



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS  
**GOVERNMENT AFFAIRS**



# POLICY BRIEFS



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

# GOVERNMENT AFFAIRS



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*The International Brotherhood of Electrical Workers (IBEW) is a leading grassroots voice for working families. The IBEW represents approximately 775,000 active and retired members throughout North America who work in a wide variety of industries including utility, construction, telecommunications, broadcasting, manufacturing, railroad, and government. We are focused on improving our members' lives and powering an economy that works for everyone.*



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

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# IBEW POLICY BRIEF

## OVERVIEW: MAJOR LEGISLATIVE ACTIVITY UNDER THE BIDEN ADMINISTRATION

The American Rescue Plan Act of 2021 was signed into law by President Biden on March 11, 2021, primarily to combat the health and economic consequences of the COVID-19 pandemic. It provided crisis support for unemployed workers that extended several federally funded jobless benefit programs, such as the Pandemic Unemployment Assistance and the Pandemic Emergency Unemployment Compensation programs, which offered additional weeks of unemployment aid for individuals who no longer qualified for state benefits and provided a third round of stimulus checks worth \$1,400.

The American Rescue Plan included the Butch Lewis Emergency Pension Plan Relief Act, a major legislative priority for the IBEW that shores up troubled multiemployer pension plans and the Pension Benefit Guaranty Corporation at no cost to participants.

During the pandemic, the passenger transportation system in America was hit hard by the precipitous decline in ridership. The IBEW represents thousands of workers in this sector, as well as thousands of construction and maintenance workers who depend on the work hours generated by capital improvements. The American Rescue Plan provided \$30.5 billion for Federal Transit Administration grants, \$1.7 billion for grants to Amtrak, with funding set aside to resume service on long-distance routes and recall furloughed employees.

### The Infrastructure Investment and Jobs Act of 2021 (Bipartisan Infrastructure Law)

IBEW supports the historic \$1.2 trillion Infrastructure Investment and Jobs Act (also known as the “Bipartisan Infrastructure Law” or “BIL”) that was signed into law on November 15, 2021, the largest investment in American infrastructure in decades. Notably, IBEW members were invited to join President Joe Biden and IBEW International President Lonnie R. Stephenson at the White House signing ceremony.

The BIL is President Biden’s landmark legislative achievement. IBEW members and the Government Affairs Department urged members of Congress for years to pass an infrastructure package. Finally, with its passage the law provides substantial funding to modernize nearly every aspect of our nation’s infrastructure.

About half of the BIL’s spending reauthorizes existing programs, while the other half represents spending on new programs. More than half of its investments will improve and modernize transportation infrastructure, with \$284 billion going directly toward infrastructure reserves for highways, roads and bridges, highway safety, ports and waterways, airports, rail, transit, and electric vehicle charging infrastructure. The law also invests \$266 billion in other infrastructure sectors, including water, broadband, energy and power, environmental remediation, and climate resiliency projects.

### Bipartisan Infrastructure Law Resources



The Bipartisan Infrastructure Law Guidebook

[https://www.whitehouse.gov/wp-content/uploads/2022/01/BUILDING-A-BETTER-AMERICA\\_FINAL.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/01/BUILDING-A-BETTER-AMERICA_FINAL.pdf)



The Bipartisan Infrastructure Law Database

[https://www.whitehouse.gov/wp-content/uploads/2022/01/GuideBookDataset\\_FINAL.xlsx](https://www.whitehouse.gov/wp-content/uploads/2022/01/GuideBookDataset_FINAL.xlsx)



NABTU Bipartisan Infrastructure Spreadsheet

(Fill out the form for access)

<https://app.smartsheet.com/b/form/68f9c4d0a7f643898a983985081d43b6>

**Biden Administration’s Coalition on Building Performance Standards**

The Biden Administration has teamed up with states, cities, labor, and industry to launch the Building Performance Standards Coalition, the first-of-its-kind partnership between 33 state and local governments dedicated to delivering cleaner, healthier, and more affordable buildings.

The goal of the coalition is to inclusively design and implement building performance standards along with complementary programs and policies at the state and local level to create good-paying, union jobs, lower energy bills for consumers, keep residents and workers safe from harmful pollution, and cut emissions from the building sector. The coalition builds upon the Department of Energy’s (DOE)'s efforts to upgrade 1 million homes. It makes progress toward President Biden’s goal to retrofit 4 million buildings and 2 million homes during his first term.

The Bipartisan Infrastructure Law provides more than \$1.8 billion to support building sector policies, including \$500 million for DOE’s State Energy Program, which provides funding and technical assistance to state, local, and tribal governments to advance state-led energy initiatives; \$550 million for DOE’s Energy Efficiency Conservation Block Grant program to assist eligible governments to develop, promote, implement, and manage energy efficiency and conservation policy and projects in their jurisdiction; \$250 million for grants to capitalize state-level revolving loan funds for energy efficiency; and \$500 million for competitive grants to fund efficiency and renewable improvements in public school facilities.

For additional information and to see if your local officials have joined the Building Performance Standards Coalition, visit:



<https://nationalbpscoalition.org/>

**Government Affairs Department Points of Contact:**

<b>Sergio Espinosa</b> Sergio_Espinosa@ibew.org .....	<b>Policy Expertise</b> Energy, Pension, Telecommunications, Tax, and Manufacturing
<b>Taylor Waites</b> Taylor_Waites@ibew.org .....	Labor Law, Construction and Procurement
<b>Danielle Eckert</b> Danielle_Eckert@ibew.org .....	Transportation





## Advanced Nuclear Power

*"The simple reality is that we cannot meet our commitment to cut carbon emissions without nuclear being part of our energy mix."*

*—International President  
Lonnie Stephenson*



# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Advanced Nuclear Power

The IBEW supports the development of advanced nuclear technologies and extending the lives of current nuclear reactors. As the only baseload (24/7) source of zero-emissions energy production, nuclear generation is critical if the United States is going to continue to reduce carbon emissions and avoid the worst potential impacts of climate change. Nuclear is the only carbon-free source that can ensure around-the-clock generation.

Nuclear power is a key component of the effort to combat climate change. The IBEW supports research and development funding as well as collaboration with industry to nurture next-generation nuclear reactors, balancing economic competitiveness with reasonable regulatory oversight. Advanced nuclear technology is a fundamental component of an all-of-the-above energy strategy.

The nuclear industry supplies high-quality employment, providing family-sustaining careers that pay, on average, one-third more than other jobs in the communities where plants are located. The IBEW is the largest union in the nuclear industry – 15,000 IBEW members are employed full time at 55 nuclear facilities across the United States. Thousands more IBEW members in the construction sector rotate through nuclear plants under contracts for maintenance and refueling. Nuclear generating facilities are among the safest industrial work environments in the world.

Nuclear power has accounted for about 20 percent of annual U.S. electricity generation since the late 1980s. In 2020, it was 19.7 percent. In recent years, the U.S. nuclear power industry has faced economic challenges, particularly for plants located in power markets where natural gas and renewable power generators influence wholesale electricity prices. Twelve U.S. nuclear power reactors have permanently closed since 2012. Seven additional U.S. reactor retirements have been announced through 2025, with a total generating capacity of 7,109 megawatts (equal to roughly 7 percent of U.S. nuclear capacity).

900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

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IBEW.org/political

## Recent Developments

### Nuclear's Future: Nuclear Energy Provisions in the Bipartisan Infrastructure Law

The Biden administration has identified the nation's current fleet of nuclear power plants as vital for achieving the national goals of a net-zero electricity sector by 2035 and net-zero emissions economy-wide by 2050. The Bipartisan Infrastructure Law (BIL) includes several nuclear energy-related provisions, including support for keeping nuclear power plants online that are facing economic hardship through the Department of Energy (DOE)'s new Advanced Reactor Demonstration Program (ARDP).

The BIL established a \$6 billion civil nuclear credit program designed to preserve the existing nuclear fleet and prevent premature shutdowns of nuclear power plants. This provision is expected to help preserve the U.S. reactor fleet and save thousands of high-paying jobs across the country. The law provides \$6 billion through 2026 (\$1.2 billion per year). Under this program, owners or operators of commercial U.S. reactors can apply for certification to bid on credits to support their continued operations by showing the reactor is projected to close for economic reasons and that closure will lead to a rise in carbon emissions.

The BIL recognizes the contributions of our nation's existing nuclear reactor fleet in providing reliable, clean power to millions of households and supports continued operations of these clean energy sources and the nearly 100,000 U.S. jobs in the nuclear industry.

### Reliability for Uncertain Times

While the United States implements more intermittent renewable power, primarily from solar and wind, the need for reliable baseload generation will grow. Several episodes of severe weather in recent years, from polar vortexes to triple-digit summer heatwaves, have revealed the need for the zero-emission baseload generation that nuclear power provides.

If all existing nuclear reactors were to run for 80 years instead of 60 years, CO<sub>2</sub> emissions would be reduced by 3.5 billion tons through 2050. Given that electricity demand is expected to rise significantly in the coming decades, the need for such clean and reliable electricity is paramount.

### A Permanent Place for Waste

Critical to the future of the nation's nuclear sector is opening a permanent repository for spent nuclear fuel. More than 88,000 metric tons of spent nuclear fuel sitting at 121 temporary sites in 39 states across the country. Going back to the late 1970s, the IBEW has endorsed legislation that ensures central storage, safe transportation and permanent disposal of spent nuclear fuels.

The Department of Energy has announced a search for willing communities to store the nuclear waste after abandoning the decades-long effort to designate Nevada's Yucca Mountain as a repository following local opposition. A permanent geologic repository would help boost support for nuclear generation as a foundational part of our nation's energy portfolio. It is also necessary to ensure public support for the next generation of advanced nuclear reactors that we hope will come online in the near future.

In the interim, the IBEW supports opening a temporary facility to store spent nuclear fuel safely. An interim facility would allow for the redevelopment of shuttered nuclear plants, bringing economic revitalization, tax revenue and jobs to working families and communities that have been hard hit by the closures. Many closed nuclear stations are ideal sites for future development of other forms of electrical generation, including renewables, due to existing electrical transmission infrastructure.



**Pending Priorities**

Fuel for Advanced Nuclear Reactors

The U.S. government is already playing a pivotal role in the development of new advanced reactors. The Department of Energy’s Advanced Reactor Demonstration Program represents a multi-billion-dollar commitment to developing and deploying new nuclear technologies. Most of these new reactors, however, require a next-generation nuclear fuel called High-Assay, Low-Enriched Uranium (HALEU). Nine of the ten designs selected for DOE’s Advanced Reactor Demonstration Program require HALEU-based fuels. There is no HALEU produced in the United States today for commercial purposes and the only international source currently available is imported from Russia. The IBEW and the nuclear industry have been calling for federal support for domestic HALEU production, but the need for a safe domestic source of HALEU fuel has become more pressing since Russia began its invasion of Ukraine in late February 2022.

The House-passed Build Back Better Act (H.R. 5376) would provide \$500 million for domestic HALEU production through 2026.

Nuclear Power Production Tax Credit

The Build Back Better Act (H.R. 5376) would create a new production tax credit (PTC) for conventional nuclear generation. Modeled after the current production tax credit for wind generation, the nuclear PTC would provide a base credit of 1.8 cents/kilowatt hour for nuclear generation. The credit would be reduced as the sale price of nuclear-generated electricity increases. In order to claim the credit, the nuclear facility would need to pay its construction and maintenance workers prevailing wages and meet an apprenticeship requirement.

The intent of the nuclear PTC, like the Energy Department civil nuclear credit program, is intended to help financially vulnerable nuclear facilities be competitive with natural gas and renewable generation in unregulated energy markets and bring an end to the string of premature nuclear plant retirements that have resulted in lost manhours and jobs for IBEW members.

**Government Affairs Department Staff Policy Area Points of Contact:**

**Sergio Espinosa** **Policy Expertise**  
Sergio\_Espinosa@ibew.org ..... Energy

**Taylor Waites**  
Taylor\_Waites@ibew.org ..... Labor Law, Construction and Procurement





## Broadband

*"The majority of infrastructure investments [in the Bipartisan Infrastructure Law] do include labor standards; I also hope and expect that the Biden Administration and congressional leaders will continue to push for labor standards in all infrastructure investments, particularly in the critical area of broadband expansion, so that the new jobs created will be good union jobs."*

*—International President  
Lonnie Stephenson*



900 7th Street NW  
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202-728-6046

governmentaffairs@ibew.org

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# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Broadband

The IBEW supports policies to ensure all Americans have access to affordable, reliable, high-speed broadband, particularly those expanding access in rural, unserved, and underserved communities. High-speed broadband has become a modern necessity for vital services, including medical care and education.

### Recent Developments

#### Broadband Funding in the Infrastructure Investment and Jobs Act

The Bipartisan Infrastructure Law (BIL) includes a historic investment of \$65 billion in broadband infrastructure funding to ensure that all Americans have access to high-speed broadband internet. The funding will be spread across several grant programs for states and communities.

#### BEAD Program - \$42.45 billion

The most extensive broadband grant program created under BIL is the \$42.5 billion Broadband Equity, Access and Deployment (BEAD) Program supplying grants to states to accelerate broadband deployment.

The Department of Commerce, National Telecommunications and Information Administration (NTIA) will administer the program. Each state will receive a minimum of \$100 million, with 10 percent set aside for underserved high-cost areas. States will also be required to certify that 100 percent of “unserved” areas have been met before funding deployment in “underserved” areas.

#### Other BIL Broadband Programs

NTIA will also provide broadband infrastructure funding for:

- Digital equity grants: \$2.75 billion to establish two new grant programs to promote digital inclusion and equity in historically underserved communities
- Tribal broadband connectivity fund: \$2 billion
- Middle-mile broadband infrastructure: \$1 billion
- Rural communities: \$2 billion
- Appalachian Regional Commission’s High-Speed Internet Initiative: \$100 million

### Broadband Funding in the American Rescue Plan Act of 2021

The Coronavirus State and Local Fiscal Recovery Funds program, a part of the American Rescue Plan Act of 2021, provided \$350 billion in emergency funding for water, sewer, and broadband infrastructure investments. The Biden administration included some labor standards on the State and Local Fiscal Recovery Funds, including requiring that companies receiving funds through this program pay their workers at least prevailing wages or provide significant wage and hour information to the federal government.

ARPA also includes \$10 billion Coronavirus Capital Projects Funds, administered by the Department of Treasury, whose officials have stated that they prefer states to use these funds for broadband.

### Broadband Funding in the Consolidated Appropriations Act of 2021

The Consolidated Appropriations Act of 2021 created the Broadband Infrastructure Program, designed to support broadband infrastructure deployment in unserved areas, especially rural areas. Grants from this program have been awarded in Georgia, Kentucky, Louisiana, Maine, Mississippi, Missouri, Nevada, North Carolina, Pennsylvania, Texas, Washington, West Virginia and Guam.

### Pending Priorities

The IBEW supports policies that ensure federal taxpayer dollars encourage unions and collective bargaining.

The IBEW's primary objective is to ensure high-road unionized employers are first in line to receive federal and state grants for building out broadband service. This needs to include federal and state agencies responsible for disbursing broadband funding require a demonstrated record of compliance with labor and employment laws through pre-certification and mandated reporting of violations as well as attach standards that would ensure workers are paid at least the prevailing wage and exclude low-road contractors and subcontractors from receiving government contracts.

In the case of broadband infrastructure funded by the BIL, the IBEW is advocating for a requirement that states coordinate and consult with state telecommunications agencies to ensure that projects using taxpayer dollars are completed competently. Using a highly-skilled workforce, with agreements in place that ensure health and safety rules and benefits to the community, helps to ensure that projects are delivered on time, on or under budget, and that quality standards are maintained.

The IBEW supports incorporating labor standards and bid preferences for responsible contractors on broadband grant programs, encouraging highly skilled family-supporting job creation.

The BroadbandUSA Federal Funding Guide compiles federal funding opportunities to expand and improve broadband access: <https://broadbandusa.ntia.doc.gov/sites/default/files/2021-07/FY21%20Federal%20Funding%20Guide%20Updated%2007-12-21-compressed.pdf>



Government Affairs Department Staff Policy Area Point of Contact:

**Sergio Espinosa**

Sergio\_Espinosa@ibew.org .....

**Policy Expertise**

Broadband





## Carbon Capture Technologies

*"IBEW members are working on the frontlines of climate change. Robust federal support for CCUS will allow coal and gas power plants to stay on-line and protect the large economic ecosystem and the tens of thousands of IBEW members who work in these sectors."*

*—International President  
Lonnie Stephenson*



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# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Carbon Capture Technologies

The International Brotherhood of Electrical Workers (IBEW) supports proposals to develop emerging technologies in carbon capture utilization and storage (CCUS), which have the potential to achieve carbon reductions at utility and industrial plants while highlighting American engineering and manufacturing and creating tens of thousands of new jobs.

Domestic energy sources like natural gas and coal are baseload (24/7) sources of electricity production in an industry that provides workers, particularly in rural communities, with a reliable livelihood. The United States has retired some 88,700 megawatts of coal capacity since 2011, mainly due to lower natural gas prices. The U.S. Energy Information Administration projects the additional loss of 12,600 megawatts by the end of 2022. Coal and natural gas will continue to be significant contributors to the total U.S. power generation mix. The U.S. Energy Information Administration (EIA) predicts natural gas will provide over 30 percent of total U.S. generation in 2050.

The consensus among energy and climate experts, including the Intergovernmental Panel on Climate Change and the International Energy Agency, is that CCUS is an essential tool in the effort to reduce carbon emissions. The broad deployment of CCUS is key to avoiding the worst effects of climate change while supporting energy security, protecting existing energy infrastructure and creating high-quality, family-supporting jobs that are critical to working families and communities.

IBEW members have worked countless hours installing and maintaining pollution control equipment in coal-fired powerhouses, steel mills, automobile manufacturing facilities, oil refineries and other industrial facilities.

### Effective CO<sub>2</sub> Control

To reach near-zero or equivalent emission targets, CCUS in retrofit applications can work with both coal and natural gas. For utilities, a coal plant equipped with 90 percent effective CO<sub>2</sub> removal has an emission rate of about 200 pounds of CO<sub>2</sub> per megawatt-hour, compared with 800 pounds for uncontrolled new natural gas combined-cycle units. For many industrial sources, like refineries, steel, chemicals, paper and cement, CCUS may be the only effective CO<sub>2</sub> control option.

## Fueling the Economy and Energy Independence

The deployment of advanced coal technology and CCUS will provide the United States with a path to enhanced oil recovery, energy independence and greenhouse gas emission reductions. The commercialization of CCUS would also provide the United States with a critical technology it could export to other countries that are significant consumers of fossil fuels, like China and India.

### Recent Developments

The Energy Act of 2020, which was passed with strong bipartisan support, created several research and pilot programs to support the development of carbon capture and direct air capture technologies. Among the new programs developed are:

- A general research and development program for carbon capture technologies that is authorized at \$230 million annually and gradually decreases to \$150 million by 2025
- A large-scale carbon capture pilot project program authorized at \$225 million for 2021 and 2022, \$200 million for 2023 and 2024, and \$150 million for 2025
- A new program for demonstration programs – two focused on capture at natural gas facilities, two at coal facilities and two for emissions at other industrial facilities with funding for \$400 million annually through 2024 and \$600 million annually in 2025
- A new research, development and demonstration program to examine methods, technologies and strategies for large-scale removal of carbon dioxide from the atmosphere

The Bipartisan Infrastructure Law (BIL) creates several new programs to support the research, demonstration and commercialization of carbon capture technologies. These include:

- \$3.5 billion for Regional Direct Air Capture Hubs, which would create four direct air capture hubs (facility, technology or system that uses carbon capture equipment to capture carbon dioxide directly from the air)
- \$2.5 billion for Carbon Storage Validation and Testing for Development of new or expanded commercial large-scale carbon sequestration projects and associated carbon dioxide transport infrastructure, including funding for the feasibility, site characterization, permitting, and construction stages of project development
- \$2.1 billion for Carbon Dioxide Transportation Infrastructure Finance and Innovation Program to establish and carry out a large-capacity, common carrier infrastructure with associated projects in all major carbon-dioxide emitting regions of the United States
- \$355 million for energy storage demonstration projects, including carbon capture technologies and direct air capture technologies

All carbon capture and direct air capture programs created under the BIL require construction and maintenance workers to be paid prevailing wages.

### Pending Priorities

#### Enhance the 45(Q) Tax Credit

The IBEW, energy labor unions and industries that rely on fossil fuels support the reauthorization of the 45(Q) tax credit. The tax credit, which is set to expire at the end of 2025, provides a financial incentive for coal and natural gas-fired power plants and other large industrial sources that rely on fossil fuel to invest in carbon capture and sequestration. Currently, carbon dioxide that is emitted from a power plant or industrial source and is geologically sequestered would receive around \$32 per metric ton. That value will steadily rise to \$50 per metric ton by 2025. The IBEW and other energy labor unions, as well as the fossil fuel industry, support extending the 45(Q) tax credit beyond 2025 and increasing its value in order to make carbon capture technologies more commercially viable.



# IBEW GOVERNMENT AFFAIRS POLICY BRIEF

The House-passed Build Back Better Act would extend the 45(Q) tax credit through the end of 2031, increase the value of carbon dioxide captured for geological storage to \$102 per metric ton, and require the employer to pay the workers who construct and maintain the carbon capture facility prevailing wages and utilize apprentices.

## Government Affairs Department Staff Policy Area Points of Contact:

**Sergio Espinosa**

Sergio\_Espinosa@ibew.org .....

**Policy Expertise**

Energy

**Taylor Waites**

Taylor\_Waites@ibew.org .....

Labor Law, Construction and Procurement





## Diversity, Equity and Inclusion

*“This diversity and full inclusion effort is about making sure that the IBEW genuinely represents the interests of every single worker in our industries. It’s about ensuring that people entering the workforce today – members of one of the most diverse generations in history – feel that they have a place in the IBEW.”*

— International President  
Lonnie R. Stephenson



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.Org  
<https://www.ibew.org/political>

# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Diversity, Equity and Inclusion

The Biden-Harris administration has put diversity, equity and inclusion at the top of their agenda since day one. In his first executive order as President, President Biden declared his administration’s commitment to “advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.” In his American Jobs Plan, President Biden outlined the critical need to provide opportunities for and access to good-quality jobs, emphasizing that such opportunities and access are “especially important for workers of color and for women, who have endured discrimination and systematic exclusion from economic opportunities for generations.”

As one of the largest unions in North America, the IBEW has a key role to play in helping the administration meet and exceed these objectives. The IBEW is committed to facilitating the growth of the middle class and fostering a culture that embraces diversity, equity and inclusion as integral parts of ensuring industry viability.

### IBEW’s Diversity Efforts

Especially in recent years, the IBEW has engaged in a number of efforts to improve diversity and inclusion in our union.

### IBEW Strong

The IBEW believes in addressing all forms of inequity by organizing and supporting workers of all backgrounds, including those who have historically been the most under-represented throughout all IBEW sectors. To that end, the IBEW created the IBEW Strong initiative to support diversity, equity and inclusion and create opportunities for people from all backgrounds.

### IBEW Standing Committee on Diversity and Full Inclusion

The IBEW Standing Committee on Diversity and Full Inclusion grew out of a unanimously passed resolution at the 39th International Convention in 2016. The committee includes IBEW officers, leaders, and members from every branch, district and background, including members from the IBEW’s

women's committee, young workers committee and the Electrical Workers Minority Caucus (EWMC). The officers of the IBEW, along with the IBEW Diversity and Inclusion Committee and a variety of IBEW leaders, worked together to lay the foundation for how this work can be done.

Together, the Standing Committee identified five themes that form the strategic plan to strengthen and grow the IBEW:

1. Organizing/Expanding Membership: Develop and expand outreach, recruitment and marketing programs to young people, nontraditional and historically marginalized communities
2. Education and Training: Deliver training and education programs that address the importance and need for inclusion to all IBEW members and leaders
3. Building Member Activism and Engagement: Offer inclusive opportunities for members to learn and develop leadership skills and foster local union activism
4. Leadership Advancement: Provide opportunities for all local union members to take on leadership roles
5. Replicating Best Practices: Document, share and replicate best practices for creating a stronger IBEW through outreach and inclusion programs

### IBEW and NECA Joint Statement Affirming Commitment to Diversity & Inclusion

In 2020, the National Electrical Contractors Association (NECA) and IBEW issued a joint statement setting forth the organizations' collective commitment to promoting and embracing diversity and inclusion. The IBEW and NECA maintain a zero-tolerance policy against discrimination deeply woven into the industry-wide Code and Standard of Excellence. Through awareness campaigns, training and education, the IBEW and NECA work together to champion policies, practices and initiatives to foster workplaces free from discrimination and grounded in respect and acceptance.

### Pre-Apprenticeships

In 2015, after International President Lonnie Stephenson was elected, he initiated a program with the primary objective of bringing more individuals from underrepresented populations into our apprenticeships. Pre-apprenticeship training involves learning basic electrical-industry standards and job-readiness skills, with employer partners providing workforce knowledge and on-the-job work training. Pre-apprenticeship programs help to improve the retention and completion rates among apprentices from demographic groups that have not historically pursued careers in the electrical industry.

### Improvements in Diversity and Inclusion at the IBEW

A review of diversity within the IBEW between 2015-2019 shows that our efforts are succeeding. During this time period:

- IBEW apprenticeship programs saw a 75% increase in enrollment by minority males
- IBEW apprenticeship programs saw a 90% increase in enrollment by women

### **Biden-Harris Administration's Commitments to Diversity**

### Tackling the Climate Crisis, Creating Good Union Jobs, Achieving Environmental Justice for Historically Disadvantaged Communities

For decades, historically marginalized communities have been disproportionately harmed and overburdened by the effects of pollution and climate change through government failure to invest in critical infrastructure like housing,

transportation, water and wastewater. On January 27, 2021, President Biden issued an executive order aimed at addressing these injustices while tackling climate change and creating good-paying union jobs.

The order calls for a whole-of-government approach to addressing climate change, with a role for all federal agencies and departments to play in the transition to cleaner energy and creates the "Justice40 Initiative," which directs federal agencies to take steps to ensure that at least 40 percent of the benefits from federal investments in clean energy will benefit the disadvantaged communities that have been the most impacted by climate change and pollution.

Justice40 requirements now apply to hundreds of programs across the federal government and to federal investments in clean energy production and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, the remediation and reduction of legacy pollution and the development of clean water infrastructure.

The Justice40 Initiative is a vital step forward on the path to fulfilling the administration's promise of a clean energy revolution that creates good-paying union jobs, builds sustainable infrastructure, and achieves environmental justice for the communities and individuals most impacted by climate change.

### Good Jobs Initiative

The Good Jobs Initiative is an effort led by the Department of Labor to provide information to workers, employers, and government agencies to improve job quality and create access to good jobs that are free from discrimination and harassment for all working people — with an emphasis on people of color, LGBTQ+ people, women, immigrants, veterans, individuals with disabilities, and individuals in rural communities.

The initiative coordinates the pro-worker policies of the Biden-Harris administration under one program to promote good jobs and, subject to legal authority, ensure agencies can implement job quality standards and equitable pathways to family-sustaining union jobs. Specifically, the initiative will focus on empowering workers by:

- Providing easily accessible information to workers about their rights, including the right to bargain collectively and form a union
- Engaging with employer stakeholders as partners to improve job quality and workforce pathways to good jobs; and
- Supporting partnerships across federal agencies and providing technical assistance on grants, contracts, and other investments designed to improve job quality

### DOL and DOT Memorandum of Understanding

As historic investments ramp up as a result of the Bipartisan Infrastructure Law, the Department of Labor and the Department of Transportation released an agreement on March 7, 2022 to promote cooperative efforts between the agencies to create and support pathways to millions of good-paying infrastructure and transportation jobs with the free choice to form a union. This effort will place an emphasis on drawing on the strength and creativity of every worker in America and bringing in people who have not had the opportunity to attain good-paying infrastructure jobs.

Importantly, this agreement sets forth the shared goal of DOT and DOL of increasing numbers of underrepresented workers on federal contracts through the use of PLAs and registered apprenticeship programs, with an emphasis on recruiting, training and retaining a more diverse workforce.

In the MOU, DOT and DOL pledge to:

- Integrate job quality, labor standards and equal employment opportunity standards across all transportation infrastructure grants
- Assist state and local government partners and private-sector industry who can identify, train, employ, reskill, and retain a diverse infrastructure workforce
- Engage stakeholders and develop strategic partnerships with organizations including coalitions that represent underrepresented populations
- Support proven workforce development strategies that train the workers needed for successful project delivery (project labor agreements, registered apprenticeship programs)

**Government Affairs Department Staff Policy Area Point of Contact:**

**Taylor Waites**

Taylor\_Waites@ibew.org .....

**Policy Expertise**

Diversity, Equity, and Inclusion



## Energy Tax Credits

*“Allowing IBEW members to compete under the same set of rules will help make the growing clean energy sector a significant source of middle class union jobs a reality.”*

— International President  
**Lonnie R. Stephenson**



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Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

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## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Energy Tax Credits

The International Brotherhood of Electrical Workers (IBEW) supports Congress allowing regulated electric utilities being able to opt out of their current obligation to “normalize” federal investment tax credits (ITCs) over a long period of time and allow regulated utilities to compete on a level playing field as independent energy developers who are not required to normalize federal ITCs.

Regulated utilities are obligated under federal law to divide and spread, or “normalize” a federal ITC benefit to customers over the entire life of an asset, which is typically at least 20 years, but often longer. Deregulated companies (or independent power producers) are not subject to the same normalization rules as regulated electric companies, meaning they can share ITC benefits much faster with their customers. As a result, regulated electric companies are at a competitive disadvantage when proposing new investments in clean energy technologies. Regulated utilities should be permitted to account for federal ITCs, such as the Section 48 solar tax credit, in the same manner as independent power producers do — by allowing their customers to realize the benefit of the tax credit as soon as they can, usually within the first five years of the investment.

Regulated electric utilities are among the largest employers of IBEW members, and in total, nearly a quarter million IBEW members hold full-time positions in the utility sector. It is paramount that IBEW’s members and their employers be allowed to compete on an equal basis as the independent power producers, which can utilize federal ITCs without the requirement to normalize.

### Pending Priorities

There is currently an effort in Congress to provide regulated electric utilities an option to opt out of tax normalization requirements for federal ITCs that will be created or reauthorized under the proposed Build Back Better Act (H.R. 5376). The IBEW supports a normalization opt-out for regulated utilities for federal energy ITCs in the Build Back Better Act, which includes the current solar tax credit, but would also create new ITCs for investment in high-capacity electric transmission and energy storage. Allowing IBEW members to compete under the same set of rules will help make the growing clean energy sector a significant source of middle class union jobs a reality.

There is growing momentum for legislation dealing with energy taxes to be considered and voted on before the end of July 2022.

**Government Affairs Department Staff Policy Area Point of Contact:**

<b>Sergio Espinosa</b>	<b>Policy Expertise</b>
Sergio_Espinosa@ibew.org .....	Energy





## Labor Standards and Worker Empowerment

*"The IBEW stands ready to work with members of Congress to ensure that [infrastructure investments] are coupled with strong labor protections that build worker power and protect the standards that create and sustain good-paying union jobs."*

*—International President  
Lonnie Stephenson*



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.org  
IBEW.org/political

# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Labor Standards and Worker Empowerment

Union membership was at its highest rate in 1954, shortly after World War II ended. As union strength steadily declined—particularly after 1979—income inequality got worse and is now at its worst point since the Great Depression.

This widespread and deep economic inequality, stagnant wages, and the shrinking of the middle class are all associated with the declining percentage of workers represented by unions. Lower union membership rates have exacerbated the pay gap for women and workers of color. Through the power of collective bargaining, unions win better wages and benefits for working people and reduce income inequality.

The Biden administration has taken several steps to improve and protect unions and the rights of working people. These initiatives can be leveraged as tools to organize new members and win new work.

### NLRB Initiative on Injunctions for Threats, Coercion by Employers

On February 1, 2022, the National Labor Relations Board (NLRB) announced a new initiative to seek injunctions in certain cases where employers engage in threats or other coercive conduct during organizing. Importantly, this announcement comes at a time of several highly-publicized organizing efforts within the IBEW and other industries and is likely to have a significant impact on these and future union organizing campaigns.

The initiative will allow the NLRB to harness the power of the federal courts to quickly end unlawful interference by employers in union organizing campaigns. It will give unionizing employees the ability to take such employers to court before they can be fired.

Section 10(j) of the National Labor Relations Act has long been utilized to prevent employer interference with organizing rights. Typically, by the time injunctive relief is sought in cases of threats or coercion during organizing, the employer has already followed through on its threats and terminated union supporters.

NLRB's regional offices and directors have been directed to consider seeking 10(j) injunctions immediately after determining workers have been subject to threats or other coercive conduct during an organizing campaign in order to "fully erase the chilling impact on organizing activity."

### White House Task Force on Worker Organizing and Empowerment

A task force created by President Biden in the early days of his administration to promote worker organizing and collective bargaining has produced a report with nearly 70 recommendations. The group includes more than 20 cabinet members and heads of federal agencies who pledged to come together to empower workers.

The report outlines federal policies, practices and programs to promote the Biden administration's policy of support for worker power. It also connects the relatively low percentage of unionized workers in the private sector (6 percent) with their popularity. Nearly 1 in 2 workers say in polls they would join a union if they had a chance.

Its first report recommends:

- Increasing visibility, support, awareness, and promotion of collective bargaining
- Ensuring effective enforcement of existing laws that establish and protect rights to organize and bargain collectively
- Developing research/collecting data to advance worker empowerment policy
- Directing certain agencies to allow unions to talk to federal employees on federal property
- Ensuring certain federal agencies do not spend funds on anti-union activities

The Task Force will release another report on implementation progress. The administration has encouraged all stakeholders, especially organized labor, to provide input and feedback.

Read the Task Force's first report and recommendations here:

<https://www.whitehouse.gov/wp-content/uploads/2022/02/White-House-Task-Force-on-Worker-Organizing-and-Empowerment-Report.pdf>.



### **Pending Priorities**

#### The Protecting the Right to Organize (PRO) Act

Support for unions has grown in recent years, especially in the wake of the COVID-19 pandemic. A September 2, 2021 Gallup poll showed approval for labor unions at its highest point since 1975, with 68% of those polled voicing their approval. Despite this strong and growing support, the share of workers represented by a union is only around 12%. The erosion of federal labor law in recent decades by anti-union interests has made it increasingly difficult for workers to win union representation and have their voices heard.

In 2021, lawmakers introduced the Protecting the Right to Organize (PRO) Act, which would bolster workers' rights to organize, make classification rules for independent contractors more stringent, impose harsher punishments on employers that violate workers' rights, allow workers to override right-to-work laws, protect the right to strike, and prevent employer interference in elections.

The PRO Act passed in the U.S. House of Representatives on March 9, 2021, but is unlikely to pass in the Senate due to the filibuster and a slim Democratic majority. However, pieces of the PRO Act were included in the Build Back Better Act, which also stalled in the Senate. These provisions included civil penalties of up to \$50,000 per violation of the National Labor Relations Act (NLRA), double civil penalties up to \$100,000 for repeat NLRA violations and civil penalties against directors and officers.

The IBEW Government Affairs Department will continue to advocate for the passage of the PRO Act and any opportunities to include provisions from the bill in new legislation.

Labor Standards on Renewable Energy Tax Credits

The IBEW believes that federal financial assistance for all infrastructure projects – including, but not limited to tax incentives, loans, bonds, grants and direct federal spending – should include labor standards requirements for all recipient contractors and subcontractors.

Federal tax credits and deductions, including renewable energy tax credits, have been one of the main tools Congress has used to drive the construction of clean energy infrastructure projects to combat climate change. However, recipients of renewable energy tax credits are not always required to comply with prevailing wage requirements and other labor standards policies.

The IBEW supports prevailing wage requirements, registered apprenticeship utilization requirements, the application of the ABC test, and local hire provisions on legislation that provides renewable energy credits. This includes Section 45, the Production Tax Credit, Section 48 the Investment Tax Credit, 30C the EV INFRA Tax Credit, 45Q the Carbon Capture Tax Credit, 48C the Advanced Manufacturing Tax Credit and 179D Energy Efficiency Deductions.

The Build Back Better Act included several labor standards provisions on renewable energy credits. The IBEW continues to advocate for the passage of the Build Back Better Act and any new legislation that will attach labor standards requirements to federal tax incentives for clean energy projects.

**Government Affairs Department Staff Policy Area Points of Contact:**

**Sergio Espinosa** **Policy Expertise**  
Sergio\_Espinosa@ibew.org ..... Energy

**Taylor Waites**  
Taylor\_Waites@ibew.org ..... Labor Law, Construction and Procurement





# Labor Standards on Clean Energy

*"The men and women of the IBEW have been part of America's clean-energy revolution for years now. We are pleased to work with Congress and the Biden administration to build a clean and sustainable economy that can both save our planet and help rebuild the American middle class."*

*— International President  
Lonnie R. Stephenson*

# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Labor Standards on Clean Energy

The IBEW believes that all forms of federal financial assistance and incentives for infrastructure projects – including, but not limited to tax incentives, loans, bonds, grants and direct federal spending – must include labor standards requirements for all recipient contractors and subcontractors. Federal tax credits and deductions, including renewable energy tax credits, have been one of the main tools Congress has used to drive the construction of clean energy infrastructure projects to combat climate change. However, recipients of renewable energy tax credits are not always required to comply with prevailing wage requirements and other labor standards policies.

The IBEW supports the following labor standards on all legislation that provides renewable energy tax credits or other federal financial assistance or incentives for renewable energy projects:

- Prevailing wage requirements
- Registered apprenticeship utilization requirements
- Pre-construction neutrality agreements
- The application of the ABC test to combat worker misclassification
- Local hire provisions

Examples of renewable energy tax incentives that need labor standards include:

- Section 45, the Production Tax Credit
- Section 48, the Investment Tax Credit
- Section 30C, the EV Infrastructure Tax Credit
- Section 45Q, the Carbon Capture Tax Credit
- Section 48C, the Advanced Manufacturing Tax Credit
- Section 179D, Energy Efficiency Deductions

Importantly, these labor standards must be applied to the underlying or base of the tax credit or other incentive, not as a bonus associated with it.

### Pending Priorities: Build Back Better

The Build Back Better Act included several labor standard provisions on renewable energy credits. The IBEW continues to advocate for the passage of any new legislation that will attach labor standards requirements to federal tax incentives for clean energy projects.

### Government Affairs Department Staff Policy Area Point of Contact:

<b>Sergio Espinosa</b>	<b>Policy Expertise</b>
Sergio_Espinosa@ibew.org .....	Energy



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.Org  
<https://www.ibew.org/political>





# Multiemployer Pension Reform

*"A pension is more than just dollars and cents. It's a promise. [IBEW members] do our part by working hard for years and in return we receive a solid and secure retirement."*

*—International President  
Lonnie Stephenson*



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.org  
IBEW.org/political

# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Multiemployer Pension Reform

Multiemployer defined benefit pension plans form the backbone of the retirement safety net for over 10 million working Americans. In fact, more than 550,000 active members, retirees and survivors participate in the IBEW’s multiemployer pension plans, including the National Electrical Benefit Fund, the second largest multiemployer pension fund in the United States. The COVID-19 pandemic worsened the multiemployer pension crisis and threatened to bankrupt the Pension Benefit Guaranty Corporation, (“PBGC”), decimate thousands of businesses, and devastate communities across the country. Even before the pandemic, the PBGC’s multiemployer program was facing insolvency by 2026.

After many years of advocacy by the IBEW and others labor unions to fix the pending pension crisis, Congress took the necessary action and passed the Butch Lewis Emergency Pension Plan Relief Act (the “Butch Lewis Act”) as part of the American Rescue Plan Act of 2021 (“ARPA”), President Biden’s COVID-19 relief package for people and organizations impacted by the pandemic. The Butch Lewis Act provides much-needed help to severely financially troubled multiemployer plans so that they can meet their benefit obligations to workers, retirees and their dependents.

#### Butch Lewis Emergency Pension Plan Relief Act of 2021

The Butch Lewis Act authorizes the U.S. Treasury Department to provide the PBGC with an estimated \$86 billion to save the benefits of an estimated 3 million workers, retirees, spouses and widows. It identifies plans suffering severe financial shortfalls—often due to factors beyond the plan’s control, such as automation and declines in the stock market— and allows the plan to apply for financial assistance so that it can continue paying benefits. The act includes:

- Temporary funding relief
- Special financial assistance for qualifying plans to pay benefits through plan years ending 2051
- Program will not harm health plans, such as the vast majority of IBEW multiemployer pension plans
- Grants, not loans—no repayment required

The GROW Act, which would have allowed industry-designed composite plans, was excluded from the new law.

#### Government Affairs Department Staff Policy Area Point of Contact:

Sergio Espinosa

Sergio\_Espinosa@ibew.org .....

Policy Expertise

Pensions







## Prevailing Wage Requirements

*"These are the people who are building the infrastructure of this country. Paying them a living wage not only allows them to provide for their families, it assures that we have skilled professionals constructing our roads and bridges."*

*—International President  
Lonnie Stephenson*



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.org  
IBEW.org/political

# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Prevailing Wage Requirements

The International Brotherhood of Electrical Workers (IBEW) supports federal, state and local prevailing wage laws, which benefit workers, employers, communities and taxpayers by fostering an environment where skilled craftsmen and women complete projects safely and efficiently.

At the federal level, the Davis-Bacon Act applies to contractors and subcontractors performing work on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair of public buildings or public works. Under this law, contractors and subcontractors must pay their laborers and mechanics no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The U.S. Department of Labor is responsible for determining local prevailing wage rates. The Davis-Bacon Act applies to contractors and subcontractors performing work on federal or D.C. contracts.

The primary purpose of the Davis-Bacon Act, which was passed in 1931, is to fight back against the worst practices in the construction industry. Since its enactment, the act has lifted millions of working people into the middle class and guaranteed that the best-trained, highest-skilled workers build America's infrastructure.

### Fair Bidding, Stable Project Costs, and Increased Tax Revenue, Productivity and Safety

Anti-prevailing wage rhetoric says that these requirements harm the economy and squeeze small businesses out of big opportunities. In fact, the opposite is true.

First, by establishing local wage rates as the prevailing wage rates on public works projects, prevailing wage laws and policies encourage contractors to hire locally. Prevailing wage requirements ensure that local contractors are able to compete for local projects by protecting against under-bidding by low-road contractors who might otherwise bring in workers from other areas or offer the same jobs for less pay.

Research also shows that prevailing wage laws **do not** increase the overall cost of public construction projects. Because construction labor costs constitute a comparatively low share of total project costs, contractors who pay the prevailing wage are able to offset the costs because prevailing wage laws promote better training, greater skill levels, and higher productivity.

With prevailing wage requirements in place, contractors large and small are able to attract the most highly skilled, highly trained workers, which ensures quality craftsmanship and that the job is done right the first time, preventing costly and time consuming delays further down the road. A highly-skilled, extensively trained, safety-conscious workforce results in projects completed safely, on time and within or under budget. As a result, taxpayers get a fair return on investment for public projects funded by federal tax dollars.

Furthermore, research also shows that prevailing wage requirements **do not** harm taxpayers – rather, the opposite is true: prevailing wage laws increase tax revenue to states and localities by ensuring local hiring and payment of local taxes. Numerous studies have reviewed the probable effects of repealing state prevailing wage laws and shown that a decline in workers’ earnings can negatively impact both income tax and sales tax revenue.

Prevailing wage requirements also help to stabilize wage rates in the inherently volatile construction labor market, which benefits the industry in recruiting and training workers and maintaining the long-term supply of skilled labor.

### Recent Developments

#### Davis-Bacon protections included in many programs under Bipartisan Infrastructure Law

The Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL), included a re-authorization and appropriation of existing grant programs, the majority of which have historically been included in surface transportation reauthorization, in addition to new federal grant programs.

#### New Proposed Davis-Bacon Rulemaking

On March 11, 2022, the DOL announced the publication of the proposed rule, “Updating the Davis-Bacon and Related Acts Regulations.” The labor department proposed amending regulations issued under the Davis-Bacon and Related Acts that set forth rules for the pre-determination of Davis-Bacon wage rates and the administration and enforcement of Davis-Bacon labor standards that apply to federal and federally assisted construction projects.

The new regulations will deliver changes promised by President Biden to use the Davis-Bacon Act and prevailing wage jobs to rebuild our nation’s infrastructure and to revitalize the economy through infrastructure investments and labor reform.

The primary purpose of the proposed rule is to return to the three-step method of determining the “prevailing wage” that was used from 1935 to 1983: (1) any wage rate paid to a majority of workers; (2) if there is no wage rate paid to a majority of workers, then the wage rate paid to the greatest number of workers, provided it is paid to at least 30 percent of workers (i.e., the so-called “30-percent rule”); and (3) if the 30-percent rule is not met, DOL would use the weighted average rate. This reform will ensure prevailing wages reflect actual wages paid to workers in the local community. The proposed rule will mean higher wages for workers through faster prevailing wage updates, internal safeguards to ensure that prevailing wages keep up with actual wages and more efficient enforcement of the act’s standards. In addition, the proposed rule will enhance worker protections and enforcement, including debarment and anti-retaliation provisions.

The proposed rule is poised to have a substantial impact. Seventy-one Davis-Bacon and Related Acts laws are affected by the Act’s prevailing wage calculation, which covers roughly \$217 billion in annual federal construction contracts. Meanwhile, the Bipartisan Infrastructure Law is expected to lead to the largest surge in federal construction spending in recent memory.

The Notice of Proposed Rule is available at: <https://www.dol.gov/agencies/whd/government-contracts/construction/NPRM-davis-bacon>



**Pending Priorities**

Highly partisan negotiations occurred as the Bipartisan Infrastructure bill moved through Congress that complicated efforts to secure prevailing wage policies on all programs. Senate Republicans refused to support the law’s inclusion of Davis-Bacon prevailing wage protections for existing programs unless prevailing wage and other basic labor standards were left out of the new programs. As a result, **Davis-Bacon protections will apply to some – but not all – BIL-funded projects.** Generally speaking, Davis-Bacon will only apply to pre-existing programs that the BIL reauthorized.

The Government Affairs Department is working closely with the Biden Administration, federal agencies, and members of Congress to ensure that prevailing wage requirements and other meaningful labor standards are incorporated into Bipartisan Infrastructure Law programs to the greatest extent possible through regulatory measures.

**Government Affairs Department Staff Policy Area Point of Contact:**

**Taylor Waites**

**Policy Expertise**

Taylor\_Waites@ibew.org .....Labor Law, Construction and Procurement





## Project Labor Agreements

*"Workers, taxpayers and contractors each benefit from the use of PLAs. Construction performed under PLAs results in the safest, most well-built projects because only the highest-skilled workers are used."*

*—International President  
Lonnie Stephenson*



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.org  
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# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Project Labor Agreements

A project labor agreement (PLA) is a pre-hire agreement between labor and management that establishes the terms and conditions of employment on one or more construction projects.

PLAs increase efficiency and quality of construction projects for the private sector as well as for local, state and federal governments. A PLA establishes the terms and conditions of employment for all construction crafts on a project by way of an agreement between contractors and their workforce, before the project breaks ground.

PLA projects save taxpayers and investors billions of dollars, reduce the uncertainty inherent in large-scale construction projects, increase on-time and on-budget completion and guarantee a highly-trained and skilled project workforce.

### Cost-Effective and Efficient Project Delivery and Management Tool

A PLA helps the government or private sector owner increase the efficiency and quality of a project because the PLA business model is grounded in coordinating all the actors on the project and employing a well-trained and highly skilled workforce. PLAs also prevent costly delays that result from a lack of knowledge by unskilled workers regarding the proper use of building materials, equipment, and/or tools, as well as construction methods. As a result, future building maintenance costs are often lower.

### Flexibility, Financial Certainty, Communication

One of the primary reasons that PLAs are utilized by business and labor is because each agreement is customized to meet the requirements of the type of project, the project owner's and contractors' needs, the skilled workforce necessary to complete the project, the needs of the community hosting the project, and many other factors that impact a construction job site. The customization of PLAs is one of the major advantages and reasons why they are used by businesses to complete complex construction projects. PLAs facilitate more accurate budgeting and cost forecasting for project owners and contractors by establishing a set wage and benefits package for all craft workers and apprentices on a project. PLAs also guarantee constant communication between contractors and their workforce throughout a project by coordinating each craft's work schedules and scope, resulting in the efficient use of materials, jobsite equipment, workers and contractors.

### Safety, Security, and No Skills Shortage

PLAs ensure a project is safer by guaranteeing that all workers are well trained. This is extremely important since construction is one of the most dangerous industries. Using a highly skilled workforce protects project owners, contractors and workers by reducing jobsite accidents. Contractors also pay less for workers compensation as a result of employing a safer workforce. Importantly, PLAs also provide guaranteed access to a steady pipeline of well-trained and highly skilled individuals to ensure there is no shortage of craft workers throughout all phases of a project.

### Communities and Careers for Local Residents and Veterans

PLAs encourage veteran, local hire and employment of women and people from communities of color, providing a pathway to a career in the skilled construction trades. PLAs also help local businesses and communities because they promote hiring local workers who in turn spend their paychecks in the cities and towns where the PLA project is located.

### Addressing the Federal PLA “Mandate Myth”

The idea that the federal government can mandate union hire on their PLA projects is false. The fact is, the federal government is legally prohibited from mandating that workers on PLA projects be members of a union. The PLA business model does not mandate or pre-determine that a workforce be union or nonunion. It allows for the project owner, such as the government or private sector entity, to ensure successful project delivery by establishing uniform workforce standards that both union and nonunion contractors and their workforce must meet as a condition of participating on the project. Those workforce standards are defined by the type of project that needs constructing or maintaining and has nothing to do with union membership.

### **President Biden’s PLA Executive Order**

On February 4, 2022, President Biden signed an executive order announcing that it is the policy of the federal government to use PLAs for its large-scale construction projects. It applies to all solicitations for contracts worth \$35 million or more for construction projects built by the federal government and its agencies. Based on FY2021 figures, this order could affect **\$262 billion** in federal government construction contracting.

The order does not apply where the federal government is merely providing financial assistance to state or local governments for their projects, so many projects funded by the Bipartisan Infrastructure Law will **not** be subject to the Order.

President Biden's PLA Executive Order: <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/02/04/executive-order-on-use-of-project-labor-agreements-for-federal-construction-projects/>



PLA Executive Order Fact Sheet: <https://www.whitehouse.gov/briefing-room/statements-releases/2022/02/03/fact-sheet-president-biden-signs-executive-order-to-boost-quality-of-federal-construction-projects/>



**Government Affairs Department Staff Policy Area Point of Contact:**

**Taylor Waites**

Taylor\_Waites@ibew.org .....Labor Law, Construction and Procurement

**Policy Expertise**







## Protecting Government Employees

*“The Biden administration is putting workers’ rights at the center of its efforts to build our economy and middle class back better.”*

— International President  
Lonnie R. Stephenson



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.Org  
<https://www.ibew.org/political>

# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Protecting Government Employees

Nearly every agency within the U.S. and Canadian governments relies on IBEW members to carry out their missions. IBEW members are employed across federal agencies, from the National Park Service and Department of Veterans Affairs to every branch of the military.

In addition to performing critical maintenance work on federal buildings and equipment, IBEW members work onboard ships, all types of government-owned transmission lines, navigational locks and dams, and in hydro- and steam-driven electric power generating plants, among others.

#### President Biden’s Actions to Help Public Employees

On January 22, 2021, President Biden signed an Executive Order that took several steps to protect the federal workforce by overturning a series of executive orders that sought to make it easier to fire federal workers, disrupt labor-management negotiations and restrict the scope of collective bargaining. The prior administration’s orders included:

- Attempts to eliminate collective bargaining, due process, and workplace representation rights for federal employees
- Provisions allowing federal employees to be hired and fired merely for political reasons
- Provisions banning the use of federal funds for diversity and inclusion training programs for federal employees and employees of federal contractors
- Restrictions on the use of official union time and access for union organizers in federal workplaces

In overturning these harmful policies, the Biden administration declared that the policy of the federal government is “to protect, empower and rebuild the career federal workforce” and “encourage union organizing and collective bargaining.” Furthermore, the Order directs the federal government to “serve as a model employer.”

#### Pending Priorities: Confirmation of President Biden’s FLRA Nominees

The Federal Labor Relations Authority (FLRA) facilitates the right of federal workers to form and join unions, bargain with agencies and resolve unfair labor practice complaints. A fully functioning FLRA is necessary for the effective and efficient administration of federal labor-management relations, and ensures that workers’ rights of federal employees are protected.

During the prior administration, the functions of the FLRA and decades of precedent were ignored. Federal workers endured the imposition of unilateral contracts, unwarranted restrictions on union dues and official time, and rollbacks to their collective bargaining rights. In addition, the general counsel vacancy at the agency resulted in hundreds of unfair labor practice complaints languishing without adjudication. These actions hampered the ability of many federal workers to perform their duties in service to the public.

The IBEW supports the confirmation of nominees, who will help to restore the FLRA to its original mission of promoting labor relations between federal workers and federal agencies.

**Government Affairs Department Staff Policy Area Point of Contact:**

**Government Affairs Department Points of Contact:**

	<b>Policy Expertise</b>
<b>Sergio Espinosa</b> Sergio_Espinosa@ibew.org .....	Energy, Pension, Telecommunications, Tax, and Manufacturing
<b>Taylor Waites</b> Taylor_Waites@ibew.org .....	Labor Law, Construction and Procurement
<b>Danielle Eckert</b> Danielle_Eckert@ibew.org .....	Transportation



## Trade and Manufacturing

*"Our country has a lot of work to do to strengthen our economy and create millions of good jobs. The men and women of the IBEW are ready to work with lawmakers and business leaders as we work to rebuild America's manufacturing industry."*

*—International President  
Lonnie Stephenson*



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.org  
IBEW.org/political

# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Trade and Manufacturing

The International Brotherhood of Electrical Workers (IBEW) supports strong labor rights and enforcement provisions in trade and manufacturing policies. Historically, the IBEW has had a significant footprint in the North American manufacturing sector. The highly diversified list of products manufactured by IBEW members includes electric motors and generators and other advanced energy components like light fixtures, all types of household appliances and broadcasting, entertainment, telecommunications, scientific and medical equipment.

Unfortunately, IBEW members have been harmed by the offshoring of domestic manufacturing to foreign, low cost markets. The experience of IBEW's members, and the labor movement more broadly, shows that trade policy over the past several decades has been the biggest factor for the sharp decline in domestic manufacturing. As a result, the number of IBEW members working in the advanced manufacturing sector has dropped dramatically over the past 40 years from 400,000 to 30,000.

### EV Manufacturing Policies

The automobile industry is vital to the United States national economy, employing hundreds of thousands of Americans in this critical sector of the nation's manufacturing base. However, the U.S. auto sector is falling behind its foreign competitors, particularly China, on the manufacture of electric vehicles (EVs). Today, China sells half of the electric vehicles in the world and is predicted to control 75 percent of global battery capacity, which is critical to EV manufacturing. Foreign domination of the electric vehicle sector will negatively impact the U.S. auto sector without supportive policies and significant investment.

The IBEW supports federal policies that will incentivize the purchase of EVs with a significant percentage of U.S.-manufactured content, particularly EV batteries. The IBEW and other labor unions are currently attempting to organize EV battery plants in the United States and ensure these facilities provide family-supporting wages and benefits.

Additionally, the IBEW supports policies that will make it easier for middle class households to purchase electric vehicles. Currently, the federal tax code provides a \$7,500 tax credit for purchasing a new EV, which overwhelmingly benefits households making over \$100,000 a year.

The EV tax credit should be reformed to a point-of-purchase incentive that can be applied to new EVs, as well as EVs in the secondary market. These reforms would make EVs more affordable for middle class families and spur greater demand for EV infrastructure.

### Recent Developments

#### Support for Energy Supply Chain in the Bipartisan Infrastructure Law

The Bipartisan Infrastructure Law (BIL), makes significant investments in clean energy supply chains that will allow the United States to produce new energy technologies domestically, boosting our competitiveness within the global clean energy market, which is expected to reach \$23 trillion by the end of the decade. These investments will create jobs up and down the supply chain—especially manufacturing jobs and skills-matched opportunities for fossil fuel workers. The BIL will:

- Invest more than \$7 billion in the supply chain for batteries, which are essential to powering our economy with 24/7 clean, affordable, and resilient energy and transportation options. This will include producing critical minerals, sourcing materials for manufacturing, and even recycling critical materials without new extraction/mining
- Provide an additional \$1.5 billion for clean hydrogen manufacturing and advancing recycling
- Create a new \$750 million grant program to support advanced energy technology manufacturing projects in coal communities
- Authorize the federal government to invest in projects that increase the domestic supply of critical minerals and expand programs with manufacturing zero-carbon technologies for medium- and heavy-duty vehicles, trains, aircraft, and marine transportation

#### Buy America / Buy American

Under several laws, including the Buy American Act, the federal government is required to buy American-made iron, steel and manufactured goods wherever possible. Spending more than \$600 billion each year for goods and services, the federal government's purchasing power makes this law a significant policy to promote domestic manufacturing. For decades, the domestic threshold for an American-made product was set at 55 percent. In addition, waivers are granted from made-in-America laws for products that are not easily accessible or manufactured in the United States.

Last July, the Biden Administration proposed a modernization of made-in-America laws. Among the new policies was the creation of an office to scrutinize and reduce waivers to made-in-America laws. This new policy is intended to maximize the use of taxpayer dollars on domestic products and services to strengthen our industrial base and create good-paying, union jobs for Americans. In March 2022, President Biden announced that the domestic content threshold for the Buy American Act will be raised gradually to 75 percent by 2029. Increasing the domestic content threshold will close loopholes in the current regulations and create more opportunities for small- and medium-sized manufacturers and their employees from all parts of the country. Along with the implementation of enhanced price preferences to select critical products and components, the administration's reforms to made-in-America laws will help create demand for domestically manufactured products.

### Pending Priorities

#### Industrial Policy - USICA and COMPETES Act

The America Creating Opportunities for Manufacturing, Pre-Eminence in Technology, and Economic Strength (America COMPETES) Act is the House of Representatives' companion to the Senate's United States Innovation and Competition (USICA) Act. The two bills seek to increase America's competitiveness in key technological sectors and reshore manufacturing jobs that have been lost to foreign competitors like China. While both bills share some significant policies, there are also important differences. One of the key similarities is the inclusion of the Creating Helpful Incentives to Produce Semiconductors (CHIPS) Act in both bills. The CHIPS Act would provide \$52 billion to fabricate semiconductors in the United States and address supply chain disruptions. Both bills also include major investments in scientific research and development to advance U.S. leadership in cutting edge technologies and innovation.

# IBEW GOVERNMENT AFFAIRS POLICY BRIEF

The IBEW supports the House of Representatives version of the America COMPETES Act. This legislation includes several programs that would benefit IBEW members, including:

- Reauthorize and strengthen the Trade Adjustment Assistance (TAA) program, which provides financial support and training for American workers who are displaced due to foreign trade
- Create a new review process that would protect the U.S. supply chain by giving the federal government the authority to halt certain outbound investments and offshoring of critical capacities and supply chains to foreign adversaries like China and Russia
- Strengthen America’s laws to prevent foreign countries from dumping oversupplied goods and importing government-subsidized products
- Invest \$45 billion for grants, loans and loan guarantees to support domestic supply chain resilience and manufacturing of critical goods, industrial equipment and manufacturing technology. Attached to these dollars are strong labor standards that would make it easier for manufacturing workers to organize and bargain collectively
- Establish a \$3 billion domestic manufacturing supply chain incentive for new construction of solar manufacturing capacity and provide grants and direct loans to improve existing facilities. This program has strong labor protections, including prevailing wage requirements
- Authorize a \$375 million Strategic Transformer Reserve to reduce vulnerability in the electric grid and support the development, testing and monitoring of critical electric grid equipment

Please reach out to the Government Affairs Department representative covering this policy area for any updates.

## Government Affairs Department Staff Policy Area Point of Contact:

**Sergio Espinosa**

Sergio\_Espinosa@ibew.org .....

**Policy Expertise**

Manufacturing





## Transportation

*"As we transition from fossil fuel-powered vehicles to electric vehicles, the integrity of the infrastructure that will power our future must be prioritized. With the right federal standards in place, our government can ensure that electric vehicle charging stations are installed to the high-quality standards the American public deserves."*

*—International President  
Lonnie Stephenson*



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.org  
IBEW.org/political

# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Transportation

The IBEW sees the electrification of the transportation sector as a major growth area for current and future members and supports policies that will ensure it will continue to provide union jobs with family-supporting wages and benefits.

The transportation sector accounts for the most significant portion (29 percent) of total greenhouse gas emissions in the United States in 2019, and nearly 60 percent of all transportation sector emissions come from light-duty vehicles. Without electrifying the transportation sector, the U.S. will not meet its emissions reduction targets. The IBEW sees transportation electrification as a vital opportunity for well-paying union jobs that modernize the nation's infrastructure and reinvigorate our manufacturing sector.

### Recent Developments

#### Transportation Funding in the Bipartisan Infrastructure Law (BIL)

The Bipartisan Infrastructure Law ("BIL") contains \$643 billion in transportation infrastructure funding.

#### INFRA Program

\$8 billion for the Infrastructure for Rebuilding America (INFRA) Program, which supports freight and highway projects of regional and national significance.

#### RAISE Grants

\$7.5 billion for Rebuilding American Infrastructure Sustainably and Equitably (RAISE) grants—a competitive grant program that provides funding for road, rail, transit, and other surface transportation projects with significant local or regional impact. Selection criteria include safety, sustainability, equity, economic competitiveness, mobility, and community connectivity.

The U.S. Department of Transportation recently announced that \$1.5 billion in RAISE discretionary grants are available, representing a 50-percent increase in funds over the prior year.

At least \$15 million in RAISE funding is guaranteed to go toward projects located in areas of persistent poverty or historically

disadvantaged communities. DOT has launched a tool that shows whether a project location is considered a historically disadvantaged community:

<https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a>



### Megaprojects

\$5 billion in funding will be available under the National Infrastructure Project Assistance or “Megaprojects” program. This program provides grants on a competitive basis to support multijurisdictional or regional projects of significance that may also cut across multiple modes of transportation. Communities are eligible to apply for funding to complete large critical projects that would otherwise be unachievable.

### Port investments

The BIL includes several investments to decrease emissions and upgrade and modernize at America’s ports, including a \$2.25 billion Port Infrastructure Development Program, a \$150 million program aimed at reducing truck idling at port facilities, \$25 million for America’s Marine Highway Program and \$2.25 million for modernization at land ports.

### National Electric Vehicle Infrastructure (NEVI) Formula Program

The BIL includes \$7.5 billion to help make EV chargers accessible to all Americans. The National Electric Vehicle Infrastructure (NEVI) Formula Program will provide dedicated funding to states to build infrastructure under Davis-Bacon prevailing wage standards.

The Government Affairs Department advocated through formal written comments to include the Electric Vehicle Infrastructure Training Program (EVITP) in the guidance to ensure the workforce is trained in high-quality programs.

### EV Infrastructure Policies

The electrification of the nation’s vehicle fleet will require significant investment in new charging infrastructure and substantial upgrades to the electrical generation and transmission systems. The Edison Electric Institute (EEI) estimates that 9.6 million charging ports will need to be installed by 2030 to meet the growing demand for electric vehicles. This will include hundreds of thousands of non-residential charging ports in office buildings, parking lots, on-street parking, and interstate service stops. The IBEW supports policies that ensure the installation of electric vehicle supply equipment (EVSE) be made by IBEW members with an Electric Vehicle Infrastructure Training Program (EVITP) certification. Such policies are already in place in California and Nevada.

The IBEW further supports policies that will allow electric utility companies to build out charging stations in their service areas, including rural and historically disadvantaged communities. EVITP certification requirements can ensure that EV charging infrastructure is built out quickly, efficiently, and cost-effectively.

Significant upgrades to the electric grid and other electrical generation will also be necessary to support the millions of charging stations installed in the coming years. The United States will need to invest \$30-90 billion in electric transmission above current investments and generate 70-200 gigawatts in additional power generation to meet electrical demand by 2030. The IBEW supports federal policies that will facilitate the construction of new transmission lines, including “right-sizing” by incentivizing the development of transmission capacity in excess of current market demands and permitting reform that will make it easier to build transmission lines to deliver renewable energy from solar and wind-heavy regions to population centers. Additionally, the IBEW supports an all-of-the-above energy strategy to ensure sufficient baseload generation and grid reliability.



## Rail Improvement Investments

The BIL authorized \$78 billion in spending over the next five years for funding that could be used to improve rail infrastructure projects. It consists of \$36 billion on rail alone, \$28 billion on multimodal and freight and \$13 billion on safety initiatives. The reauthorization included several historical rail programs like, Amtrak intercity passenger and NEC programs, Consolidated Rail Infrastructure and Safety Improvement Grants, and federal-state partnership for intercity passenger rail grants.

## Railroad Policies

The IBEW supports infrastructure investments that include funding for high-speed rail and the electrification of our nation's passenger railroad network, both on existing Amtrak routes and the creation of new networks. The electrification of our railroad network would modernize the current system and reduce greenhouse gas emissions. In addition, the IBEW supports investment in public transportation systems, including subways, light rail and commuter rail. World-class public transportation systems would help reduce the number of cars on the road, lowering emissions while improving local economies and creating family-supporting jobs.

Congress must ensure that rail investments protect, preserve, and grow good paying-union jobs. Diversity of transportation can handle the hard questions we face, including the limited access to opportunity and vital services for many in rural America.

U.S. history is punctuated with federal investment to achieve significant advancements in our infrastructure. Construction of a rail system that would span the United States required federal support through the Pacific Railway Act of 1862. The economic potential realized through high-speed rail investments largely depends on the labor standards placed on the money used.

The IBEW is opposed to efforts in the railroad industry that places profits above the safety of IBEW railroad members. It is important that companies are able to pursue precision, profitability and efficiency in operations, although Class I freight rail carriers have proven that Precision Scheduled Railroading (PSR) is not a lean or streamlined business model — it is a dangerous cost-cutting scheme to lower operating ratios and appease investors through devastating cuts to the workforce and a degradation in the safety culture throughout the railroading industry.

## Shipbuilding Policies

The Jones Act states that any ship sailing between two domestic ports of call within the United States, Puerto Rico, and Hawaii must be U.S. flagged, U.S. built, and U.S. crewed. The IBEW is opposed to any efforts to repeal this important law. The Jones Act is vital to ensuring a vibrant domestic maritime industry, rebuilding the American fleet and protecting national security. Any attempts to subvert this 100-year-old law undermine the hard-fought working conditions, pay and benefits that exist in the U.S. maritime sector in favor of exploitative foreign competitors.

## Pending Transportation Priorities:

- Applying the Electric Vehicle Charging Infrastructure Training Program (EVITP) credential to any program that incentivizes the build-out of electric vehicle supply equipment
- Ensuring that contractors must compete for work based on who can best train, best equip, and best manage a construction crew by applying Davis-Bacon prevailing wages on projects
- Honoring the safety standards, training programs, compensation, and benefits that workers are entitled to through the use of registered apprenticeship programs

- Including those who have historically faced barriers to employment as prospective job candidates by promoting innovative workforce policies such as Community Benefits Agreements
- Opposing efforts for railway labor law carve-outs
- Ensuring that periodic inspections are performed as necessary, and only by a qualified mechanical inspector, for safe operations of locomotives
- Passage of the Railroad Employee Equality and Fairness (REEF) Act that would end sequestration on railroad unemployment and sickness benefits
- Enforcing Buy America conditions on materials

**Additional Resources**

National Electric Vehicle Infrastructure Program Guidance

[https://www.fhwa.dot.gov/environment/alternative\\_fuel\\_corridors/nominations/90d\\_nevi\\_formula\\_program\\_guidance.pdf](https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/nominations/90d_nevi_formula_program_guidance.pdf)



**Government Affairs Department Staff Policy Area Points of Contact:**

**Danielle Eckert**

Danielle\_Eckert@ibew.org .....Railway Labor Act (RLA)

**Taylor Waites**

Taylor\_Waites@ibew.org .....Labor Law (non-RLA)



## Tribal Labor Sovereignty

*"The NLRA provides workers the right to form or join unions and collectively bargain for better wages, hours or working conditions. The IBEW does not support taking these rights away."*

*—International President  
Lonnie Stephenson*



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.org  
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# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Tribal Labor Sovereignty

The IBEW opposes the Tribal Labor Sovereignty Act, a thinly veiled attempt to roll back workers' rights on tribal land. The Tribal Labor Sovereignty Act seeks to strip workers of their fundamental rights at work and has little to do with the right of Native Americans to self-govern.

Bills proposing "labor sovereignty" on tribal lands have been introduced in several consecutive Congresses. The proposed legislation excludes Indian tribes and tribal enterprises and institutions on tribal land from requirements for employers under the National Labor Relations Act (NLRA), which guarantees workers the right to organize, form a union and engage in collective bargaining. The NLRA also protects workers against unfair labor practices such as coercion, interference in union organizing campaigns and retaliation or discrimination based on union activity.

The bill would apply to all employees of those businesses, including non-tribal citizens. Between 600,000 and 800,000 workers – including thousands of IBEW members working on tribal land – could lose protections guaranteed by the NLRA, which would constitute the biggest rollback of labor protections since the NLRA was enacted in 1935.

The number and type of businesses and construction on tribal land extends well beyond the gaming industry and includes mining operations, power plants, sawmills, construction companies, ski resorts, high-tech firms, hotels and spas. Many of these are commercial businesses, not governmental entities, and serve non-Native American populations.

The IBEW is committed to labor standards policies that help workers obtain better wages and benefits and ensure safe working conditions. Removing these worker protections, including the rights to organize and form a union, would be harmful to Native American and non-Native American workers in historically challenged lands and communities.

The Tribal Labor Sovereignty Act is a transparent attempt by gaming interests and contractors to cut their investments in those lands dramatically, underpay their workers, and make it harder for those workers to organize, bargain collectively and exercise their rights under the NLRA. As such, the IBEW strongly opposes this legislation.

**Government Affairs Department Staff Policy Area Point of Contact:**

**Taylor Waites**

Taylor\_Waites@ibew.org ..... Labor Law, Construction and Procurement



# Worker Retention

*“Our members bring real-world experience that will be invaluable in this transition.”*

*— International President  
Lonnie R. Stephenson*



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.Org  
<https://www.ibew.org/political>

# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Worker Retention

The International Brotherhood of Electrical Workers (IBEW) supports federal legislation that would incentivize employers to keep displaced fossil fuel workers working.

The IBEW is the largest labor union in the power sector. Approximately 85,000 members work at coal and natural gas power plants in the United States. As a result of efforts to limit climate change, many fossil fuel generation workers today are vulnerable to potential displacement due to the transition to cleaner forms of electrical generation, such as solar and wind power.

The U.S. Energy Information Administration found that between 2011 and 2021, nearly 89 gigawatts of coal-fired electric generation capacity was retired in the United States, about a third of total coal-fired generation capacity. In order to protect fossil fuel workers from displacement at no fault of their own and who are often among best paid blue collar workers in their communities, Congress needs to take action and ensure these workers are made whole.

One possible policy proposal would be to incentivize fossil fuel employers, primarily electrical utility companies, to keep displaced fossil fuel workers on their payroll and redirect them to perform other duties at the company. Such an incentive could be modeled after the Employee Retention Tax Credit (ERTC) that was created under the CARES Act.

The ERTC, which was originally designed for small employers, gave these businesses a tax credit of \$7,000 per annual quarter for a total of \$28,000 in annual tax credits for keeping an employee on their payroll. This policy could be modified to support the significant number of fossil fuel workers who will be vulnerable to displacement in the coming years as greater attention is placed on reducing carbon emissions in the power sector.

### Government Affairs Department Staff Policy Area Point of Contact:

**Sergio Espinosa** Policy Expertise  
Sergio\_Espinosa@ibew.org ..... Energy







INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

# GOVERNMENT AFFAIRS



# GOVERNMENT AFFAIRS STAFF CONTACTS

## Points of Contact

Sergio Espinosa  
Sergio\_Espinosa@ibew.org .....

Taylor Waites  
Taylor\_Waites@ibew.org .....

Danielle Eckert  
Danielle\_Eckert@ibew.org .....

## Policy Expertise

Energy, Pension, Telecommunications, Tax, and  
Manufacturing

Labor Law, Construction and Procurement

Transportation