

IAAPA PUBLIC AFFAIRS UPDATE

118th Congress Convenes in Washington, D.C.

This month, the 118th Congress convened in Washington, D.C. With few opportunities for legislative compromise, we expect Congress to spend much of their time conducting partisan hearings and investigations. IAAPA will stay above the political fray and focus on two priorities on behalf of members.

Priority #1

Remain engaged in a myriad of agency rule making:

- Continue working with the **Federal Aviation Administration (FAA)** urging them to draft and implement rules for the FAA Extension, Safety, and Security Act of 2016 (2209). These rules will provide a process through which operators of fixed site attractions can apply for airspace restrictions to prevent Unmanned Aircraft Systems from unlawfully operating above their facilities. That's step one. Step two involves mitigation solutions since both are required to ensure the safety of workers, guests, and facilities.

We are also monitoring the progress of FAA Re-authorization, and are directly involved in talks with Congressman Van Drew's office regarding the proposed Advanced Aviation Act.

- IAAPA submitted comments to the **Occupational Safety and Health Administration (OSHA)** re: Heat Injury and Illness Prevention in Outdoor and Indoor Work Setting Advanced Notice of Proposed Rule making. It's our position that parks and attractions large and small share a common goal of ensuring the safety and security of their employees and guests, which includes heat injury and illness prevention. Our members' facilities are designed for safety, comfort, and convenience. In fact, parks and attractions safely accommodate hundreds of millions of employees and guests each year.

While NAICS codes for the attractions industry are not currently included among the industries for which OSHA is currently focused, we will be prepared for the potential for broad industry applicability. In that regard, to proactively reinforce positive industry safety statistics, and demonstrate the attraction industry's ability to self-regulate,

IAAPA's Government Relations and Safety Committee are working together on a "best practices" document we will share with all members for potential use.

- IAAPA continues to work with a variety of business trade groups to monitor the **Department of Labor's (DOL)** proposed treatment of the white collar exemption to Overtime Rule/Fair Labor Standards. Under the Fair Labor Standards Act, workers aren't owed overtime pay if they are salaried, earn more than a certain amount per year, and work in an executive capacity. It's the DOL's position that in order to satisfy the executive exemption "an employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise."

Our involvement is critical since many of our members use a variety of creative job titles such as "guest experience leader" to capture the spirit of their culture and brands. Many of those positions, however, have the same or similar duties as non-manager roles. Based on the DOL's definition of overtime pay, they may be owed overtime pay. This will be a challenging issue for the administration since many business groups have suggested the DOL will face a legal fight if it tries to make sweeping changes to overtime rules.

- **The Department of Homeland Security (DHS)** published a Notice of Proposed Rule-making (NPRM) that would increase fees for certain **United States Citizenship and Immigration Services (USCIS)** filing types while preserving existing fee waiver eligibility for low-income and vulnerable populations, adding new fee exemptions for certain humanitarian programs, and limiting the fee increase for naturalization and certain other applicants.

Specifically, preregistration fees for H-1B specialty occupation visas, for example, would rise to \$215. Petitions for H-2A temporary agricultural workers and H-2B temporary, non-farm workers would rise to \$1,090 and \$1,080, respectively, under the proposed rule. The J-1 visa summer work travel and camp counselor fee for the I-901 for SWT and camp would be \$35. IAAPA will submit written comments on behalf of members prior to the March 6, 2023 deadline.

The public affairs team will keep you up-to-date on these rules if and when they advance.

Priority #2

Host a series of D.C. based meet and greets with select members of the 100 new Congressional members to educate them about the attractions industry, IAAPA, and the needs of our members. We will also host a reception for the Central Florida congressional

delegation at IAAPA HQ in Orlando, Florida. Investing in these relationships now will pay off in the future since many of them will elevate to positions of influence.

IAAPA Scores Wins in Congressional 2023 Omnibus Spending Deal

On Dec. 29, 2022, President Joe Biden signed the Consolidated Appropriations Act of 2023 which secures funding for the government until the end of September 2023. IAAPA working in conjunction with its national travel and tourism association partners secured several wins within that spending package.

Most notably, language was included to exempt returning H-2B workers from visa caps. That was a top agenda item during the 2022 IAAPA Public Affairs Conference held in D.C. Attendees met with elected officials in person urging them to cosponsor and support the addition of this bipartisan language.

Other wins were the creation of a presidentially appointed Assistant Secretary for Travel and Tourism under the U.S. Department of Commerce and additional congressional oversight of the State Department's visa processing activities. Visa processing delays impact IAAPA members in a variety of different ways. This provision mandates new reporting on how the department plans to handle visa backlogs and provides funding flexibility for the department to fix this problem.

These wins underscore why it's so important for you and your organization to participate in public affairs related meetings, activities, and issue campaigns. Telling your story makes a difference.

Special thanks to conference attendees - this victory is yours!

Sincerely,



Keith Stephenson
Director of Public Affairs
IAAPA