

Sanders wants to hit Amazon where it hurts. Can he?

By Eleanor Mueller

05/05/2022 03:47 PM EDT

Senate Budget Chair [Bernie Sanders](#) (I-Vt.) is pressuring the White House to block employers like Amazon from working on federal contracts if they violate labor law.

An initial hearing Thursday made clear that doing so may not be so simple.

Glenn Spencer, the U.S. Chamber of Commerce's senior vice president of employment policy, told the committee that Congress used the Congressional Review Act in 2017 to overturn an Obama-era rule that forbade the federal government from awarding contracts to companies that violate labor law.

Once lawmakers repeal a regulation under the Congressional Review Act, agencies are unable to roll out a similar rule without getting prior approval from Congress.

"This is a significant barrier," Spencer said.

Sanders told reporters after the hearing that the Congressional Review Act will not deter him: "It's a good question, but I think there's always a way around it if you're strong and you are determined to do it."

He declined to specify what that path could look like.

Amazon, which won a cloud-computing contract last year from the National Security Agency worth up to \$10 billion, has been the target of several recent National Labor Relations Board complaints — including one that led to a do-over of a highly scrutinized union election at its facility in Bessemer, Ala.

The company denies wrongdoing.

Possible Democrat split ahead: Sen. [Tim Kaine](#) — the only Democrat, other than Sanders, who attended the hearing in person — did not voice explicit support for Sanders' proposal.

Instead, the Virginia lawmaker described his backing of the stalled [Protecting the Right to Organize Act](#) — and warned against vilifying Amazon, which is in the process of constructing its second headquarters in his state.

"I don't think Amazon is an organized criminal syndicate," Kaine said. "I think that's a vast overstatement."

Key context: Sanders sent a letter to the White House last week, [first reported by POLITICO](#), demanding President Joe Biden sign an executive order "preventing companies that violate federal labor laws from contracting with the federal government."

"The time for talk is over," Sanders said Thursday. "Taxpayer dollars should not go to companies like Amazon that repeatedly break the law."

GOP opposition: Sen. [Lindsey Graham](#), the top Republican on the Senate Budget Committee, condemned the idea Thursday as "ridiculous."

"This committee is taking a very dangerous turn under your leadership," the South Carolina lawmaker told Sanders. "Every time I turn around, you're having a hearing about [how] everybody that makes money is bad."

Unions say: Teamsters President Sean O'Brien and Amazon Labor Union President Chris Smalls told the committee that federal contracts could be a highly effective tool to hold employers accountable — particularly given how long the NLRB can take to litigate alleged violations.

“The corporations have the control, and they control whatever they want,” Smalls said. “They know that breaking the law during these [union] election campaigns won’t be resolved during these election campaigns.”

Earlier this year, Smalls led ALU to an election win in Staten Island — the first at any U.S. Amazon facility. But the NLRB has yet to ratify the results while [the agency works toward a ruling on Amazon’s 25 objections](#), a process that could take several weeks.

“It is wrong for our government to be giving taxpayer dollars ... to companies like Amazon,” O'Brien said. “We have the power to completely stop companies who break labor law from receiving federal contracts, so why are we not doing it?”

Biden's position: The White House has yet to take a public position on Sanders' proposal.

Last week, a White House official would say only that the president "has stated consistently and firmly that every worker in every state must have a free and fair choice to join a union and the right to bargain collectively with their employer."

Labor law experts said they wouldn't be surprised if the administration moved forward with it.

"The Biden administration has shown a willingness to use federal procurement" to further its labor priorities, including by mandating that contractors pay their employers at least \$15 an hour, Rutgers professor Rebecca Givan said. "There's always a question of whether the federal government will use its purchasing power to bring about changes when Congress isn't ready yet."

Emily Birnbaum contributed to this report.