



www.few.org



1629 K Street NW, Suite 300
Washington, DC 20006
Phone: 202/898-0994
Fax: 202/898-1535

FEW Washington Legislative Update February 16 - 28, 2023

The House and Senate have returned from their President's Day recess!

In Congress:

On Wednesday, February 22, the Biden Administration [announced an action](#) that will save homebuyers and homeowners with new FHA-insured mortgages an average of \$800 per year, lowering housing costs for an estimated 850,000 homebuyers and homeowners in 2023. This cost-lowering measure will make buying a home more attainable and affordable for more low- and middle-income borrowers.

On Wednesday, February 22, the Biden Administration [announced its latest steps](#) to expand offshore wind jobs and local economic development across the country. These actions are advancing President Biden's clean energy and economic agenda to revitalize American manufacturing and harness American innovation to deliver reliable, affordable power to homes and businesses while saving families money and strengthening energy security.

On Tuesday, February 28, the National Treasury Employees Union endorsed [the latest version of the FAIR Act](#) which would give federal employees an average of an 8.7% pay raise in 2024, split between a 4.7% base pay raise and an average 4% locality pay raise.

Diversity, Equity, and Inclusion:

President Joe Biden's Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government

On Thursday, February 16, President Biden released the [Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government Executive Order](#). In particular, the new executive order requires agencies to use their broad powers to prevent and address algorithmic discrimination.

The Executive Order:

-- Launches a new annual process to strengthen racial equity and support for underserved communities. Building on the initial Equity Action Plans developed under Executive Order 13985, this Executive Order directs agencies to produce an annual public Equity Action Plan that will assess and include actions to address the barriers underserved communities may face in accessing and benefitting from the agency's policies, programs, and activities.

-- Empowers Federal equity leaders. The Executive Order strengthens requirements for agencies to build and resource Agency Equity Teams and designate senior leaders accountable for implementing the President's equity mandate. In line with the President's commitment to advancing gender equity and equality at home and abroad and the President's commitment to advancing environmental justice, equality for LGBTQI+ individuals, and other equity work streams, this Executive Order fosters greater collaboration and accountability, and streamlines agencies' reporting of progress and planning in order to advance equity in support of all those who face overlapping discrimination and bias.

-- Strengthens community partnerships and engagement. Too often, underserved communities face significant hurdles and a legacy of exclusion in engaging with federal agencies and providing input on the very federal policies and programs that impact them. The Executive Order requires agencies to improve the quality, frequency, and accessibility of their community engagement, and to consult with impacted communities as each agency develops its Equity Action Plan, funding opportunities, budget proposals, and regulations.

-- Invests in underserved communities. The Executive Order directs the Office of Management and Budget to support the implementation of the annual agency Equity Action Plans through the President's budget request to Congress. The Executive Order

also formalizes the President's goal of increasing the share of federal contracting dollars awarded to small disadvantaged businesses (SDBs) by 50 percent by 2025 and instructs agencies to expand procurement opportunities for small disadvantaged businesses through grants from the Bipartisan Infrastructure Law, Inflation Reduction Act, and other investments and programs that flow through states and local entities.

-- Improves economic opportunity in rural and urban communities. The Executive Order directs agencies to spur economic growth in rural areas and advance more equitable urban development by ensuring that federal resources contribute to building wealth and opportunity in these communities through locally-led development.

-- Addresses emerging civil rights risks. The Executive Order instructs agencies to focus their civil rights authorities and offices on emerging threats, such as algorithmic discrimination in automated technology; improve accessibility for people with disabilities; improve language access services; and consider opportunities to bolster the capacity of their civil rights offices. It further directs agencies to ensure that their own use of artificial intelligence and automated systems also advances equity.

-- Promotes data equity and transparency. The Interagency Working Group on Equitable Data created by the day one Executive Order has been institutionalized at the National Science and Technology Council. This Executive Order directs the body to facilitate better collection, analysis, and use of demographic data to advance equity, and to regularly report on progress to the White House and the American public.

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

FEW Washington Legislative Update – February 16- 28, 2023

Tier I

FEW In Action

Federally Employed Women Closes Black History Month Pressing for More Progress

Federally Employed Women has been a crucial ally of women in government since 1968.

Marking the close of this year's Black History Month, the nonprofit held an event underlining that "equity and inclusion for African American women in the federal government workforce is critical."

But first, let's examine the top line. Looking at the average compensation of all women, across the American economy, there has been tremendous progress over the decades. According to the Bureau of Labor Statistics (BLS), in 1979 (the first year the BLS provided this statistic) the "female-to-male earnings ratio was about 63 percent—that is, 63 cents on the dollar compared with white, non-Hispanic men. By 1998, that ratio had increased to 76 cents per dollar.

And now? "Women are still earning roughly 82 cents to the same dollar men make," Ivana Miranda, the communications chair for FEW, told Government Executive.

But, "not much has changed since 2021," Miranda added.

Still, up from 63 cents to 82 cents on the dollar, on average for all women, is serious progress.

And diving into the stats on African American women, the numbers are significantly less impressive.

"Black women make significantly less than Asian and White, non-Hispanic women," Miranda told us. "But more than American Indian, Alaskan Native, and Hispanic women."

In fact, Black women are paid 63 cents on the dollar earned by non-Hispanic white men, exactly the same average for all women way back in 1979, according to FEW. Miranda sourced this statistic to a recent Department of Labor fact sheet.

Most tellingly, the same DOL analysis shows that even controlling for comparable education Black women remain severely underpaid—well below the average pay for women as a whole.

Hence, there is still much work for the group to do.

It should be noted that the pay gap in the federal government paints a better picture, thanks in part to the work of FEW and other advocacy and training organizations for women. A 2020 Government Accountability Office study found that, from the available data, women overall earned 93 cents on the dollar compared with white, non-Hispanic

men. However, the same study found that Black women earned only 83 cents. Still, the ratio for Black women in federal jobs, as well as other minorities, came in far better when compared with the wider economy. It should be noted that the GAO study emphasized that agency data collection on this issue is not timely and needs improvement.

FEW's president, Pamela H. Richards, is a supervisory investigative research analyst at GAO who said she worked to establish a presence for the Federal Triangle Chapter of FEW and its goals—and integrating those into GAO's Diversity and Inclusion Strategic Plan. Richards has also teamed with her agency's EEO Office and senior-level management, “developing EEO and compliance policies as well as the equal advancement of women within agencies.”

More broadly, FEW works for women's career development—and to support and improve the experience and compensation of women across the federal government, Miranda says, through training, legislative action, and education “on matters related to diversity, equity, inclusion, accessibility, and federal agency compliance to EEO laws.”

Interested feds should have a look at upcoming happenings. For Women's History Month, the month of March, FEW will host “Celebrating the Women that Tell Our Stories (Diversity Webinar),” on March 15. The group's premiere annual training event, the 54th National Training Program, is scheduled for July 10-14, 2023, in Columbus, Ohio.

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

In the Military:

New legislation would create tax benefits for businesses that hire military spouses. The legislation was introduced by a bipartisan group of congressmen including Don Beyer (D-Va.), Jimmy Panetta (D-Calif.), Mike Kelly (R-Pa.) and John Carter (R-Texas). The Military Spouse Hiring Act would also allow military spouses to qualify for the Work Opportunity Tax Credit. The Senate introduced a companion bill along similar lines.

(Bipartisan, Bicameral Delegation Introduces Legislation To Boost Hiring Of Military Spouses - Rep. Don Beyer (D-VA))

Sourced From: [\(Federal News Network\)](#)

FEW Washington Legislative Update – February 16 - 28, 2023
Tier II

Feds Would Face New Hatch Act Restrictions on Their Interactions With Private Companies Under a Committee-Backed Bill

Federal employees could soon face new restrictions on their activities under the Hatch Act, with a House panel on Tuesday, February 28, advancing a measure to limit their interactions with certain private companies.

The Protecting Speech From Government Interference Act (H.R. 140), which the House Oversight and Accountability Committee approved on party lines, is aimed at preventing federal workers from censoring content on social media platforms. The vote followed months of Republicans suggesting that government officials improperly compelled companies such as Twitter and Facebook to suppress certain stories and limit posts on subjects such as COVID-19 misinformation.

The bill would prohibit federal employees from using their official authority to censor any private entity. Employees would still be able to engage in “lawful actions” within their official authority to perform “legitimate law enforcement functions,” such as combating child pornography, addressing transporting of controlled substances or safeguarding classified national security information. Agencies must report their use of such authorities to the Office of Special Counsel, an independent agency tasked with Hatch Act enforcement.

Rep. James Comer, R-Ky., who chairs the committee and introduced the bill, said it is “inappropriate and dangerous” to determine what is lawful speech within private sector spaces.

“Federal officials, no matter their rank or resources, must be prohibited to coerce the private sector, to suppress certain information or limit the ability of citizens to freely express their own views on a private sector internet platform,” Comer said.

The bill, he added, would expand the political activity restrictions federal employees face in the Hatch Act. Democrats introduced an amendment that would have expanded the exemption to all national security information—saying it would be critical to prevent election interference from foreign countries—but the Republican majority rejected it.

Any violator of the new rules would be subject to disciplinary action ranging from a reprimand to a firing and a five-year debarment from federal service. They could also be subject to fines of up to \$1,000.

Rep. Jamie Raskin, D-Md., the committee's ranking member, said the legislation was not focused on "real problems" and relied upon a "false premise" that government officials sought to suppress a New York Post story regarding Hunter Biden's laptop. Twitter executives said at an Oversight and Accountability Committee hearing earlier in February that government officials did not pressure them to remove posts regarding the story, a policy the company lifted after 24 hours. Raskin added the measure would have unintended consequences.

"Compelling social media to carry the propaganda of big liars cannot be the meaning of free speech in the 21st century," Raskin said, adding that private companies should be free to make their own decisions on content moderation.

Rep. Byron Donalds, R-Fla., defended the bill as aimed at preventing federal workers from using their official capacities to promote their personal opinions.

"This is what H.R. 140 is seeking to stop, is government actors putting their own thought processes on short-circuiting the process of legitimate debate and open conversation amongst the American people," Donalds said.

Democrats countered that Republicans were "gaslighting" Americans with their bill, with Rep. Melanie Stansbury, D-N.M., saying the committee's previous hearing demonstrated the government did not engage in coercion of social media companies regarding the Hunter Biden story. At the hearing, executives noted President Trump's White House had asked Twitter to remove a tweet criticizing the president. The Biden White House previously said it had flagged posts to social media companies that contained misinformation regarding COVID-19.

Rep. Dan Goldman, D-N.Y., said the bill would chill federal law enforcement personnel from carrying out their duties. "They're going to be deterred from doing their jobs," Goldman said.

Rep. Katie Porter, D-Calif., said the measure would have a similar effect on federal scientists, likening the process some employees take on social media to Food and Drug Administration officials issuing food and drug labels.

“Disclaimers and alerts are the way for many government scientists to communicate facts and findings with the public,” Porter said. “Calling factual disclaimers and alerts censorship really targets that specific way that scientists can share their findings.”

Porter introduced an amendment to exempt scientific and technical information from the bill’s definition of censorship, but Republicans defeated it as well. The majority in recent days added language to the bill clarifying that nothing in the bill would prevent federal employees from using an official account to communicate an official policy position or to otherwise release relevant information to the public.

The committee on Tuesday, add the date, also approved the Accountability for Government Censorship Act, which would require agencies to report on every instance of coercing any company to remove or add a disclaimer to posts. Both bills now head to the House floor for a full vote.

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

FEW Washington Legislative Update – February 16 - 28, 2023 Tier III

Democratic Governors Form Alliance on Women’s Reproductive Rights

Democratic governors in 20 states are launching a network intended to strengthen abortion access in the wake of the U.S. Supreme Court decision nixing a woman’s constitutional right to end a pregnancy and instead shifting regulatory powers over the procedure to state governments.

Organizers, led by California Gov. Gavin Newsom, described the Reproductive Freedom Alliance as a way for governors and their staffs to share best practices and affirm abortion rights for the approximately 170 million Americans who live in the consortium’s footprint — and even ensuring services for the remainder of U.S. residents who live in states with more restrictive laws.

“We can all coalesce,” New Mexico Gov. Michelle Lujan Grisham said in an interview ahead of a Tuesday announcement. She added that the court’s Dobbs decision that ended a national right to abortion “horrified” and put pressure on governors to act. “This is leveraging our strengths ... to have more of a national voice.”

That includes, organizers said, sharing model statutory language and executive orders protecting abortion access, ways to protect abortion providers from prosecution, strategies to maximize federal financing for reproductive health care such as birth control, and support for manufacturers of abortion medication and contraceptives that face potential new restrictions from conservatives.

Lujan Grisham noted the launch comes as a federal court in Texas considers a challenge to the nationwide availability of medication abortion, which now accounts for the majority of abortions in the U.S.

In a statement, Newsom called the effort, which he and his aides spent months organizing, “a moral obligation” and a “firewall” to protect “fundamental rights.”

The group includes executives of heavily Democratic states like California, where voters overwhelmingly approve of abortion rights, but also involves every presidential battleground state led by a Democrat, including Governors. Gretchen Whitmer of Michigan, Roy Cooper of North Carolina, Josh Shapiro of Pennsylvania and Tony Evers of Wisconsin.

The alliance has secured its initial funding from the California Wellness Foundation and the Rosenberg Foundation, not-for-profits that often steer money to public health efforts focused on disadvantaged communities.

While the organization is billed as national and nonpartisan, the makeup underscores that abortion access since Dobbs has settled essentially into two Americas that broadly track the platforms of the nation’s two major parties. That means greater access in states controlled by Democrats, tighter restrictions or practically outright bans in those controlled by Republicans.

For example, 22 Democratic-run states have weighed in on the Texas challenge to medical abortions that was filed by many of the same litigant states that worked together to overturn the 1973 Roe v. Wade ruling that legalized abortion nationwide. A similar contingent of Republican-led states has filed briefs in the Texas case urging a judge to reverse a decades-old approval by the Food and Drug Administration of medical abortions.

Still, Newsom aides said the group would welcome Republicans, though they declined to name any GOP executives that Newsom or other Democratic governors might be recruiting to the consortium. Indeed, a handful of Republican governors support abortion rights broadly.

Lujan Grisham mentioned New Hampshire Gov. Chris Sununu, who has sent mixed messages on the issue. Sununu signed a state budget in 2021 that included a ban on abortion after 24 weeks of pregnancy but also said after the Dobbs decision that abortion would remain legal in his state. He endorsed candidates in the November elections who favored further restrictions but also supports adding exemptions to the current law for victims of rape and incest.

Lujan Grisham acknowledged that the alliance cannot make national policy or even impose policy across state lines. But she said there's practical value in having executives and their staffs have a formal framework to communicate.

She noted that New Mexico lawmakers now are considering how to affirm abortion access with a statute, even though she and others believe the state's constitution already establishes the right.

"The problem is everyone keeps challenging those constitutional interpretations," she said. "We're going to codify equality on abortion rights, reproductive rights and care in as narrow as possible way." New Mexico's process, she said, could become a model for other similarly situated states.

Governors' offices in the alliance also have started working with advocacy groups that back abortion access.

Jeanné Lewis, the interim CEO of Faith in Public Life, a progressive multistate faith-based organization, said having states work together to ensure abortion access is essential as states and federal lawmakers continue to consider bans and deeper restrictions.

"It is important for governors to be in conversations now about shared solutions across state lines," she said.

Alexis McGill Johnson, president of Planned Parenthood Foundation of America, said states should be working together to protect abortion access, especially given the pending Texas case.

Sourced From: ([US News](#))

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