



FEW Washington Legislative Update December 1 - 15, 2022

In Congress:

On Monday, December 5, 2022, the President signed into law [S. 3655](#), the “Civil Rights Cold Case Investigations Support Act of 2022,” which extends the term of the Civil Rights Cold Case Records Review Board (the “Review Board”) through January 8, 2026, with the option to extend the Review Board’s authority for an additional year if it has not completed its work.

On Friday, December 9, 2022, the President signed into law [H.R. 521](#), the “First Responder Fair Return for Employees on Their Initial Retirement Earned Act” or the “First Responder Fair RETIRE Act,” which preserves the retirement benefits of federal law enforcement, firefighters, and other qualifying employees who sustain an injury or illness as a result of their employment and are reappointed to certain non-qualifying federal positions.

On Tuesday, December 13, 2022, the President signed into law [H.R. 8404](#), the “Respect for Marriage Act,” which establishes statutory authority for same-sex and interracial marriages and repeals provisions of law that once prevented any State or territory from being required to give effect to same-sex marriage from another State or territory.

Diversity, Equity, and Inclusion:

Feds to Allow HIV-Positive People to Serve in Public Health Roles

The Biden administration will no longer prevent individuals with HIV and hepatitis B from serving in federal public health roles, reversing a longstanding policy.

Those with chronic hepatitis B and HIV will now be eligible for roles within the U.S. Public Health Service Commissioned Corps, a division of the Health and Human Services Department. Developments that have made both viruses manageable conditions spurred the change, HHS said in an announcement that coincided with World AIDS Day.

The change will only apply to HIV patients receiving antiretroviral therapy who have an undetectable viral load and show no evidence of impaired immunity, and applicants with hepatitis B who also show low viral blood levels and no evidence of clinically significant liver damage. HHS officials said the department was hoping to lead by example in demonstrating the advances in the treatment for and understanding of those living with the viruses.

“I am honored to be a part of a change much bigger than our service,” said Adm. Rachel Levine, assistant secretary for health at HHS. “By changing our medical accession standards to reflect the latest evidence, we show the world that we are putting science first. I am proud of the [Public Health Service] Commissioned Corps for breaking barriers to help create a future where people are encouraged and able to follow their dreams.”

The Public Health Service’s 6,000 officers deploy around the country in emergencies and to provide care to underserved populations. The corps includes physicians, nurses, dentists, dietitians, veterinarians, therapists, engineers, pharmacists and others who work at 800 locations in the United States as well as in some foreign assignments. They frequently deploy for disaster response and played a key role in the federal government’s effort to fight the spread of COVID-19.

“The dedicated officers who serve the [Public Health Service's] Commissioned Corps work tirelessly to protect, promote, and advance the health of our nation country in emergencies and to provide care to underserved populations,” said U.S. Surgeon General Vivek Murthy. “We are thrilled to announce this step to expand eligibility for those who want to serve their nation as Public Health Service officers, removing barriers to entrance for those with controlled levels of HIV and chronic hepatitis B. I am excited

to welcome new potential recruits and create a more diverse community within our service.”

The change went into effect immediately on December 1, 2022. U.S. Public Health Service candidates must still meet a wide variety of qualification requirements, including being less than 44 years old and falling within height and weight restrictions. They cannot have conditions such as diabetes, tuberculosis or impaired vision or hearing.

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

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Tier I

As More Men Leave the Workforce, Women Are Stepping in to Fill Those Jobs

In recent months, more men aged 30-44 have been dropping out of the workforce, according to data from the Bureau of Labor Statistics. The labor force participation rate for men in that age group is now lower than it was pre-pandemic. For example, in David’s age range of 30-34, Labor Department data shows that 90.2 percent of men were either employed or looking for a job in February 2020, right before the pandemic. Last month, that number was 89.8 percent.

At the height of the pandemic, 22 million jobs were lost. The data showed that the total number was skewed more towards women than men, since so many women assumed caretaker roles at home when daycare centers and schools closed during lockdowns. Since then, men and women have gained back all the jobs lost.

And of the 263,000 jobs added to the US economy last month, 61.6 percent of those are held by women, according to the National Women’s Law Center. More women between the ages of 30-44 are joining the workforce in recent months — and at a higher percentage than before the pandemic.

“The fears of a ‘she-cession’ turned out largely to be unfounded,” said Reeves of the idea that mostly women would be negatively impacted by pandemic-related job losses. “The women are returning to the labor market, and we’ve actually seen quite a big increase in the share of women in management roles and senior management roles.”

The pandemic changed the way Americans want to work and what they were willing to do for work. Work from home or virtual jobs are more prevalent now than ever and no longer have a negative stigma attached. And gender roles in the workplace are slowly changing — with more men now needed in female-dominated industries, like nursing and teaching.

“We are going to face some shortages in [those] areas,” said Reeves. “So, we need more people working in those areas too. And there aren’t enough women to solve the labor market challenges in every occupation,” said Reeves.

Sourced From: [\(CNN\)](#)

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President Biden Announces Historic Relief to Protect Hard-Earned Pensions of Hundreds of Thousands of Union Workers and Retirees

On Thursday, December 8, President Biden announced \$36 billion for the Central States Pension Fund, preventing drastic cuts to the hard-earned pensions of over 350,000 union workers and retirees. These workers paid into the fund for years or even decades, and faced cuts through no fault of their own. Approved by the Pension Benefit Guaranty Corporation, this is the largest-ever award of federal financial support for worker and retiree pension security and the largest award from the American Rescue Plan’s Special Financial Assistance Program. Known as the “Butch Lewis Act” – named after the heroic Ohio union leader and pension advocate – this program provides security for more than 200 distressed multiemployer pension plans, helping to ensure 2 to 3 million workers’ pension plans remain solvent and pay full benefits through at least 2051.

Ensuring that workers and their families enjoy the retirement security they earned through a lifetime of work is a central part of President Biden’s economic plan. President Biden is building the economy from the bottom up and middle out, including helping to ensure a dignified retirement for all American workers and their families.

This announcement protects the earned pensions of more than 350,000 Union Workers and retirees from 60 percent cuts: Prior to the passage of the American Rescue Plan, the Central States Pension Fund, which is largely made up of Teamster workers and retirees, was the largest financially distressed multiemployer pension plan in the nation.

Workers in this plan include truck drivers, warehouse workers, construction workers, and food processors.

Without the historic Special Financial Assistance program included in President Biden's American Rescue Plan, these workers and retirees – who have already earned these benefits – would have faced estimated benefit reductions of roughly 60 percent in the next few years. The Central States Pension Fund estimates that it will now be able to pay full benefits to workers and retirees through 2051. This announcement is estimated to benefit thousands of workers and retirees in individual states across the US. The American Rescue Plan's Special Financial Assistance program is providing financial relief to struggling multiemployer pension plans and ensuring that millions of families facing benefit cuts will receive the full benefits they earned.

Multiemployer plans are created through agreements between employers and a union, with plans typically involving multiple employers in a single industry or related industries. A typical worker whose multiemployer plan became insolvent would see their expected pension benefits slashed substantially. Before the American Rescue Plan, workers and retirees participating in more than 200 multiemployer pension plans faced the prospect of not receiving the full benefits they earned and need to support them and their families in retirement.

Sourced From: [\(The White House\)](#)

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

How the \$857.9 Billion Annual Defense Bill Could Impact Women and Military Families

Lawmakers released the text of the 2023 annual defense bill this week after days of delays and negotiations. For more than six decades, the National Defense Authorization Act, or NDAA, has been passed annually to make changes to the country's defense agencies and establish priorities and guidance on how military funding should be spent.

The Senate is expected to pass the bill next week before it goes to President Joe Biden for a signature.

This 2023 bill authorizes a record \$857.9 billion — more than the president originally requested and nearly \$90 billion more than last year's defense bill. The large allocation is attributed to "vital national security priorities," including heightened competition with

China and Russia, according to the U.S. Senate Committee on Armed Services. Still, the NDAA will have a direct impact on military families, veterans and victims of sexual violence in the new year.

MILITARY JUSTICE REFORM

Sen. Kirsten Gillibrand of New York, a Democrat and chair of the Senate Armed Services Personnel Subcommittee, has for nearly a decade championed changing the military's chain of command when handling serious crimes. After significant parts of Gillibrand's reform efforts were removed from the NDAA last year, the senator applauded their inclusion in this year's bill. Commanders could for the first time be stripped of all judicial functions and prosecutorial duties in felony-level offenses, including cases of sexual assault.

"This is a historic milestone in our efforts to reform and professionalize the military justice system. And while it will take time to see the results of these changes, it is still important for us to celebrate this victory and continue our fight," Gillibrand said in a press conference after lawmakers announced they'd come to an agreement on the 2023 NDAA.

According to Gillibrand's office, fewer than a quarter of sexual assault survivors in the military are willing to report what happened. More than half of them said they would have been more likely to come forward if prosecutors — not their direct commanders — were the deciders in whether a case moves forward.

If the measure passes intact, within 180 days after the 2023 NDAA is enacted, commanders will no longer have the authority in felony-level cases to grant immunity to witnesses, approve experts, grant clemency, approve delays or convene preliminary hearings. The bill also ensures randomized jury selection.

Last year, Gillibrand pushed to include her Military Justice Improvement and Increasing Prevention Act as a provision to the 2022 NDAA — which designated independent special prosecutors to handle specific crimes, including rape, sexual assault, murder and domestic violence. Her bill, however, was denied full consideration late in the process "by four men in a closed room" — the Armed Forces Committee leaders from both the House and the Senate — despite bipartisan backing. As a result, military leaders still retained the authority to select the jury pool for a court martial, among other procedural decisions.

In June 2022, Gillibrand introduced a modified version of her military justice bill as an amendment to the 2023 NDAA, which would strip any remaining convening authority

from commanders in addition to the reforms made in the 2022 NDAA. It passed in the Senate Armed Services Committee 19-7, with seven Republicans in support.

Don Christensen, a retired Air Force colonel who served as the former chief prosecutor for the U.S. Air Force, said he had worked with Gillibrand on reforming the military justice system for more than eight years. He applauded the new additions made to this year's NDAA, particularly given that "sexual harassment numbers are through the roof," with more than one in four women reporting it.

SUPPORT FOR MILITARY FAMILIES

To address the effects of inflation, the 2023 NDAA authorizes a 4.6 percent pay raise for military service members and civilian employees of the Department of Defense. The bill also increases reimbursements for costs related to a military spouse's relicensing and business costs when moving and establishes a pilot program to help with certain child care costs during a PCS move.

To support the education of military families, the 2023 NDAA requires a pilot program to hire special education inclusion coordinators in areas with a high population of military children enrolled with special needs.

HEALTH CARE

Several attempts to include increased access to reproductive care, including abortion, in vitro fertilization and fertility treatments, were blocked from the final bill. As it stands, the Department of Defense is not authorized by federal law to perform or pay for abortions, except in cases that are the result of rape or incest or that endanger the life of the pregnant person. Federal regulations also prohibit abortion counseling, referral, preparation and follow-up care.

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

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