

July 9, 2024

Dear Senators and Representatives:

The undersigned labor organizations write to urge you to support President Biden's agency actions to protect workers by opposing the Congressional Review Act ("CRA") resolutions of disapproval that have become all too common this Congress.

The Congressional Review Act, enacted in 1996, requires agencies to report rules to Congress and provides for a special mechanism for Congress to overturn agency rules through a disapproval resolution not subject to Senate filibusters.

In the first 21 years since the CRA became law, it was used to overturn only one rule. It was only in the 115th Congress, when Donald J. Trump was in office with a Republican House and Senate eager to undo the Obama Administration's regulatory actions, that use of this tool ballooned. In that Congress, the CRA was used to overturn 16 rules.<sup>1</sup> At that time, those overturned rules included those that helped states provide retirement security for workers, limits on drug testing unemployment compensation applicants, and requirements for employers to maintain accurate records of workplace injuries and illnesses.

Since then, any regulatory measure to improve the lives of workers has become a target of anti-worker CRA resolutions. In this Congress, CRA resolutions have been introduced to overturn and forbid:

- Improvements to the methodology for determining the adverse effect wage rate for agricultural workers (disapproved by H.J. Res. 59 and S.J. Res. 25)
- Improvements to the administration and enforcement of prevailing wage requirements for construction workers (disapproved by H.J. Res. 103)
- Improvements to wage and hour law enforcement by ensuring the FLSA's definition of "independent contractor" is consistent with economic reality, important for workers in industries with rampant misclassification, like construction (disapproved by H.J. Res. 116 and S.J. Res. 63)
- Improvements to labor standards for H-2A farmworkers (disapproved by H.J. Res. 134 and 135)
- Protections for workers' retirement savings by ensuring unconflicted investment advice from fiduciaries (disapproved by H.J. Res. 142 and S.J. Res. 79)
- Protection of workers' right to designate a walkaround representative for OSHA inspections (disapproved by H.J. Res. 147)

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<sup>1</sup> <https://crsreports.congress.gov/product/pdf/IF/IF10023>

- Protection of retirement plan fiduciaries' ability to properly consider climate change aspects and other costs and bad business practices of potential investments and to exercise their shareholder rights (disapproved by H.J. Res. 30 and S.J. Res. 8) (already passed the House and Senate and vetoed by President Biden)
- Expansion of workers' right to overtime pay, especially important for low-level supervisory employees (disapproved by H.J. Res. 166)
- Improvements to the standard for determining joint employer status under the NLRA, especially important for workers in the fast food industry (disapproved by H.J. Res. 98 and S.J. Res. 49) (passed the House and Senate and vetoed by President Biden)
- Establishment of minimum staffing standards for nursing homes (disapproved by H.J. Res. 139 and S.J. Res. 91)
- Vital improvements in income-driven student loan repayment, which would provide real relief to young workers severely burdened by debt (disapproved by H.J. Res. 88 and S.J. Res. 43) (passed the House and failed passage in Senate)
- Encouraging the use of project labor agreements, which are a proven way of delivering cost-savings and on-time completion while ensuring stable labor relations, on large-scale federally-owned construction projects (disapproved by H.J. Res. 132)
- Requirements for crew sizes on trains to minimize safety risks to railroad employees (disapproved by H.J. Res. 130)

And while a Congressional Review Act resolution has not been introduced yet attacking the prevailing wage and apprenticeship requirements for clean energy tax credits, all the above indicates one will be.

Plainly, the CRA has become the latest weapon in a war on workers waged by special interests. Each of the above resolutions, some of which already passed the Congress, carry a threat of permanently undermining critical gains for working people across the country.

It is absolutely critical that those who want to stand with workers do so united in their opposition to these attacks on pro-worker rulemaking. Each vote for one of these CRA disapproval resolutions is a vote against labor.

We ask that you not allow private equity, the financial industry, multinational franchisors, unionbusters, or other special interests to use this tool to undo the progress that workers are making via federal rulemaking. There may be upcoming votes disapproving of HHS's groundbreaking Nursing Home Staffing Rule, as well as the DOL's Retirement Security and Overtime Rules, among others. **We strongly urge you to stand with working families and vote no on all such CRA resolutions.** And should those resolutions pass and be rightfully vetoed, we likewise urge you to vote against overturning that veto.

Sincerely,

American Federation of Labor and Congress of Industrial Organizations  
Service Employees International Union  
International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers  
Transportation Communications International Union/IAM  
American Federation of Government Employees  
International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts  
The International Organization of Masters, Mates & Pilots  
Laborers' International Union of North America  
Transport Workers Union of America  
American Federation of State, County and Municipal Employees  
Alliance for Retired Americans  
Department of Professional Employees  
United Mine Workers of America  
United Food and Commercial Workers International Union  
International Federation of Professional and Technical Engineers  
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers  
National Air Traffic Controllers Association  
Farm Labor Organizing Committee  
United Farm Workers  
North America's Building Trades Unions  
International Union of Elevator Constructors  
Brotherhood of Railroad Signalmen  
Actors' Equity Association  
Union Veterans Council, AFL-CIO  
United Association of Union Plumbers and Pipefitters  
International Union of Operating Engineers  
United Steelworkers  
Communications Workers of America  
Office of Professional Employees International Union  
National Association of Letter Carriers  
National Federation of Federal Employees  
American Federation of Teachers  
Air Line Pilots Association International Union  
Bakery, Confectionery, Tobacco Workers and Grain Millers International Union  
Seafarers International Union of North America  
International Union of Bricklayers and Allied Craftworkers  
National Nurses United  
International Union of Painters and Allied Trades  
National Education Association  
International Association of Machinists & Aerospace Workers  
Transportation Trades Department  
American Postal Workers Union

American Federation of School Administrators  
Professional Aviation Safety Specialists  
Amalgamated Transit Union  
UNITE-HERE  
SMART