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

FEW Washington Legislative Update June 16-30, 2022 *Congress is in recess*

In Congress:

The Senate passed [H.R.3967](#), Honoring our PACT Act, as amended on June 16. The legislation would help millions of veterans who were exposed to [toxic burn pits](#) during their military service. A wide bipartisan majority approved the long-awaited bill by a vote of 84-14 and it will now go to the House of Representatives, where House Speaker Nancy Pelosi (D-California) has pledged to move quickly and send it to President Joe Biden's desk for his signature. The bill is an amended version of the Honoring Our PACT Act that passed the House earlier this year. In addition to expanding VA care eligibility to post-9/11 veterans, the bill creates a framework for the VA to establish presumptive service connections related to toxic exposures. It also adds 23 burn pit and toxic exposure-related conditions to the agency's list of service presumptive service connections. The legislation also expands presumptions related to Agent Orange — used largely during the Vietnam War — to veterans who served in Thailand, Cambodia, Laos, Guam, among other places.

The Senate is also expected to consider [Ana Isabel de Alba](#) to be United States District Judge for the Eastern District of California and [Mary T. Boyle](#) to be a Commissioner of the Consumer Product Safety Commission.

Gun Safety

The Senate cleared the first hurdle and passed a bipartisan measure on June 24, aimed at keeping firearms out of the hands of dangerous people, a [compromise](#) bill whose enactment ended a yearslong stalemate over federal legislation to address gun violence. While the bill falls short of the sweeping gun control measures certain members have long demanded, its approval would amount to the most significant action in decades to overhaul the nation's gun laws. The 64-to-34 vote came just hours after Republicans and Democrats released the text of the legislation, and after days of feverish negotiations to hammer out its details.

The [80-page bill](#), called the Bipartisan Safer Communities Act, would enhance background checks, giving authorities up to 10 business days to review the juvenile and mental health records of gun purchasers younger than 21, and direct millions toward helping states implement so-called red-flag laws, which allow authorities to temporarily confiscate guns from people deemed dangerous, as well as other intervention programs. The measure would also, for the first time, ensure that serious dating partners are included in a federal law that bars domestic abusers from purchasing firearms, a longtime priority that has eluded gun safety advocates for years.

[One pager](#) detailing the Bipartisan Safer Communities Act.

The House will consider [H.R. 7666](#) – Restoring Hope for Mental Health, the Well-Being Act of 2022 and [H.R. 5585](#) – Advanced Research Projects Agency Health Act.

The Senate [adjourned](#) for the July 4th recess, and will reconvene at 3:00 P.M. on Monday, July 11. During the next two weeks, the Senate is expected to hold pro forma sessions only with no business conducted on the following dates and times: Tuesday, June 28 at 3:30 P.M., Friday, July 1 at 8:30 A.M., Tuesday, July 5 at 6:25 A.M., and Thursday, July 7 at 10:00 A.M.

As the House awaits a vote on the gun legislation, it is expected to consider the Senate Amendment to the House Amendment to [S. 2089](#) – Keep Kids Fed Act of 2022 and [seven bills](#) under suspension of the Rules. When the House goes into recess, it will next [convene](#) on Tuesday, July 12 at 6:30 P.M.

FEW Washington Legislative Update – June 16-30, 2022 Tier I

Sexual Assault & Harassment:

The Department of the Air Force (DAF) is strengthening its process for discharging airmen and guardians who commit sexual assault, as the service continues to try to banish sex crimes from its ranks.

The new [policy](#) states that service members who commit sexual assault will be subject to immediate initiation of discharge procedures. Only in very few circumstances can an airman or guardian be considered for an exception.

Those exceptions are what DAF is updating; under previous policy there were more situations where assaulters would have an opportunity to stay in the service.

Exceptions are now strengthened for and bar exceptions when an airman or guardian assaults a child or if that person has a prior assault or harassment charge.

“Sexual assault is incompatible with our core values, the Guardian Ideal, and military service. These revisions will significantly improve our ability to discharge those unworthy of calling themselves airmen and guardians,” said Air Force Undersecretary

Gina Ortiz Jones. “Our policies must set clear expectations and consequences for the force. Everything we do, and everything we say communicates the value that we place, or do not place, on one’s service.”

There are also factors that DAF will no longer consider when making an exception. Those include personal, family or financial circumstances, good military character and medical or mental health condition.

What DAF will still consider, according to the new separation guidance, is if the member’s continued presence is consistent with “the interest of DAF in maintaining proper discipline, good order, leadership, morale and a culture of respect for the safety, dignity and personal boundaries of all service members.”

The change adds mission-focused criteria to the exception consideration.

“These new objective criteria reflect our commitment to justice for sexual assault survivors and accountability of offenders,” added Secretary of the Air Force Frank Kendall. “We are determined to maintain a culture of respect for the safety, dignity and personal boundaries of every airman, guardian and civil servant.”

DAF and the Defense Department are putting a large emphasis on combating sexual assault. DAF is asking Congress for increased funds in 2023 to strengthen sexual assault and integrated violence prevention programs.

Nearly a year ago, DoD [announced](#) it was changing policy to address issues with its sexual assault and prosecution process.

DoD is in the process of removing sex crimes and related crimes like domestic and child abuse from the military’s oversight and giving them to independent civilian agencies. DoD added sexual harassment as an offense in the Uniform Code of Military Justice and is creating offices in each military department to handle the prosecution of special crimes with appropriate legal oversight and guidance from the Pentagon.

(Sourced from [Federal News Network](#))

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Retirement:

Appropriations Bill Advances with Eye on Retirement Processing

A House panel recently voted to advance the appropriations bill that serves as the vehicle for a federal employee pay raise and that governs the Office of Personnel Management.

Following the markup in the House Appropriations Committee, the fiscal 2023 Financial Services and General Government appropriations bill still contains no mention of federal compensation, effectively endorsing President Biden's plan to give federal employees an average 4.6 percent pay raise in 2023. That figure would mark the biggest raise for federal workers in nearly two decades but falls short of requests from federal employee groups and some Democratic lawmakers, who have rallied around the prospect of a 5.1 percent average increase in 2023.

But at the request of the National Active and Retired Federal Employees Association (NARFE) , [the committee's report on the legislation](#) now includes language demanding that OPM keep Congress informed on its efforts to improve its processing of federal employees' retirement claims when they leave federal service.

"The committee is concerned with the lengthy delays to process retirement and survivor claims and update health insurance benefits, as well as other critical changes that impact retirement benefits," the report states. "These delays cause hardships for federal annuitants and their families. OPM is directed to brief the committee quarterly on OPM's efforts and progress to reduce these delays."

Modernizing the process by which OPM processes federal employee retirement claims has long been on the agency's to-do list. But the COVID-19 pandemic, and measures required to protect employees' health and safety, has been a significant roadblock in efforts to digitize retirement records, which are largely stored on paper in a bunker in Pennsylvania.

In an [interview with reporters](#), Ahuja said her agency is working on a number of ways to improve the retirement claims process, although she noted that years of underfunding and the pandemic have made it difficult.

"Because OPM has had a fairly disruptive history, that's taken attention away [from previous reform efforts]," she said. A big part of it has been that Retirement Services has been underfunded for the past number of years, and the administration had to build up staffing to be more customer service oriented, so we've got a number of staff coming in and are setting up a new cloud-based contact center . . . And we're trying to make small modernizing changes such as, and this should not be novel, but scanning records and documents."

In a statement, NARFE National President Ken Thomas thanked lawmakers for focusing oversight on OPM's reforms to the program.

"We have heard too many complaints from NARFE members experiencing lengthy delays receiving their survivor benefits, updating their health insurance benefits and requesting other changes from OPM," Thomas said. "We are heartened that House appropriators share our concerns and included report language to focus heightened oversight and request increased transparency into processing delays and call center

responsiveness from OPM Retirement Services. We hope this increased attention will elevate the urgency of the administration's efforts to solve these problems.

(Sourced from [GovExec](#))

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The Administration:

The Office of Personnel Management recently announced that the Food and Drug Administration has authorized that COVID-19 vaccines for small children and federal workers can now be granted administrative leave to take their youngest family members to get vaccinated.

OPM previously granted paid administrative leave to all federal workers to go get vaccinated and to take family members to do the same. That leave included the ability to take paid time off to deal with any symptoms or other side effects that may occur as a result of getting the shot.

In a memo to agency heads, OPM Director Kiran Ahuja reminded officials that they now must do the same so that federal workers can get their children vaccinated.

“Based on President Biden’s continued direction that the federal government should work aggressively to maximize the number of people receiving the COVID-19 vaccination, the Safer Federal Workforce Task Force previously issued guidance directing federal agencies to grant administrative leave so that federal employees may accompany their children who are getting a COVID-19 vaccine,” she wrote. “This guidance now applies to employees with children ages six months through 5 years, since those children are vaccine eligible. OPM encourages agencies to make sure employees are aware of this policy through outreach to their workforce.”

This leave policy now applies to employees with biological, adopted, step or foster children of federal employees between six months and 5 years old, as well as to legal wards and the children of an employee’s spouse or domestic partner.

Ahuja also reminded agencies that the administrative leave policy also applies in cases when a federal worker is accompanying a family member to receive a booster shot, provided they are eligible to receive it.

(Sourced from [GovExec](#))

Women’s Health:

FACT SHEET: President Biden’s Maternal Health Blueprint Delivers for Women, Mothers, and Families

The White House released the Biden-Harris Administration's Blueprint for Addressing the Maternal Health Crisis, a whole-of-government approach to combatting maternal mortality and morbidity. For far too many mothers, complications related to pregnancy, childbirth, and postpartum can lead to devastating health outcomes — including hundreds of deaths each year. This maternal health crisis is particularly devastating for Black women, Native women, and women in rural communities who all experience maternal mortality and morbidity at significantly higher rates than their white and urban counterparts.

(Sourced from the White House)

FEW Washington Legislative Update – June 16-30, 2022 In General Interest

Federal Employees and The Hatch Act:

The independent agency that oversees civil service law announced on Thursday, June 24, settlements with three federal employees who violated the Hatch Act.

The Hatch Act limits the political activity of government employees while on the job. The employees in the Office of Special Counsel's (OSC) announcement were at the U.S. Postal Service, Veterans Affairs Department, and U.S. Defense Information Systems Agency at the time of their violations.

U.S. Postal Service

OSC filed a complaint with the Merit Systems Protection Board for disciplinary action charging a mail carrier in California for violating three provisions of the Hatch Act.

"In August 2020, she intentionally removed and discarded 66 pieces of presorted deliverable mail intended for delivery on her route because the pieces were sent by a political party or the campaign of a candidate for partisan political office," said OSC's press release. "According to the complaint, the carrier placed the mail in an undeliverable mail bin from which it would have been thrown away, but an attentive employee at the post office noticed an unusual quantity of political mail in the bin and alerted a postmaster."

The carrier admitted in the settlement agreement that OSC could prove she violated the Hatch Act' provisions prohibiting federal employees from taking part in political activity while on duty or in the federal workplace and prohibiting employees' use of "official authority to interfere with or affect the results of an election."

The carrier agreed to resign and accept a one year-debarment from working for the federal government as a penalty.

Veterans Affairs Department

In 2021, a VA employee in Pennsylvania ran for township commissioner, a partisan political office, but didn't campaign actively in either the primary or general elections.

"The employee won the election, but declined to accept the office after being warned by OSC that her candidacy was in violation of the Hatch Act," said OSC. "The case settled for a formal letter of reprimand."

DISA

A DISA employee, whose state was not listed, posted 12 partisan political messages on Facebook while at work, which were aimed directly at either the success or failure of the political parties and/or candidates for that office. This happened over a year ago, between May 2020 and May 2021. "The case settled for a three-day unpaid suspension," said OSC.

Other Recent Hatch Act News

The Merit Systems Protection Board's central board, [which recently regained a quorum](#), ruled in April that Rodney Cowan [could keep both his job at the Postal Service and position as county commissioner](#) in Tennessee without running afoul of the Hatch Act.

However, later that month, [OSC said this was an "unusual situation"](#) and it "does not intend to enter into any settlement agreements that would allow an employee who violates the Hatch Act by running for a partisan political office to keep both their elected position and their federal employment."

(Sourced from [GovExec](#))

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