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FEW Washington Legislative Update February 1-15, 2022

In Congress

Rep. Andy Levin (D-Mich.) introduced a resolution on Wednesday, February 9, that would formally recognize House staffers' ability to form a union. Passage of the resolution would be the first step to give congressional staff legal protection to unionize and engage in collective bargaining.

Lawmakers have long sought ways to improve staff retention on Capitol Hill, where turnover has been high for years due to low pay and grueling hours in a high-pressure environment.

The House passed legislation on Monday, February 7, that would end the use of forced arbitration in lawsuits involving sexual assault and harassment claims. It was then passed by the Senate on Thursday, February 10

The bill would ensure that people have the option of bringing a case alleging sexual assault or harassment in court, instead of being forced into arbitration proceedings that are often conducted in private and confidential hearings.

The House passed legislation on Friday, February 4, aimed at bolstering domestic supply chains and scientific research to make the U.S. more competitive with nations like China. Lawmakers passed the bill largely along party lines, 222-210, with one Republican voting for it and one Democrat voting no.

Three senators are urging the U.S. Archivist not to certify the Equal Rights Amendment (ERA) amid a campaign by Democrats, who are calling for the decades-old statute to be added to the Constitution.

Sens. Rob Portman (R-Ohio), Ron Johnson (R-Wis.) and Mitt Romney (R-Utah) penned a letter to U.S. Archivist David Ferriero on Tuesday, February 8t, asking for his “commitment” that he will not certify the ERA.

FEW Washington Legislative Update – February 1-15, 2022

Tier I

Forced Arbitration in Sexual Assault and Harassment Claims:

The Senate on Thursday, February 10, passed legislation ending the use of forced arbitration in lawsuits involving sexual assault and harassment claims.

The bill passed the chamber by a voice vote, days after it passed the House in a 335-97 vote, capping off a years-long debate on Capitol Hill sparked by the #MeToo movement. The legislation is now headed to President Biden's desk, where he's expected to sign it.

The bill would ensure that people have the option of bringing a case alleging sexual assault or harassment in court, instead of being forced into arbitration proceedings that are often conducted in private and confidential hearings. It would do so by voiding clauses in agreements, such as employment contracts, that require disputes to go through the arbitration process.

"[We] have been working to stop the practice of someone signing an employment contract, having a sexual harassment or assault program in the workplace and being forced into arbitration that's skewed for the employer against the employee for these things to be hidden," said Sen. Lindsey Graham (R-S.C.), who has spearheaded legislation with Sen. Kirsten Gillibrand (D-N.Y.).

"I hope it will bring about the reform that we're all hoping for, to make it harder to hide these problems in the workforce, and easier to get justice without gaming the system," he added.

Passage of the bill comes more than four years after the launch of the “Me Too” movement in late 2017, which prompted many people to publicly share their experiences of sexual harassment and assault, including against some members of Congress at the time.

Though Congress passed legislation reforming its own ethics rules, the legislation enacted by Congress would change the way private companies handle sexual assault and harassment cases.

Ernst said that as part of the agreement, they decided to come to the Senate floor before the voice vote and stress that the bill was not meant to be more broadly applied to leapfrogging arbitration on other cases unrelated to a sexual misconduct.

Sourced from [The Hill](#)

Equal Rights Amendment:

Three senators are urging the U.S. Archivist not to certify the Equal Rights Amendment (ERA) amid a campaign by Democrats, who are calling for the decades-old statute to be added to the Constitution.

Sens. Rob Portman (R-Ohio), Ron Johnson (R-Wis.) and Mitt Romney (R-Utah) penned a letter to U.S. Archivist David Ferriero on Tuesday, February 8th asking for his “commitment” that he will not certify the ERA. The letter comes as Democrats and advocacy groups are encouraging Ferriero to add the ERA to the Constitution as the 28th Amendment before he retires from his post in April.

The ERA, if ratified and added to the Constitution, would provide equal protection under the law by banning discrimination on the basis of sex. Some supporters of the amendment see it as a way of giving Congress the authority to guarantee equal pay or strengthen efforts combating domestic violence and sexual harassment.

Some Republicans, however, have argued that women are already afforded protections under the Constitution and therefore do not need the ERA, which could also lead to the weakening of anti-abortion regulations.

Congress approved the ERA in 1972, giving states the ability to weigh in on the measure and decide whether or not it should be added to the U.S. Constitution. Potential amendments must receive support from three-fourths of states in the country — or 38, to be exact — to be added to the Constitution.

When the ERA passed in 1972, states were given seven years to decide whether or not to ratify the measure, a deadline that was later pushed to 1982. At that point, only 35 states had come out in support for the measure, five of which had revoked their support within that time frame.

In recent years, however, three additional states — Virginia, Illinois and Nevada — have voted in favor of the ERA, leading some advocates to argue that the measure has enough support to be codified into the Constitution, according to CNN. Supporters also believe that states are unable to revoke their support of amendments, and that the deadline for approving the measure has not expired because it was not mentioned in the amendment’s text.

Opponents of the amendment, however, argue the three latest state approvals are invalid and that the five other states took back their ratification. Some are also contending that the deadline to approve such a measure cannot be extended once it passes.

The three GOP senators referenced a January 2020 opinion from the Department of Justice’s (DOJ) Office of Legal Counsel (OLC) that said the ERA sent to state legislatures in 1972 had expired, and was therefore no longer pending among states. They also pointed to a January 2020 statement from the National Archives and Records Administration that said the agency “refers to DOJ on this issue and will abide by the OLC opinion, unless otherwise directed by a final court order.”

Additionally, the senators cited a second opinion from the OLC on the matter that said Congress is allowed to take a different view on questions presented, suggesting that the OLC and National Archives are “properly awaiting resolution of disputed ratification issued by the federal courts.”

Some lawmakers are using new legislation in their push for the Equal Rights Amendment. Republican Sens. Lisa Murkowski (Alaska) and Susan Collins (Maine) are co-sponsors of a bill that seeks to remove the deadline on ratifying the amendment.

The House adopted a resolution in March that seeks to remove the deadline from the amendment and just last month, Democrats in the lower chamber introduced a new resolution that would formally recognize the ERA as part of the Constitution.

Sourced from [The Hill](#)

FEW Washington Legislative Update – February 1-15, 2022

Tier II

Congressional Workers Union:

Rep. Andy Levin (D-Mich.) introduced a resolution on Wednesday, February 9, that would formally recognize House staffers' ability to form a union. Passage of the resolution would be the first step to give congressional staff legal protection to unionize and engage in collective bargaining.

For now, 130 fellow House Democrats have signed onto Levin's resolution to initiate the first step in letting their staffers unionize. Levin urged fellow lawmakers to be supportive of staff forming their own unions at the individual office level while action is pending on the broader resolution.

Top Democrats, including Speaker Nancy Pelosi (D-Calif.) and House Majority Leader Steny Hoyer (D-Md.), have expressed support for congressional staff unionization. The introduction of Levin's resolution comes only days after congressional staffers announced Friday, February 4th they would be forming the Congressional Workers Union.

The push gained momentum in recent weeks after an Instagram account popular with congressional staff called Dear White Staffers went viral on Capitol Hill, with aides sharing anonymous accounts of struggling to pay bills with their low salaries and overly demanding bosses.

While Levin's resolution has broad support among Democrats, it's expected to pass along party lines if and when it reaches the House floor. Lawmakers have long sought ways to improve staff retention on Capitol Hill, where turnover has been high for years due to low pay and grueling hours in a high-pressure environment.

Salaries have remained stagnant in part because members of Congress have declined annual cost-of-living adjustments for themselves since 2009. Some lawmakers, including Hoyer, have sought to reinstate the cost-of-living adjustment. But that's met resistance from members of both parties who fear the political optics of voting to give themselves a raise when public approval ratings of Congress have been low.

Biden to propose 4.6 percent pay raise for federal employees, service members:

President Biden is expected to propose a 4.6 percent pay raise for federal employees and military service members in March, the Washington Post reported.

The employees and service members would receive average increases of 4.5 percent in January through the fiscal 2023 budget that the president is expected to make the proposal next month.

It would follow civilian federal employees receiving an average of a 2.7 percent raise on January 1. Biden imposed that raise through a U.S. code rule that allows him to increase pay if he finds such action is appropriate, because of “national emergency or serious economic conditions affecting the general welfare.”

Biden is expected to announce his fiscal 2023 budget requests following his State of the Union address on March 1, the acting director of the Office of Management and Budget Shalanda D. Young told senators last week.

Biden provided another pay bump for federal workers recently.

His \$15 minimum wage hike for federal agencies went into effect last month when the Office of Personnel Management (OPM) issued a memo to heads of executive departments and agencies with guidance for adjusting pay rates for employees to at least \$15 per hour.

Sourced from [The Hill](#)

FEW Washington Legislative Update – February 1-15, 2022 Tier III

Violence Against Women:

A bipartisan group of U.S. senators introduced a proposal Wednesday, February 9, to reauthorize the 1990s-era law that extends protections for victims of domestic and sexual violence after it lapsed in 2019 because of Republican opposition.

The last time the law was reauthorized was in 2013. Republicans have since blocked the legislation from passing in the Senate over a provision that would prohibit persons previously convicted of misdemeanor stalking from possessing firearms, which generated opposition from the National Rifle Association. That provision was excluded as part of the deal.

The law, first introduced in the Senate in 1990 by President Joe Biden when he was a senator from Delaware, aims to reduce domestic and sexual violence and improve the response to it through a variety of grant programs. A subsequent version was eventually included in a sweeping crime bill that then-President Bill Clinton signed into law four years later. Congress has reauthorized the Violence Against Women Act three times since.

The bipartisan proposal announced Wednesday, February 9, would not include the so-called boyfriend loophole. Republican Sen. Joni Ernst of Iowa and Democratic Sen. Dianne Feinstein of California have been working on the plan to extend the law with 60 votes since 2019 and the lawmakers believe this time they can make it happen.

The original bill created the Office on Violence Against Women within the Justice Department, which has awarded more than \$9 billion in grants to state and local governments, nonprofits and universities over the years. The grants fund crisis intervention programs, transitional housing and legal assistance to victims, among other programs. Supporters said the reauthorization would also boost spending for training law enforcement and the courts.

Sourced from [US News](#)

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