

April 2014 National Legislative Update

ACA “Full-Time Employee” Bill

On Thursday April 3rd, the House of Representatives passed H.R. 2575-- Save American Workers Act of 2014—by a 248-179 vote, to raise the Affordable Care Act’s (ACA) 30-hour per week “full-time employee” definition by raising that threshold to up to 40-hours per week. We need to continue reaching out to the Senate to address this outstanding concern. The Association has written to Sen. Reid and Sen. Whitehouse urging them to support this bill in the Senate. It is expected this could come up for consideration as early as mid-April.

Senate May Begin Debate on Minimum Wage:

It is anticipated that Senate Majority Leader Harry Reid (D-NV) could devote floor time next week to begin consideration of legislation (S. 1737) to raise the federal minimum wage from the current hourly rate of \$7.25 to \$10.10 through annual increments of 95 cents over a three year-period. After three years, S. 1737, authored by Senate Health, Education, Labor and Pensions Committee Chairman Tom Harkin (D-IA), would tie future minimum wage hikes to increases in the Consumer Price Index (CPI).

It is unclear whether the Senate will actually vote on the minimum wage proposal as it doesn’t have much of a chance of moving forward. Following the debate on the minimum wage initiative, Senator Reid may bring the *Paycheck Fairness Act* to the floor for debate the following week. Senator Barbara Mikulski (D-MD) is the lead sponsor of Paycheck Fairness legislation (S. 84), which has attracted 53 co-sponsors. The measure is intended to reduce salary differentials between male and female employees by strengthening remedies against gender-based wage discrimination.

Updates on Critical Issues:

Menu Labeling:

Chairman Aderholt closed the hearing by stating that the Subcommittee continues to hear about the menu labeling issue and remains concerned and interested in the issue. Earlier in the hearing, Rep. Sanford Bishop (D-GA) asked Commissioner Hamburg about the status of menu labeling rules, noting the need for a cost-benefit analysis to ensure grocers and pizza operations are not overburdened with a “one-size-fits all” approach. Hamburg responded that the agency continues to weigh stakeholders’ concerns but hopes to have final rules completed this year.

GMOs:

Rep. Nita Lowey (D-NY, Ranking Democrat on the Appropriations Committee) expressed her support for mandatory GMO labeling, citing customers’ need to know and implied potential for harm without labeling. Commissioner Hamburg noted that scientific studies do not support the need for mandatory GMO labeling, expressed the agency’s support for voluntary GMO labeling,

so consumers who wish to avoid GMO products have options to do so. Hamburg said that FDA expects to finalize voluntary guidelines soon but did not provide more specifics on timing or whether the guidance would include non-GMO labeling standards. Rep. Tom Latham (R-IA) expressed the benefits associated with GMOs and cautioned against actions that could harm technological progress in food production.

FDA Funding:

Both Republican and Democratic members questioned why FDA is, again, seeking facility registration fees and fees on food imports to fund FSMA since Congress has repeatedly rejected such proposals. Commissioner Hamburg expressed the agency's belief that the food industry received "value" from food safety oversight funded by user fees and implied some industry support for the fees, which was later disputed by Rep. David Valadao (R-CA), who noted a letter opposing such fees from organizations throughout the food supply chain.