

TO: NAW Direct Members

FR: NAW Government Relations Team

RE: NAW Government Relations Update Number 2021-21 – September 9 at 6:30 PM

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1. Latest on the Reconciliation Tax-and-Spend Bill

Everyone paying even the most remote attention to Congress these days knows that this week they began the extraordinary process of trying to pass another \$3.5 trillion spending bill – in as little time as possible – using a reconciliation process so the Democratic-controlled House and Senate can pass it without any Republican votes.

Numerous House Committees are now “marking up” issue-specific legislation, and once those mark-ups are completed, the individual committee bills will be merged into the huge reconciliation bill that will be considered by the full House. A similar procedure will take place in the Senate (but all we have now is the House language).

It’s hard to know where to even start trying to unpack this massive piece of legislation. Perhaps we should rely on the not very GOP-friendly *New York Times* for a headline description from their Sept. 7th story:

From Cradle to Grave, Democrats Move to Expand Social Safety Net: The \$3.5 trillion social policy bill that lawmakers begin drafting this week would touch virtually every American, at every point in life, from conception to old age.

Yesterday, the House Education and Labor Committee rolled out its piece of the reconciliation bill. We are still trying to figure out all the damage it would do, but notable among the provisions are:

- The section of the so-called PRO Act that would, for the first time, allow the National Labor Relations Board to issue civil penalties in unfair labor practice cases;

- Extending those NLRB civil penalties to officers and directors, making them personally liable for unfair labor practices;
- A mandate that all companies *with more than **five** employees* provide auto-enroll retirement plans;
- Increase in OSHA fines and penalties by a factor of 10 (i.e., \$70k to \$700k); and
- Increased penalty and fine authority for the Equal Employment Opportunity Commission.

Bloomberg describes the Labor provisions this way: *The \$761 billion measure, released Wednesday, is loaded with pro-worker and pro-union provisions that could pass without needing a single Republican vote—if they can overcome procedural hurdles.*

You can read the *Bloomberg* story [HERE](#).

And this doesn't even begin to cover the more than \$1.5 trillion in tax hikes that the House Ways and Means Committee is expected to take up next week, which we have described in previous updates.

NAW and many of our colleagues in the DC trade association community are opposing this reconciliation package in its entirety. The massive size of it – especially added to the trillions of dollars already spent in the last 18 months and anticipated to be spent in the infrastructure bill – would slow economic growth, hurt hiring, and fuel inflation.

We are continuing to learn more about the multiple pieces of this bill and will keep you updated on its progress through the legislative process. And early next week we will send out an E-Alert with more information on the legislation and instructions on an easy web-based way for NAW members to contact their Members of Congress to urge their opposition to this extraordinary legislation.

In the interim, NAW helped obtain signatures on two letters that were sent to the Hill this week:

A Main Street Employers letter was sent to the Chairman of the House Ways and Means Committee opposing tax hikes on employers, which 120 organizations signed.

And a Family Business Estate Tax Coalition letter was sent to the Chairman and Ranking Republican on the House Ways and Means Committee opposing repeal of step-up in basis, which garnered 165 signatures.

More than two dozen NAW member associations signed each of these letters.

You can read the Main Street letter [HERE](#).

You can read the FBETC letter [HERE](#).

2. Biden's COVID Vaccine Mandate for Private Sector Employers

The Biden Administration announced today that more than 80 million Americans working in the private sector will be required to receive a COVID vaccine or produce a negative test result at least once a week.

The Occupational Safety and Health Administration (OSHA) is developing the rule that will require vaccinations or once a week testing for private sector companies with more than 100 employees. OSHA will issue an Emergency Temporary Standard (ETS) to implement this requirement in the coming weeks.

To read Biden's plan, click [HERE](#).

3. 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*: The Biden Labor Agenda: What Lies Ahead

September 16, 2021 | 2:00 p.m. ET

In this presentation, we will examine the workplace policy agenda that the Biden Administration has begun to pursue, identifying a variety of topics that may affect employers in the months and years to come. These include anticipated changes at the

U.S. Department of Labor, NLRB, and EEOC, impacting such issues as joint employment, independent contractors, employee handbooks, union organizing, minimum wage, workplace safety, affirmative action, and government contracts. The latest developments regarding the PRO Act, COVID, and other pending legislation will also be discussed.

To register, click [HERE](#).

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

Many thanks—

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