

TO: NAW Direct Members

FR: NAW Government Relations Team

RE: NAW COVID/Government Relations Update Number 2021-8 – March 11 at 4:30 PM

1. Latest on the COVID-19 Relief Legislation

On Saturday, the Senate approved a \$1.9 trillion coronavirus relief package in a remarkable Senate session, and the House passed the Senate version of the bill yesterday. The President signed the bill this afternoon, one day earlier than expected.

A lot has been written about the bill, but much is still to be learned and as details come out, there are some surprises ... The Senate process by which the bill was considered was remarkable and record setting ... Democrats argue the legislation is exactly what Americans and the economy need ... Republicans condemn the bill as an irresponsible spending spree largely unrelated to the pandemic. There's little argument that the fiscal consequences of this spending will be felt for years to come.

We have not attempted to prepare a detailed summary of the many-hundred-page-bill, but have assembled some information that might interest you, and which you may not read in conventional news coverage. For example:

- The bill included three business tax increases that no one knew were there
- The Senate cast a vote that took almost 12 hours to complete
- The billions in aid for schools is not tied to schools re-opening
- Most of the Senate votes were 50-49, not 50-50 ties that would have required Vice President Harris to cast tie-breaking votes during a marathon 24-hour Senate session

You can read our brief report on these and other related items [HERE](#).

2. Latest on the Vaccine Distribution

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 vaccine distribution.

NAW Initiatives on Vaccine Distribution:

Earlier this week, NAW sent a letter to White House Senior Advisor for COVID Response Andy Slavitt reiterating the role distributors play in the economy and how we can help with vaccine distribution and other COVID relief efforts. We continue to focus on highlighting the role distributors are playing in helping America's recovery and offering to do more to help move the country forward. To read the letter, click [HERE](#).

NAW and our member companies are partnering with the National Football League to support mass vaccination sites in stadiums across the country. When fully operational, these sites will have the capacity and vaccine supply provided by FEMA to vaccinate thousands of people each day. NAW is actively building a coalition of distributors who are committed to accelerating the administration of the vaccine and can help the NFL secure items needed to operate these mass vaccination sites. Needed items include liquid hand sanitizer (preference for larger volume pump containers), disinfectant wipes, disposable face masks, medical grade gloves (nitrile or vinyl material), and medical waste containers (disposal plastic sharps bins).

If you would like to join us and have the ability to donate or serve as a source for purchase for any of these items, please contact NAW's Chief Business Development Officer Dan Schuberth (dschuberth@naw.org, 732-585-3010).

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

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](#).

Additional Vaccine Distribution Resources:

In a previous update, we included additional information and resources on vaccine distribution, which you can access [HERE](#).

Specific Employer Issues:

In a previous update we mentioned that 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.

4. Latest on the Other Issues Impacting NAW Members

Protecting the Right to Organize (PRO) Act:

This week, Democrats in the House of Representatives passed the Protecting the Right to Organize (PRO) Act, a labor boss wish list that was written to increase union membership at any cost.

This radical smorgasbord of pro-union legislation has been a top priority of labor unions for several years and was passed primarily along party lines. Although, the following five Republicans voted for the bill: Jeff Van Drew (NJ); Chris Smith (NJ); Brian Fitzpatrick (PA); John Katko (NY); and Don Young (AK); and one Democrat voted against: Henry Cuellar (TX).

Although many think that the measure is unlikely to win the 60 votes needed for passage in the Senate, that is certainly not a guarantee. Several of the newly elected Democratic members of the Senate have already co-sponsored the Senate companion bill and the executive board of the AFL-CIO has stated that it is exploring its position on eliminating the filibuster to pass the PRO Act.

From Reed Smith Law Firm:

[Labor law under the Biden administration: A preview of the PRO Act](#)

At a union event on Labor Day in 2020, President Biden vowed to be “the strongest labor president you have ever had.” Although he has only been in office a short time, his administration is already taking steps to honor that pledge. Specifically, on February 4, 2021, House and Senate Democrats introduced the Protecting the ... [Continue Reading](#)

Infrastructure and Reconciliation:

COVID legislation and infrastructure were the top items on President Biden's list of issues that should be taken up on a bipartisan basis. Unfortunately, as you know, Congress chose to move a completely partisan COVID bill without Republican input or votes. While the President continues to talk about a bipartisan infrastructure approach, and has met with Republicans on it, there are troubling signs in recent days.

The original price tag on an infrastructure bill was about \$2 trillion, which was already enough to worry both Republicans and Democrats who have expressed concern about the extraordinary federal spending legislation enacted in the last year. Nevertheless, in the last few days House Democrats have begun talking about an infrastructure bill of closer to \$4 trillion. And Senator Joe Manchin (D-WV), Chair of the Senate Committee responsible for most of the infrastructure issue, said that he could support a \$4 trillion bill if it was paid for with tax increases.

While Senator Manchin continues to say he will not support a partisan approach to infrastructure and will not consider using reconciliation to pass a bill, Republicans and some Democrats are certain to oppose a big tax increase bill, and House Democrats are suggesting that reconciliation is the path they will pursue.

There is broad and deep support throughout the business community for a long-overdue infrastructure bill, but there is also broad and deep opposition to raising taxes on businesses, especially as the economy continues to recover from the pandemic. Combining a highway bill with trillions of dollars in new business taxes would make it very difficult for much of the business community to get behind the much-needed legislation.

Business Insider published an interesting story on Senator Manchin and infrastructure, with the blaring headline: **Senator Joe Manchin says Biden's infrastructure bill can be as large as \$4 trillion as long as it's paid for with tax increases.** You can read that story [HERE](#).

5. 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*:

Navigating Difficult FMLA and ADA Issues in the Middle of a Pandemic

Tuesday, March 16, 2021 | 10:00 am-11:00 am PDT

The COVID-19 pandemic has left an indelible impact on the workplace, causing employers to deal with a wave of medical leaves and a shift to virtual workplace. And

now, with the roll-out of the vaccines, there are added wrinkles of whether to mandate them and possibly accommodate employees who challenge use of the vaccines. As a result, employers face a host of compliance issues in navigating vaccine, leave and accommodation issues. To register, click [HERE](#).

From Reed Smith Law Firm:

[COVID-19 in New York one year later: An overview of employer obligations still in-effect](#)

As we approach the one-year anniversary of COVID-19's upheaval of "business as usual," we continue to field inquiries from Empire State employers regarding their pandemic-related workplace obligations. Given that many of the pandemic-related regulations remain fully in effect, we have summarized in this blog post the primary employer obligations that remain in-effect in New York ... [Continue Reading](#)

CDC: Fully vaccinated people can gather indoors without masks

According to [guidance](#) from the Centers for Disease Control and Prevention released Monday, people who have been fully vaccinated against COVID-19 can take fewer precautions in certain situations, including socializing indoors without masks when in the company of low-risk or other vaccinated individuals. To read the full guidance from the CDC, click [HERE](#).

From Bloomberg:

Employer Covid-19 Vaccine Incentives—A Difficult Dilemma: Legal Insight

Some employers are offering incentives to employees to get vaccinated against COVID-19, like bonuses, days off, or gifts. R. Anthony Prather, partner at Barnes & Thornburg LLP, warns that may work, but could lead to legal problems. Employers face a difficult choice: They can offer de minimus incentives that don't really incent or offer larger incentives and open the company up to allegations of coercion or discrimination. To read the full article, click [HERE](#).

From Reed Smith Law Firm:

[Employers face challenges as states lift COVID-19 safety measures](#)

The recent decline in COVID-19 infections has led numerous states to begin contemplating a roll-back of mask mandates and related COVID-19 restrictions. Most recently, on Tuesday, March 2, 2021, Governor Greg Abbott and Governor Tate Reeves

announced the imminent elimination of mask mandates in Texas and Mississippi, respectively. Both Governors also removed all capacity limits ... [Continue Reading](#)

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

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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