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FEW Washington Legislative Update
March 16-31, 2022

In Congress

Senate Judiciary Committee hearings for Judge Ketanji Brown Jackson officially ended on Thursday, March 24, after four days of grueling questioning, heated exchanges and hours of testimony.

GOP senators such as Ted Cruz have come under scrutiny for their decision to question Jackson on topics such as the definition of a woman or her opinion on critical race theory which many consider irrelevant to her qualifications as a supreme court justice.

On one hand it is still unclear whether Jackson will receive the nomination given substantial disapproval from Republican senators but on the other hand, GOP senators such as Mitt Romney, Lisa Murkowski and Susan Collins may serve as swing votes in her favor.

Senators are now racing to finalize an agreement to provide $10 billion in new coronavirus aid.

Joe Manchin continues to be a problem for Democrats as he shot down President Biden’s new plan to raise 360 billion dollars in revenue by imposing a 20 percent minimum tax on billionaires, a proposal the president formally announced on Monday, March 28, in his budget request to Congress.

A bill to end normal trade relations with Russia that was passed in the house by a 424-8 vote is being halted in the Senate over whether to include a ban on the importation of Russian oil into the bill.
The House is set to pass legislation on Friday, April 1, to legalize marijuana on a national scale and will likely pass along party lines with most Republicans expected to oppose the bill.

On Thursday, March 31, the House passed a bill to cap insulin prices with a vote of 232-193, with 12 Republican members joining their Democratic colleagues to pass the legislation.

Democrats in Congress are urging the Biden administration to extend the suspension of student loan payments before it is set to expire May 1.

Ukrainian President Volodymyr Zelensky gave a virtual address to Congress on March 16 where he urged U.S. lawmakers to support a no-fly zone and provide more military weapons among other measures to support Ukrainian forces against Russia.

President Biden on Tuesday, March 29, signed a bill finally making lynching a federal crime which comes over 50 years after the signing of the civil rights act.

FEW Washington Legislative Update – March 16-31, 2022
Tier I

Biden’s Executive Order Addresses Pay Discrimination in Federal Contracting:

The White House announced plans to address pay discrimination in federal contracting by limiting the use of past compensation in employment decisions. The move is part of a slate of presidential actions on Equal Pay Day.

An executive order released on Tuesday, March 15, directs the Federal Acquisition Regulatory (FAR) Council to consider limiting or prohibiting federal contractors from seeking information about job applicants’ past compensation, in addition to a series of actions the White House said are meant to enhance pay equity and transparency.

The Office of Personnel Management is also set to issue a proposed regulation addressing the use of past compensation in the hiring process for federal employees, a senior administration official said in a background call with reporters on Monday. The creation of that rule is also covered in the executive order.

At least 21 states have adopted regulations limiting or completely restricting employers from asking applicants about past compensation as part of an effort to address gender pay disparities and other forms of pay discrimination.
"Earlier today, I signed an executive order to promote efforts to achieve pay equality and pay equity for employees of federal contractors, and it's my hope that this sets an example for all private companies to follow as well," Biden said at a March 15 White House event. "That's the purpose."

Some studies have suggested that banning questions about past compensation may lead employers to assume female applicants are willing to accept less than what they would offer to male applicants. However, a 2020 report published by the Harvard Business Review found that banning questions about salary history generated "substantial pay increases for Black (+13%) and female (+8%) candidates who took new jobs."

In addition to the new executive order, the Department of Labor's Office of Federal Contract Compliance Programs also issued a directive seeking to prevent discriminative pay disparities by strengthening pay equity audits and clarifying federal contractors' requirements to assess their compensation policies and practices in employment decisions.

The senior administration official said conducting pay equity audits "both helps address and prevent pay disparities based on gender, race, ethnicity, and other factors."

The Labor Department will consult with the FAR Council on how to implement any subsequent rulemaking impacting federal contractors, according to a White House fact sheet.

Sourced from Government Executive

FEW Washington Legislative Update – March 16-31, 2022
Tier II

Federal Hiring Surges in Biden’s 2023 Budget Proposal:

On March 28, the Biden administration announced their plan to add a total of 82,000 federal employees to agency rolls in fiscal 2023, a 3.6% increase that would bring the civil service to its highest total since 1969.

Nearly every federal agency would receive a funding boost in President Biden’s fiscal 2023 budget, and all but one major agency is anticipating adding staff as a result. Much of the hiring is aimed at making up for losses sustained during Obama-era budget caps and Trump-era targeted reductions, though some agencies are looking to address new concerns and priorities.
The Occupational Safety and Health Administration plans to grow its workforce by about 27%, while the Office of Federal Contract Compliance Programs proposed a 50% staffing surge.

The Wage and Hour division is also anticipating a significant increase. The Biden administration proposed $109 million for OSHA, saying staff losses there have "left workers less safe on the job" and the new hires would help rebuild rulemaking and enforcement capacity, expand whistleblower protections and boost outreach and compliance assistance.

Labor said its contracting compliance office is looking to staff up to cover a growing number of contractors in its purview, including from the recent infrastructure law, and to resolve systemic discrimination cases.

The White House bemoaned that Interior hit a 10-year low in its workforce at the end of 2020. Its new proposed funding would allow the department to "rebuild core functions and capabilities," including at the U.S. Geological Service, National Park Service, Fish and Wildlife Service and Bureau of Land Management.

Interior is looking to hire 5,000 employees in fiscal 2023, promising to hire a diverse workforce and pledging $2.3 million to improve its human capital and recruiting initiatives. Part of the hiring will go toward Interior’s firefighting efforts, with the department looking to grow its prevention and response efforts by 38%.

It noted it is still looking to rebuild its headquarters staff in Washington, after it reversed a Trump administration effort to shift those positions to Colorado.

The Forest Service is looking to grow its firefighter workforce by 3,200 employees and its overall staff by 7,000 workers. The Agriculture Department is looking to grow its workforce outside the Forest Service as well, and the budget proposed it add more employees than almost any agency. The plan decried and vowed to reverse staffing cuts at USDA's core offices.

The Food Safety and Inspection Service requested a 12.6% funding boost, saying more inspectors and public health veterinarians would create more flexibility that allows meat and poultry producers to better respond to demand. Rural Development proposed adding 600 employees, saying it has taken on new responsibilities and will not be able to deliver on them without more staff.

Between 2012 and 2019, HUD lost about 20 percent of its workforce. It has since been slowly replenishing its rolls, but the department said attrition has led to "imbalanced program offices and the loss of expert staff with the knowledge to effectively administer some programs." HUD plans to focus its hiring on skill gaps in disaster mitigation, environmental programming, contracting and cybersecurity.
IRS is aiming to grow its workforce by 8%, and by 13% compared to fiscal 2021. Since its early days the Biden administration has lamented longstanding cuts and workforce reductions at the agency. Most of the hires would go to enforcement and taxpayer services.

Congress provided a 6% increase and direct hire authority to the agency in the fiscal 2022 spending package, but it is currently employing mandatory overtime and reassignments to address a crisis of backlogged tax returns.

EPA said that “strategically increasing staffing levels across the agency will facilitate and expedite EPA’s work to address air, water, and climate priorities and advance environmental justice.” It plans to hire dozens of employees to promote diversity and equity in its hiring process.

While much of the hiring at VA would go toward shortfalls in its health care workforce, the department plans to hire more claims processors as it recognizes more environmental exposures as service connected. If the proposal is implemented, VA will have grown its workforce by about 75,000 employees since 2018.

NASA is proposing an overall budget increase of 11% compared to fiscal 2021, but is still expecting to shed staff. The space agency is increasingly leaning on private sector partners to conduct various missions and said it will “offer targeted buyouts in selected surplus skill areas.

Sources from Government Executive

FEW Washington Legislative Update – March 16-31, 2022
Tier III

United States Mint Announces 2023 American Women Quarters Program
Honorees:

On March 30, The United States Mint (Mint) announced the following 2023 honorees for the American Women Quarters™ Program:

Bessie Coleman: pilot, advocate, and pioneer who flew to great heights as the first African American and first Native American woman pilot, as well as the first African American to earn an international pilot’s license.

Jovita Idar: Mexican American journalist, activist, teacher, and suffragist. She devoted her life to fighting against separatist ideologies and sought to create a better future for Mexican Americans.
Edith Kanakaʻole: indigenous Hawaiian composer, chanter, dancer, teacher, and entertainer. Her moʻolelo, or stories, served to rescue aspects of Hawaiian history, customs, and traditions that were disappearing due to the cultural bigotry of the time.

Eleanor Roosevelt: first lady, author, reformer, and leader. As chairperson of the Human Rights Commission where she oversaw the creation of the Universal Declaration of Human Rights, and as the first chair of the U.N. Commission on Human Rights, she advocated diligently for the civil liberties and needs of the poor, minorities, and the disadvantaged.

Maria Tallchief: America’s first prima ballerina, she broke barriers as a Native American ballerina who exhibited strength and resilience both on and off the stage.

“The range of accomplishments and experiences of these extraordinary women speak to the contributions women have always made in the history of our country,” said Mint Deputy Director Ventris C. Gibson. “I am proud that the Mint continues to connect America through coins by honoring these pioneering women and their groundbreaking contributions to our society.”

Authorized by Public Law 116-330—the Circulating Collectible Coin Redesign Act of 2020—the American Women Quarters Program features coins with reverse (tails) designs emblematic of the accomplishments and contributions of prominent American women. Contributions come from a wide spectrum of fields including, but not limited to, suffrage, civil rights, abolition, government, humanities, science, space, and the arts.

The women honored come from ethnically, racially, and geographically diverse backgrounds. As required by the public law, no living person will be featured in the coin designs, and thus all the women honored must be deceased. The Mint is issuing five coins with different reverse designs annually over the four-year period from 2022 through 2025.

Sourced from US Mint