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FEW Washington Legislative Update November 15 - 30, 2021

“Senate and House Returns from Recess”

In Congress

The [Senate returns](#) to Washington on November 28, and the House [returns tomorrow](#), November 29, starting down a critical [pre-Christmas to-do list](#). Priorities include increasing the nation’s borrowing authority by December 15, averting a government shutdown by funding the government; and resolving the fate of the Democrats’ House passed Build Back Better agenda through the Senate. For lawmakers, their most immediate charge is to prevent a government shutdown as a short-term measure that funds federal agencies is set to expire Friday, meaning the House and the Senate need to act swiftly to adopt another spending fix or risk a major disruption.

In recent days, Democratic leaders have eyed late January as a potential end date for a new spending arrangement however, negotiations are still in flux. Once a date is settled, Democratic leadership hopes to pass the stopgap in time for the December 3rd deadline, though some House Republicans in recent days have tried to instigate a political feud and encourage a government shutdown.

While the CR is being worked on in the House, Senate Democrats and Republicans this week hope to finalize a roughly \$768 billion annual measure to authorize key defense programs. The NDAA, an annual defense policy bill, has passed Congress every year for the past six decades and is facing a relatively straightforward path, there are no veto threats on the horizon, for one, but Congress still needs to get back on track after a snag regarding Senate Majority Leader Chuck Schumer’s (D-New York) attempt to link the NDAA with a bill to counter China’s technological and defense gains.

That bill, the US Innovation and Competition Act, or USICA, passed the House earlier this year and would provide \$250 billion in funding for research and development, as well as “to boost the U.S. semiconductor industry.” Its inclusion with the NDAA proved controversial, however, and the two measures were unlinked earlier this month ahead of a successful procedural vote in the Senate to advance the NDAA process. That vote ended several months of stalling after the Senate Armed Services Committee approved a [version](#) of the bill more than three months ago, and after the House passed its version in September.

While the ball is now rolling on the NDAA, major policy debates remain before it reaches President Joe Biden’s desk. A number of proposed inclusions could have a big impact on US defense policy going forward. Among those changes is a version of the Military Justice Improvement and Increasing Prevention Act which would take prosecution of military sex crimes out of the chain of command, and a provision that would include women in the draft for the first time. All told, there are also more than 1,000 amendments filed, including one to repeal the 1991 Gulf War and 2002 Iraq War authorizations.

The Senate will reconvene at 3:00 P.M. on November 29, and will resume consideration of [H.R.4350](#), the National Defense Authorization Act. On Friday, November 19, cloture was filed on substitute amendment #3867 as modified and the underlying bill H.R.4350. At 5:30pm, the Senate will vote on the motion to invoke cloture on [substitute amendment #3867](#) as modified. If cloture is invoked, there would be up to 30 hours of post-cloture debate. If cloture is not invoked, unless further agreement is reached, there would be a roll call vote on cloture on the underlying bill H.R.4350.

Senate Democrats last month (October) [unveiled](#) their proposals for the 12 annual spending bills, which taken together would give domestic agencies a 13 percent boost compared to current levels.

Earlier today, President Biden sought to [reassure](#) the nation about the worrisome new Omicron variant of the coronavirus, telling Americans that his administration is already working with vaccine manufacturers to modify vaccines and booster shots, should that prove necessary.

The World Health Organization [warned](#) on Monday, November 22, that global risks posed by the new Omicron variant of the coronavirus were “very high,” despite significant questions about the variant itself. Still, countries around the world rushed to defend against its spread, with a cascade of border closures and travel restrictions that recalled the earliest days of the pandemic. President Biden urged Americans to [get vaccinated](#) including booster shots as he seeks to quell concerns Monday over the new COVID-19 variant omicron, but he won’t immediately push for more restrictions to stop its spread.

FEW Washington Legislative Update – November 1-15, 2021 Tier I

Paid Family Leave:

Democratic Senator Joe Manchin said Monday he won't commit yet to Senate Majority Leader Chuck Schumer's timetable for moving ahead on President Joe Biden's nearly \$2 trillion tax and spending bill before the end of the year.

The West Virginia lawmaker said he's still reviewing a version of the legislation passed two weeks ago by the House, and has made no decisions about timing for debate and whether he can support a bill after the Senate completes its own draft. He said he remains opposed to the paid family leave provision in the House measure.

Schumer said on the Senate floor Monday, November 29, that his "goal" is to finish and pass the legislation before Congress breaks for the Christmas holiday.

Manchin again raised concerns about the impact of more federal spending on inflation, telling reporters that he heard deep concerns about rising prices from his constituents during a week-long Thanksgiving break. The discovery of a new variant of the Covid-19 virus adds to economic uncertainty, he said.

"The unknown is great right now and it gets greater," Manchin said. "Inflation is now more than transitory. We found out it's not transitory. And on top of that, you have this new strain of Covid they're very much concerned about. No one knows what effect it's going to have. And you have inflation on top. So, the Senate is split 50-50 between the two parties and Republicans united in opposition to the Biden agenda, Manchin's support for the legislation is critical to passage.

Earlier: House Passes Biden's Economic Plan, Senate Fate Uncertain

Congress is facing a more certain deadline to raise the federal debt ceiling by the middle of the month. Manchin reiterated that he supports considering a debt ceiling increase through reconciliation, which allows Democrats to pass it on their own. But he pointed out that Schumer and Senate Minority Leader Mitch McConnell are engaged in talks over how to handle the matter, and he's not sure what they'll decide.

Manchin also said that high gasoline prices are a particular concern for West Virginians. So, all these things give you cause to pause.” “I’m really concerned about the high gas prices,” he said. “I heard an awful lot over the Thanksgiving break that prices were high and people are very much upset about that.” (Source Bloomberg News)

Here’s a summary of the [paid leave provisions in the Build Back Better Act](#), which would provide four weeks of comprehensive paid family and medical leave to eligible workers, and the [seven positive outcomes](#) of a well-constructed, inclusive, and supportive paid family and medical leave program. (Source New America)

FEW Washington Legislative Update – – November 1-15, 2021 Tier II

Federal Workforce: Retiree Bill Introduced

Bipartisan legislation would replace a provision that reduces Social Security benefits for federal, state and local agency employees who spent time in the private sector with a new formula that accounts for their time outside of government, and provide rebates for current retirees.

A bipartisan group of 36 House lawmakers this month introduced legislation that would repeal a controversial rule that reduces Social Security benefits federal employees are eligible to receive when they retire.

The windfall elimination provision reduces the Social Security benefits of retired federal, state and local government workers who spent time in the private sector whose government retirement system does not intend Social Security to be part of their retirement income, like employees in the Civil Service Retirement System.

The Equal Treatment of Public Servants Act ([H.R. 5834](#)), introduced by Rep. Kevin Brady, R-Texas, would replace the windfall elimination provision with a new formula that would more accurately reflect the proportion of a retiree’s career spent in government compared to their time in the private sector, and it would provide a \$100 monthly rebate for retirees—and a \$50 rebate each month for surviving spouses—ages 60 and older currently impacted by the windfall elimination provision.

Social Security benefits for people between the ages of 22 and 59 would be calculated based on the more generous of either the windfall elimination provision or the new formula.

“I’m proud to join with colleagues on both sides of the aisle from nine different states to repeal the WEP and make it fairer for public servants who have worked and paid into Social Security,” Brady said in a statement. “Many of our public servants have worked

extra jobs or an extra career, paying into a Social Security system that treats them differently. We want equal treatment and believe it's time for Congress to act.”

Brady's bill marks the latest in [several](#) pieces of legislation currently under consideration in Congress to tackle the windfall elimination provision. The Public Servants Protection and Fairness Act would create a similar “public servant protection” formula to calculate Social Security benefits to replace the windfall elimination provision and grant \$150 in cash payments to retirees affected by the provision, while the Social Security Fairness Act would eliminate the provision altogether.

National Active and Retired Federal Employees Association President Ken Thomas applauded the bill's introduction, although he noted that the association has long advocated for a full repeal of the windfall elimination provision.

“There is broad support for dismantling these intolerable offsets; 283 House members have cosponsored at least one of these bills,” Thomas said. “That's because the WEP has cost public servants billions of dollars in Social Security benefits that they rightfully earned. While NARFE's ultimate goal is for Congress to fully repeal the WEP and [government pension offset], reform efforts such as the Equal Treatment of Public Servants Act are a good first step toward correcting this discriminatory provision. What's crucial now is for members of both parties to seek common ground and finally provide relief to WEP-affected retirees.”

FEW Washington Legislative Update – – November 1-15, 2021 Tier III

Violence Against Indigenous Women:

President Biden signs order addressing violence against Indigenous people

President Joe Biden signed an executive order on Monday, November 15, addressing violence against Indigenous communities.

“These efforts are a matter of dignity,” Biden said during the opening ceremony for the White House Tribal Nations Summit. “That's the foundation of our nation-to-nation partnership.”

The executive order directs the departments of Justice, Interior, Homeland Security, and Health and Human Services to create a strategy that will improve the public safety and justice for Native Americans, as well as address [the crisis of missing or murdered Indigenous peoples](#).

“I’m proud to sign it. It’s long overdue,” Biden said while signing the order on Monday. “We’re going to make some substantial changes in Indian Country, and it’s going to continue.”

The executive order is titled “Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People.”

“This builds on the work we did together on reauthorizing the Violence Against Women Act in 2013 when we granted authority to tribes to excise jurisdiction over Non-Indian offenders who commit violence on tribal lands,” Biden said.

“We’re going to reauthorize that again, we’re going to expand the jurisdiction again to include other offenses like sex trafficking, sexual assault and child abuse,” he added.

The executive order states that “generations of Native Americans have experienced violence or mourned a missing or murdered family member or loved one, and the lasting impacts of such tragedies are felt throughout the country.”

The first section of the order is geared toward policy. It stated that the Biden administration will work directly with tribal nations to strengthen public safety and criminal justice in Indian Country and beyond.

“Previous executive action has not achieved changes sufficient to reverse the epidemic of missing or murdered indigenous people and violence against Native Americans,” the executive order states.

One section of the order dictates the coordination of federal agencies to prevent and respond to violence against Native Americans. It calls upon the attorney general and secretary of the Interior to assess and build on existing efforts to develop a federal law enforcement strategy focused on preventing and responding to violence against Native Americans.

The executive order also calls for support toward tribal and other non-federal law enforcement efforts to prevent and respond to violence against Native Americans, as well as improved data collection, analysis and information sharing. And Biden is calling for strengthening prevention, early intervention and victim and survivor services, along with a focus on consulting and engaging Indigenous communities.

On behalf of the Tohono O’odham Nation, Chairman Ned Norris Jr. said he wanted to acknowledge the decisive action made by Biden with his signing of the executive order on the crisis of Missing and Murdered Indigenous Peoples.

“This is an issue the Tohono O’odham Nation has been working hard to address and requires the immediate attention of federal authorities, as well as tribal, state, and local law enforcement,” Norris said.

“The (Tohono O’odham) Nation looks forward to greater consultation and coordination with our federal partners as we work to protect our people and bring perpetrators to justice,” he added.

Navajo Nation President Jonathan Nez and Navajo Nation First Lady Phefelia Nez also commended Biden’s executive order and the other agencies’ commitments to tribal nations.

“Far too many Navajo people continue to endure the heartache and frustration of a missing loved one,” said Navajo President Nez. “We have to continue to work together to do more for our people.”

“The executive order will help agencies at the federal, state and tribal levels to better communicate and work together to address data sharing and collecting, responses by law enforcement and support for families of missing persons,” said Navajo Nation First Lady Nez, who is also a member of the New Mexico’s Missing and Murdered Indigenous Women’s and Relative’s task force.

There is no centralized database among the thousands of federal, state, and tribal entities, making data on missing and murdered Indigenous people limited.

For instance, missing person data can be pulled from the National Missing and Unidentified Persons System (NamUS) and the National Crime Information Center (NCIC).

The last report published by NamUs on missing Indigenous peoples was in August, where it stated that there are 734 unresolved missing Indigenous people’s cases from 36 states. Arizona has the thirteenth-highest number of cases at 55.

The NCIC publishes a roundup every year that highlights the total number of missing persons and unidentified person cases reported. In 2020, over 9,500 cases involving Indigenous people were reported, and nearly 1,500 were still active cases at the end of 2020.

For murder rates among Indigenous peoples, [the Interior Department reported](#) that 2,700 cases of murder and non-negligent homicide offenses have been reported to the federal government’s Uniform Crime Reporting program.

Native Americans face unacceptably high levels of violence and are victims of violent crime at a rate much higher than the national average, Biden’s executive order states. This is especially true for Native American women, who are disproportionately the victims of sexual and gender-based violence, including intimate partner homicide.

In some tribal communities, women face murder rates that are more than 10 times the national average, according to the Department of Justice.

In 2017, homicide was reported as the fourth-leading cause of death among Indigenous women between the ages of 1 and 19 years and the sixth-leading cause of death for ages 20 to 44, according to the Centers for Disease Control and Prevention.

In a report from the National Institute of Justice, 84% of Indigenous women experience violence in their lifetime, compared to 71% of white women.

“We acknowledge that our country has historically failed to meet the crisis of missing or murdered Indigenous people with the urgency and the resources it demands,” Attorney General Merrick Garland said during the summit. “We also recognize that solving this crisis requires that we work in partnership with one another. The president’s executive order will build on and expand our efforts to do exactly that.”

Garland said that the Justice Department shares the President’s commitment to work in partnership with tribal nations to support comprehensive law enforcement, prevention, intervention, and support services.

“We are committed to working together to make tribal communities safer. We are committed to honoring and strengthening our nation-to-nation relationship. And we are committed to protecting the civil rights of Native Americans,” he added.

This story originally appeared in [Arizona Mirror](#), a publication of States Newsroom.

FEW Washington Legislative Update – – November 1-15, 2021 General Interest

Agencies Urged to Address High Turnover of Veterans in Federal Workforce

An interagency council has urged agencies to address turnover rates among veterans in the federal workforce, citing data showing that after controlling for other factors, veterans resign at a rate 1.6 times higher than non-veterans.

The Interagency Veterans Advisory Council noted that the GAO found last year that 18.7 percent of veterans resign within their first year of federal employment compared with 11.1 percent of similar non-veterans. One result is that the percentage of veterans in the federal workforce has remained steady at around 31 percent in recent years despite initiatives to hire them into federal jobs; the most recent data from OPM show that in recent years veterans accounted for between 38 and 47 percent of all those newly hired into full-time permanent, non-seasonal federal jobs.

“The higher veteran attrition rate highlights the need for both interagency and intra-agency action. Federal agencies should look to leverage lessons learned and best practices so that departments and agencies can improve attrition rates among veterans,” it said.

One recommendation was to act on findings from the annual Federal Employee Viewpoint Survey on factors that have been statistically linked to lower turnover among veterans: satisfaction with pay; meaningfulness of work; confidence in leaders; opportunities for advancement; training and skill development; and relationship with supervisors.

Also, it said, “federal agencies should look to collaborate and share data surrounding retention programs and other retention best practices, especially when it comes to veteran employment. This would allow agencies to utilize the institutional knowledge and best practices from across government, and potentially lead to their lower attrition rates of veteran employees.”

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