

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO



INTRODUCTION

The American Federation of Government Employees, AFL-CIO, is the nation's largest federal employee union, representing more than 700,000 federal and D.C. government workers nationwide and overseas. Workers in virtually every function of government depend upon AFGE for legislative advocacy, legal representation, technical expertise, and informational services.

AFGE is proud to represent federal and D.C. government workers because they are the vital threads of the fabric of American life. Government workers inspect the food we eat and the places we work. They protect citizens from the illicit flow of drugs, maintain the safety of our nation's borders, and keep the national defense systems prepared for any danger. They care for our nation's veterans and serve as a vital link to Social Security recipients.

AFGE takes seriously its responsibility to protect the rights of the working and middle class Americans who make up the federal and D.C. workforces. The union believes the best way to improve government's effectiveness and efficiency is to treat federal and D.C. workers as valuable resources rather than easy targets.

Federal labor unions, including AFGE, are not currently afforded the same full-scope collective bargaining rights as unions representing private sector workers. For this reason, AFGE relies on a comprehensive legislative and political action program to deal with issues that affect the federal and D.C. workforces. When Congress tackles government employee pay and benefit issues or debates funding of vital government programs, AFGE is on the scene representing its members.

The 2017 Voting Record shows where House and Senate lawmakers stood on the issues that were most important to federal and D.C. workers, as well as other working Americans, during the first session of the 115th Congress. While the 2017 Voting Record is an important tool in monitoring the actions of Congress, it is important to recognize that it is not the sole reflection of a lawmaker's record. The 2017 Voting Record is neither an endorsement nor a condemnation of any Member of Congress.

For more information, please contact the AFGE Legislative and Political Action Department at (202) 639-6413.

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HOUSE OF REPRESENTATIVES

1. Regulatory Accountability Act of 2017 (H.R. 5) – Roll Call Vote #45.

AFGE opposed the Regulatory Accountability Act (RAA) of 2017 (H.R. 5), a sweeping anti-regulatory bill that would upend 40 years of labor, health and safety, and environmental laws, and thereby endanger both workers and the public.

While the RAA is ostensibly an amendment to the Administrative Procedure Act, it goes far beyond establishing procedures for rulemaking. The RAA acts as a "super mandate" overriding the requirements of landmark legislation such as the Occupational Safety and Health Act (OSH Act) and the Mine Safety and Health Act (MSH Act). The bill would require agencies to adopt the least costly rule, instead of the most protective rule as is now required by the OSH Act and the MSH Act. It would make protecting workers and the public secondary to limiting costs and impacts on businesses and corporations.

The RAA would not improve the regulatory process but instead would cripple it. The bill adds dozens of new analytical and procedural requirements to the rulemaking process, adding years to an already slow process. The development of major workplace safety rules already takes 8-10 years or more, even for rules where there is a broad agreement between employers and unions on the measures that are needed to improve protections. OSHA's silica standard to protect workers from deadly silica dust took nearly 19 years and the beryllium standard 15 years. The RAA would further delay needed rules and cost workers their lives.

This radical legislation doesn't just apply to regulations. It also would require agencies to analyze the costs and benefits of major guidance documents, even though these documents are non-binding and have no legal force. Guidance documents are important tools for agencies to disseminate information on significant issues and hazards quickly in order to protect workers and the public. For example, in response to the Ebola virus threat, the Centers for Disease Control (CDC) issued critical guidance documents in order to prevent the spread of the disease, including recommendations for infection control and protections for healthcare workers and emergency responders. Similar guidance was issued to prevent transmission of the Zika virus. But under the RAA's provisions, CDC would be required to assess the costs and benefits of such major guidance documents, making it virtually impossible to provide information and recommendations in a timely manner.

The House approved H.R. 5 on January 11, 2017, by a 238-183 vote (R: 233-0; D: 5-183). *A "No" vote in opposition to H.R. 5 is counted as a "Right" vote.*

2. FY 2017 Concurrent Budget Resolution (S.Con.Res. 3) – Roll Call Vote #58.

AFGE opposed the FY 2017 Concurrent Budget Resolution (S.Con.Res. 3) because it was basically an empty shell designed to give Congress the authority to generate a "reconciliation bill" - a special budget bill that can't be filibustered in the Senate – that would repeal the Affordable Care Act of 2010 (ACA.)

The ACA has certain problems that need to be fixed. But it has made positive changes in the U.S. health care system, including significantly expanding the availability of health insurance coverage and instituting essential reforms in the health insurance markets (such as ensuring that health insurance companies can no longer deny coverage because of a preexisting condition.)

But the House Republican majority failed the test of sensible policy-making. They failed to provide any details on the ACA repeal they promised to enact, and they did not show how this major policy change would fit with their other tax and spending plans. Though the resolution says it "sets forth the appropriate budgetary levels for fiscal years 2017 to 2026," its figures largely reflect current law, not Republican proposals to repeal the ACA. (See: *Don't Legislate in the Dark; Do a Real Budget,* Center on Budget and Policy Priorities, January 10, 2017.)

The Urban Institute, a non-partisan think tank, did provide important information on the potential effects of repealing ACA in December 2016, just prior to congressional consideration of the FY 2017 Concurrent Budget Resolution. The Urban Institute compared future health care coverage under the ACA with a reconciliation bill similar to the Republican ACA repeal bill vetoed in January 2016 by then-President Barack Obama. The key effects of passage of that similar reconciliation bill, according to the Urban Institute, would be as follows:

- The number of uninsured people would rise from 28.9 million to 58.7 million 2019, an increase of 29.8 million people (103%).
- Of the 29.8 million newly uninsured, 22.5 million would become uninsured as a result of eliminating the premium tax credits, the Medicaid expansion, and the individual mandate. The additional 7.3 million people would become uninsured because of the near collapse of the nongroup insurance market.
- 82% of the people becoming uninsured would be in working families, 38% would be ages 18-34, and 56% would be non-Hispanic whites. 80% of adults becoming uninsured would not have college degrees.

(See: *Implications of Partial Repeal of the ACA Through Reconciliation,* Urban Institute, December 2016.)

The House approved S.Con.Res. 3 on January 13, 2017, by a 227-198 vote (R: 227-9; D: 0-189). *A "No" vote in opposition to S.Con.Res. 3 is counted as a "Right" vote.*

3. Congressional Review Act resolution of disapproval of a final rule issued by the Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA) amending the Federal Acquisition Regulation to implement Executive Order 13673, Fair Pay and Safe Workplaces (H.J. Res. 37) – Roll Call Vote #76.

AFGE opposed H.J. Res. 37, the Congressional Review Act resolution of disapproval of a final rule issued by DoD, GSA, and NASA on August 25, 2016, amending the Federal Acquisition Regulation to implement Executive Order 13673, Fair Pay and Safe Workplaces. Executive Order 13673's purpose is to improve contractor compliance with 14 federal labor laws in order to increase economy and efficiency in federal contracting.

The DoD, GSA, and NASA final rule implemented Executive Order 13673's common-sense proposition that companies wanting to receive lucrative taxpayer-funded government contracts should comply with federal labor laws and respect workers' rights. It established a process for disclosing the records of companies bidding for federal contracts to help ensure that companies receiving these contracts would comply with the federal labor laws. The final rule was designed to foster a fairer contracting process so that companies that respect workers' rights do not have a competitive disadvantage when competing against companies that cheat by misclassifying their workers as independent contractors, ignoring health and safety hazards, or engaging in wage theft. Disapproving this final rule would remove an

important incentive for companies to pay their workers what they are due, protect their health and safety, and comply with the law.

This final rule was needed because the current procurement system does an inadequate job of screening prospective contractors and their compliance (or noncompliance) with federal labor laws. The Government Accountability Office in 2010 found that almost two-thirds of the 50 largest wage-and-hour violations and almost 40 percent of the 50 largest workplace health and safety penalties issued between FY 2005 and FY 2009 were made against companies that went on to receive new federal contracts. A 2013 report by the Senate Health, Education, Labor, and Pensions Committee similarly found that the federal government regularly awarded federal contracts to companies with significant violations of worker protection laws.

The House approved H.J. Res. 37 on February 2, 2017, by a 236-187 vote (R: 233-1; D: 3-186). *A "No" vote in opposition to H.J. Res. 37 is counted as a "Right" vote.*

4. Congressional Review Act resolution of disapproval of a final rule issued by the Occupational Safety and Health Administration (OSHA) relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness" (H.J.Res. 83) – Roll Call Vote #121.

AFGE opposed H.J. Res. 83, a Congressional Review Act resolution of disapproval that would repeal an OSHA final rule that clarified an employer's responsibility to maintain accurate records of serious work-related injuries and illnesses for five years. The disapproval of this final rule would make it impossible for OSHA to ensure that injury and illness records were complete and accurate, thereby undermining workplace health and safety.

This OSHA final rule, issued on December 19, 2016, was a response to a court decision that limited enforcement of OSHA's injury recordkeeping regulations to a six month period – a dramatic departure from OSHA's 40-year policy and practice. The six month restriction made it impossible for OSHA to enforce the Act's injury recordkeeping requirements, since OSHA does not have the resources to conduct regular inspections of even the most hazardous workplaces. Indeed, OSHA currently is able to inspect workplaces on average only once every 140 years. The new rule created no new obligations on employers. It simply made clear that employers have a responsibility to maintain accurate injury and illness records for 5 years and during this time would be held accountable for violations if records were not complete and accurate.

The House approved H.J. Res. 83 on March 1, 2017, by a 231-191 vote (R: 227-6; D: 4-185). *A "No" vote in opposition to H.J. Res. 83 is counted as a "Right" vote.*

5. VA Accountability First Act (H.R. 1259) – Roll Call Vote #168.

AFGE opposed the VA Accountability First Act (H.R. 1259) because it was a thinly veiled effort to destroy the union rights of Department of Veterans Affairs (VA) front-line employees and to shift the blame for management failures at the VA, including those at the Phoenix VA Health Care System, onto the backs of front-line employees.

H.R. 1259 would eliminate the right of every VA front-line employee to use grievance procedures to efficiently and fairly address proposed adverse actions (removal, demotion or suspension) for

performance or misconduct. The grievance procedures are not only part of federal law (Title 5, U.S.C.) but also part of a contract negotiated between labor and management. The only avenue that VA frontline employees would have left is a rushed management-run grievance and appeals process that does not allow employees enough time to gather the evidence they need to defend their jobs. Under this process:

- The VA front-line employee would be entitled to advance notice and the opportunity to respond to the adverse action charges, which cannot exceed 10 business days altogether.
- The VA would then have 5 business days to make a final determination on the adverse action after reviewing the employee's response.
- Once this decision has been made, the employee would be entitled to appeal his or her removal, demotion or suspension to the Merit Systems Protection Board (MSPB), as long as the appeal is made within 7 business days of receiving his or her final determination from the VA.
- A MSPB administrative law judge would then have 45 business days to complete an expedited review of the appeal and render a decision. An appeal of this ALJ decision to the full MSPB by the employee or the VA may be made no later than 7 business days after the date of the ALJ decision.
- When the employee loses at the MSBP (which happens in 80% of the cases), he or she would have only 7 business days to prepare an appeal to the United States Court of Appeals for the Federal Circuit.

The House approved H.R. 1259 on March 16, 2017, by a 237-178 vote (R: 227-3; D: 10-175). *A "No" vote in opposition to H.R. 1259 is counted as a "Right" vote.*

6. Working Families Flexibility Act of 2017 (H.R. 1180) – Roll Call Vote #244.

AFGE opposed the Working Families Flexibility Act (H.R. 1180) because it would weaken overtime protections under the Fair Labor Standards Act (FLSA), undermine workers' ability to earn overtime pay, and provide no guarantee that workers can take compensatory time when they actually need it.

The FLSA's requirement that hourly workers be paid time-and-a-half for every hour of work over 40 hours per week – thereby making overtime work more expensive for employers – is intended to discourage employers from overworking their workers. By contrast, H.R. 1180 permitting employers to provide workers with compensatory time for overtime work instead of overtime premium pay - thereby making overtime work cheaper for employers – would encourage employers to require their workers to work excessive hours.

H.R. 1180 would also undermine workers' ability to earn overtime pay. Some workers count on overtime pay to meet their expenses – including putting children through college, buying a home or saving for retirement. Nothing in the bill, however, prohibits employers from preferentially assigning overtime hours to workers who agree to accept compensatory time. Since providing compensatory time is cheaper than providing overtime premium pay, employers are extremely likely to allocate overtime hours first to those workers who agree to accept compensatory time.

Finally, H.R. 1180 provides no guarantee that workers can take compensatory time when they need it – such as when they are sick, when they need to take a child to a doctor's appointment or when schools are closed on a snow day. To the contrary, the bill provides significant discretion to employers to determine when compensatory time may be used. It provides that a worker who has requested the use of compensatory time shall be permitted by the employer "to use such time within a reasonable period"

after making the request if the use of the compensatory time does not unduly disrupt the operations of the employers." Unfortunately, H.R. 1180 fails to define "reasonable period of time" and "unduly disrupt" – giving the employer the power to define them and therefore the significant discretion to accept or deny any compensatory time request.

The House approved H.R. 1180 on May 2, 2017, by a 229-197 vote (R: 229-6; D: 0-191). *A "No" vote in opposition to H.R. 1180 is counted as a "Right" vote.*

7. FY 2017 Omnibus Appropriations Act (H.R. 244). – Roll Call Vote #249.

AFGE supported the FY 2017 Omnibus Appropriations Act (H.R. 244), a \$1.07 trillion bipartisan agreement that would keep the federal government open for the rest of FY 2017 and thereby avoid the devastating consequences of a federal government shutdown.

It is very clear that a federal government shutdown would inflict serious pain on everyday working people:

- More than 850,000 federal government employees could be furloughed without pay.
- More than 2 million military service members could see their pay delayed.
- Nearly 9 million pregnant women, recent mothers and young children could lose clinical services and food benefits.
- More than 400 national parks, museums and zoos could close down.
- Almost 6 million small businesses could see financial support delayed with small business loan programs being shut down.
- Educational, compensation, and pension benefits for hundreds of thousands of veterans could be delayed.
- Applications for new Social Security benefits could be delayed and services for seniors significantly delayed as federal employees are furloughed.

The last federal government shutdown – when non-essential workers were told to stay home – was in October 2013. It lasted for 16 days. Although everybody eventually got paid, tens of thousands of federal employees who lived paycheck-to-paycheck were extremely stressed. The Federal Employee Education & Assistance Fund (FEEA Fund) literally ran out of money helping people make their rent or mortgage, their utilities or just to eat. (The FEEA Fund is the only independent 501(c)(3) organization devoted solely to providing emergency financial assistance to federal and postal employees and their families.)

The House approved H.R. 244 on May 3, 2017, by a 309-118 vote (R: 131-103; D: 178-15). *A "Yes" vote in support of H.R. 244 is counted as a "Right" vote.*

8. American Health Care Act (H.R. 1628) – Roll Call Vote #256.

AFGE opposed the American Health Care Act (AHCA) because the bill would cause 24 million more people to go without health insurance by 2026 as a result of cutting Medicaid by \$880 billion and saving \$673 billion through the elimination of Affordable Care Act (ACA) marketplace subsidies for nongroup health insurance (both over the 2017-2026 period).

The House bill then would use much of the savings from cutting Medicaid and marketplace subsidies to pay for about \$660 billion in tax cuts over the 2017-2026 period that would go primarily to wealthy individuals, health insurance companies, and drug companies.

In addition, the ACHA would cause millions of people – especially older Americans – to pay far more for health insurance. The House bill would raise total out-of-pocket costs – premiums, deductibles, copays and coinsurance – by an average of \$3,600 in 2020 for people who buy health insurance through the ACA market places.

- <u>People would pay thousands more for premiums.</u> Under ACHA, the tax credits to help people afford their premiums would fall by an average of \$2,170 in 2020. At the same time, the average "sticker price" for premiums would rise modestly for current consumers. That would mean the average individual with marketplace coverage would pay over \$2,400 more just to cover premium costs.
- <u>Deductibles and other out-of-pocket costs would rise</u>. The ACHA would make it more likely that insurance companies would offer only higher-deductible plans. And it would repeal ACA cost-sharing subsidies that keep out-of-pocket costs lower for many low- and moderate-income Americans. The result: People would pay higher premiums for plans with sharply higher deductions, copays and coinsurance.
- <u>Older Americans would face even greater challenges.</u> The ACHA would let insurance companies charge older people much higher premiums and would cut older people's tax credits the most, For a typical 60-year-old making \$22,000 a year, premiums (after accounting for tax credits) would rise by more than \$8,000, or almost eight-fold.

The House approved H.R. 1628 on May 4, 2017, by a 217-213 vote (R: 217-20; D: 0-193). *A "No" vote in opposition to H.R. 1628 is counted as a "Right" vote.*

9. The Thin Blue Line Act (H.R. 115) – Roll Call Vote #265.

AFGE supported H.R. 115, a bill that would require federal courts to consider the killing or targeting of a law enforcement officer, firefighter or other first responder as an aggravating factor when determining if a death sentence is warranted for a convicted felon.

The House approved H.R. 115 on May 18, 2017, by a 271-143 vote (R: 223-4; D: 48-139). *A "Yes" vote in favor of H.R. 115 is counted as a "Right" vote.*

10. Financial Create Hope and Opportunity for Investors, Consumers, and Entrepreneurs (CHOICE) Act of 2017 (H.R. 10) – Roll Call Vote #299.

AFGE opposed the Financial CHOICE Act (H.R. 10) because it guts many of the essential systemic risk reforms included in the Wall Street Reform and Consumer Protection Act (Dodd-Frank). The bill would leave the American economy, consumers, and investors extremely vulnerable to a repeat of the 2008 financial meltdown.

The Financial CHOICE Act rests on the dangerous assumption that financial regulators need not address the possibility of systemic financial risk. The bill claims to promote accountability for Wall Street while undoing key safety and soundness provisions. The bill claims to promote accountability for Wall Street while eliminating the Office of Financial Research that provides valuable information to prudent

regulators. In addition, the bill undermines the independence of the Federal Reserve Board in setting monetary policy by proscribing how interest rates should be calculated.

The Financial CHOICE Act also undermines key consumer protections. The bill would strip the Consumer Financial Protection Bureau (CFPB) of its authority to stop unfair, deceptive and abusive practices by financial institutions. The bill would prevent the CFPB from regulating payday lenders, remove its ability to limit the use of forced arbitration clauses, and make secret the CFPB's consumer complaint database. In addition, the bill would undermine the CFPB's independence as a financial regulator by eliminating its independent source of funding and by providing the President with the authority to fire its director.

Finally, the Financial CHOICE Act would disenfranchise shareholders by making it virtually impossible to submit shareholder proposals under SEC Rule 14a-8. This SEC rule facilitates shareholders' ability to address corporate governance and corporate responsibility issues through a "private ordering" process. Some of the advances in corporate governance, including annual director elections, auditor independence, and corporate sustainability, have been due to shareholder proposals.

The House approved the Financial CHOICE Act on June 8, 2017, by a 233-186 vote (R: 233-1; D: 0-185). *A "No" vote in opposition to H.R. 10 is counted as a "Right" vote.*

11. Department of Veterans Affairs Accountability and Whistleblower Protection Act (S. 1094) – Roll Call Vote #307.

AFGE opposed the Department of Veterans Affairs Accountability and Whistleblower Protection Act (S. 1094) because it would single out the Department of Veterans Affairs (VA) front-line employees by eroding their collective bargaining rights and undermining their civil service protections from management retaliation when they report mismanagement or political corruption.

S.1094 would weaken the evidentiary standards for removing VA employees for misconduct. It would lower the burden of proof needed to remove VA employees from a preponderance of the evidence (which requires that more than 50% of the evidence supports removal) to substantial evidence (which requires only that the evidence be more than "a mere scintilla" in support of removal). This would mean that the VA could remove an employee even when the great majority of evidence is exculpatory.

S. 1094 also would establish a rushed management-run grievance and appeals process quite similar to the process in the VA Accountability First Act (H.R. 1259) that does not provide VA front-line employees enough time to gather evidence they need to defend themselves against proposed adverse actions (removal, demotion or suspension).

Finally, S. 1094 would eliminate the ability of a Merit System Protection Board administrative law judge to mitigate the adverse action penalty proposed by the VA – even when the evidence only supports a demotion or suspension, not a removal.

Unlike the VA Accountability First Act (H.R. 1259), S. 1094 provides that a VA front-line employee who is subject to a contract negotiated between labor and management may choose to grieve an adverse action through the grievance procedures under that collective bargaining agreement. However, the expedited timelines and procedures set forth in the bill – that are quite similar to the process in H.R. 1259 – shall apply.

The House approved S. 1094 on June 13, 2017, by a 368-55 vote (R: 231-1; D: 137-54). *A "No" vote in opposition to S. 1094 is counted as a "Right" vote.*

12. Polis/Lee "Funding Reduction" Amendment to National Defense Authorization Act for FY 2018 (H.R. 2810) – Roll Call Vote #357.

AFGE opposed an amendment offered by Reps. Jared Polis (D-2-CO) and Barbara Lee (D-13-CA) to the National Defense Authorization Act for FY 2018 (H.R. 2810) that would reduce the Department of Defense (DoD) budget by 1%, excluding military personnel pay and the Defense Health Program account.

The Polis/Lee amendment would compound the adverse impacts on the capability, capacity, lethality and readiness of the DoD from spending cuts already taken due to the arbitrary spending caps of the Budget Control Act of 2011 (BCA). It ignored the testimony of senior uniformed DoD leadership before the House Armed Service Committee on the readiness shortfalls and hollow force impacts from BCA-caused civilian personnel reductions. Importantly, by excluding military personnel pay and the Defense Health Program account, a disproportionate share of the 1% spending reduction would fall on the already beleaguered civilian workforce.

The House rejected the Polis/Lee amendment on July 13, 2017, by a 73-351 vote (R: 4-231; D: 69-120). *A* "*No*" vote in opposition to the Polis/Lee amendment is counted as a "Right" vote.

13. McClintock "BRAC" Amendment to National Defense Authorization Act for FY 2018 (H.R. 2810) – Roll Call Vote #365.

AFGE opposed an amendment offered by Rep. Tom McClintock (R-4-CA) to strike the provision (Section 2702) of the National Defense Authorization Act for FY 2018 (H.R. 2810) that prohibits conducting an additional round of Base Realignment and Closure (BRAC).

AFGE opposed the McClintock amendment because:

- In this age of military uncertainty, it is not the time to authorize a new BRAC round.
- A new round of BRAC would incur significant upfront costs at a time of significant fiscal restraint under the Budget Control Act of 2011.
- Previous BRAC rounds have not always resulted in projected long-term savings.
- There is substantial ambiguity about the actual amount of facility excess capacity in military facilities.
- Closing military facilities should only take place if truly necessary, given the fact that such facilities are often the economic lifeblood of surrounding communities.

The House rejected the McClintock amendment on July 13, 2017, by a 175-248 vote (R: 95-140; D: 80-108). *A "No" vote in opposition to the McClintock amendment is counted as a "Right" vote.*

14. Gosar "Davis-Bacon Act" Amendment to National Defense Authorization Act for FY 2018 (H.R. 2810) - Roll Call Vote #370.

AFGE opposed an amendment offered by Rep. Paul Gosar (R-4-AZ) to the National Defense Authorization Act for FY 2018 (H.R. 2810) that would alter the determination of the prevailing wage under the Davis-Bacon Act. This amendment would change dramatically the methodology used to determine wage rates paid to construction workers – resulting in significant pay cuts for construction workers and their families.

The Davis-Bacon Act requires federal construction project contractors to pay workers the wage rates prevailing in the community where the federally funded project is being constructed. This prevents contractors from winning federal projects by undercutting local community contractors, importing lower-waged workers into local communities, or driving down the wages of local community workers.

The House rejected the Gosar amendment on July 13, 2017, by a 183-242 vote (R: 183-51; D: 0-191). *A "No" vote in opposition to the Gosar amendment is counted as a "Right" vote.*

15. Congressional Review Act resolution of disapproval of a final rule issued by the Consumer Financial Protection Bureau relating to the regulation of arbitration agreements (H.J.Res. 111) – Roll Call Vote #412.

AFGE opposed H.J. Res 111, the Congressional Review Act resolution of disapproval of the Consumer Financial Protection Bureau's (CFPB's) final rule issued on July 10, 2017, to regulate arbitration agreements in contracts for consumer financial products and services. The CFPB final rule:

- Prohibited providers of consumer financial products and services from using an agreement with a consumer that provides for arbitration of any future dispute between the parties to bar the consumer from filing or participating in a class action lawsuits concerning the consumer financial product or service.
- Required providers of consumers financial products and services that are involved in an arbitration that are pursuant to a pre-dispute arbitration agreement to submit specified arbitration records to the CFPB and also to submit specified court records.

The CFPB rule was intended to restore consumers' ability to pursue claims in court collectively. To keep the American financial system safe and strong, consumers must be able to enforce state and federal protections in court. Contrary to what critics of the final rule suggest, the rule does not ban forced arbitration but instead restores consumers' ability to join in class action lawsuits and returns transparency to individual arbitration by establishing a public record of claims and outcomes.

The House approved H.J.Res. 111 on July 25, 2017, by a 231-190 vote (R: 231-1; D: 0-189). *A "No" vote in opposition to H.J.Res. 111 is counted as the "Right" vote.*

16. Cartwright "A-76" Amendment to FY 2018 DoD Appropriations (H.R. 3219) – Roll Call Vote #433.

AFGE supported an amendment offered by Rep. Matt Cartwright (D-17-PA) to prohibit the use of funds appropriated by H.R. 3219 to be used to plan for, begin, continue, complete, process, or approve a public-private competition under the Office of Management and Budget (OMB) Circular A-76 to determine whether federal civilian employee jobs should be outsourced.

AFGE supported the Cartwright amendment because:

• It would retain the longstanding ban against contracting out federal jobs using the flawed A-76 method.

- Both the Government Accountability Office (GAO) and the Department of Defense (DoD) Inspector General (IG) have concluded that the A-76 process is deeply flawed, disruptive and costly to agency missions.
- Studies have shown that the cost of conducting A-76 studies often exceed the savings that accrue from the competition.
- While civilian employees have been found to be the least expensive alternative in the majority of cases, it has also been noted that the A-76 process is slanted to disadvantage government employees by requiring an arbitrary 12% overhead charge on top of the government bid in spite of the fact that all of the overhead charges have been previously counted in the government bid.
- Neither OMB, DoD or any of the civilian agencies have made changes to rectify these deficiencies in the A-76 studies.
- Until these systemic problems with the A-76 contracting out process are corrected, Congress should ensure that the A-76 prohibition is maintained. To do otherwise would put federal employees in danger of unfairly losing their jobs, reward OMB for its failure to fix A-76, reward agencies for failures to inform Congress about the size, scope and cost of their contractor workforce, reduce military readiness and increase costs to our nation's taxpayers.

The House approved the Cartwright amendment on July 27, 2017, by a 253-172 vote (R: 62-172; D: 191-0). *A "Yes" vote in support of the Cartwright amendment is counted as a "Right" vote.*

17. FY 2018 Concurrent Budget Resolution (H.Con.Res. 71) – Roll Call Vote #557.

AFGE opposed the FY 2018 Concurrent Budget Resolution (H.Con.Res. 71), in part because it included fast-track reconciliation instructions to the Oversight and Government Reform (OGR) Committee that would require \$32 billion in cuts within its jurisdiction for the FY 2018-2027 period. These cuts, which were necessary to help pay for billions of dollars in tax cuts, would have targeted federal employee health and retirement benefits, the mandatory spending programs within the OGR Committee's jurisdiction.

The House Budget Committee report (H.Rept. 115-240) accompanying the FY 2018 Budget Resolution recommended the following adverse changes to existing federal employee retirement benefits:

- Require federal employees, including Members of Congress and their staffs, to make greater contributions to their own defined benefit retirement plans.
- Eliminate the Federal Employees Retirement System (FERS) supplemental annuity payments to federal employees who retire before age 62, such as law enforcement officers and federal firefighters.
- Transition new federal employees to a defined contribution retirement system. (The existing Thrift Savings Plan under FERS is a defined contribution retirement plan.)
- Change how the Office Personnel Management calculates the federal government's maximum contribution to Federal Employees Health Benefits (FEHBP) premiums from the average weighted rate of change of all FEHBP plans to the rate of inflation for retirees. It is estimated that this would result in federal retirees paying 80 percent of FEHBP premiums within 20 years, provided that inflation and health care cost trends continue as they have over the last two decades.

The proposed federal employee health and retirement cuts of \$32 billion over ten years would have been on top of the \$182 billion in cuts to pay and benefits that federal employees have experienced since 2011. Those pay and benefit cuts included: a three-year pay freeze (2011, 2012, 2013), three years of reduced pay increases (2014, 2015, 2016), unpaid furlough days because of the 2013 sequestration, and two increases in retirement contributions for new hires (2013 and 2014).

The House approved H.Con.Res. 71 on October 5, 2017, by a 219-206 vote (R: 219-18; D: 0-188). *A "No" vote in opposition to H.Con. Res. 71 is counted as a "Right" vote.*

18. Save Local Business Act (H.R. 3441) – Roll Call Vote #614.

AFGE opposed H.R. 3441, the so-called Save Local Business Act (H.R. 3441), because it would narrow the definition of a joint-employer, thereby seriously harming workers and small businesses while allowing large corporations to escape legal accountability for their actions. The bill is designed to effectively reverse the National Labor Relations Board's 2015 decision in *Browning-Ferris Industries of California, Inc.,* which allowed large corporations with indirect control over employees to be considered their employer for violations of labor law and for the purpose of collective bargaining.

Prior to *Browning-Ferris*, a company needed to exercise "direct and immediate" control over the terms and conditions of employment in order to be considered a joint employer. *Browning-Ferris* announced a new, expanded standard for when one or more organizations would be considered joint-employers of a single workforce under the National Relations Act. They would be considered joint-employers if (1) the organizations are both employers as defined by common law; and (2) they codetermine matters governing "the essential terms of conditions of employment." In evaluating whether an employer had sufficient control over employees to qualify as a joint employer, the Board considered – among other factors – whether an employer "affects the means or manner of employees' work and terms of employment, either directly or through an intermediary."

The *Browning-Ferris* decision meant that a company that hired a contractor to staff its facilities may be considered a joint-employer of workers at that facility, even if the company did not directly supervise them. Companies could be held responsible for labor violations committed by contractors hired to staff its facilities and those workers would be legally entitled to collective bargain with the "upstream employer," and not just the contractor. The Board argued that the new standard better protected workers in the modern economy, where "the diversity of workplace arrangements" had "significantly expanded."

Proponents of the Save Local Business Act have sought to frame the bill as a common-sense reform to encourage entrepreneurship and cut costs for small business. But the bill's biggest impact would not be to protect small businesses, but to effectively inoculate multinational corporations and franchisors from any liability for the terms and conditions they impose on contracted workers – especially those in low-wage sectors where wage theft and other workplace violations are prevalent.

The House approved Save Local Business Act on November 7, 2017, by a 242-181 vote (R: 234-0; D: 8-181). *A "No" vote in opposition to Save Local Business Act is counted as a "Right" vote.*

19. Tax Cuts and Jobs Act (H.R. 1) – Roll Call Vote #637.

AFGE opposed the Tax Cuts and Jobs Act (H.R. 1) because:

<u>The House tax cut plan would increase federal deficits by \$2.2 trillion over the next ten years (FY 2018 – 2027)</u>.

- The House tax cut plan would increase federal deficits by at least \$1.7 trillion over the FY 2018-2027 period: a \$1.4 trillion deficit increase due to the tax cut plan, according to the November 3, 2017 report of the Joint Committee on Taxation, and an additional \$300 million in debt service, according to the November 8, 2017 letter to Rep. Richard Neal, the Ranking Member on the Ways and Means Committee.
- In fact, the \$1.7 trillion figure would likely *underestimate* the tax cut plan's actual cost, since it includes various budget gimmicks, such as phasing in costly pieces of the plan over a number of years to lower their cost in the initial ten-year period. The Committee for a Responsible Federal Budget calculates that such gimmicks would cost \$540 billion over the FY 2018-2027 period: \$515 billion for the actual budget gimmicks and \$25 billion for the additional interest costs of the gimmicks.
- Therefore, the House tax cut bill would actually increase federal deficits by \$2.2 trillion over the next ten years: \$1.4 trillion due to the tax cut bill itself, plus nearly \$300 billion for the bill's interest costs, plus \$515 billion for the budget gimmicks, plus \$25 billion for the gimmicks' interest costs.

By increasing the federal deficit by \$2.2 trillion over the next ten years, the House tax cut plan would increase political pressures to cut federal agencies funding and federal employee pay and benefits.

- When the House tax cut plan generates a \$2.2 trillion deficit increase over ten years, many of those who supported the tax cuts would likely label these deficits as unacceptable and point to *spending* as the culprit. When that happens, they would likely call for deep cuts in federal agency funding.
- Those deep cuts would likely exacerbate existing staff shortages, thereby making it more difficult for: Border Patrol agents to prevent illegal trafficking of people and contraband, Environmental Protection Agency scientists to protect our environment, doctors and nurses at Veterans Affairs hospitals to care for wounded and ill veterans, Bureau of Prison correctional officers to guard terrorists and gang leaders, U.S. Department of Agriculture meat and poultry inspectors to ensure the safety of meat, poultry, and egg products, and Social Security Administration claim representatives to help the elderly and disabled receive their well-deserved benefits.
- In addition, the \$2.2 trillion federal deficit increase over ten years resulting from the House tax cut plan would increase political pressures to cut federal employee pay, health benefits, and retirement benefits. Such cuts would be on top of the \$182 billion in cuts to pay and benefits that federal employees have experienced since 2011. Those pay and benefits cuts included: a three-year pay freeze (2011, 2011, 2013), three years of reduced pay increases (2014, 2015, 2016), unpaid furlough days because of the 2013 sequestration, and two increases in retirement contributions for new hires (2013 and 2014).

<u>The House tax cut plan's business tax cuts would benefit large corporations, not small businesses or</u> workers.

- The House tax cut plan would cut the corporate tax rate from 35% to 20%, giving large corporations a \$1.5 trillion tax cut.
- The tax cut plan would create a lower corporate tax rate 10% for multinational corporations' foreign profits, half of its 20% rate on domestic profits. This would be a big incentive for

companies to shift profits and investments offshore to get the lower rate. It also would give corporations with international operations a large tax advantage against domestic small businesses.

- The tax cut plan's special 25% tax rate for pass-through business owners would overwhelmingly benefit the wealthy, such as hedge fund owners and real estate investors. But it would do nothing for the great majority of small businesses because 86% of small business owners are already in a tax bracket of 25% or lower.
- The Trump Administration claims that the plan's corporate tax cuts would lead to a large wage increase for ordinary workers. This claim, however, has been widely discredited. (See *Trump's top economist's tax analysis isn't just wrong, it's dishonest,* by Larry Summers, Washington Post, October 17, 2017.)

The House tax cut plan's tax cuts would go overwhelmingly to wealthy households, while increasing taxes on many middle-class households.

- Even though the House plan does not cut the top rate from 39.6% to 35%, it would still deliver large tax cuts to wealthy households by cutting the corporate tax rate from 35% to 20%, creating a special 25% rate for pass-through income, and eliminating the estate tax.
- Based on the Joint Committee on Taxation (JCT) November 3, 2017 distribution tables, about 45% of the tax benefits would go to households making over \$500,000 per year, and 38% of the tax benefits would go to households making over \$1 million. By contrast, the JCT estimates of the individual and business provisions show tax increases for: filers with incomes between \$20,000 and \$30,000 from 2023-2027, filers with incomes between \$30,000 and \$40,000 for 2023-2025, and filers between \$200,000 and \$500,000 for 2023.
- JCT also presents the effects of the individual and business provisions separately. These tables show that the business tax provisions would increase taxes for all income groups in 2023, while individual income taxes would increase for filers with incomes between \$20,000 and \$40,000 from 2023-2027. These tax increases for middle-class households would likely be due to repealing personal exemptions and increasing the 10% tax rate to 12 percent in 2023, and allowing the expiration of certain business tax cut provisions in 2023.

The House approved H.R. 1 on November 16, 2017, by a 227-205 vote (R: 227-13; D: 0-192). *A "No" vote in opposition to H.R. 1 is counted as a "Right" vote.*

20. Ensuring a Qualified Civil Service Act of 2017 (H.R. 4182) – Roll Call Vote #648.

AFGE opposed the Ensuring a Qualified Civil Service Act of 2017 (H.R. 4182), a bill that would extend the probation period for newly hired federal employees from one year to two years.

AFGE opposed H.R. 4182 because this extension of the probation period to two years is unnecessary. Candidates for federal jobs are put through an extensive selection process prior to being hired and one year is sufficient time for a competent manager to determine if a new employee has the ability to accomplish the duties for which he or she was hired.

In addition, doubling the amount of time during which federal employees are on probation could have damaging effects on civil service protections and whistleblower rights. While on probation, federal employees essentially have no due process protections if arbitrary or unjust

disciplinary actions are taken against them. They may be fired without notice, they have limited rights to an attorney or representative, and they generally may not appeal their removals. Such due process protections are critical to ensuring the integrity of the federal civil service by protecting employees from arbitrary or unjust disciplinary actions and whistleblowers from retaliation.

Before damaging civil service protections and whistleblower rights, the House should have determined whether an extension of the probationary period to two years is needed and, if so, whether it is appropriate for all federal service occupations or only certain occupations. Unfortunately, the House took the drastic step of doubling the probationary period with no evidence that there is a problem that needs to be addressed. The House Oversight and Government Affairs Committee has held no hearings on whether federal agencies need a blanket one-year extension of the probationary period for every federal civil service job.

The House approved H.R. 4182 on November 30, 2017, by a 213-204 vote (R: 211-18; D: 2-186). *A "No" vote in opposition to H.R. 4182 is counted as a "Right" vote.*

21. Conference Agreement on Tax Cuts and Jobs Act (H.R. 1) – Roll Call Vote #699.

AFGE opposed the final conference agreement on the Tax Cuts and Jobs Act (H.R. 1) because:

- The final conference agreement would increase federal deficits by \$2.2 trillion over the next ten years (FY 2018-2027).
- By increasing the federal deficit by \$2.2 trillion over the next ten years, the final conference agreement would increase political pressures to cut federal agencies funding and federal employee pay and benefits.
- The final conference agreement's business tax cuts would benefit large corporations, not small businesses or workers.
- The final conference agreement's tax cuts would go overwhelmingly to high-income households, while increasing taxes on many middle- and lower-income households.
- The final conference agreement's repeal of the Affordable Care Act's individual mandate would decrease by 13 million the number of people with health insurance to help pay for the permanent cut in the corporate tax rate, from 35% to 21%.

The House approved the final conference agreement on H.R. 1 on December 20, 2017, by a 224-201 vote (R: 224-12; D: 0-189). *A "No" vote in opposition to the final conference agreement is counted as a "Right" vote.*

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	4 U.S. Rep. Ron Estes (R-KS-4) won a special election on April 11, 2017, to replace Mike Pompeo in the U.S. House of	Representatives, which Pompeo had vacated to become Director of the Central Intelligence Agency in the Trump Administration. He	was officially sworn in as a member of the U.S. House of Representatives on April 25, 2017.
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Representatives, which Price had vacated to become Secretary of Health and Human Services in the Trump Administration. She was officially sworn in as a member of the U.S. House of Representatives on June 26, 2017.

U.S. Rep. Karen Handel (R-GA-6) won a special election on June 20, 2017, to replace Tom Price in the U.S. House of

the U.S. House of Representatives on July 11, 2017.

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U.S. Rep. Jimmy Gomez (D-CA-34) won a special runoff election on June 6, 2017, to replace Xavier Becerra in the U.S. House of Representatives, which Becerra had vacated to become California's Attorney General. He was officially sworn in as a member of

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ame	s	ıeney	U.S. Rep. Trent Franks (R-AZ-8) resigned from the U.S. House of Representatives on December 8, 201
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	Legislator Name	U.S. Rep. Steve Scalise (R-LA-1) was shot on June 14, 2017, during a practice session of the Republican congressional basebal	team in Alexandria, VA. He was taken to MedStar Washington Hospital Center in critical condition. After a period of surgery and rehabilitation, Rep. Scalise returned on September 28, 2017, to the U.S. House of Representatives, where he gave a speech about his traumatic experience.	U.S. Rep. Elijah Cummings (D-MD-7) underwent transarterial aortic valve replacement surgery on May 24, 2017, at Johns Hopkins Hospital in Baltimore, MD. After a months-long period of recovery, Rep. Cummings returned to work on September 11, 2017.	U.S. Rep. John Conyer	U.S. Rep. Greg Gianforte (R-MT-AL) won a special election on May 25, 2017, to replace Ryan Zinke in the U.S. House of Representatives, which Zinke had vacated to become Secretary of the Interior in the Trump Administration. He was offici in as a member of the U.S. House of Representatives on June 21, 2017.	The congressional office of U.S. Rep. Dina Titus (D-NV-1) contacted the AFGE Legislative Department on October 4, 2017, to let us know that Rep. Titus would be missing the next day's vote on the FY 2018 Concurrent Budget Resolution (H.Con.Res. 71). The reason for her absence was that she was still in Las Vegas, NV helping her constituents deal with the aftermath of the October 1, 2017, mass shooting that left 58 people dead and 546 injured. The AFGE Legislative Department assured Rep. Titus' office that she shouldn't worry about missing the FY 2018 Concurrent Budget Resolution (H.Con.Res. 71). The trans of the October 1, 2017, mass shooting that left 58 people dead and 546 injured. The AFGE Legislative Department assured Rep. Titus' office that she shouldn't worry about missing the FY 2018 Concurrent Budget Resolution vote, and that we wouldn't be including her absence for that vote in her final 2017 AFGE Score.
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Key: R = Voted With AFGE; W = Voted Against AFGE; ? = Did Not Vote; I = Not In Office

J.S. Rep. John Curtis (R-UT-3) won a special election on November 7, 2017, to replace Jason Chaffetz in the U.S. House of Representatives, who had resigned on June 30, 2017, to become a contributor for Fox News. He was officially sworn in as a member of the U.S. House of Representatives on November 13, 2017. 42

Representatives, which Mulvaney had vacated to become Director of the Office of Management and Budget in the Trump

Administration. He was officially sworn in as a member of the U.S. House of Representatives on June 26, 2017.

The House Speaker traditionally does not vote on most legislation that comes before the U.S. House of Representatives. 33

setoN bn3 AFGE Score (%) U.S. Rep. Ralph Norman (R-SC-5) won a special election on June 20, 2017, to replace Mick Mulvaney in the U.S. House of to A short of the study to the set of the se Ensuring a Qualified Civil Service Act toA edoL bns etuD xsT 5ave Local Business Act FY 2018 Concurrent Budget Resolution 2017. InsmbnemA sqorqqA GoG "87-A" idpirwtrsO U.S. Rep. Tim Murphy (R-PA-18) resigned from the U.S. House of Representatives on October 21, CFPB Arbitrator Agreements Regulation fnembnemA AAGN "noce8-sive0" reco Insend AAGN "DARA" Anendment Polis/Lee Addn "noitouba Reduction" abd/silo9 AV Accountability and Whistleblower Protection CHOICE Act of 2017 Thin Blue Line Act American Health Care Act FY 2017 Omnibus Appropriations Act Working Families Flexibility Act of 2017 VA Accountability First Act OSHA Injury and Illness Record Keeping Federal Acquisition Regulation (DoD, GSA, NASA) FY 2017 Concurrent Budget Resolution Regulatory Accountability Act of 2017 Legislator Name

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1. FY 2017 Concurrent Budget Resolution (S.Con.Res. 3) – Roll Call Vote #26.

AFGE opposed the FY 2017 Concurrent Budget Resolution (S.Con.Res. 3) because it was basically an empty shell designed to give Congress the authority to generate a "reconciliation bill" - a special budget bill that can't be filibustered in the Senate – that would repeal the Affordable Care Act of 2010 (ACA.)

The ACA has certain problems that need to be fixed. But it has made positive changes in the U.S. health care system, including significantly expanding the availability of health insurance coverage and instituting essential reforms in the health insurance markets (such as ensuring that health insurance companies can no longer deny coverage because of a preexisting condition.)

But the House Republican majority failed the test of sensible policy-making. They failed to provide any details on the ACA repeal they promised to enact, and they did not show how this major policy change would fit their other tax and spending plans. Though the resolution says it "sets forth the appropriate budgetary levels for fiscal years 2017 to 2026," its figures largely reflect current law, not Republican proposals to repeal the ACA. (See: *Don't Legislate in the Dark; Do a Real Budget,* Center on Budget and Policy Priorities, January 10, 2017.)

The Urban Institute, a non-partisan think tank, did provide important information on the potential effects of repealing ACA in December 2016, just prior to congressional consideration of the FY 2017 Concurrent Budget Resolution. The Urban Institute compared future health care coverage under the ACA with a reconciliation bill similar to the Republican ACA repeal bill vetoed in January 2016 by then-President Barack Obama. The key effects of passage of that similar reconciliation bill, according to the Urban Institute, would be as follows:

- The number of uninsured people would rise from 28.9 million to 58.7 million 2019, an increase of 29.8 million people (103%).
- Of the 29.8 million newly uninsured, 22.5 million would become uninsured as a result of eliminating the premium tax credits, the Medicaid expansion, and the individual mandate. The additional 7.3 million people would become uninsured because of the near collapse of the nongroup insurance market.
- 82% of the people becoming uninsured would be in working families, 38% would be ages 18-34, and 56% would be non-Hispanic whites. 80% of adults becoming uninsured would not have college degrees.

(See: *Implications of Partial Repeal of the ACA Through Reconciliation,* Urban Institute, December 2016.)

The Senate approved S.Con Res. 3 on January 12, 2017 by a 51-48 vote (R: 51-1; D: 0-47). A "No" vote in opposition to S.Con.Res. 3 is counted as the "Right" vote.

2. Congressional Review Act resolution of disapproval of a final rule issued by the Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA) amending the Federal Acquisition Regulation to implement Executive Order 13673, Fair Pay and Safe Workplaces (H.J. Res. 37) – Roll Call Vote #81.

AFGE opposed H.J. Res. 37, the Congressional Review Act resolution of disapproval of a final rule issued by DoD, GSA, and NASA on August 25, 2016, amending the Federal Acquisition Regulation to implement Executive Order 13673, Fair Pay and Safe Workplaces. Executive Order 13673's purpose is to improve contractor compliance with 14 federal labor laws in order to increase economy and efficiency in federal contracting.

The DoD, GSA, and NASA final rule implemented Executive Order 13673's common-sense proposition that companies wanting to receive lucrative taxpayer-funded government contracts should comply with federal labor laws and respect workers' rights. It established a process for disclosing the records of companies bidding for federal contracts to help ensure that companies receiving these contracts would comply with the federal labor laws. The final rule was designed to foster a fairer contracting process so that companies that respect workers' rights do not have a competitive disadvantage when competing against companies that cheat by misclassifying their workers as independent contractors, ignoring health and safety hazards, or engaging in wage theft. Disapproving this final rule would remove an important incentive for companies to pay their workers what they are due, protect their health and safety, and comply with the law.

This final rule was needed because the current procurement system does an inadequate job of screening prospective contractors and their compliance (or noncompliance) with federal labor laws. The Government Accountability Office in 2010 found that almost two-thirds of the 50 largest wage-and-hour violations and almost 40 percent of the 50 largest workplace health and safety penalties issued between FY 2005 and FY 2009 were made against companies that went on to receive new federal contracts. A 2013 report by the Senate Health, Education, Labor, and Pensions Committee similarly found that the federal government regularly awarded federal contracts to companies with significant violations of worker protection laws.

The Senate approved H.J.Res. 37 on March 6, 2017, by a 49-48 vote (R:49-0; D: 0-48). *A "No" vote in opposition to H.J.Res. 37 is counted as a "Right" vote.*

3. Congressional Review Act resolution of disapproval of a final rule issued by the Occupational Safety and Health Administration (OSHA) relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness" (H.J.Res. 83) – Roll Call Vote #93.

AFGE opposed H.J. Res. 83, a Congressional Review Act resolution of disapproval that would repeal an OSHA final rule that clarified an employer's responsibility to maintain accurate records of serious work-related injuries and illnesses for five years. The disapproval of this final rule would make it impossible for OSHA to ensure that injury and illness records were complete and accurate, thereby undermining workplace health and safety.

This OSHA final rule, issued on December 19, 2016, was a response to a court decision that limited enforcement of OSHA's injury recordkeeping regulations to a six month period – a dramatic departure from OSHA's 40-year policy and practice. The six month restriction made it impossible for OSHA to enforce the Act's injury recordkeeping requirements, since OSHA does not have the resources to conduct regular inspections of even the most hazardous workplaces. Indeed, OSHA currently is able to inspect workplaces on average only once every 140 years. The new rule created no new obligations on employers. It simply made clear that employers have a responsibility to maintain accurate injury and

illness records for 5 years and during this time would be held accountable for violations if records were not complete and accurate.

The Senate approved H.J.Res. 83 on March 22, 2017 by a 50-48 vote (R: 50-0; D: 0-48). *A "No" vote in opposition to H.J.Res. 83 is counted as a "Right" vote.*

4. FY 2017 Omnibus Appropriations Act (H.R. 244) – Roll Call Vote #121.

AFGE supported the FY 2017 Omnibus Appropriations Act (H.R. 244), a \$1.07 trillion bipartisan agreement that would keep the federal government open for the rest of FY 2017 and thereby avoid the devastating consequences of a federal government shutdown.

It is very clear that a federal government shutdown would inflict serious pain on everyday working people:

- More than 850,000 federal government employees could be furloughed without pay.
- More than 2 million military service members could see their pay delayed.
- Nearly 9 million pregnant women, recent mothers and young children could lose clinical services and food benefits.
- More than 400 national parks, museums and zoos could close down.
- Almost 6 million small businesses could see financial support delayed with small business loan programs being shut down.
- Educational, compensation, and pension benefits for hundreds of thousands of veterans could be delayed.
- Applications for new Social Security benefits could be delayed and services for seniors significantly delayed as federal employees are furloughed.

The last federal government shutdown – when non-essential workers were told to stay home – was in October 2013. It lasted for 16 days. Although everybody eventually got paid, tens of thousands of federal employees who lived paycheck-to-paycheck were extremely stressed. The Federal Employee Education & Assistance Fund (FEEA Fund) literally ran out of money helping people make their rent or mortgage, their utilities or just to eat. (The FEEA Fund is the only independent 501(c)(3) organization devoted solely to providing emergency financial assistance to federal and postal employees and their families.)

The Senate approved H.R. 244 on May 4, 2017, by a 79-18 vote (R: 32-18; D: 47-0). *A "Yes" vote in support of H.R. 244 is counted as a "Right" vote.*

5. Better Care Reconciliation Act of 2017 (H.R. 1628) – Roll Call Vote #179.

AFGE opposed the Better Care Reconciliation Act of 2017 (BCRA) because the bill would cause 22 million more people to go without health insurance by 2026 as a result of cutting Medicaid by \$772 billion and saving \$408 billion through the elimination of Affordable Care Act (ACA) marketplace subsidies for nongroup health insurance (both over the 2017-2026 period).

The BCRA then would use much of the savings from cutting Medicaid and marketplace subsidies to pay for \$563 billion in tax cuts over the 2017-2026 period that would go primarily to the wealthy and profitable corporations. For example, the Senate bill provides:

- A \$231 billion tax cut for the richest 2% of households (couples with incomes of more than \$250,000 and singles making \$200,000).
- \$191 billion in tax cuts on profitable health care industries: \$145 billion for health insurers, \$26 billion for prescription drug companies, and \$20 billion for medical device companies.

In addition, the BCRA would cause millions of people – especially older Americans – to pay far more for health insurance. For example, by 2016, premiums in the nongroup health insurance market would increase dramatically for older people not yet eligible for Medicare while subsidies to help pay for those premiums will be cut significantly. A 64-year-old making \$56,800 a year (375% of the federal poverty level) will face premium cost increases of \$11,600 to \$13,700. This is largely because the Senate bill allows premiums for older people to be five times higher than for young adults, as opposed to three times higher under the ACA, and would no longer make subsidies available to people with incomes between 350% and 400% of the poverty level.

The Senate rejected the BCRA on July 28, 2017, by a 49-51 vote (R: 49-3; D: 0-48). **A "No" vote in** opposition to the BCRA is counted as a "Right" vote.

6. Congressional Review Act resolution of disapproval of a final rule issued by the Consumer Financial Protection Bureau relating to the regulation of arbitration agreements (H.J.Res. 111) – Roll Call Vote #249.

AFGE opposed H.J. Res 111, the Congressional Review Act resolution of disapproval of the Consumer Financial Protection Bureau's (CFPB's) final rule issued on July 10, 2017, to regulate arbitration agreements in contracts for consumer financial products and services. The CFPB final rule:

- Prohibited providers of consumer financial products and services from using an agreement with
 a consumer that provides for arbitration of any future dispute between the parties to bar the
 consumer from filing or participating in a class action concerning the consumer financial product
 or service.
- Required providers of consumers financial products and services that are involved in an arbitration that are pursuant to a pre-dispute arbitration agreement to submit specified arbitration records to the CFPB and also to submit specified court records.

The CFPB rule was intended to restore consumers' ability to pursue claims in court collectively. To keep the American financial system safe and strong, consumers must be able to enforce state and federal protections in court. Contrary to what critics of the final rule suggest, the rule does not ban forced arbitration but instead restores consumers' ability to join in class action lawsuits and returns transparency to individual arbitration by establishing a public record of claims and outcomes.

The Senate approved H.J.Res. 111) on October 24, 2017, by a 51-50 vote (R: 50-2; D: 0-48; Vice President: 1-0). *A "No" vote in opposition to H.J.Res.* 111 is counted as a "Right" vote.

7. Tax Cuts and Jobs Act (H.R. 1, as amended) – Roll Call #303.

AFGE opposed the Senate version of H.R. 1 because:

<u>The Senate tax cut bill would increase federal deficits by \$2.2 trillion over the next ten years (FY 2018 - 2027).</u>

- The Senate tax cut bill would increase federal deficits by at least \$1.7 trillion over the FY 2018-2027 period: a \$1.4 trillion deficit increase due to the tax cut bill itself, according to the Joint Committee on Taxation, and nearly \$300 billion in debt service, according to the Committee for a Responsible Federal Budget.
- In fact, the \$1.7 trillion figure would likely underestimate the tax cut bill's actual cost since it includes various budget gimmicks, such as phasing in (and out) costly provisions in the bill over a number of years to lower their cost in the initial ten-year period. The Committee for a Responsible Federal Budget calculates that such gimmicks would cost \$540 billion over the FY 2018-2027 period: \$515 billion for the actual budget gimmicks and \$25 billion for the additional interest costs of the gimmicks.
- Therefore, the Senate tax cut bill would actually increase federal deficits by \$2.2 trillion over the next ten years: \$1.4 trillion due to the tax cut bill itself, plus nearly \$300 billion for the bill's interest costs, plus \$515 billion for the budget gimmicks, plus \$25 billion for the gimmicks' interest costs.

By increasing the federal deficit by 2.2 trillion over the next ten years, the Senate tax cut bill would increase political pressures to cut federal agencies funding and federal employee pay and benefits.

- When the Senate tax cut bill generates a \$2.2 trillion deficit increase over ten years, many of those who supported the bill's tax cuts will very likely label these deficits as unacceptable and point to *spending* as the culprit. When that happens, they will likely call for deep cuts in federal agencies funding.
- Those deep funding cuts would likely exacerbate existing staff shortages, thereby making it more difficult for: Border Patrol agents to prevent illegal trafficking of people and contraband, Environmental Protection Agency scientists to protect our environment, doctors and nurses at Veterans Affairs hospitals to care for wounded and ill veterans, Bureau of Prison correctional officers to guard terrorists and gang leaders, U.S. Department of Agriculture meat and poultry inspectors to ensure the safety of meat, poultry and egg products, and Social Security Administration claim representatives to help the elderly and disabled receive their well-deserved benefits.
- In addition, the \$2.2 trillion federal deficit increase over ten years resulting from the Senate tax cut bill would increase political pressures to cut federal employee pay, health benefits and retirement benefits. Such cuts would be on top of the \$182 billion in cuts to pay and benefits that federal employees have experienced since 2011. Those pay and benefits cuts included: a three-year pay freeze (2011, 2011, 2013), three years of reduced pay increases (2014, 2015, 2016), unpaid furlough days because of the 2013 sequestration, and two increases in retirement contributions for new hires (2013 and 2014).

The Senate tax cut bill's business tax cuts would benefit large corporations, not small businesses or workers.

- The Senate tax cut bill would cut the corporate tax rate from 35% to 20%, giving large corporations a \$1.3 trillion tax cut over FY 2018-2027, according to the Joint Committee on Taxation.
- This tax cut bill also would create even lower corporate tax rates for multinational corporations' offshore earnings: a 10% rate on offshore earnings held as cash and a 5% rate on all other earnings. This would mean that corporations which currently have \$2.6 trillion in accumulated offshore earnings could pay just \$190 billion in taxes instead of an estimated \$752 billion on those earnings a \$562 billion windfall.

- In addition, these lower corporate tax rates for offshore earnings (10% and 5% compared to 20%) would provide a big incentive for multinational corporations to shift profits and investments offshore to get the lower rates. Further, It would give such corporations with international operations a large tax advantage over domestic small businesses.
- The Trump Administration and some Senators have claimed that the Senate Finance Committee plan's corporate tax cuts would lead to large wage increases for ordinary workers. This claim, however, has been widely discredited. (see *GOP Making Highly Unrealistic Claims for Wage Gains from Tax Cuts*, Center on Budget and Policy Priorities, November 13, 2017)

<u>The Senate bill's tax cuts would go overwhelmingly to high-income households, while increasing taxes</u> <u>on many middle- and lower-income households.</u>

• According to the Center on Budget and Policy Priorities, the Senate tax cut bill in 2025 (when most of its provisions would be in place) would:

+ Increase the average after-tax income of households with incomes over \$1 million by 1.6% or \$42,090.

+ Give much smaller tax cuts to those toward the middle of the income distributions. For example, households with incomes between \$40,000 and \$50,000 would get an increase in after-tax income of only 0.4% or \$230.

+ Reduce the average after-tax incomes of households with incomes below \$30,000. For example, the bill would reduce the after-tax income of: households between \$20,000 and \$30,000 by 0.5% or \$160, households between \$10,000 and \$20,000 by 0.9% or \$190, and households below \$10,000 by 0.2% or \$10.

- In 2027 after nearly all the bill's tax cuts for individuals have expired and only the corporate tax cuts and the individual mandate repeal remain in place the Senate tax cut bill would result in:
 - + Every income group above \$100,000 still receiving the largest tax cuts as a share of after-tax income. For example, after-tax income of households with incomes over \$1 million would see a 0.6% or \$16,810 increase

+ Every income group below \$75,000 facing tax increases. For example, households between \$40,000 and \$50,000 would see a 0.6% or \$310 decline in their after-tax incomes. (See: *JCT Estimates: Amended Senate Tax Bill Skewed to Top, Hurts Many Low- and Middle-Income Americans,* Center on Budget and Policy Priorities, November 17, 2017)

The Senate tax cut bill's repeal of the Affordable Care Act's individual mandate would decrease by 13 million the number of people with health insurance to help pay for the permanent cut in the corporate tax rate, from 35% to 20%.

- The Affordable Care Act includes a provision, generally known as the Individual mandate, that requires most U.S. citizens and noncitizens who lawfully reside in the country to have health insurance that meets specified standards and that imposes penalties on those without an exemption who do not comply.
- The Senate tax cut bill provides for the repeal of the Affordable Care Act's individual mandate. That repeal would:

+ Increase the number of people without health insurance by 13 million in 2027, according to recent Congressional Budget Office (CBO) estimates. That would increase the uninsured rate for non-elderly Americans from 11% to 16%.

+ Increase the average premiums in the individual insurance market by about 10%, according to CBO. That would amount to a premium increase of hundreds of dollars per year for about 7 million mostly middle-income individuals.

+ Increase federal revenues by \$318.4 billion according to the Joint Tax Committee. These revenues would help pay for one-third of the \$1.3 trillion cost of cutting the corporate tax rate from 35% to 20%.

The Senate approved H.R. 1, as amended, on December 2, 2017 by a 51-49 vote (R: 51-1; D: 0-48). *A* "*No*" vote in opposition to H.R. 1, as amended, is counted as a "Right" vote.

8. Conference Agreement on Tax Cuts and Jobs Act (H.R. 1) – Roll Call Vote #323

AFGE opposed the final conference agreement on the Tax Cuts and Jobs Act (H.R. 1) because:

- The final conference agreement would increase federal deficits by \$2.2 trillion over the next ten years (FY 2018-2027).
- By increasing the federal deficit by \$2.2 trillion over the next ten years, the conference agreement would increase political pressures to cut federal agencies funding and federal employee pay and benefits.
- The final conference agreement's business tax cuts would benefit large corporations, not small businesses or workers.
- The final conference agreement's tax cuts would go overwhelmingly to high-income households, while increasing taxes on many middle- and lower-income households.
- The final conference agreement's repeal of the Affordable Care Act's individual mandate would decrease by 13 million the number of people with health insurance to help pay for the permanent cut in the corporate tax rate, from 35% to 21%.

The Senate approved the final conference agreement on H.R. 1 on December 20, 2017, by a 51-48 vote (R: 51-0; D: 0-48). *A "No" vote in opposition to the final conference agreement is counted as a "Right" vote.*

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Legislator Name		Joe Manchin	Shelley Moore Capito		Mike Enzi	John Barrasso	
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End Notes

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO