

NDA Sends Letter to Senate on Budget Reconciliation Priorities

NDA recently sent a [letter](#) to U.S. Senate leaders highlighting the demolition industry's positions on several proposals in the Democratic budget reconciliation plan, known as the Build Back Better Act. The legislation passed the House of Representatives last month and is now under consideration in the Senate. The roughly \$2 trillion plan calls for new investments in social programs related to climate change, housing, health care, labor, education and child care.

In the letter, NDA outlined its concerns with specific provisions in the House bill and provided recommendations on how to improve the bill in the Senate. These recommendations include:

- Oppose all tax increases on demolition contractors;
- Oppose unreasonable increases to OSHA fines;
- Oppose expansion of the Family Medical Leave Act (FMLA); and
- Prioritize workforce development initiatives.

It is unclear when the Senate will vote on the Build Back Better Act as there remain many disagreements within the Democratic Party on the size and scope of the legislation. Senate Majority Leader Chuck Schumer has said he would like to pass the bill by the end of month but it is looking more likely that negotiations will continue into 2022. Democrats will need the support of all 50 of their senators in order for the bill to pass under the budget reconciliation process.

Members can echo NDA's advocacy on Capitol Hill by utilizing the [Grassroots Action Center](#) to contact their senators in support of the demolition industry's priorities. NDA will continue to lobby the Senate on these priorities and keep members update on the latest developments.

Update on OSHA COVID-19 Vaccination Mandate

As reported by NDA last month, the U.S. Court of Appeals for the Fifth Circuit recently issued a temporary stay against the Occupational Safety and Health Administration's (OSHA) Emergency Temporary Standard (ETS) on COVID-19 vaccination and testing. After the ruling, OSHA announced they had suspended activities related to the implementation and enforcement of the ETS pending future developments in the litigation.

The Sixth Circuit Court of Appeals was recently chosen in a lottery to hear the case against the ETS and could issue a ruling as soon as next week. The case is expected to eventually reach the U.S. Supreme Court by the end of December. As of now, the Sixth Circuit has not yet lifted the Fifth Circuit's stay on the ETS.

While OSHA has temporarily suspended enforcement of the ETS due to court order, NDA would like to remind members that the mandate is still a promulgated rule and could go into effect should the stay get lifted by the Sixth Circuit in the coming days.

If the court's stay is lifted, covered employers would be required to be in compliance with the rule's requirements that were scheduled to go into effect this week (Dec. 6) and Jan. 4, 2022. NDA members are encouraged to have an implementation strategy in place should the court reinstate the rule.

NDA has created a [members-only guide](#) which provides an in-depth summary of the guidance issued by OSHA on the ETS. NDA will also be submitting formal comments to OSHA on the ETS, which are now due by Jan. 19, 2022.

Senate Passes Resolution to Overturn Biden Administration Vaccine Mandate

On Wednesday, the U.S. Senate passed a Congressional Review Act (CRA) [resolution](#) to nullify the Biden administration's COVID-19 vaccination mandate on private employers by a vote of 52-48. Democratic Sens. Joe Manchin (D-WV) and Jon Tester (D-MT) joined every Republican in voting to pass the resolution. The Congressional Review Act allows Congress to formally overturn rules issued by the executive branch.

The Senate's CRA resolution now moves to the House where it has the support of all 213 Republicans and only needs five Democrat cosponsors to reach the 218 member threshold required for a discharge petition to force a vote on the House Floor. Should the resolution pass the House, President Biden will be forced to either rescind the mandate or publicly rebuke Congress through a veto.

Congress Passes Legislation to Avert Government Shutdown

Congress recently passed a short-term continuing resolution (CR) to fund the federal government at existing levels through Feb. 18, 2022. The CR also includes \$7 billion for Afghan refugee resettlement. Congress is expected to take up legislation to lift the nation's debt ceiling next week. The Department of Treasury has said that Congress will need to raise the debt ceiling by Dec. 15, 2021 before Treasury exhausts its borrowing authority.