

TO: NAW Direct Members

FR: NAW Government Relations Team

RE: NAW COVID/Government Relations Update Number 2021-5 – February 11 at 2:00 PM

1. Latest on the Next COVID-19 Relief Bill

This week, House Democrats released the first draft language for key pieces of legislation that will form President Biden's coronavirus relief bill.

The language released by the House Education and Labor Committee and Financial Services Committee shows Democrats are forging ahead with plans to increase the Federal minimum wage to \$15 an hour despite an ongoing debate over whether Senate rules permit them to do so through the so-called budget reconciliation procedure.

The House Ways and Means Committee is planning for a multi-day process to approve the tax portions of the relief bill, starting today. That text includes another round of relief checks, paid-leave benefits, and widened tax credits for families with children and low-income individuals. It also addresses the extended unemployment benefits that President Biden called for in his overall \$1.9 trillion proposal.

Nine other congressional committees will meet in the coming days to assemble their portions of the relief bill for a House floor vote the week of February 22nd. Once the bill heads to the Senate, it is designed to be passed with just 50 members plus the tie-breaking vote of Vice President Harris using the budget reconciliation procedure.

2. Latest on the Vaccine Distribution

On Monday, the [Centers for Disease Control and Prevention](#) (CDC) said about 32.3 million people have received at least one dose of a Covid-19 vaccine, including about 9.5 million people who have been fully vaccinated. The Federal government has delivered about 59.3 million doses to states, territories, and Federal agencies.

State and Local Vaccine Distribution Tracker by *Little Law Firm*:

Vaccine approval and distribution are the next steps in the fight against COVID-19. As with nearly everything about this pandemic, guidance and action plans vary by state and local jurisdictions and are constantly evolving. To that end, *Little Law Firm* provides links to state agency websites, vaccine allocation plans, and other guidance related to the rollout of COVID-19 vaccines, as well as basic vaccination plan phases.

To see the latest updates, click [HERE](#).

Distribution Delivers Initiatives:

NAW is actively involved in the vaccine distribution issue, working with member companies in a joint effort to get the government to involve the entire wholesale distribution industry in the vaccine distribution effort.

NAW CEO Eric Hoplin wrote a letter to the White House (which we have shared with you before and which you can read [HERE](#)), urging that the Federal government “engage the entire distribution sector and bring to bear the full logistics expertise and customer reach of our industry to ensure Americans across the country gain access to critical vaccines and other interventions.”

Following up on that letter, we met with officials at the Department of Health and Human Services (HHS) to again urge that the existing pharmaceutical wholesale distribution supply chain be deployed in this mission. We pointed out that the current piecemeal approach to vaccine distribution and prioritization is not reaching the number of Americans waiting for vaccine availability, and that this problem will grow dramatically as availability of the vaccine increases and distribution will need to scale to meet the demand.

We are reaching out to the White House and HHS again and hope to have conversations soon with Federal Emergency Management Agency and CDC staff.

We will also be launching a digital ad campaign here in Washington, DC to further call to the attention of policy makers the need to utilize all the distribution industry’s capabilities in the vaccine mission.

Specific Employer Issues:

Politico reports that some employers are offering their workers incentives to get inoculated against Covid-19. Others are considering whether to mandate the shots. But

both approaches come with legal risks that are making some companies hesitant to play a role in getting their workforces vaccinated.

Last week, NAW, along with 42 of our downtown allies, sent a [letter](#) to the Equal Employment Opportunity Commission (EEOC) requesting that they quickly issue guidance clarifying the extent to which employers may offer employees incentives to vaccinate without running afoul of the Americans With Disabilities Act and other laws enforced by the EEOC. We are still waiting on a response from the EEOC and we will update you again as soon as we receive it.

Nearly half of employers, HR professionals and business attorneys say they have already decided against a vaccine mandate, according to a new [survey](#) of 1,800 executives conducted by *Little*. Most of the companies surveyed by *Little* are also worried that employees may push back on a mandate and how a vaccine mandate could affect company culture. Instead, most employers said they planned to provide vaccine information to their workers, and nearly a third said they would offer paid time off for workers to get the shot. To read the full *Politico* story, click [HERE](#).

More vaccine news:

[“Biden administration to begin shipping vaccines to health centers.”](#) from *POLITICO*

[“CDC plans nationwide event to boost vaccine confidence.”](#) from *NBC News*

3. Latest on the Issues Impacting NAW Members

Increasing the Federal Minimum Wage:

The nonpartisan Congressional Budget Office (CBO) reported this week that raising the minimum wage to \$15 an hour would cost 1.4 million jobs and increase the deficit by \$54 billion over ten years.

The minimum wage proposal in Congress has split the more liberal wing of the Democratic Party from moderates such as Senator Joe Manchin (D-VA) who has said that he does not support the proposal. President Biden said in an interview last week that he did not expect the measure to make the \$1.9 trillion Covid relief package currently under consideration by Congress. However, progressives, union leaders and activists are demanding that the Biden administration use every tool available to make sure its massive coronavirus relief package includes an increase in the minimum wage.

President Biden's team is leaning heavily against the idea of having Vice President Kamala Harris use her powers as President of the Senate to keep the minimum wage provision inside the relief package. She could do so if the Senate parliamentarian determines that hiking the minimum wage to \$15-an-hour does not work with budgetary rules that allow a bill to pass with just 51 votes in the Senate. Vice President Harris, at that point, could be the tie-breaking vote to bypass the parliamentarian.

Representative Jayapal and other progressive lawmakers, including Senator Bernie Sanders, are optimistic that the parliamentarian will rule that the minimum wage hike is germane to the budget process. And they are also beginning to lay the predicate for the parliamentarian to be overruled if that determination isn't made.

4. **Latest on the Economic Recovery and Re-Opening the Workplace**

As the Coronavirus Pandemic continues to impact the United States economy and businesses across the nation, it can be hard to decipher how new regulations and laws may impact your business. To help you manage these issues NAW is providing information about reports, webinars and seminars that you may find useful:

Webinar from *Little Law Firm*:

How to Implement a Legally Compliant Workplace COVID-19 Testing Program While Waiting for the Vaccine to Arrive

February 16, 2021 | 2:00 p.m. CT

Before implementing a COVID-19 testing program, employers should address a broad range of practical, logistical, and legal issues. The nonlegal issues include which test to use, how frequently to test, and how specimens should be collected. To read more and to register, click [HERE](#).

From *Reed Smith Law Firm*:

[Managing the risks of incentivizing COVID-19 vaccines for employees](#)

The release of the COVID-19 vaccine came as welcome news for employers. With it, however, employers will now confront myriad new questions about how the vaccine will affect workplace terms and conditions. To read more, click [HERE](#).

Webinar from *Nixon Peabody*:

Vaccinating the Nation: What You Need to Know

Wednesday, February 17, 2021 | 4:00–5:00 p.m. ET

Widespread vaccination offers a light at the end of the pandemic tunnel. However, it also creates some legal questions and challenges. Every organization and business will need to confront these issues, which are further complicated by a slow and uneven rollout of vaccinations across the country. To register, click [HERE](#).

Stateside Associates publishes a daily report about State and Local Government responses to the evolving situation. To read their latest report, click [HE RE](#).

We are also providing a link to a spreadsheet that includes state and local COVID-19 response information provided by **MultiState Associates**. To view their spreadsheet, click [HERE](#).

[Click here](#) for links to **UPDATES** sent previously.

Many thanks—

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