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FEW Washington Legislative Update June 16-30, 2024

IN CONGRESS:

As the [House](#) races to finish its week before the Fourth of July recess, it will today continue consideration of [H.R. 8771](#) – Department of State, Foreign Operations, and Related Programs Appropriations Act, 2025 and then begin consideration of [H.R. 8774](#) – Department of Defense Appropriations Act, 2025.

While both bills are expected to pass the House this week, they will not pass the Senate without substantial changes and the White House has [issued a statement](#) that the president would veto them.

The administration argued the proposals included “numerous, partisan policy provisions with devastating consequences” for reproductive rights, LGBTQ rights, climate change initiatives and diversity efforts. The administration said President Joe Biden would veto the bills if they reached his desk — an [unlikely scenario](#), given the House legislation would also need to get through the Senate.

The Senate will [reconvene](#) at 3:00 P.M. on Monday July 8.

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Tier I

Federal Women:

Diversity, Equity & Inclusion

The Biden administration's small business chief, Isabel Casillas Guzman, was in New Orleans on Friday for the Essence Festival of Culture with a message of support for diversity programs that have been under attack in the federal courts.

Guzman, who has held the cabinet post since March 2021, toured the \$1 billion River District development site adjacent to the Ernest N. Morial Convention Center and met with Iam Tucker, the project's prime civil engineering contractor.

"This administration is fighting hard to ensure that we can have equity across all of our programs against attempts in the courts to roll them back," she said. "It's been a clear message against (diversity, equity and inclusion, or DEI, programs), whereas, in America, diversity is our strength."

The River District is the largest nonoil public-private development in Louisiana history and Tucker, who was named SBA's [2024 National Small Business Person of the Year](#), said she would not have been able to win the contract if she hadn't been part of the SBA's 8(a) business development program for disadvantaged businesses.

A version of the 8(a) program has been around since the inception of the SBA during the Eisenhower administration. However, the current version is a nine-year program that pairs socially and economically disadvantaged businesses with large, established firms and helps them win government and private sector business.

Last year, decisions by the U.S. Supreme Court and a federal court in Tennessee were widely seen as undermining long-standing efforts to promote diversity.

In June, the Supreme Court ruled that race-based affirmative action in college admissions is unconstitutional, a decision that is seen by legal experts as having broad implications for diversity efforts. The three-day economic forum will include national figures like voting rights activist Stacey Abrams, the Rev. Al Sharpton and U.S. Rep. Ayanna Pressley.

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Tier II

Federal Workforce:

OPM – Administrative Leave

Though Congress enacted a law aimed at ending agencies' abuse of involuntary administrative leave, the federal government's dedicated HR agency has yet to implement its key provisions.

An environmental advocacy group is following through on the ultimatum it set last fall, suing the Office of Personnel Management in an effort to force the government's HR agency to implement a 7-year-old law aimed at limiting agencies' ability to put federal workers accused of misconduct on prolonged stints of administrative leave.

In 2016, Congress enacted the Administrative Leave Act as part of the 2017 National Defense Authorization Act. The measure attempts to reduce agencies' propensity to place federal workers who are under investigation into employment limbo—paid but unable to work—for long stretches of time. It caps the use of administrative leave in instances of poor performance or alleged misconduct at 10 days per calendar year,

while creating investigative and notice leave, which agencies can use in 30-day increments. Extensions beyond 90 days must be reported to Congress.

The following year, OPM proposed regulations to implement the law's provisions, as well as create an avenue for a suspended employee to return to work via telework as investigations proceed, but never finalized them. Last fall, Public Employees for Environmental Responsibility [filed a petition](#) that OPM issue new regulations to implement the law and warned if the agency failed to do so within 60 days, PEER would sue.

On Tuesday, PEER did just that, filing a [lawsuit](#) against OPM in the U.S. District Court for the District of Columbia that seeks to compel the agency to take action to implement the law. According to the group's filing, OPM General Counsel Webb Lyons told the group last November that the agency would take action to implement the law by June of this year. Once that deadline passed, PEER decided to pursue legal action.

"The Office of Personnel Management is not living up to its title," said PEER Senior Counsel Peter Jenkins in a statement. "The basis of this suit is unreasonable delay, and seven years of inaction is unreasonable in any book. At PEER, we often see whistleblowers or employees who deliver inconvenient truths placed into limbo in hopes that they will simply resign. Exiling dissidents into a bureaucratic gulag sends a powerful message to their colleagues that they had better toe the line."

PEER's lawsuit names two federal employees who endured multiple years on the sideline, only to return to work with worse career prospects, despite no wrongdoing being found during their involuntary sabbaticals.

OPM did not respond to a request for comment.

(Source: [Government Executive](#))

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Tier III

Women as a Class:

Gender Pay Gap

Working women in Washington State earn on average \$18,400 less per year than men. That disparity puts the state in 49th place nationally for gender pay equity, just outranking Utah, according to a [study released in March](#).

Leaders in the state are eager to shrink that pay gap, and on Friday they launched the [Activate 3.8](#) campaign — named after Washington's 3.8 million women and girls — to tackle the problem.

The [Washington State Women's Commission](#) is leading the initiative and hosted a public event at Seattle's Nectar Lounge to kick it off. About 160 attendees showed up for a slate of speakers that included Gov. Jay Inslee; Grace Yoo, executive director of the commission; April Sims, president of the Washington State Labor Council, AFL-CIO WA; and others.

Activate 3.8 is taking a multifaceted approach to raising awareness about pay inequities and efforts to correct them, including:

- A tour of 10 cities in partnership with Girl Scouts organizations and others to promote careers in tech, aerospace, construction and trades, and STEM.
- Support for organizations that provide workforce development training, and efforts to raise the visibility of resources for women seeking career opportunities.
- Work on policies that help women in the workplace, including access to childcare, reproductive healthcare and workplace harassment services.
- Promoting the Women on Corporate Boards Act, which requires 25% of public company board members to be women.

"There's no one fix," said Yoo. "We have to tackle the whole ecosystem and lifecycle together."

(Source: [GeekWire](#))

New Legislation

Women's Health

On Monday, June 17, 2024, [H.R.4581](#) – the Maternal and Child Health Stillbirth Prevention Act of 2024 – was sent to the House with a message on Senate action, after being passed in the Senate on June 11, 2024.

On Monday, June 17, 2024, [S.4554](#) – the Reproductive Freedom for Women Act – was introduced in the Senate and placed on the Senate Legislative Calendar under General Orders. Calendar No. 420.

Discrimination

On Thursday, June 20, 2024, [S.4597](#) – a bill to provide relief for employees of the Federal Deposit Insurance Corporation who were subjected to discrimination, and for other purposes – was introduced in the Senate and referred to the Committee on the Judiciary.

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