



FEW Washington Legislative Update October 16 - October 31, 2022

In congress:

To the surprise of no one, members of Congress have extended their abysmal record for missing the deadline for passing the appropriations bills before the beginning of the fiscal year.

Legislators should have approved all 12 appropriations bills by October 1, 2022, which marked the beginning of fiscal year (FY) 2023. Instead, their irresponsible and inept streak of failing to fulfill their most basic Constitutional duty to appropriate money under Article 1, Section 9, Clause 7, has reached 26 consecutive years.

In every year since FY 1997, which was the last time the appropriations bills were passed on time, Congress has passed a continuing resolution (CR), which provides the same funding level as the prior year to buy time to complete the appropriations process. There have been 123 CRs beginning with FY 1998, averaging 5.1 such bills each year. While intended to be short-term, they have lasted on average nearly five months.

Stopgap funding bills have therefore become the rule rather than the exception. In addition to FY 1997, legislators passed the appropriations bills on time in only three instances in the 48 years since the 1974 Budget and Impoundment Control Act was signed into law with the intent of improving the budget process: FYs 1977, 1989, and 1995. Tardy approval of the bills has been achieved by Democrats and Republicans under divided and unified control over the House, Senate, and White House, collegial bipartisanship, and hyper partisanship.

The House of Representatives managed to approve half of the FY 2023 bills before the deadline. The Senate, where lethargy and lassitude rule, failed to pass a single spending bill prior to the deadline for a fourth consecutive year. For the second consecutive year, President Biden signed a CR on September 30, this time approving a package that will fund the government until December 16, 2022. The likelihood of another CR is nearly 100 percent, especially if Republicans win the majority in the House and/or Senate on November 8, 2022.

The repeated use of CRs provide the most striking example of the culture of poor governance that has taken root in Congress. The short-term bills neutralize the government's significant buying power. Inconsistent and uncertain payments to agencies force them to purchase fewer items at a time, rather than paying in advance for bulk orders at lower prices. CRs also undermine the effectiveness of agencies by creating delays and raising costs for multi-year projects, as well as disrupting the onboarding of new employees. They are particularly problematic for the Pentagon, where multi-year contracts are essential to providing proper and timely procurement for weapons systems and other equipment needed to give warfighters the tools they need to protect national security.

Even with the time provided by a CR to finalize the individual spending bills, when appropriations bills are passed, they frequently combine several individual bills together into omnibus packages. The end result is thousands of pages of text, which minimizes the amount of time for members of Congress and the public to digest the contents of the bills.

Making matters worse, the three-day rule to review legislation before it is voted on has been repeatedly ignored. This "72-hour rule" has more closely resembled the "24-hours-and-two-seconds rule," under which a bill will be posted at 11:59 p.m. on a Monday, for example, and voted on just after midnight three calendar days later on Wednesday at 12:01 a.m. Needless to say, this is nowhere near enough time to review an omnibus appropriations package consisting of several thousand pages. In addition, amendments are often restricted, meaning there is limited opportunity to trim spending.

Rank-and-file Biden staff pay the price for this 'ideology before the people' policies.

Whether it's 'soft lifers' or 'quiet quitters' COVID created a new workforce. The inability to adhere to the most basic guidelines of the budget process is likely a chief driver of Congress' unpopularity among voters. Only 23 percent of Americans currently approve of the way members of Congress do their jobs, while 75 percent disapprove.

It is possible that legislators will recommit themselves to their core responsibility beginning in 2023 and finally pass the appropriations bills on time once again. However, it seems more likely that senators and representatives will continue moving their woeful streak toward 30 years and beyond.

Sourced from: [\(The Hill\)](#)

Diversity, Equity, and Inclusion:

Biden’s Labor Department Launches WIOA Campaign To Promote Job Quality And Equity

The U.S. Department of Labor has launched a new campaign to dispel myths about the federal workforce development funding system—the Workforce Innovation and Opportunity Act (WIOA). Modeled after the Obama-era slogan “Yes, we can” the Yes, WIOA Can! campaign was announced by the Deputy Secretary of Labor Julie Su earlier this month.

Signed into law in 2014, WIOA provides \$3.6 billion annually to help job seekers access training and support to find employment. Eighty percent of WIOA funding is given directly to states who distribute the funds.

Rather than legislative chances, the Yes, WIOA Can! campaign aims to clarify how flexible WIOA funds can be under existing policies and how WIOA can be leveraged by states and local government, workforce boards, unions, employers, and community-based organizations to promote “innovation, equity, and job quality” across the U.S. workforce development system supported by WIOA.

In the Labor Department blog post announcing the campaign, Deputy Secretary Su underlined the importance of WIOA funding to actualize the Biden Administration's infrastructure implementation plan which is now supported by four key bills passed by Congress over the past two years: The American Rescue Plan Act of 2021, the Bipartisan Infrastructure Law of 2021, the CHIPS and Science Act of 2022, and the Inflation Reduction Act of 2022.

But Su, who previously served as California's Labor Secretary under Governor Gavin Newsom, also acknowledged challenges across the WIOA system, particularly around racial equity. For example, Black participants in WIOA-funded programs secured jobs where they were paid less than their white counterparts.

“With historic investments in infrastructure, manufacturing and environmental justice, we have an incredible opportunity to create good, union jobs in communities that need them the most, all across America,” said Deputy Secretary Su in an email. “Our ‘Yes

WIOA Can!' Campaign prioritizes job quality and equitable access to good jobs for historically marginalized workers by unleashing the full power of the workforce system to meet this moment."

Julie Su's blog listed four goals focused on job quality and equity:

1. Build and invest in sector-based labor-management partnerships that result in effective training programs tied to quality jobs.
2. Integrate job quality and equity requirements in programs and grants, so resources target communities where workers face the most significant barriers to good jobs.
3. Provide access to supportive services like childcare, transportation and more, to enhance workers' opportunities for growth and success.
4. Measure success not just by if a worker gets a job, but by whether the most vulnerable workers get good jobs.

The campaign will be comprised of a series of activities including:

- Highlighting best practices that demonstrate what effective deployment of WIOA looks like.
- Support the scaling of effective practices through language in funding opportunities.
- Expanding resources offered through Workforce GPS, the Labor Department's Employment and Training Administration's technical assistance website.
- Organizing webinars and improving on-the-ground support of WIOA grantees including support with compliance assistance.

The latest Biden Administration to improve job quality

Amid a tight labor market, a revitalized unionization movement, and cultural debates sparked by Quiet Quitting and the Great Resignation, job quality has become of heightened concern, particularly after the pandemic laid bare the plights faced by essential workers.

A 2019 study by Brookings Institution's Martha Ross and Nicole Bateman found that 44 percent of U.S. workers earn wages below \$10 per hour, more than half of which were a prime working age of 25-30, and most likely to be raising children. A separate Lumina Foundation study found that the same percent of working people in the U.S. report having a "good job," defined by personal satisfaction with various job characteristics.

In a keynote to the U.S. Conference of Mayors this January, U.S. Labor Secretary Marty Walsh, former Boston mayor, launched the Good Jobs Initiative which facilitated collaborations across federal agencies to improve job quality.

This June, Secretary Walsh joined the U.S. Commerce Secretary Gina Raimondo to publish job quality principles that helped define job quality across the government, and,

in August, the Labor and Commerce Department released a job quality toolkit to help employers improve job quality.

The Deputy Secretary and Labor Department officials previewed the campaign at the National Association of State Workforce Agencies conference in Chicago this past August, and at an event this week in Washington, D.C., at the think-tank New America that focused on leveraging federal infrastructure investments to create quality jobs, Su shared two specific changes the campaign hopes to bring about.

The first was to encourage more WIOA-funded programs to include job quality metrics when tracking outcomes, rather than just focusing on the number of individuals trained. The second was to dispel myths about what is possible within WIOA including whether WIOA-funded programs can include diversity, equity, and inclusion goals and track participant demographic metrics around race and gender.

Deputy Secretary of Transportation Polly Trottenberg, who joined Su at New America, emphasized the importance of helping workforce stakeholders more efficiently use existing federal workforce investments. Job quality has long been part of the Transportation Department's strategizing given the higher rate of unionized workers in the transportation industry, according to Trottenberg.

As states and cities begin preparing to use the nearly \$4 trillion dollars of federal investments to revitalize U.S. infrastructure, Deputy Secretary Su and the Biden Administration hope the campaign's encouragement and clarification around how WIOA can improve job quality and racial equity will result in more efficient utilization and better workforce development for the short and long-term.

Sourced From: ([Forbes](#))

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Tier I

Schedule F

Less than two weeks before Election Day 2020, former President Trump signed Executive Order 13957, a move to radically transform the federal government by replacing thousands of careers, nonpartisan employees with political appointees.

The Executive Order made it easier to fire career experts by putting them into a new federal employment category called "Schedule F." This new designation would remove long-standing protections from as many as 50,000 career workers, allowing them to be fired and replaced with political appointees.

Thankfully, President Biden rescinded that dangerous Executive Order during his first week in office, but there's nothing stopping a future president from again trying to upend the federal government by firing experts and replacing them with thousands of political loyalists. In fact, former President Trump has indicated that if he is reelected, he would do exactly that.

We believe Congress should step up and pass our Preventing a Patronage System Act to make sure no future president – from either party – is able to singlehandedly strip away bedrock merit-based civil service protections. Our bill, which we also recently filed as an amendment to this year's defense bill, would prevent any future president from reclassifying federal employee positions into this unprotected "Schedule F" category without the express approval of Congress.

The Trump administration didn't hide its reasoning for Executive Order 13957: Former President Trump intended to fire tens of thousands of career civil servants – including nonpartisan national security experts, public health professionals and criminal prosecutors – and replace them with individuals who would do his bidding.

Career, nonpartisan federal employees are the backbone of our government, and our states of California and Virginia are each home to more than 140,000 civil servants. They carry out a range of important services, from mail delivery and disaster recovery to food safety inspection and Medicare, Social Security and VA benefits administration.

These employees hold a wealth of experience and institutional knowledge and are essential to ensuring continuity of government between presidential administrations. We rely daily on their unbiased and nonpartisan dedication to their jobs.

For decades, federal workers have been entitled to certain rights, including a competitive hiring process with veterans' preference and rights protecting federal employees from being removed without cause. These rights ensure that our government remains effective, ethical and focused on working for the people.

If these career employees feel their jobs are dependent on the president's politics, they may no longer speak out when they witness an illegal or unethical act for fear of being fired. It would be particularly dangerous at the Pentagon, for example, where partisan loyalty outweighing expertise could end up compromising national security in times of conflict – this is why we also filed our bill as an amendment to this year's defense bill.

Removing nonpartisan experts could also mean disaster recovery efforts or emergency health supply distribution might be guided by political considerations rather than the greatest need. No American should fear that FEMA would fail to help in a crisis because they support one political party or another.

Firing large numbers of individuals who are familiar with our government's processes would slow down or even halt many important federal services, at home and abroad.

There are areas where the federal government can be improved, but civil servants are a critical element in providing the substantive expertise and procedural knowhow to keep our system running.

The Trump administration suggested that Executive Order 13957 was needed to remove poor performers in the government, but there is already a system in place to do just that. Could that system work better? Perhaps. But the truth is that the Trump administration wanted the authority to fire every executive branch employee who didn't show sufficient loyalty to former President Trump himself. There were even reports of databases being compiled with people loyal to Trump who could replace career federal workers.

Simply put, our career federal workforce needs to remain, at its core, nonpartisan and expertise-based. That is why it's so important that we protect our merit-based federal workforce system by passing the Preventing a Patronage System Act, whether on its own or as part of this year's defense bill.

The House has twice passed this bipartisan bill, and the Biden administration expressed its support. It's now time for the Senate to follow suit.

Sourced From: [\(Government Executive\)](#)

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

A Judge Has Finalized the \$63M OPM Hack Settlement. Feds Now Have Two Months to Sign Up for Damages.

A federal judge on Wednesday, October 23, formally finalized a \$63 million settlement that will soon allow thousands of current and former federal employees to receive

payouts as part of the agreement stemming from a 2015 breach of data maintained by the Office of Personnel Management (OPM).

District Judge Amy Berman Jackson said all parties had fulfilled their obligations since they reached a preliminary agreement in June, including taking proper steps to notify the victims of the hack of their eligibility to potentially receive monetary damages. Jackson added in her order the settlement is “fair, reasonable and adequate, and in the best interests of the class.”

OPM disclosed two data breaches in 2015: one that exposed the personnel files of all current and former federal employees and another that released the personally identifiable information of all applicants for security clearances, as well as their families. Those individuals are set to receive a minimum of \$700 and up to \$10,000 from the agreement if they can prove they were victims of the hack and incurred out-of-pocket expenses or lost compensable time. More than 22.1 million people were impacted by the breaches.

They now have until December 23 to file a claim for damages. The plaintiffs are part of a class action lawsuit that reached a \$63 million settlement earlier this year with OPM and its contractor, now known as Peraton Risk Decision Inc. As of the latest filing earlier this month, more than 19,000 employees have filed a claim.

Jackson made clear the government and Peraton were not admitting guilt and would not play any part in doling out the settlement to class members. That role will fall to Epiq, the firm overseeing the implementation of the agreement. The court itself will retain jurisdiction over administration and interpretation of the settlement, Jackson said. The judge upheld the settlement over the objections of more than a dozen class members who submitted concerns.

Nearly all of the 22 million impacted by the breach will no longer have any standing to sue the government or Peraton due to the hacks, except for the 114 individuals who proactively asked to be excluded from the settlement.

In order to qualify for the payouts, hack victims must show they purchased their own credit monitoring or identity theft protection services, accessed a credit report or made efforts to mitigate an identity theft incident. Epiq, which said it expects more class members to file claims over the next two months, will review and audit all claims that it receives. Individuals must affirmatively make a claim to be eligible for monetary compensation, which they can do on OPMDataBreach.com. They are encouraged to

provide documentation of their related expenses, for which they can be compensated up to \$10,000.

In addition to providing notice to hack victims of the settlement and the steps for signing up, Epiq has overseen an advertising campaign to raise awareness of the agreement. The firm said it would make more than 700 million impressions through print, digital and social media ads. It is not yet clear exactly when breach victims could start receiving their compensation, though the court ordered the payouts to begin as expeditiously as possible after the December 23 deadline. Epiq will also have to review and audit the claims it receives.

The defendants have already agreed to pay the plaintiffs' attorneys from Girard Sharp LLP \$7 million in fees. Congress has mandated that OPM provide victims 10 years of credit monitoring and identity theft protections. The agency has signed two contracts with ID Experts to provide the services, the first worth \$340 million and the second worth up to \$416 million.

Sourced From: ([Government Executive](#))

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Tier III

Job Opportunities for Women and People of Color

The federal government is investing \$65 billion in expanding broadband, and two-thirds of that money will be directed toward programs that encourage better hiring and retention practices for women and people of color, who have been severely underrepresented in the field.

Broadband is expected to add 36,000 telecommunications equipment installer and repairer jobs, with an additional 12,000 positions created in other installer and repairer roles as a result of the Infrastructure Investment and Jobs Act, according to an estimate by the Brookings Center for Sustainable Development.

The \$65 billion is intended to address gaps in technological infrastructure and, in turn, create jobs to strengthen the American workforce. Of that money, \$42.45 billion will be directed toward the Broadband Equity, Access, and Deployment (BEAD) initiative, a program directing grant funding to local governments in the states and territories that provide a framework for equitable workforce expansion. The initiative includes a workforce planning guide that suggests best practices and guidelines for expansion.

“It’s important because these are great jobs. These are high-paying jobs, stable jobs with benefits. They give people careers so they can make a living and take care of their families. And right now, the jobs are disproportionately held by White men, which means that women and people of color are left out of great opportunities,” U.S. Secretary of Commerce Gina Raimondo said.

So far, each state has expressed its intent to participate in the program. The department has already disbursed funds to Louisiana and Ohio.

In Louisiana, the approach involves mobilizing community and technical colleges, which provide a cheaper pathway to family-sustaining careers, especially for people of color. According to the American Association of Community Colleges, women and people of color are a majority of the students enrolled for credit at community colleges in the United States.

These institutions are creating programs to meet the new workforce needs. South Louisiana Community College is introducing an 18-20-week program to train students on different aspects of the industry. Students can earn credentials and certifications in pole top rescue, defensive driving, CPR and pole climbing techniques. Bossier Parish Community College is also offering fiber optics training courses.

According to the U.S. Bureau of Labor Statistics, only 4.5 percent of 155,000 telecommunications/radio equipment installers are women, and 10.5 percent are Black. For some jobs, the numbers are even lower. Women make up 1 percent of electric line installers.

Women, in particular, face a barrage of barriers in the field, some with simple solutions and some more complex. “Sometimes simple things like having portable bathrooms for women on the job site, having gloves and harnesses that fit women because they’re smaller, having childcare on the job site; these small practical changes are what will enable women to be recruited into these jobs and be successful in these jobs,” Raimondo said.

Before they get to the field, women face these barriers to entry, including the lack of representation and negative perceptions about their competence.

“If you have not seen yourself represented in that particular occupation, sometimes it can be very difficult to either know that occupation exists, let alone that you can do that work,” said Lindsay Blumer, president and CEO of Wisconsin Regional Training Partnership Big Step.

Blumer said that many misconceptions have spread to women about these jobs, such as being told that they aren't strong enough, that they wouldn't understand the jobs, or that they wouldn't be respected on the job. Her organization serves as a workforce intermediary and provides training such as a pre-apprenticeship program for women seeking to get into different trades.

Trade careers are often difficult and lonely places for women.

Anita Bruno, who works as a carpenter, started Rhode Island Women in the Trades to provide support for women in jobs like hers and the ones that will be created to expand broadband.

In her 15 years of experience, Bruno said she's had women come to her with complaints of sexual harassment, women who have contracted urinary tract infections because they could not get to a bathroom across a major highway, and women who were discriminated against because they were perceived to be taking jobs from men. One of the most common issues women face is the perception that they cannot do these jobs.

Bruno said many women leave because of hostile work environments.

"We're always told, 'Well, you gotta have thick skin,' or 'You chose this male-dominated career, so you have to basically accept what is there,' and I think that that's one of the biggest obstacles," Bruno said.

She persevered in part because of support from an apprenticeship for women, and her program now offers them as well.

The broadband industry is not limited to laying fiber and installing equipment. The Fiber Broadband Association has a Women in Fiber committee consisting of about 300 women at all levels. Many come into the industry doing jobs like marketing and human resources, according to Trish Ehlers, the association's vice president of membership, industry affairs and operations.

The committee is launching a mentorship program to connect entry-level women with women who are leading in the industry.

While the planned expansion will bring job opportunities, it is also projected to bring a significant economic boost to the country and address some disparities that have only

become more critical with rapid changes in the workforce and the world brought on suddenly by the pandemic.

“We live in a world now where really every job these days is a digital job. Every company is a digital company. And that means everyone needs the internet. So, if you're cut off from the internet, either because you're poor, or you live in a rural area, you're really going to be left behind,” Raimondo said.

As the threat of COVID-19 pushed kids out of school buildings and in front of computers, many were left behind. It forced people of all ages to rely on internet access for work, school, doctors' appointments, entertainment and everything else.

Administration officials hope that the BEAD program can make internet access more available and equitable to families. One model states could use, which Women in Fiber pointed to, is a smaller-scale push like the one in Chattanooga, Tennessee.

In Chattanooga, Katie Espeseth led the efforts to connect the city and rural surroundings to the internet. Espeseth is the vice president of new products at EPB, a public utility company servicing the area. EPB began planning for the large infrastructure project in 2004 and began building in 2008. What followed the connection effort was a boost for the city's economy, and recognition for having some of the fastest internet in the country.

Development for the app OpenTable began in Chattanooga. Branch Technology, the company that created the first 3D-printed building facade, is also based there.

“It's things like new companies moving into Chattanooga. It's things like higher paying jobs here with these new companies. Lower unemployment. It's all those things. It's that economic foundation that really raises everybody up in the community,” Espeseth said.

That type of economic boost is what the Department of Commerce hopes to achieve on a larger scale for the country. The aim of the BEAD program is to make sure women and people of color are not left behind through programs like Bruno's apprenticeship. As other states follow Ohio and Louisiana in submitting proposals, the goal will be to have that need addressed by local governments and groups within their communities.

Sourced From: ([Government Executive](#))

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