

Democratic Views and Estimates for FY 2012
Committee on Education and the Workforce
112th Congress, 1st Session
March 17, 2011

In the 112th Congress, the Committee Democrats will continue to focus on strengthening and expanding the middle class. While the economy has been improving and the last Congress enacted a number of critical laws in support of job creation and a fair and sustainable economic recovery, much work remains to be done for American students, workers, and families. Committee Democrats will both protect progress already made in education and labor policy and continue to pursue needed reforms in these areas, including by working with the Majority where possible.

While Committee Democrats are hopeful there are opportunities to work together on many issues, much of the Majority's views appear premised on a flawed understanding of our fiscal and economic situation. For example, the Majority ignores the role played by Wall Street's risky speculation in housing markets in wrecking the economy. Likewise, the Majority ignores the role played by unpaid-for tax cuts for the rich and unpaid-for wars in bloating the national debt. The Majority also fails to account for the impact on the economy of decades of wage stagnation and the consequent explosion in household debt. Accordingly, in many areas, the Majority has pressed for a return to the very tried and failed policies that created the current fiscal and economic crisis. Such policies weaken the middle class, while benefiting the powerful and well-connected. Yet America's economic strength has long been derived from its strong middle class. To put the economy on a sustainable recovery and improve our international competitiveness, laws and programs that support the middle class must be strengthened, not attacked. Cutting programs for the poor, those who aspire to join the middle class, will not spur the economy or significantly reduce the debt. Weakening the rights of workers or denying them their fair share of the rewards of their own productivity depresses economic activity and does not create jobs. These kinds of economic and budgetary policies paralyzed the U.S. economy and led to nearly 700,000 private sector jobs being lost during the eight years of the Bush administration. Committee Democrats believe we need to be fiscally responsible and support economic growth. We are encouraged that, under Democratic leadership, private employers have added 1.5 million jobs in the last 12 months. Committee Democrats will oppose any efforts which threaten economic growth and the progress we have made. Neither a sustainable economic recovery nor a balanced budget can be achieved on the backs of working people or the poor or vulnerable. Our country faces many unmet needs. Committee Democrats believe we must invest in our country and our people.

EDUCATION

Reforms to the American education system are urgently needed. The vast majority of our students are not prepared to meet the demands of the global economy. American students rank 25th in math, 14th in reading, and 17th in science among other industrialized countries. Internationally, the United States has fallen from first to ninth place in college graduates. While our top 10 percent of students remain competitive with their peers internationally, we fall flat when it comes to educating poor and minority students. Each year, approximately 1.3 million

students, more than half of whom are students of color, will not graduate from high school with their peers as scheduled, costing the nation more than \$337 billion in lost wages. More than one in five high school graduates do not meet the minimum standards required for enlistment in the U.S. Army. As employers are demanding a more qualified workforce than is available, it is clear that our economy will not be strong until the education of all students is an unwavering priority. Committee Democrats believe that graduating more students with the skills to compete in a global economy is critical to both educational goals and long-term economic policy.

The Elementary and Secondary Education Act (ESEA)

The President has called on Congress to rewrite the Elementary and Secondary Education Act (ESEA)/No Child Left Behind (NCLB), and we must work together to answer that call. We must continue to pursue the goal established by NCLB to educate every child and to shine a bright light on achievement gaps. The persisting achievement gap is a threat to the country's competitiveness, our economy and even our national security. Through the rewrite of this critical civil rights law, we believe we must maintain strong accountability for how *all* students perform and ensure all students have access to a college and career ready education. At the same time we must provide flexibility to states and districts to improve their schools based on the needs of their students, schools, and communities.

To support such an effort, we must continue to focus on the core education programs, including Title I and Title II, that are critical to educating the most disadvantaged while also funding programs in the most efficient ways and providing districts with increased flexibility to support the needs of their students. This year, Committee Democrats are committed to continuing our bipartisan work to help make the necessary changes so that all students are on the pathway to success.

Higher Education

The increasing cost of obtaining a postsecondary education and the resulting student loan debt for students and families continue to be major concerns for the Committee Democrats. In recent years, the weakened economy and state budget cuts have shifted the burden of higher tuition prices to college students and their families. The average in-state tuition and fees at four-year public colleges and universities have risen by almost 8 percent, when adjusted for inflation, over the last year. The average student now graduates from a public college with \$19,800 in total student loan debt. As we are asking students and taxpayers to shoulder more financial burden to attend higher education, institutions of higher education should be held to high standards of integrity and accountability. Additionally, states are an important partner in ensuring a robust higher education system, and states should, even in this current economic environment, continue to significantly invest in higher education and student aid.

During the 110th and 111th Congresses, the Committee Democrats were dedicated to ensuring that all students had access to an affordable college education through the passage of the Higher Education Opportunity Act, the College Cost Reduction and Access Act, the Ensuring Continued Access to Student Loans Act, and the Student Aid and Fiscal Responsibility Act. Through these Acts, the Committee invested more than \$60 billion in Pell Grants, \$3 billion in Historically

Black Colleges and Universities and Minority Serving Institutions, \$3 billion in additional programs to increase students' access to a higher education, and made student loans more affordable and manageable to repay.

Of particular importance to the Committee Democrats is a continued commitment to the Pell Grant program. This program serves as the foundation for securing the Federal goal of equal access to postsecondary education for all qualified students. Next year, 9.4 million students will rely on the Pell Grant to afford a college education; a number that has grown considerably in recent years in large part due to the economic downturn. It is particularly imperative during these economic times to continue our commitment to this program. During the last two Congresses, the Committee Democrats supported efforts to increase the maximum Pell Grant a student is eligible for from \$4,050 to \$5,550 - an increase of \$1,500. It is imperative that future policies continue this commitment to our nation's students and recognize that the Pell Grant is a critical cornerstone to higher education access. The Committee Democrats do not support initiatives, such as that included by the Majority in the recent continuing resolution, H.R. 1, to dramatically cut the maximum award.

The Individuals with Disabilities Act (IDEA)

Committee Democrats remain committed to meeting the developmental and educational needs of young children and students with disabilities. The President's budget proposed a modest increase of \$200 million for elementary and secondary special education programs and a \$50 million increase for the infant and toddler program, which would maintain the federal share for special education at approximately 17 percent. Committee Democrats will continue to fight for federal investment in the education of children with disabilities and full funding of IDEA. Through IDEA, all students with disabilities have the right to access the general education curriculum, and Committee Democrats will work to provide schools with adequate resources to support the free appropriate public education guaranteed by IDEA to children with disabilities so that every child has the opportunity to succeed. In addition, Part C of IDEA helps identify developmental delays in infants and toddlers through screenings and provides intervention services that can have a lifelong impact to improve the quality of life for children and their families and limit the need for special education and medical services later. As Democrats of the Committee, we are committed to funding and supporting this extremely important federal program.

Early Education

Committee Democrats believe that high quality early learning opportunities are integral to education reform. Science has clearly demonstrated that children's experiences in the first five years of life have a lasting effect on their learning, health and behavior. Research shows that the achievement gap evident in elementary school begins prior to school entry and can even be seen at 9 months of age. High quality early learning programs provide a key opportunity to help all children arrive at kindergarten with the skills they need to succeed in school and in life. While recent Republican proposals impose massive cuts to the Head Start program that would remove 218,000 low income children and families from the program, and close more than 16,000 Head Start and Early Head Start classrooms across the country, Committee Democrats believe

investing in Head Start is crucial to ensuring our children have a solid foundation for success. We also believe that additional strategic investments in early learning, such as the Early Learning Challenge Fund, passed by the House of Representatives in the 111th Congress and proposed by the President in his FY12 budget, which will increase the number of children in high quality early learning settings, are a critical educational investment in this country's future.

Children's Safety

PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS

The Keeping All Students Safe Act, passed by the House in the second session of the 111th Congress, was the first national effort to address the troubling problem of seclusion and restraint in our schools. This bill would establish minimum safety standards in schools and increased transparency, oversight and enforcement to prevent future abuse. An investigation by the U.S. Government Accountability Office found hundreds of allegations that children have been abused, and some even died, as a result of misuse of restraint and seclusion in public and private schools, often at the hands of untrained staff. Unlike hospitals and other medical and community-based facilities that receive federal health funding, there are currently no federal laws addressing restraint and seclusion in schools. Committee Democrats remain committed to enacting the necessary reforms to ensure the safety of children and teachers.

PROTECTING STUDENT ATHLETES FROM CONCUSSIONS

Concussions among student athletes are an alarmingly problem that demands immediate attention. According to recent estimates, up to 3.8 million Americans sustain concussions annually, and the injury is particularly common among children and adolescents. High school football alone reports 100,000 concussions each year. The U.S. Government Accountability Office study found that the prevalence of concussions in high school athletics is underestimated. Without proper management, students are at risk of prolonging their recovery, and their success in school and in life may suffer. During a series of hearings in the 111th Congress, witnesses testified about the academic effects of concussions and emphasized the need to improve recognition and response to these injuries both on and off the field. The Protecting Student Athletes from Concussion Act sets minimum safety standards for concussion management in public schools across the country. Committee Democrats believe this legislation is urgently needed to keep student athletes safe on the field and thriving in the classroom.

PROTECTING STUDENTS FROM SEXUAL AND VIOLENT PREDATORS

The Protecting Students from Sexual and Violent Predators Act, passed by the U.S. House of Representatives during the 111th Congress by a vote of 314 to 20, would help prevent registered sex offenders and criminals convicted of crimes against children from working in schools. This legislation would require public schools to conduct comprehensive background checks for every employee and prohibits hiring or retaining anyone who has been convicted of certain violent crimes, including crimes against children, crimes involving rape or sexual assault, and child pornography. The legislation responded to concerns from a recent U.S. Government Accountability Office report that identified instances of individuals with histories of sexual

misconduct working in schools. Committee Democrats believe every parent should know their children are safe from sexual predators at school, and we will continue to pursue legislation that prevents children from being put in unsafe school environments.

STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS

Tens of thousands of U.S. teenagers attend private and public residential programs that are intended to help them with behavioral, emotional, mental health, or substance abuse problems. Investigations conducted by the U.S. Government Accountability Office during the 110th Congress uncovered thousands of cases and allegations of child abuse and neglect since the early 1990's at teen residential programs. As a result of patchwork oversight at the state level, children at some of the programs have been subject to abuse and neglect with little or no accountability. The Stop Child Abuse in Residential Programs for Teens Act, which passed the U.S House of Representatives twice with bipartisan support in the 110th and 111th Congresses, protected teenagers attending residential programs from physical, mental, and sexual abuse, and increased transparency to help parents have information that let them make safe choices for their children. Committee Democrats remain committed to making the reforms necessary for protecting the well-being and civil rights of youth in residential programs.

LABOR

During the first session of the 112th Congress, Committee Democrats will continue to work to: promote workers' rights; improve workplace safety; conduct oversight on the enforcement of labor laws; help workers balance the demands of work and family; and look for ways to build upon the Affordable Care Act (ACA). After billions of dollars of unfunded tax breaks, worker training and protection programs are being asked to sacrifice. Committee Democrats believe if there are sacrifices to be made, they should be shared.

The Right to Organize and Collectively Bargain

The right to organize and collectively bargain is a fundamental human right, as recognized by the International Labour Organization of which the U.S. is a member, and a right long-enshrined in federal law for American workers. Workers deserve a voice on the job. Empowering workers to bargain for better wages and working conditions is essential for maintaining a strong middle class and a strong democracy. In recent months, the right of workers to organize and collectively bargain has been under escalating assault in the House of Representatives and across the country. States are pursuing bills to eliminate or restrict the collective bargaining rights of public sector employees, roll back prevailing wage laws, prohibit project labor agreements, and impose right-to-work-for less. During this Congress, the Republican majority has already made attempts to roll back the rights of American workers. They have proposed to: (1) close down the National Labor Relations Board; (2) cut construction workers' pay on government projects; and (3) ban federal project labor agreements. Each of these efforts failed representing a victory for America's middle class. The Majority's attempts to weaken worker rights will widen the gap between rich and poor and weaken the American economy. Committee Democrats are committed to protecting and strengthening the rights of American workers and believe they are essential to this country's economic recovery and international competitiveness.

Job Training

Access to job training opportunities is essential for unemployed workers. The recession resulted in the decline of some industries while others that require far different skills experienced growth. In order to compete for jobs in these sectors, workers must be able to access training. Committee Democrats are committed to ensuring that our nation's workforce development system meets the needs of the country's workers. Now more than ever, sufficient funding must be provided to prepare adult, youth, and dislocated workers for jobs in emerging industries, which often require advanced training and education. Still, the Majority has proposed severely reducing investments in the workforce system, cutting roughly \$2.97 billion in funding. This cut represents 100 percent of the funding for WIA Adult, Dislocated Worker, and Youth programs in Program Year 2011, which begins in July of this year. If enacted, these cuts would force many states and local areas to reduce or eliminate job training and employment services and would eventually lead to the shutdown of our nation's 3,000 one-stop centers. The Majority notes the recent GAO report that found significant overlap amongst training programs. Committee Democrats support better coordination of programs, but are dedicated to resisting cuts to critical workforce development programs and to giving workers the skills and training they need as the economy starts to recover.

Health Care

Last year, the *Affordable Care Act* (ACA), including the Health Care and Education Reconciliation Act was signed into law. The law provides that all Americans will have access to quality, affordable health care for the first time in this country's history. It does this while reducing the deficit by \$210 billion over 10 years and over a trillion dollars over 20 years. The health law came at a time when health care costs were skyrocketing and employers and families could no longer afford the status quo. While the ACA will not be fully implemented until 2014, millions of Americans are already experiencing its benefits. In the first months of the 112th Congress, Republicans have made repeated attempts to repeal and defund the law without putting forth any effective alternative proposal. They have made it clear that their only priority is to repeal the law and are unwilling to work with Democrats on any improvements to it.

As a result of the Affordable Care Act, over a million young adults are now eligible for health coverage under their parent's plan, nearly 16 million Americans are no longer vulnerable to a rescission of their insurance coverage, 165 million people can no longer be subjected to restricted annual or lifetime limits and up to 129 million Americans who may have a pre-existing condition have access to coverage through a high risk pool and starting in 2014 cannot ever be denied coverage. The law also promotes fairness and transparency in the insurance market. Insurance companies will now be required to spend 80 to 85 percent of premiums on benefits and publicly justify large premium increases. Insurance companies that spend too much on administrative costs and profits will be required to provide rebates to consumers. The Department of Health and Human Services estimates that approximately 3 million individuals purchasing coverage in the individual market could receive rebates of about \$164 per enrollee. In the small group market, HHS estimates that one million enrollees could receive rebates on average of \$322 per enrollee.

Employers are also benefiting from the law. Small businesses are seeing lower health care costs as a result of the law's small business tax credit. As a result, more small businesses are offering health care. Last year, employers offering health care with between 3-9 employees rose from 46 percent to 59 percent. In addition, over 5,000 employers are taking part in the law's retiree reinsurance program which according to the Department of Health and Human Services has helped to benefit more than 4.5 million Americans. The law is also helping millions of seniors by lowering their prescription drug costs and providing access to an annual wellness visit and preventative care at no cost.

The Affordable Care Act includes provisions which at one time had strong Republican support, including health insurance exchanges, small business health care tax credits, consumer protections such as extending coverage to dependents, prohibiting insurance company rescissions, and prohibiting annual and lifetime coverage limits. However, instead of working with Democrats to improve the law or proposing an alternative health reform policy, the Majority has focused only on repeal. According to the Congressional Budget Office, repealing the Affordable Care Act would increase the deficit by \$210 billion and slightly increase employer-sponsored premiums. Insurance companies could once again deny coverage to or discriminate against a child due to a pre-existing condition, drop someone's health care because they are sick or hit a lifetime limit and insurance companies would once again be able to spend more money on profits and administrative costs and less on actual care. Committee Democrats believe the Affordable Care Act is a critical first step in reforming this nation's health care system and will fight all efforts by the Majority to repeal these long overdue reforms.

Retirement Security

In recent months, the Republican attack on middle class workers and programs has extended to undermining retirement security programs. The American way of life depends on good schools, good jobs, affordable housing, affordable health care, and the ability to accumulate retirement income for one's senior years. Here too, programs that have been developed over decades and provided retirement security to millions of people are being threatened by the Republican majority. Social Security is the strongest retirement program covering over 50 million seniors, disabled Americans and their families and is funded for more than 25 years. However, some in the Majority continue to press for Social Security reductions that would force Americans to work longer and receive reduced future benefits. These proposals are short-sighted as most Americans have no other retirement savings and, as found by the Center for Economic Policy Research, approximately 1/3 of all jobs require physical exertion limiting work durations.

Social Security was never intended to be the sole source of workers' retirement income. Private pensions were intended to supplement Social Security's final salary replacement rate of 20% for higher income earners and 40% for middle income earners. Traditional defined benefit pensions cover 20 million workers and 20 million retirees. These plans were well funded before the recession and many employers struggled to maintain funding during the recession. Committee Democrats will continue to monitor funding levels to make sure employers can fulfill the pension promises made to workers. In addition, over 50 million workers are covered by defined contribution pensions, typically known as 401(k) plans. These plans primarily rely on employee contributions and employees bear the risk of poor investment selection and high fees. Employers

are supposed to act in the workers' best interests in maintaining these plans. In recent years, however, research has found a number of problem areas, including lack of fee transparency, excessive reliance on inappropriate target date retirement funds, and widespread conflicts of interest in the provision of plan services. The Department of Labor has taken preliminary steps to improve out-dated regulations and address new areas of concern. However, the Majority has not committed to strengthen these programs or expand them to the millions of workers who have no assets other than Social Security. Committee Democrats will work with the Department to provide needed guidance to employers and employees to improve retirement security.

Guestworker Programs

Committee Democrats are committed to protecting job opportunities for U.S. workers, ending abuse of foreign guest worker programs and eliminating the adverse effects such abuse has on U.S. workers' terms and conditions of employment. On January 19, 2011, the Employment and Training Administration published a Final Rule amending the regulations addressing the calculations used to set wage rates for H-2B workers. The new rule ensures that H-2B wage rates protect against adverse effects on U.S. workers. The Committee notes that additional reform of the H-2B temporary non-agricultural worker program is on the Department's regulatory agenda and urges the Department to make the additional necessary reforms to end abuse in this program. Additional reforms are required to ensure that these programs, and the foreign labor recruiting that supplies these programs, are just and fair.

Employment Standards – Wage and Hour Protection

Wage theft, which includes the misclassification of workers, is a widespread problem in the United States. Staff and resources committed to wage and hour enforcement have diminished over many years. To address this issue, the Wage and Hour Division has hired 250 new investigators. Committee Democrats remain committed to ensuring that there is a greater emphasis on effective enforcement of the law, which includes a commitment to adequate funding, staffing, and training of investigators and other enforcement staff in the field as well as greater outreach and communication with communities and vulnerable populations. Committee Democrats strongly support the President's proposal to create a new multi-agency Misclassification Initiative that will strengthen and coordinate Federal and State efforts to enforce labor violations that result from the misclassification of employees as "independent contractors," a practice that costs taxpayers at least \$3-4 billion each year in lost federal income and employment tax revenue. Committee Democrats will also continue to examine legislative solutions to the problems of wage theft and misclassification.

Work and Family

Working parents continue to be the norm in the United States and continue to struggle to balance work and family responsibilities. During good and bad economic times, parents and their children periodically need workplace flexibility to deal with predictable and unexpected family and medical needs. Congress has not enacted significant work and family protections since the enactment of the Family and Medical Leave Act of 1993, the first bill signed by President Bill Clinton. Millions of workers have benefited from the law's family and medical leave

protections. Since its passage, many studies and proposals have been put forth to provide additional protections such as paid sick leave, paid parental leave and related types of work-family friendly legislative policies. Committee Democrats will continue to advocate for federal proposals to enhance family and medical leave support programs for working families. Workers should not have to choose between their jobs and their families. Family friendly policies benefit both workers and employers.

Mine Safety and Health Administration (MSHA)

Committee Democrats support the increases provided in the President's request to ensure that MSHA has adequate resources to meet its statutory mandate to inspect every underground mine four times per year and every surface mine at least twice per year. Additional funding must be provided to implement recommendations from the Inspector General to improve the timeliness of laboratory analysis of rock dust samples, to support the investigation of the Upper Big Branch mine explosion, and to support reforms to the Pattern of Violations rules and modernize efforts to prevent black lung disease. The FY 12 budget request properly added \$33 million for MSHA and the Office of the Solicitor to reduce the massive and growing backlog of 19,000 contested cases before the Federal Mine Safety and Health Review Commission (FMSHRC). This backlog, which was inherited by the Obama Administration, has hobbled MSHA's efforts to impose enhanced sanctions on those operators who are endangering miners' safety. While the President's request will permit MSHA to reduce the backlog for the first time since 2004, Republican budget proposals freeze funding at FY 10 levels, which would cause the backlog to skyrocket to more than 30,000 cases by 2014. Committee Democrats will continue to push for greater protections for miners across this country.

Occupational Safety Health Administration (OSHA)

OSHA's mission, as defined in its authorizing legislation, is to assure so to the extent possible, every working man and women in the nation safe and healthful working conditions. Committee Democrats support OSHA's request to provide modest increases in resources for enforcement, compliance assistance to employers and new standards. OSHA is developing standards to protect workers from combustible dust explosions, to encourage employers to have programs to find and fix hazards, and to reduce occupational exposure to beryllium, silica, diacetyl and airborne transmissible diseases. OSHA partially funds 26 state OSHA plans through matching funds, which should be increased each year to keep pace with inflation. OSHA's budget, for the first time, provided a line item for investigating the 2,500 whistleblower complaints it receives each year, and responsibly includes additional funds to implement 4 new whistleblower provisions that were included in food safety, health care, financial reform and maritime safety laws. Republican budget proposals passed in the House would endanger workers and leave whistleblowers hung out to dry by slashing thousands of OSHA inspections, cutting funding to 26 state OSHA plans, and even shuttering OSHA's web site. These cuts shrink the enforcement staff at OSHA to 1974 levels, even though 28 million more workers are covered by federal OSHA today compared with 1974. Committee Democrats will continue to work to ensure that the health and safety of this country's workforce is protected.

National Institute for Occupational Safety and Health (NIOSH)/Centers for Disease Control

NIOSH performs critical scientific and technical research to support mine safety and occupational safety, implements the 9/11-World Trade Center medical monitoring and health care program, and provides scientific support for estimating occupational radiation exposures under the Energy Employees Occupational Illness Compensation Program Act. Committee Democrats are deeply concerned that the agency's successful Agriculture, Fishing and Forestry (AFF) program and the Education Resource Center programs were eliminated in the budget request without a valid justification, and believe funding should be restored in the FY 12 budget.

Federal Mine Safety and Health Review Commission (FMSHRC)

FMSHRC provides administrative and appellate review of disputed mine safety enforcement cases and adjudicates employee retaliation cases under the Federal Mine Safety and Health Act of 1977. Following a series of mine accidents in 2006 and 2007, MSHA increased its enforcement efforts. In the three years since then, mine operators increased the percentage of contested citations from 7% to 26% of all citations issued, however commensurate resources were not provided to deal with the increased number of adjudicated cases. FMSHRC's backlog of cases has grown from 2,100 to 19,000 cases. Committee Democrats support FMSHRC's \$22.4 million request which will allow it reduce the number of contested cases for the first time since 2004, by adding Administrative Law Judges (ALJs) and modernizing its information systems. Republican budget proposals would allow the backlog to skyrocket by freezing funds at FY 10 levels. This would enable mine operators to continue to game the system by delaying penalties and evading stronger sanctions for chronic violators who endanger miner safety. Committee Democrats will work to ensure that this small agency is able to perform its critical functions to protect miner safety and vindicate the rights of those who blow the whistle on mine safety.

Federal Employee Compensation Act (FECA)

While Committee Democrats support elements of the Administration's proposal to modernize the Federal Employee Compensation Act, reforms should not shift the costs of a workplace injury from the federal employer to the injured worker, inasmuch as FECA is the employee's exclusive remedy. Modernization should ensure that injured workers receive full due process, including judicial review, and should eliminate the use of questionable assessment methods for determining disability, such as the 6th edition of the American Medical Association Guides for Permanent Impairment.

Employment Standards Administration – Office of Labor-Management Standards (OLMS)

OLMS serves the critical function of protecting union members' rights. Over the last two years, the Department of Labor has worked to rebalance agency resources in more efficient and effective ways that maintain strong enforcement and oversight activity at OLMS while increasing capacity in other offices in dire need of resources. The Obama Administration has been more efficient in using resources to monitor union elections: in 2010 OLMS conducted 145 investigations compared with an average of only 127 investigations. Likewise, the Department has had 130 indictments and convictions in the last fiscal year compared with an average of only

119 in fiscal years 2006-2009. Committee Democrats will continue to work to ensure resources benefit workers' welfare and effectively serve the purpose of the Labor Management Reporting and Disclosure Act.

Equal Employment Opportunity Commission (EEOC)

The Equal Employment Opportunity Commission (EEOC) plays a critical role in promoting equal opportunity in the workplace and enforcing federal laws prohibiting employment discrimination. Committee Democrats remain concerned about persistent reports of case backlogs that leave workers vulnerable to discrimination. Particularly during these difficult economic times, it is critical that the EEOC have the ability to combat discrimination and retaliation in the workplace and protect workers on the job. Committee Democrats believe the federal response to workplace discrimination should be timely and effective, and the EEOC budget and the use of its budget should be designed to accomplish that goal. Committee Democrats also believe discrimination is bad for business and a hindrance to economic growth and will continue to press for workplace nondiscrimination protections for all Americans and for restoring civil rights promises eroded by the courts.

National Labor Relations Board (NLRB)

The National Labor Relations Board administers federal labor law for much of the private sector, including enforcing employees' fundamental human rights to organize and collectively bargain. Committee Democrats are deeply concerned by the Republican majority's recent efforts attacking the Board. The Majority attempted but failed to defund the agency entirely for the remaining fiscal year. However, the Republican majority's recent continuing resolution, H.R. 1, passed in the House severely cuts the Board's budget and represents funding that is below FY 03 levels. As a result, it would strip away the rights and protections workers and employers are afforded under the National Labor Relations Act. Specifically, the cuts in the Majority's budget proposals would force the agency to furlough all of its employees and effectively shut down the office for nearly half of the remaining fiscal year. The Board would be unable to investigate election petitions, hold workplace elections, and settle or adjudicate election-related disputes. Employers, unions, and individual workers with cases pending before the Board would have to wait even longer for a decision – until the Board's funding is restored – creating more uncertainty for businesses and families. Finally, workers who are unfairly fired or intimidated for exercising their right to join together and speak out on labor conditions would have no recourse to justice. These cuts would threaten the viability of the National Labor Relations Act, the federal mechanism for enforcing workers' rights in a changing 21st Century economy. Committee Democrats will continue to vigorously fight for the rights of workers and push for long overdue labor law reforms to ensure workers are free to exercise their rights to organize and collectively bargain for a better life.

George Miller

GEORGE MILLER
Senior Democratic Member

Rail M. Hjalwa

[Signature]

Donald Payne

Muzi Elias

Tommy [Signature]

Russ Holt

Steve Sebark

Dennis J. Kuciel

Carol McLaughlin

Robert E. [Signature]

Lynn Woolsey

[Signature]

[Signature]

Jose E. [Signature]

Anna [Signature]

Rubin [Signature]