www.few.org

455 Massachusetts Ave. NW, P.O. Box 306
Washington, DC 20001
Phone: 202/898-0994
Fax: 202/898-1535

This information may be provided to FEW membership via government email

FEW Washington Legislative Update
October 15-31, 2021

In Congress

Democratic leaders were hoping for House votes as soon as Tuesday, November 2, on the two pillars of President Joe Biden's domestic agenda, as the party mounted its latest push to maneuver the long-delayed legislation through Congress.

It remained unclear, though, whether the ambitious timetable could be met.

Top Democrats would like a final House-Senate compromise on Biden's now $1.75 trillion, 10-year social and environment plan to be written by Sunday, October 31, the Democrats said.

Talks among White House, House and Senate officials were being held over Halloween weekend, said the Democrats, who described the plans on condition of anonymity because they weren't authorized to speak on the record. The White House unveiled an outline of the $1.75 trillion measure on Thursday, October 28, that won positive reviews from many rank-and-file lawmakers, pending talks over final details.

An accord could clear the way for congressional approval of that bill and a separate $1 trillion measure funding roads, rail and other infrastructure projects, the Democrats said.

For an agreement between the two chambers to be viable in the Senate, it would need the backing of Democratic Sens. Joe Manchin of West Virginia and Kyrsten Sinema of Arizona. House progressives long at odds over the party's spending and tax priorities with the two centrists would need to be convinced they could trust them to back an accord.

Manchin and Sinema forced Biden to retreat from his earlier plan for a $3.5 trillion social and environment plan and to remove and scale back some initiatives. Democrats will need unanimous support in the 50-50 Senate to pass the legislation, which is opposed

by all Republicans, and will be able to lose no more than three more Democratic votes in the House.

In addition, some Democrats are still seeking to include provisions requiring paid family leave, letting Medicare negotiate pharmaceutical prices to push down prescription drug costs and helping millions of immigrants remain in the U.S.

The Senate's nonpartisan parliamentarian, who enforces that chamber's strict rules, also might decide that some provisions in the social and environment bill violate procedures and should be removed. Elizabeth MacDonough has already ruled against including two earlier Democratic proposals assisting immigrants.

Party leaders had pressured lawmakers to resolve their disagreements to enhance Biden's clout before he left Thursday for economic and climate talks in Europe.

The $1.75 trillion measure would need to clear the Senate after passing the House.

Its initiatives include money for free preschool, tax credits to spur movement toward cleaner fuels and electrified vehicles, subsidies for child care and health coverage and more funding for housing and at-home care for the elderly. Most of its costs would be covered by higher taxes on the wealthy and corporations and bolstering the IRS's budget for pursuing higher-income tax scofflaws.

The Senate approved the infrastructure measure in August on a bipartisan vote. House progressives have sidetracked that bill in an effort to ensure that moderates will back the larger social and environment bill.

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Tier I

Paid Family Leave:

President Joe Biden is pushing to create a national standard on paid family and sick leave, which already exists in most other developed nations.

It's been a long-held priority for many Democrats to create a federal benefit that allows new parents as well as workers recovering from illness or caring for sick family members to take paid leave from work.

Biden originally proposed guaranteeing 12 weeks of paid leave but the plan has been reduced to four weeks as negotiations over a sweeping social safety net bill drag on. That could cut the cost of the provision to roughly $100 billion from nearly $500 billion.

What Biden's sweeping social safety plan might include -- and what it likely won't

Democratic leaders are scrambling to keep a paid leave benefit in the package while trying to win the vote of a key moderate, Sen. Joe Manchin of West Virginia, who has raised concerns about the provision.

The 10-year spending plan, originally priced at $3.5 trillion, calls for expanding education, health care and child care support, as well as tackling the climate crisis and making further investments in infrastructure. Democrats are nearing a deal, though it's likely to be pared back in size and scope from what Biden first proposed.

US lags behind

The United States currently has no federal paid family or sick leave benefit, making it an outlier among developed countries.

It is the only nation that does not offer some paid leave to new mothers among the 38 members of the Organization for Economic Cooperation and Development. Policies vary among the countries in that group, but the average is 18 weeks of paid maternity leave. In Germany, which has one of the most generous benefits, mothers receive their full pay for 14 weeks and then another 44 weeks of partial pay.

A majority of those countries also offer some paid leave for fathers as well as paid sick leave benefits.

Millions of Americans have no paid leave

The federal government created a nationwide unpaid family and sick leave policy in 1993 through the Family and Medical Leave Act. It allows workers to take 12 weeks off without losing their jobs to recover from serious illness or to care for newborns or family members with serious health conditions -- but does not guarantee any pay. It also comes with plenty of exclusions, leaving out many who work for smaller employers, some who work part time and workers who haven't been with their employers for at least a year.

In the absence of a federal mandate, many private employers as well as six states and Washington, DC, offer paid family and sick leave. Three more states have passed laws to establish these benefits and are planning to start paying them out over the next few years.

Still, millions of Americans are left without the benefit. About 77% of workers have no paid family leave and 22% have no paid sick leave, according to the Bureau of Labor Statistics. Low-income workers are less likely to have access to paid leave.

In recent years, there has been some bipartisan support for paid leave benefits on the federal level. In 2019, Congress voted to provide all federal workers with 12 weeks of paid parental leave -- a policy backed by Ivanka Trump, former President Donald Trump's daughter who served as one of his senior advisers.

Congress also provided a temporary paid family and sick leave benefit last year to help workers get through the pandemic if they contracted Covid-19, were caring for family members who fell sick or lost child care when schools suddenly shut down.

How a federal benefit could work

A proposal put forth by House Democrats would allow workers whose employers don't already offer paid family or medical leave to apply directly to the Treasury Department for the benefit when they need it.

Those eligible would include parents welcoming new children through birth, adoption or foster care and workers recovering from serious illnesses or caring for seriously ill family members. They would receive partial pay, the percentage of which is based on a sliding scale, so that the lowest-income workers would receive 85% of their regular pay and the highest-earning would receive 5% -- leaving out those earning more than $250,000 a year.

The federal government would pay for the benefits and would partially reimburse employers who already offer paid family and sick leave.

Even if the proposal is reduced to four weeks from 12, policy experts say, it could still have a significant impact on many Americans.

"One in five workers don't have a single sick day. It would be a real game changer for them to have a month," said Kathleen Romig, senior policy analyst at the Center on Budget and Policy Priorities.

Sourced from CNN.

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Tier II

Federal Employees Dental and Vision Insurance Program (FEDVIP):

The Office of Personnel Management has proposed expanding eligibility for the Federal Employees Dental and Vision Insurance Program (FEDVIP) to include certain temporary and seasonal workers, among others.

OPM will publish a draft rule Tuesday, October 16, in the Federal Register, which will describe several recommended FEDVIP changes, including new clarifications and provisions designed to make it easier for certain employees to alter their enrollment with the program outside of the traditional open season window.

Federal employees on temporary, seasonal or intermittent schedules — specifically those who work 130 hours a month for at least 90 days — would become eligible to enroll in FEDVIP under OPM's draft policy.

OPM expanded eligibility for the Federal Employees Health Benefits Program (FEHBP) to this group back in 2014, and the agency's proposed rule would simply allow temporary and seasonal workers to enroll in FEDVIP as well.

U.S. Postal Service employees on temporary, seasonal or intermittent schedules would also become eligible for the federal dental and vision insurance program under this policy. USPS doesn't currently offer dental or vision insurance to employees who work 130 hours a month for at least 90 days.

Finally, the new policy would expand FEDVIP eligibility to certain firefighters on temporary appointments and intermittent emergency response personnel working in wildland fire protection, OPM said. These employees may not meet the requirements of working a certain number of hours per month, but they're currently eligible for the FEHBP, a benefit they received back in 2012.

In total, OPM estimates some 86,000 temporary, seasonal and intermittent employees are potentially eligible for federal dental and vision benefits based on their existing eligibility for the FEHBP.

But it's unclear how many will actually enroll in FEDVIP — and what impact their participation will have on the program. FEDVIP already has some 5.4 million enrollees and about 7.3 million covered participants. Members of the public will have two months to comment on these questions and suggest how OPM might make an enrollment window available to employees newly eligible for FEDVIP.

Most current federal employees make changes to their health, dental and vision coverage during open season, an annual window that typically runs in mid-November through early-to-mid-December.

But to give federal and USPS workers on temporary, seasonal and intermittent schedules a chance to enroll for the first time in FEDVIP, OPM envisions giving newly eligible employees a 60-day window after the date that it finalizes this new policy.

"Employing offices must determine eligibility of new and current employees and upon determining eligibility, promptly offer employees made eligible by this rule an opportunity to enroll in FEDVIP so that coverage becomes effective upon issuance of the final rule," OPM said.

In addition, OPM is also planning a few other FEDVIP changes. It wants to clarify when active duty service members can enroll in the program when they retire. Currently, uniformed service retirees can enroll in the program within 60 days of transitioning into retirement, regardless of when open season begins.

Under existing regulations, their enrollment is effective on the first day of the pay period following the one in which their administrator receives the service member's enrollment. But active-duty members who retire can experience a break in coverage, often for as long as month, OPM said.

OPM's draft policy would allow retiring active duty service members to enroll in FEDVIP starting 31 days before they would otherwise lose their normal dental and vision coverage. They could continue to enroll within 60 days of retiring.

Finally, OPM has proposed adding additional qualifying life events for participants to cancel a FEDVIP enrollment or decrease an enrollment type.

For example, OPM recommended a provision that will allow enrollees to cancel or decrease their enrollment type when a family member becomes eligible for dental or vision services through the Department of Veterans Affairs.

"During the 2018 open season and the period for belated enrollments, OPM became aware of circumstances where enrollees who are both TRICARE-eligible and a federal employee, wanted to cancel coverage because the enrollee or a dependent became eligible for VA dental or vision services," the agency wrote.

OPM proposed adding a similar qualifying life event for enrollees whose family members become active duty military members.

Sourced from Federal News Network.

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Tier III

Women Leaving the Workforce:

More than 300,000 women exited the labor force last month, even as the nation saw tens of thousands of jobs added to the economy overall, an analysis from the National Women's Law Center (NWLC) shows.

According to the analysis, 309,000 women ages 20 and above exited the workforce entirely last month. The group called the figure the biggest dive in women's labor force participation since September 2020, when more than 800,000 women left the workforce.

At the same time, the unemployment rate for women dipped in September. A NWLC spokesperson said on Monday that the drop was likely driven by the significant number of women that exited the labor force last month, meaning "they are no longer employed nor looking for employment."

A closer look at the racial breakdown of women's unemployment numbers last month showed glaring disparities.

Over 7.3 percent of Black women at least 20 and older were unemployed last month, a slight dip from the 7.9 percent recorded the month prior.

The unemployment rate among white women during the same time frame went from 4.2 percent to 3.7 percent, underscoring the disproportionate burden Black women are facing in the pandemic labor market.

Similarly, unemployment decreased among Latinas in the same age group from 6 percent to 5.6 percent during the same period, data showed.

The unemployment rate among Asian women lowered from August to September from 4.2 percent to 3.4 percent.

Overall, the NWLC said the unemployment rate for women 20 and over was 4.2 percent last month, down from 4.8 percent month before. The unemployment rate for men was 5 percent in September, 0.4 percentage points lower than in August.

“Several factors are making this economic crisis particularly rough for women workers. Women are overrepresented in industries hardest hit by the pandemic, including retail, hospitality, health care, and the public sector,” the NWLC told The Hill.

“Women are also more likely to hold caregiving responsibilities, and the country continues to endure a shortage of child care workers and available child care slots worsened by the poverty-level wages child care workers are given for their vital service,” the group added.

The group said women lost a net 26,000 jobs in September, despite 194,000 jobs being added to the economy last month.

The figure comes more than a year after the Bureau of Labor Statistics released data that showed women's employment rate had surpassed their male counterparts in December 2019, just months before the pandemic hit the U.S.

However, the NWLC told The Hill on Monday that the “normal” that existed prior to the pandemic was “not sustainable for millions of working women, particularly Black, brown, and immigrant women, single mothers, and women with disabilities.”

“Far more important than any single number is the quality of life and work women are able to maintain, and focusing solely on the unemployment rate or labor force participation rate risks obscuring the stress and exploitation millions of women continue to endure, even while employed, as a consequence of our neglectful social safety net,” the group said.

The group said the “best path” to improving those measures would include “robust investments in child care and home-based services, universal kindergarten, universal paid leave, extending the Child Tax Credit.”

Much of those measures are included in President Biden’s "Build Back Better" agenda that Democrats are currently working to craft in Congress as part of a sweeping social benefits and climate package.

However, as Democrats continue to disagree on the size and scope of the legislation, the party has its hands full with trying to choose which proposals to prioritize or abandon as they seek to reduce costs of the overall bill amid spending negotiations.

Sourced from The Hill.

FEW receives information from the following sources and contacts: Federal News Network, Reuters, TheHill, GovernmentExecutive, The New York Times, The Washington Post, CNN, FedWeek, and CNBC.