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# FEW Washington Legislative Update
# September 15-30, 2021

## In Congress

The Senate plans to take up the House passed continuing resolution (CR) to fund the government through December 3rd. This clean continuing resolution does not include an increase in the debt ceiling and Congress has until October 18, 2021 to raise the debt limit or face a historic and catastrophic default, according to a letter this week from Treasury Secretary Janet Yellen. In spite of that, Senate Majority Leader Chuck Schumer (D-N.Y.) on September 27, 2021, vowed that Democrats "cannot and will not" raise the nation's borrowing limit as part of the sweeping spending bill using reconciliation.

The bill also includes $6.3 billion for relocation efforts for Afghan refugees, as well as $28.6 billion for disaster assistance following a spate of devastating hurricanes and wildfires.

The House advanced the measure earlier yesterday, the House Rules Committee approved a rule by a vote of 7-3 related to the measure. The debt ceiling bill was not included. Raising or suspending the debt ceiling does not authorize new federal spending, but rather allows the Treasury to honor debts already incurred during the Trump and Biden administrations. Even if the Biden administration had passed no new spending initiatives in 2021, lawmakers would still have to raise or suspend the ceiling.

The House will also consider as many as twelve bills under suspension of the Rules, including H.R. 4611, DHS Software Supply Chain Risk Management Act of 2021.

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## Tier I

**Paid Family and Medical Leave:**

The United States is closer than it has ever been to passing a federal paid family leave policy.

The $3.5 trillion human infrastructure package, the centerpiece of President Joe Biden's Build Back Better Act, currently being debated in Congress would give all workers up to 12 weeks of paid family and medical leave.

While the paid family leave provision is currently included in the legislation, it could be removed before the bill is passed, prompting advocates for paid family leave to mobilize.

The call for Congress to pass paid family leave -- and take the U.S. out of the small pool of countries that does not currently guarantee it -- comes as many families, particularly working moms, are still trying to recover from the dual childcare and economic crises brought on by the coronavirus pandemic.

During the pandemic, around 3.5 million moms of school-age children left active work, shifting into paid or unpaid leave, losing their job or exiting the labor market altogether, according to the U.S. Census Bureau.

1. What exactly would change if paid family and medical leave is passed?

   Under the provision currently included in the Build Back Better Act, all workers in the U.S. would be allowed up to 12 weeks of paid leave to welcome a child, care for a family member or address their own serious medical condition.

   In addition, workers would be allowed three paid days for bereavement and up to 26 weeks of paid leave for military caregiving purposes.

   The only requirement for workers is they must have a recent wage history, which is used to determine the pay they receive while on leave.

   The pay during a person's leave would be paid for by the government, not individual employers.

   Under current U.S. policy, the Family and Medical Leave Act, employees who qualify can take time off to care for a newborn or loved one or recover from illness without fear of losing their job, but in most cases the leave is unpaid.

2. What is happening in Congress?

   The paid family and medical leave provision are included in a budget reconciliation bill, focused on human infrastructure and social spending, that passed through U.S. House committees in mid-September.

   At the same time, the U.S. Senate has moved forward a bipartisan infrastructure bill that focuses on investments in the nation's roads, bridges, railways and ports.

Now, leaders in the House and Senate are trying to negotiate the two bills to get legislation to President Biden's desk.

House Speaker Nancy Pelosi initially said she would move the two proposals through Congress together, but signaled on September 27, 2021 she is taking a different approach and plans to push forward with a vote this week on the Senate's bipartisan infrastructure bill.

Some members of the House Progressive Caucus have protested, writing in a recent op-ed that Congress "must deliver for American families," including on paid leave.

President Joe Biden and White House press secretary Jen Psaki both indicated Monday afternoon that negotiations on the legislation could stretch beyond this week.

This is the closest Congress has ever been to passing paid family and medical leave, but whether the legislation will cross the finish line remains the "$500 billion question," according to Michelle McGrain, director of congressional relations and economic justice at the National Partnership for Women and Families.

"I think many members of Congress understand how life-changing this kind of a program would be," said McGrain. "We are one of the only countries in the entire world that has no guaranteed form of paid leave whatsoever, and coming out of this public health epidemic, people really are starting to understand, or continuing to understand, that it's absurd to make people go to work when they need to deal with their really serious medical or caregiving issues."

3. If paid leave passes, when would it go into effect?

   If paid leave passes this Congress, it would be implemented by June 2023.

4. I already have paid leave through my employer. Would that change?

   No, a federal paid family and medical leave program would not change private employers' programs that meet the federal standard, according to McGrain.

   "This will not in any way take away what employers are already doing if they are already providing benefits," she said, noting that employers who already offer leave benefits would be able to get reimbursed for 90% of what their employees would receive under the federal program.

   McGrain said currently only about one-fifth of employees in the private sector have access to paid family and medical leave.

   "You might get a few days of paid time off, a few days of paid sick leave, but that’s not the same as long-term paid family and medical leave for significant life events like welcoming a new child, undergoing chemotherapy, undergoing surgery, transitioning a parent to a care facility," she said. "Only about one-fifth of the workforce has access to these benefits."

Currently, nine states -- California, Massachusetts, New Jersey, New York, Rhode Island, Washington -- and the District of Columbia have enacted paid family leave programs, according to McGrain.

*Sourced from Good Morning America.*

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## Tier II

**Healthcare:**

Premiums for federal employees will rise by 3.8 percent on average in 2022, the second straight year of moderate increases despite the coronavirus pandemic, the government announced September 29, 2021.

The pandemic has led to increased costs in the Federal Employees Health Benefits Program (FEHBP), the Office of Personnel Management said, including roughly $1 billion to test and treat coronavirus patients. But those costs have been partly offset by enrollees skipping routine medical procedures, the OPM said.

The program, which is open to nearly all federal employees as well as retirees who were covered continuously for five years before retirement, has some 4.1 million enrollees and about an equal number of covered spouses and children under 26. The FEHBP is the nation's largest employer-sponsored health insurance program.

"The pandemic-related costs will likely persist in 2022 but potentially decline due to more vaccinations available for our population, especially with the various vaccination mandate/requirements at the workplace issued by the Federal Government, state and local governments, as well as employers in the private sector," the OPM said.

The Biden administration has mandated that federal employees be fully vaccinated by November 22, 2021, or face discipline up to firing, unless they are exempted for medical or religious reasons.

FEHBP plans waive cost-sharing and prior authorization requirements for coronavirus diagnostic and antibody testing and remote care services "and will continue to cover COVID-19 vaccinations and all subsequent booster vaccines as soon as possible" following approval by the Food and Drug Administration, the OPM said.

The rate increase was announced in advance of an annual season to change or add to plans, which stretches this year from November 8, 2021, through December 13, 2021.

Coverage is provided by private insurance companies under contract with the OPM, which sets general terms. The government pays about 70 percent of the total premium cost.

For 2022, there will be 275 plans — a net loss of one — the large majority of them regional health maintenance organization plans. Employees in the national capital area will have the option of 38 plans, the OPM said.

On average, enrollees with self-only coverage will pay $3.17 more per biweekly pay period; enrollees with plus-one coverage will pay $7.61 more, and those with family coverage will pay $10.09 more. Within the average, changes will vary by plan, with some even higher and some decreasing slightly.

In the largest plan, Blue Cross and Blue Shield Basic, the enrollee cost is increasing by $1.58 biweekly to $80.18 for self-only coverage; by $6.96 to $196.13 for self plus-one; and by $11.02 to $212.29 for family coverage. Retirees pay premiums at the same rates, but monthly rather than biweekly.

Coverage terms in the program are largely stable year to year, although for 2022, the OPM emphasized expanding telehealth services and coverage for fertility treatments, as well as tighter controls over prescriptions for opioids and other drugs.

Last fall, when announcing premiums for 2021, the OPM similarly said that the pandemic had moderated costs as some enrollees deferred care. The agency's inspector general echoed that observation in a report early this year showing what it called a "concerning" decrease in 2020 in preventive care such as wellness exams, mammograms, colonoscopies and pediatric vaccinations.

Besides pandemic-related costs, the main drivers of the premium increases in the FEHBP include the long-running factors of prescription drugs costs — particularly for newer and more expensive specialty drugs — expenses to cover chronic illnesses, and general medical inflation, the OPM said.

The average 3.8 percent rise in enrollee premiums follows a rise of 4.9 percent for 2021 and of 5.6 percent for 2020; in the four prior years, it fell in the 6-to-7-percent range with the exception of 1.5 percent for 2019.

The 2022 increase also is less than the 4.8 percent rise announced for 2022 in the second-largest public employee program, covering state workers of California, and the 6.5 percent expected overall growth in medical costs for next year, the OPM said. In the FEHBP, total premiums are increasing by 2.4 percent, but the government share is rising by less than the enrollee share because of the complex method of calculating the two.

"Clearly the administration did a better job holding down the employees' share of premium costs in the FEHB program for 2022, and we commend that progress," National Treasury Employees Union President Tony Reardon said in a statement. "But we will encourage our members to prepare for price increases and use the upcoming open enrollment season to evaluate all of their options to decide which plan is best for themselves and their families."

The OPM on September 29, 2021, also announced that premiums are increasing by 1 percent on average under a separate program, the Federal Employee Dental and Vision Insurance Program, in which enrollees pay the full premium cost.

That program allows for similar choices during the open season except that it has far fewer carriers — five nationwide vision plans, seven national dental plans and five regional dental plans.

*Sourced from [The Washington Post](#).*

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## Tier III

**Women in the Workplace Report:**

Women who work in the United States are more burned out than they were a year ago, while commitments to advance diversity, equity and inclusion are not translating into better experiences at work for women of color, a report published on September 27, 2021, finds.

McKinsey & Company and LeanIn.org's seventh annual report on Women in the Workplace examined data from 423 major US companies, surveyed more than 65,000 employees and conducted interviews with people from diverse backgrounds to take stock of how American women are faring more than a year and a half into the coronavirus pandemic.

The report found that the gap in burnout between women and men has nearly doubled over the past year as in-person workplace paradigms continue to be upended, and women assume greater caregiving burdens stemming from hybrid schooling and daycare center closures.

The share of women saying they were often or almost always burned out at work rose to 42 percent in the latest survey — 7 percentage points higher than the share of men, and a full 10 percentage points higher than last year.

"Women who manage teams were significantly more likely to be burned out than men at the same level," Ishanaa Rambachan, a partner at McKinsey & Company and study co-author, told Al Jazeera. "We see a real risk here. Women are at risk of leaving and in many cases, these are exactly the ones who stepped up in the pandemic to take leadership roles in really helping the office and building culture."

The levels of exhaustion are reflected in the survey's finding that one in three women say they have considered either downshifting their careers or leaving the workforce entirely, a dramatic rise from the one in four who reported feeling this way in the first few months of the pandemic.

Relentless 24-7 corporate work cultures are driving the exhaustion, with over a third of employees saying they feel like they need to be available around the clock and that they need to work long hours to move up the corporate ladder.

"What we found is remote work is not going to be a panacea for attracting and retaining diverse talent," Rambachan explained. "Both men and women want to work at least one day a week remotely, for sure. But we've eliminated the commute and now we're all sleeping at the office. So there need to be real guardrails and thoughtfulness about remote work. What is the day-to-day structure? When will there be moments when we all step away and come back online?"

Barriers for women of color

The report found a disconnect between the growing commitment in corporate America to advance diversity, equity and inclusion (DEI), and the actual day-to-day experiences of women of color and women with marginalized identities.

“I think we were all surprised to see that despite the heightened focus on racial equity and the heightened focus on diversity, equity and inclusion, that women of color’s experiences are not changing or not improving dramatically in the workplace. They experience similar frequencies and types of microaggressions as they did a few years ago,” Rachel Thomas, co-founder and CEO of LeanIn.org and study co-author, told Al Jazeera.

“On top of that, white employees are more likely this year to say they’re showing up as allies. And on the face of it, that’s good, but they’re no more likely to be showing up as allies and taking the action of allyship,” Thomas added. “There’s just a very big gap between intent and action when it comes to allyship.”

In addition to microaggressions, women of color also experience higher levels of “othering” as well as a greater range of both disrespectful behaviors — from being interrupted or spoken over more than others, to feeling as if they are expected to speak on behalf of all people who share their identity — all of which contributes to higher levels of burnout.

“Microaggression is, by definition, everyday discrimination,” Thomas said. “What happens is over time, microaggressions really build up and they create work experiences for women that start to feel untenable. It’s only commonsensical that if you’re on the receiving end of a lot of everyday discrimination and a lot of everyday slights and othering behavior, that it’s going to take a toll on you.”

The report found that women who regularly experience microaggressions are twice as likely as those who do not to experience burnout and more than twice as likely to report feeling negatively about their job.

There is already a “broken rung” when it comes to women’s ascension to management positions: for every 100 men promoted to manager, only 86 women are. And that gap is even more pronounced for women of color. Just 12 percent of managers in 2021 are women of color, the study found, versus 42 percent who are white men.

That has led one in eight women of color to report being a “double only” — the only woman and the only person of their race or ethnicity in the room at work. That lack of diversity contributes to women of color’s experiences of microaggressions, which are happening at the same rate as two years ago, the report found.

Asian women who are “double only” are more likely to report experiencing microaggressions at work, the report found, and one in four Asian women reported being personally impacted by racial trauma in the last year amid the rise of anti-Asian bias during the spread of the coronavirus, the first cases of which were reported in China.

Black women face the most disproportionate barriers to advancement at work, the study found, and experience the most microaggressions as well as bias in hiring and promotions. Sixty percent of Black women reported being impacted by racial trauma in the past year.

Latina women reported having less flexibility when it comes to their time at work and spending more time on housework and caregiving tasks than other women, with 43 percent saying they spend more than five hours per week on household tasks, versus 34 percent of women overall.

Latinas were also more likely to report caring for children as well as an elderly family member, the report found. This, combined with the lack of flexibility to take time off for family or personal reasons, led many to consider leaving the workforce or downshifting their careers.

Diversity, Equity, Inclusion (DEI) disconnect

While companies are pushing for DEI, the job of actually recruiting and supporting diverse talent is largely falling to women in addition to their regular workloads — with little formal recognition of the time or commitment it takes.

Approximately 20 percent of senior women leaders reported spending a “substantial amount of time on DEI work that is not central to their job” versus fewer than 10 percent of men at the same level, the study found.

In addition, women of color, women with disabilities and LGBTQ+ women were more likely to report spending time on DEI responsibilities that were outside of the scope of their jobs, the study found.

And not all firms’ DEI initiatives are created equal. While 60 percent of employees say their company’s prioritize racial diversity, just 25 percent say their firm’s prioritize people with disabilities in DEI efforts.

While the majority of companies say fostering diversity and promoting employee wellbeing is important, just 25 percent recognize that work in their formal review process in a substantial way.

This gap can mean that when it comes time for managers to review an employee’s work and make recommendations about potential raises, promotions, or other advancement opportunities, all of the time and emotional labor women have put in is not valued as much as more quantitative goals.

Sourced from Al Jazeera.

*FEW receives information from the following sources and contacts: Federal News Network, The Washington Post, Al Jazeera, GovernmentExecutive, Bloomberg, The New York Times, The Hill, Federal Times, The Washington Post, CNN, FedWeek, and CBS News.*