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FEW Washington Legislative Update January 15-31, 2021

In Congress

State health officials on Tuesday [February 2] asked Congress to quickly approve new federal aid to accelerate the country's vaccination effort, as the House majority took the first step toward advancing a nearly \$2 trillion COVID relief package that minority members stated was too costly.

State officials testifying before the House Energy and Commerce Oversight Subcommittee said they needed more funding to ramp up the vaccine rollout and ensure that marginalized communities are not left behind — especially as cases and hospitalizations remain high and more contagious virus variants spread across the country.

The state officials expressed strong support for the type of robust aid package President Joe Biden is supporting, which includes hundreds of billions allocated to state and local governments. Some testified that Congress must fund paid sick leave and stimulus checks to make it possible for residents to miss work and isolate when infected. They also echoed Biden's calls to fund mobile units and outreach campaigns to get vaccines to low-income neighborhoods of color with high rates of hesitancy and barriers to access.

State officials noted that the relief package Congress passed in December of 2020 did not provide aid for state and local budgets, despite warnings that public health workforces were already being stretched to the limit. Khaldun, the Michigan health official, described having to pull staff away from contact tracing and lead poisoning work to focus on the vaccine rollout. Jill Hunsaker Ryan, the head of Colorado's public health department, said she has struggled for months to build up the workforce after decades of underfunding.

The Biden administration on Tuesday [February 2] announced states will receive some budget relief, as White House coronavirus coordinator Jeff Zients said the federal government would fully reimburse them for emergency response measures dating back to the beginning of the pandemic. He estimated states would receive between \$3 billion to \$5 billion.

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Safety and Security:

Department of Homeland Security (DHS) has issued a warning regarding a “heightened threat environment” to federal buildings and other facilities which it “believes will persist” for weeks at least.

“Information suggests that some violent extremists with objections to the exercise of governmental authority and the presidential transition, as well as other perceived grievances fueled by false narratives, could continue to mobilize to incite or commit violence,” it said.

“DHS is concerned these same drivers to violence will remain through early 2021 and some [domestic violent extremists] may be emboldened by the January 6, 2021 breach of the U.S. Capitol Building in Washington, D.C. to target elected officials and government facilities,” said a bulletin from the National Terrorism Advisory System.

“DHS remains concerned that homegrown violent extremists inspired by foreign terrorist groups, who committed three attacks targeting government officials in 2020, remain a threat,” it added.

A bulletin is the lowest of the advisory center’s three types of warnings, covering “current developments or general trends”; the others are an “elevated alert” and an “imminent alert.”

It recommended reporting suspicious activity to the FBI and other law enforcement; avoiding large crowds if possible; making note of surroundings and security personnel; and carrying emergency contact as well as medical and other needs information.

Sourced from [FEDWeek](#).

Paid Leave:

Legislation newly offered in the House would broaden federal employee paid leave entitlements for personal or family medical conditions in addition to regular sick leave.

The bill is a follow-up to the change in law that allowed for paid time as a substitute for unpaid time under the Family and Medical Leave Act. That now allows for up to 12 weeks of paid time over 12 months following the birth or adoptive or foster placement of a child.

Under the new bill, the 12-week within 12 months limit would remain but employees also could use it for the other reasons for which unpaid FMLA time is allowed: to care for an ill spouse, child, or parent; to care for a serious personal medical condition; or any qualifying circumstance resulting from a spouse, child, or parent who is designated or soon to be designated to be active duty military.

The measure is virtually guaranteed serious consideration in the House at least, since among others it is sponsored by the chairs of the Appropriations, Oversight and Reform, and Armed Services committees. That last one might be especially important since the paid parental leave benefit was created as an amendment to the fiscal 2020 DoD authorization bill, passed in December of 2019.

That bill also was the vehicle for a change in that benefit enacted a year later, making eligible most employees who had been left out of the authority at first because they do not fall under Title 5 personnel rules. In both cases the House had initially passed the language and the Senate—which hadn’t—accepted it in a conference that produced the final bill.

Even under that revision, though, USPS employees are not eligible for the paid parental leave. The new bill is structured so that they would be eligible for paid leave under all the same terms as other federal employees, according to sponsors.

Sourced from [FEDWeek](#).

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Key Hill Committees:

The lineups are starting to take shape on the congressional committees that are key for federal workplace issues, Oversight and Reform on the House side and Homeland Security and Governmental Affairs on the Senate side.

In the House, Rep. Carolyn Maloney, D-N.Y., will remain the chair of the full committee and Rep. Gerald Connolly, D-Va., will continue heading the subcommittee on government management.

Committee Democrats already have offered several workforce-related bills, including to: turn into paid time all forms of leave eligibility under the Family and Medical Leave Act; to provide a 3.2 percent raise for federal workers in January 2022; to prevent changes in civil service law such as the Trump administration sought through its “Schedule F” executive order, which the Biden administration has revoked; and most recently to allow those covered by special retirement provisions for federal firefighters and law enforcement officers to remain under that system if they suffer a disability that prevents them from remaining in such a position but who continue in other federal jobs.

The ranking Republican is now Rep. James Comer of Kentucky—who has issued statements in favor of Schedule F and against expanding paid leave—and Rep. Jody Hice of Georgia is to remain the ranking Republican on the government operations subcommittee. In something of a surprise, a former chairman of the committee, Rep. Darrell Issa, R-Calif., who has returned to Congress after a two-year break, has not been assigned to it.

With the change in control of that chamber to Democrats, Sen. Gary Peters, D-Mich., is set to take over the Senate governmental affairs committee and Sen. Rob Portman of Ohio is set to become the ranking Republican. Former chairman Ron Johnson of Wisconsin remains in Congress but could not remain the top Republican on the committee due to term limits.

Sourced from [FEDWeek](#).

Funding Across Agencies:

President Biden on Sunday (January 31) formally revoked his predecessor's effort to rescind \$27 billion in funding spread across two-dozen federal agencies, unfreezing the money for immediate expenditure.

Just days before he left office, President Trump issued a rescission request under the 1974 Congressional Budget and Impoundment Control Act. Trump had warned he would issue such a proposal when he signed the fiscal 2021 omnibus spending package in December, which narrowly averted a shutdown. His request triggered a 45-day freeze on the funds, which Biden lifted in his Sunday action.

The previous White House, which noted the rescission package was the largest ever proposed, identified the funds as "wasteful and unnecessary spending" and amounts "no longer needed for the purposes for which they were appropriated." It focused largely on international aid efforts through the State Department and U.S. Agency for International Development, but the 73 targeted programs also included those related to climate research, federal student aid and renewable energy.

The 1974 rescission law allows the president to propose to rescind funding previously approved by Congress. Lawmakers have 45 days to consider the request and if they do not act to support the rescissions during that window, the request is denied. The Office of Management and Budget can direct agencies not to spend the funding proposed for rescission for the entire 45-day period, regardless of when Congress acts. The Trump White House briefly floated a rescission in 2019 less than 45 days before the end of the fiscal year, which critics derided as illegal as it would have enabled the administration to freeze out funds from ever being spent. That followed a 2018 effort to rescind \$15 billion in largely foreign aid funding, which the House approved but was narrowly rejected by the Senate.

The most recent rescission package, where funds are now unfrozen, included accounts within the following departments and agencies:

- Agriculture
- Commerce

- Education
- Energy
- Health and Human Services
- Homeland Security
- Interior
- Justice
- Labor
- State
- Treasury
- African Development Foundation
- Commission of Fine Arts
- Corporation for National and Community Service
- District of Columbia
- Environmental Protection Agency
- Inter-American Foundation
- Millennium Challenge Corporation
- National Endowments for the Arts and Humanities
- National Gallery of Art
- Peace Corps
- Presidio Trust
- U.S. Agency for International Development
- Army Corps of Engineers
- Woodrow Wilson International Center for Scholars
- Legislative Branch

Sourced from [GovernmentExecutive](#).

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Veterans Health Administration:

This year the Veterans Health Administration (VHA) is marking 75 years of operations. Its leadership says the agency has come a long way in those decades, as a continuously learning organization. For a view of VHA from the point of view of its constituents, Federal Drive with Tom Temin turned to the National Legislative Director of Disabled American Veterans, Joy Ilem. Podcast and transcript located [here](#).

Sourced from [Federal News Network](#).

FEW receives information from the following sources and contacts: Federal News Network, GovernmentExecutive, CNN, FedWeek, and CNBC.