by the U.S. District Court for the Northern District of Texas, 11/16/2016.
- Overtime regulation: Increases salary threshold to \$47,476; provides for automatic updates every three years; and allows bonuses, incentive payments, and commission to count towards up to 10% of salary threshold.
 - Temporary injunction granted by the U.S. District Court for the Eastern District of Texas, 11/22/2016; appeal in 5th Cir. pending.
- Injury and Illness Reporting Requirements: Amends recordkeeping requirements (for businesses with 250 or more employees) to require electronic submission of injury and illness records, which OSHA will post on Internet; contradicts statutory whistleblower protections provisions of Section 11(c) by giving OSHA the ability to issue citations against employers without an employee complaint.
 - U.S. Chamber filed lawsuit in the U.S. District Court for the Western District of Oklahoma, 1/4/2017.
 - Associated Builders and Contractors and the National Association of Manufacturers filed a lawsuit in U.S. District Court for the Northern District of Texas; preliminary injunction denied, 11/28/2016; lawsuit still pending.

Sub-Regulatory Actions

Wage and Hour Administrator's Interpretations

- Administrator's Interpretations (AI's) in lieu of Opinion Letters under the Fair Labor Standards Act.
 - AI No. 2015-1, "The Application of the Fair Labor Standards Act's 'Suffer or Permit' Standard in the Identification of Employees Who Are Misclassified as Independent Contractors" issued 7/15/2015.
 - AI No. 2016-1, "Joint Employment under the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act" issued 1/20/2016.
- Steps Requested:
 - Revoke AIs.

Sub-Regulatory Actions

OSHA Union Rights Walk-Around Letter

- OSHA issued a letter of interpretation, in response to a request from the United Steelworkers, which upended longstanding regulations on whether outside third parties could accompany an OSHA inspector during walk around inspections. The regulations made clear that only employees of the company can accompany OSHA inspectors unless special circumstances (such as unique expertise or language issues) suggest otherwise. OSHA's letter uses these exceptions to grant union representatives the right to enter non-union workplaces when requested by an employee.
- Steps Requested:
 - Rescind letter of interpretation.

Skinny Budget for FY 2018

President Trump's Budget For FY 2018

- President Trump has requested \$9.6 billion in discretionary spending for the Department of Labor (DOL), a \$2.5 billion (or almost 21%) decrease from appropriated amounts for fiscal year 2017
- Expansion of Reemployment and Eligibility Assessments
- Reduce funding for job training programs
- Elimination of the Bureau of International Labor Affairs grant funding for a savings of at least \$60 million from fiscal year 2017 levels
- Elimination of the Occupational Safety and Health Administration training grants program (e.g., Susan Harwood training grants)
- Increased funding for border security and immigration enforcement for DHS and DOJ



Members of the NLRB

Members

- Phillip Miscimarra, Acting Chair
- Mark Pearce
- Lauren McFerran

Term expires

(December 16, 2017)
(August 27, 2018)
(December 16, 2019)

Note: Do not serve at the pleasure of the president.



National Labor Relations Board

- General Counsel Richard F. Griffin, Jr.
(term expires November, 2017)



NLRB – Joint Employer

- Board broadened “joint employer” standard in *Browning-Ferris Industries* (362 NLRB No. 186, 2015).
- Steps Requested:
 - Protecting Local Business Opportunity Act (S. 2015/H.R. 3459 – 114th Congress) – this bill would codify the “direct and immediate” control standard that existed for over 30 years prior to *BFI*.
 - Broader bill likely to be introduced in 115th Congress.
 - A Republican-majority NLRB could overturn *BFI* and return to the prior standard.

“Ambush” Elections (NLRB)

- Final rule promulgated 12/15/2014, speeds up the time between when a petition is filed and an union election is held.
- In 2016, unions won 71% of all representation elections compared to 69.4% in 2015.
- Steps Requested:
 - Workforce Democracy and Fairness Act (S. 933/H.R. 1768 – 114th Congress)
 - Provides for a fair hearing process by allowing employers at least 14 days to prepare their case for the Board and allows employers to raise issues during the hearing.
 - Prohibits ambush elections by requiring a campaign period of at least 35 days prior to an election. This will guarantee that workers have an opportunity to hear both sides of the unionization debate.
 - Allows employees to choose how they may be contacted by union organizers.
 - A Republican-majority NLRB could rescind the ambush election regulations and return to the prior standard.

Specialty Healthcare

- *Specialty Healthcare* decision (357 NLRB No. 83, 2011) permits for “micro” bargaining units.
- Steps Requested:
 - The Representation Fairness Restoration Act (S. 801 – 114th Congress) – codifies the pre-*Specialty Healthcare* community of interest standard for bargaining unit determinations.
 - A Republican-majority NLRB could overturn *Specialty Healthcare* and return to the prior standard.

FedEx v. NLRB (D.C. Cir, March 3, 2017)

“But the Supreme Court held in *United Insurance* that the question of whether a worker is an ‘employee’ or ‘independent contractor’ under the National Labor Relations Act is a question of ‘pure’ common-law agency principles, ‘involving no special administrative expertise that a court does not possess.’ 390 U.S. at 260.

Accordingly, this particular question under the Act is not one to which we grant the Board *Chevron* deference or to which the *Brand X* framework applies. See *Aurora Packing Co. v. NLRB*, 904 F.2d 73, 75-76 (D.C. Cir. 1990)

(“Deference under the Chevron doctrine***does not apply here because of the***direction that the Board and the courts apply the common law of agency to the issue.”).

**The Record of the
National Labor Relations Board
in the Obama Administration:
Reversals Ahead?**

March 2017



U.S. CHAMBER OF COMMERCE
Labor, Immigration & Employee Benefits

Equal Employment Opportunity Commission (EEOC)

Members of the EEOC

Members

- Jenny Yang
- Chai Feldblum
- Charlotte Burrows
- Victoria Lipnic, Acting Chair

Term expires

(July 1, 2017)
(July 1, 2018)
(July 1, 2019)
(July 1, 2020)

Note: Do not serve at the pleasure of the president.



EEO-1 Revisions (Pay Data Collection)

- Revised EEO-1 Form due on March 31, 2018, greatly expands the number of fields required to include summary pay data and aggregate hours worked.
- Steps Requested:
 - With a Republican-majority commission, rollback using the Paperwork Reduction Act (PRA).
 - Appropriations rider prohibiting EEOC from proceeding with the changes to the EEO-1 form.
 - *EEOC Reform Act* (S. 2693 – 114th Congress) – Legislative response that would require EEOC to take additional steps before the agency is allowed to continue.
 - Chamber sent a letter to OMB on 2/22/2017, requesting further delay or repeal.

Sharing Economy

Morning Consult Poll

Key Findings

Sharing economy workers overwhelmingly see the sharing economy as having a positive effect on the economy

Sharing economy workers see regulations that promote and advance the sharing economy as a boon for their cities and communities

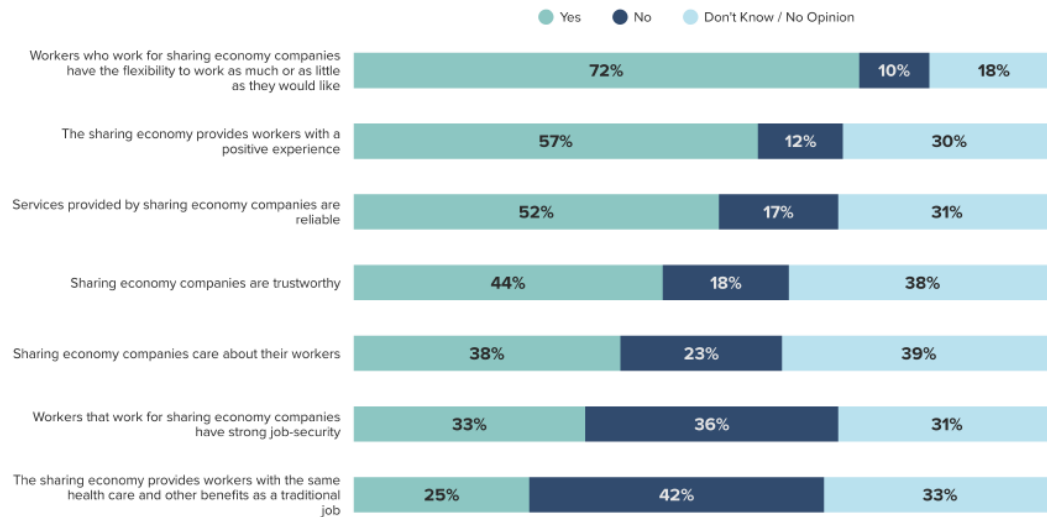
Sharing economy workers are satisfied with their compensation and experience, and especially like the flexible work hours and extra income



Morning Consult Poll (Cont.)

Sharing economy workers rate their overall experience as positive, and nearly all say the work is flexible

Thinking more about the sharing economy, which includes companies such as Lyft, Uber, Airbnb, Instacart, or TaskRabbit, do you think the following statements describe the industry well or not?



Portable Benefits Model

- Sen. Mark Warner (D-VA) expected to introduce legislation soon to initiate a program of grants to encourage experimentation with benefits.
- Lyft supports concept.

Thought Leaders

- Seth Harris/Alan Krueger
- Nick Hanauer/David Rolf - Shared Security system
- R St. Institute
- Open letter signed by 39 signatories

Legal Activities

- In March 2016, U.S. Chamber filed lawsuit in the U.S. District Court for the Western District of Washington against city of Seattle to bar ordinance that authorizes union organizing of for-hire drivers working as independent contractors
- U.S. District Court for the Western District of Washington held that challenge wasn't ripe (August 2016)
- City of Seattle has certified Teamsters 117 as “qualified driver representative” of Uber, Lyft, and Eastside for Hire
- Chamber filed legal challenge, 3/9/2017

Supreme Court

Overview of Nominee Neil Gorsuch

- President George W. Bush nominated Gorsuch to the 10th Cir. in 2006 and the U.S. Senate confirmed him by voice vote
- U.S. Senate Judiciary Committee hearing week of March 20th; Committee vote anticipated April 3rd
- Originalist in mold of Scalia
- Skeptical of agency deference (see *Gutierrez-Brizuela v. Lynch*, 834 F.1142,1149-58 (10th Cir. 2016); has questioned *Chevron* deference
- Written at least 15 precedential decisions with 12 focusing on federal discrimination and retaliation claims
 - Found in favor of employers mostly on the merits but at least once on jurisdictional grounds in eight of the 12 cases; written in favor of employees in two retaliation cases.
 - Wrote 3 opinions upholding NLRB rulings against both employers and unions.
 - Wrote 2 dissents in at least two precedential Tenth Circuit decisions; one pertaining to the NLRB and the other focusing on a federal whistle-blower law.

Immigration

Immigration Executive Orders

- Executive Order (E.O.) 13767, “Border Security and Immigration Enforcement Improvements” issued January 25, 2017.
- DHS Implementation Memo, “Implementing the President’s Border Security and Immigration Enforcement Improvements Policies,” issued February 20, 2017.

Highlights

- Directs the Department of Homeland Security (DHS) to secure the southern border through construction of a physical wall.
- Directs DHS to build and operate more immigrant detention facilities near the Southern Border.
- Provides for the hiring of additional 5,000 Customs and Border Patrol agents.
- Directs federal agencies to “identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico on an annual basis over the past five years...”
- Directs the Secretary of Homeland Security to return individuals crossing the Southern Border to where they came from “pending a formal removal proceeding.”

Immigration Executive Orders (Cont.)

- E.O 13768, “Enhancing Public Safety in the Interior of the United States,” issued January 25, 2017.
- DHS Implementation Memo, “Enforcement of the Immigration Laws to Serve the National Interest,” issued February 20, 2017.

Highlights

- Sets forth enforcement priorities regarding the removal of aliens from the U.S., emphasizing aliens with criminal records.
- Sets hiring goal of 10,000 additional Immigration and Customs Enforcement (ICE) officials.
- Calls upon the Department of Homeland Security to work with State and local law enforcement agencies to enter into 287(g) agreements to deputize law enforcement officers to carry immigration enforcement functions.
- Mandates the creation of a Victims of Immigration Crime Engagement Unit (VOICE).
- Disqualifies “sanctuary jurisdictions” from eligibility for federal grants.
- Reinstates the Secure Communities Program.

Immigration Executive Orders (Cont.)

- Executive Order 13769, “Protecting the Nation From Foreign Terrorist Entry in the United States” published February 1, 2017; blocked from enforcement by the courts (9th Cir.); *subsequently revoked*.
- Highlights
 - Temporarily bans the admission of individuals from seven countries of concern: Iraq, Iran, Libya, Somalia, Sudan, and Yemen.
 - Suspends the refugee program for 120 days, limits the total number of refugee admissions in FY17 to 50,000, and indefinitely suspends the entry of Syrian refugees.
 - Prioritizes refugee claims based on religious persecution where an individual’s religion is a minority religion in their country of nationality.
 - Orders the expedited completion of a Biometric Entry-Exit Tracking System.
 - Suspends the Visa Interview Waiver Program.
 - Orders the State Department to review all visa validity reciprocity agreements with other countries and to make changes if other nation’s do not accord U.S. nationals with reciprocal treatment.

Immigration Executive Orders (Cont.)

- Executive Order 13780, "Protecting the Nation From Foreign Terrorist Entry in the United States" revokes E.O. 13769 in response to injunction by 9th Cir.
- Effective Date: March 16, 2017.
- Blocked from enforcement by the courts.

Highlights

- Starting on March 16, 2017, certain nationals (people outside the U.S. and not in possession of a valid visa on either January 27 or the effective date of the new order) from the following six countries will be banned from entering the U.S. for 90 days: Iran, Libya, Somalia, Sudan, Syria, and Yemen (Iraq was removed from this list).
- Provides more clarity as to which aliens this order does not apply to (e.g. lawful permanent residents, as well enumerating specific circumstances where individuals can apply for waivers).
- The indefinite suspension on the admission of Syrian refugees was not included in this revised order, but the refugee program will still be suspended for 120 days and the cap on refugee admissions remains at 50,000 for fiscal year 2017.
- Calls for expedited completion of the Biometric Entry-Exit system and suspends the Visa Interview Waiver program.

Trump's Joint Address to Congress- February 28, 2017

“Nations around the world, like Canada, Australia, and many others, have a merit-based immigration system. ...Switching away from this current system of lower-skilled immigration, and instead adopting a merit-based system, we will have so many more benefits. ...I believe that real and positive immigration reform is possible, as long as we focus on the following goals: To improve jobs and wages for Americans; to strengthen our nation's security; and to restore respect for our laws. If we are guided by the wellbeing of American citizens, then I believe Republicans and Democrats can work together to achieve an outcome that has eluded our country for decades.”

A Quick Look Back...

The Washington Post

AN INDEPENDENT NEWSPAPER

EDITORIALS

An immigration bill, at last

It's massive, bipartisan and, on balance, worthy of support.

SOMETIMES, POLITICIANS can surprise you, even in Washington. After months of hard bargaining, a bipartisan group of eight senators has produced a sweeping proposal to overhaul the nation's immigration system. The legislation would revamp almost every major program affecting immigration, extending legal status to most of the 11 million illegal immigrants in the country, dramatically expanding legal immigration for at least the next decade and awarding more visas based on education and merit at the expense of relatives of U.S. citizens.

The legislation is a milestone of pragmatism that, through tough trade-offs, would bring common sense to a broken immigration system that has come to symbolize dysfunction in Washington. Despite its sensible and necessary reforms, the bill faces stiff headwinds, especially in the House.

The measure is massive, and intentionally so. The bill's authors seemed determined to fix so many problems and satisfy so many constituencies that it would be propelled from the outset by groups representing business, labor, agriculture, high tech, Hispanics and immigrants.

Critically, the bill would provide legal status for most of the undocumented immigrants already in America, as long as they pass a background check,

have a clean record and pay a fine. People who have been living in fear could work and travel without risk of deportation — though they would remain ineligible for most federal benefits for the time being. If an array of other benchmarks are satisfied, most could apply for permanent resident green cards (after 10 years) and citizenship (after 13).

The legislation would require employers to check the immigration status of most new hires and, at Republicans' insistence, would pour billions of dollars into security along the Southwest border, with a requirement to thwart at least 90 percent of illegal crossers in the most heavily trafficked sectors. That's fine in theory. In practice, the risk is that immigration hawks will insist on unattainable, or unverifiable, benchmarks of security as a pretext to impede progress toward citizenship for illegal immigrants. The frontier already is dramatically less porous than it was five years ago.

Still, immigration advocates have plenty to cheer in the legislation, including steps to extend hundreds of thousands of visas annually to low-skilled and agricultural workers; to nearly double the number of visas offered to foreign engineers and scientists, whose services are prized by high-tech firms; and to clear the backlog of several

million relatives of U.S. citizens who have been waiting years to immigrate. So-called DREAMers — undocumented immigrants brought to America as children — would get legal status and be eligible to apply for green cards in just five years.

Trade-offs include eliminating the visa lottery program, which provides 55,000 visas annually, mainly for Africans and Eastern Europeans, and visa preferences for some relatives of U.S. citizens, such as adult siblings.

The concerns of some Democrats about an influx of foreign labor and the potentially depressive effect on wages seem to have been addressed by deals between the U.S. Chamber of Commerce and the AFL-CIO and between agribusiness and farm workers. The main question now is whether conservative Republicans, who have choked on the idea of "amnesty" for so long, can get behind any legislation that includes a path to citizenship for illegal immigrants.

That's why GOP senators — especially Marco Rubio of Florida, a member of the Gang of Eight — will have such an important role to play. After seeming to waver, he appears to be all in for the legislation he helped broker. Whether he can sell it to his party's backbenchers may make the difference in determining whether America, at last, can fashion a workable immigration system.

A Quick Look Back (Cont.)...

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Health Care (?)

Within a span of 19 days, the House GOP's Obamacare replacement plan was introduced and withdrawn

Timeline of actions related to the American Health Care Act (AHCA)

- Mar 6, 2017 ○ **AHCA is introduced** by House Speaker Paul Ryan and fellow Republicans
- Mar 9, 2017 ○ **Despite lacking a CBO score, AHCA approved by W&M and E&C committees**
- Mar 13, 2017 ○ **Release of CBO report:** The nonpartisan CBO scores the legislation and predicts that it would cause 24 million people to become uninsured by 2026. Following the release of the report, several moderate House Republicans announced their opposition to the bill
- Mar 16, 2017 ○ **Bill passes Budget Committee:** The bill passes the Budget Committee on a 19-17 vote
- Mar 20, 2017 ○ **Manager's amendment released to tweak the bill:** In an attempt to garner more GOP votes, Republicans modified the bill with changes aimed at both hardline conservatives and moderates
- Mar 23, 2017 ○ **Full House vote postponed; willingness to repeal essential health benefits:** Leadership pinpointed the 7-year anniversary of the passing of Obamacare, as the day for a vote on the AHCA; however, the bill did not have enough support in the chamber to pass. To try to sway members of the House Freedom Caucus, the White House expressed openness to repealing the ACA's 10 essential health benefits, which alienated some moderate Republicans
- Mar 24, 2017 ○ **House pulls the AHCA:** In a sharp rebuke to the ACA replacement plan, Republicans decided not to hold a vote on the proposal after it became clear that negotiations were not bridging the gap between the moderate and hardline conservative holdouts. Speaker of the House Paul Ryan expressed his dismay in a public statement, while the president voiced his intent to move on to other parts of his agenda.

Analysis

•The House Freedom Caucus, chaired by Rep. Mark Meadows (R-NC), and moderate Republicans worried about political impact of supporting legislation that would cause millions to lose health insurance were two factions of the GOP conference that killed the bill.

•Speaking from the Oval Office following the decision to pull the bill, President Trump said, “the best thing we can do, politically speaking is let Obamacare explode. It is exploding now.” In the same statement, Trump signaled that his administration would likely move on to tackling tax reform.

Sources: National Journal research, 2017; David Nather, “Axios Vitals” March 6-24, 2017.

U.S. Chamber of Commerce Activities

U.S. Chamber of Commerce Activities

- Submit detailed comments and economic analysis on rulemakings
- Work with Congressional Committees on Oversight hearings
- Present Congressional and Agency testimony
- Letters to the Hill
- Pursue Appropriation(s) riders
- Help develop alternative legislation
- Support Congressional Review Act (CRA) resolutions when appropriate
- Active Grassroots network in support of Congressional actions
- Coordinate with U.S. Chamber Litigation Center on legal challenges

U.S. Chamber of Commerce Activities (Cont.)

- ***Publications***

- “Main Street in Jeopardy: The Expanding Joint Employer Threat to Small Businesses.”
- “Opportunity at Risk: A New Joint Employer Standard and the Threat to Small Business.”
- “Leading Practices on Disability Inclusion (joint publication with USBLN®).
- “The Record of the National Labor Relations Board in the Obama Administration: Reversals Ahead?”

- ***Events/Webinars***

- February 2016 Forum: “Impact of the Proposed Overtime Regulation on Vulnerable Employers.”
- March 2016 BNA webinar on “new” economy.
- May 5 Tutorial on the Congressional Review Act.
- May 24 webinar to discuss new overtime regulations with over 1400 registrants.
- June 2016 event: “Main Street in Jeopardy: The Expanding Joint Employer Threat to Small Business.”
- October 2016 event: “State and Local Labor and Employment Issues: What to Watch For and How to Win.”
- March 2017 event on the gig economy.