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## Policy Matters

December 19, 2019

**House Hearing on the Future of Work.** Earlier this week, the House Higher Education and Workforce Investment Subcommittee held a [hearing](#) titled “The Future of Work: Ensuring Workers are Competitive in a Rapidly Changing Economy.” The hearing focused on training and educating America’s workforce of the future, particularly as we continue to deal with worker displacements related to technological developments.

**New Democrats Seek Balanced Approach to Future of Work.** On the same day as the hearing, the New Democrat Coalition, which describes itself as “103 forward-thinking Democrats who are committed to pro-economic growth, pro-innovation, and fiscally responsible policies,” sent a letter to Education and Labor Committee Chairman Bobby Scott (D-VA). In that [letter](#), NDC lays out its views on gig economy issues and urges proceeding cautiously to preserve choice for workers and consumers. The letter is important in that it sets out a marker, but it also perhaps gives the business community another tool to criticize the PRO Act’s ([H.R. 2474](#)) adoption of the ABC test, which would fundamentally change the independent contractor/employee analysis under Section 2 of the NLRA.

**Spending Bill Addresses Immigration Issues.** The House \$1.4 trillion spending bill ([H.R. 1865](#)) that passed on Tuesday had some interesting nuggets for the employer community. The “four horsemen” — the EB-5 Regional Center Program, the E-Verify program, the Non-Ministerial Religious Workers Exemption, and the Conrad 30 J-1 Visa Waiver for Doctors — were all reauthorized, as expected. Also included (again) was language providing for additional H-2B visas above the annual 66,000 cap. Protections were also included for the J-1 Exchange Visitor Program. Unrelated to the package — but nevertheless of interest — is that Sens. Durbin and Lee have apparently worked out an agreement on the Fairness for High Skilled Immigrants Act, a.k.a. the “per

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country” bill, [H.R.1044](#), [S.386](#), which has already been passed by the House. Nevertheless several senators have objected to it being hot lined.

**Obamacare’s Cadillac Tax Repealed.** Of particular interest to unionized employers, the employer community and the unions won their long-fought — and joint — battle to repeal the so-called Cadillac Tax on premium health care plans which had been part of the Affordable Care Act’s funding mechanisms. (The Medical Device Tax and the Health Insurance Tax were also repealed.) The spending bill contains a full repeal of the tax, which had been effectively stayed until this point. Who said unions and employers couldn’t work together?

**USMCA.** The House passed the new US – Mexico – Canada Agreement (USMCA, [H.R. 5430](#)) today, 384-41, the successor to NAFTA. Although the full scope of this agreement is beyond this newsletter, important changes were made to the labor provisions of NAFTA, as detailed in [this CRS analysis](#).

**Coal Miner Retirement.** The House spending bill also included the Bipartisan American Miners Act ([S. 2788](#)) sponsored by Senator Majority Leader Mitch McConnell and Sen. Joe Manchin, among others, addressing underfunding of the UMWA 1974 pension plan and maintaining health care coverage for retirees.

**SECURE Act.** The Setting Every Community Up for Retirement Enhancement (SECURE) Act ([H.R. 1994](#)), which includes many provisions to increase access to workplace retirement plans and facilitate retirement savings, was also included as part of the House spending bill.

**Note:** The Senate just passed the House spending bill ([H.R. 1865](#)), 71-23, as of this writing, so stay tuned for future developments as many of these provisions head to the President’s desk in the very near future.

And that is the final issue of Policy Matters for 2019. Thank you to all of our readers! We wish you a happy holiday season and wonderful New Year!!!! See you in 2020!

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