



July 27, 2023

The Honorable Patty Murray
Chair
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Susan Collins
Vice Chair
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chair Murray and Vice Chair Collins:

As the Committee prepares to mark up the Fiscal Year 2024 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill, the U.S. Chamber of Commerce is pleased to provide our input on the important federal programs and policy positions included in this legislation. We strongly urge you to consider the following recommendations:

Strengthen and Support Critical Department of Education programs: The Chamber supports increasing funding for the Child Care and Development Block Grant and Head Start. We also support increasing funding for Every Student Succeeds Act (ESSA) Title I grants to school districts for low-income children, increasing funding for the Strengthening Career and Technical Education for the 21st Century (Perkins V) Act, and increasing funding for Federal Work Study. In addition, we support language that would allow eligible students attending programs that are at least 15 credit hours over an eight-week period to receive Pell Grants, if the program meets the requirements of Pell Grant eligibility outlined in the Higher Education Act and in subsequent regulations and regardless of the tax classification or in-person/online status of the institution the student is attending. Finally, the Chamber supports robust funding for the Workforce Innovation and Opportunity Act.

Common Sense Policy Changes for the Department of Labor: The Chamber supports adding a prohibition of funding for finalizing and enforcing several rulemakings: the Occupational Safety and Health Administration emergency temporary standard entitled “Occupational Exposure to COVID-19; Emergency Temporary Standard,” published as an interim final regulation in the Federal Register, June 21, 2021 (RIN: 1218-AD36); the “Worker Walkaround Representative Designation Process,” (RIN: 1218-AD45); and the OSHA final regulation entitled, “Improve Tracking of Workplace Injuries and Illnesses,” (RIN: 1218-AD40). We also support adding a requirement that the Office of Federal Contract Compliance Programs conclude its investigations within a reasonable timeframe.

In addition, we recommend expanding the bill to prohibit funding for a potential Wage and Hour Division rulemaking entitled “Defining and Delimiting the Exemptions under the Fair Labor Standards Act for Executive, Administrative, Professional, Outside Sales and Computer

Employees” (RIN: 1235-AA39). We also support provisions in the subcommittee’s bill prohibiting funding for the Wage and Hour Division rulemaking on classification of independent contractors and employees under the FLSA, (RIN 1235-AA43).

We support prohibiting funds to be used to encourage or require contractors, grant applicants, and recipients to utilize project labor agreements, sign labor peace or labor harmony agreements, agree to remain neutral during union organizing campaigns, or recognize a union based on signature cards. However, we do not support language that bans federal contracting with firms for violations of workplace or employment laws, as such language is unnecessary and redundant because of the already existing suspension and debarment process that federal contracting officers may utilize.

We support funding prohibitions for any final regulation from the Pension Benefit Guaranty Corporation that is substantially similar to the proposed regulation entitled “Actuarial Assumptions for Determining an Employer's Withdrawal Liability”; any final prohibited transaction exemption the Employee Benefit Security Administration issues that is similar to the proposed amendments to Prohibited Transaction Exemption 84-14; any final procedures the Employee Benefit Security Administration issues that are similar to the proposed changes to the procedures governing the filing and processing of Prohibited Transaction Exemption applications; and the Employee Benefit Security Administration’s Compliance Assistance Release 2022-01.

Strengthening the Immigration System for Employers: The Chamber supports provisions that would provide flexibility to utilize private wage surveys for the prevailing wage determination process under the H-2B program. We also support provisions that would prohibit funding for certain requirements for H-2B employers contained in “Temporary Non-Agricultural Employment of H-2B Aliens in the United States” (RIN: 1205-AB76), such as the definitions of temporary need, corresponding employment, and the three-quarter guarantee. In addition, we support providing the staggered entry flexibility for H-2B workers in the seafood industry, which provides much needed certainty for planning for those companies that are highly dependent on the weather.

Moreover, we support the funding prohibitions on the H-2A Adverse Effect Wage Rate (AEWR) rule and joint employer requirements for agricultural commodity producers, as these significantly high increases to required wage rates and arbitrary compliance rules are making it increasingly difficult for farmers to meet their workforce needs. The Chamber would like to see expanded eligibility for Federal student aid under the HEA to include Deferred Action for Childhood Arrivals (DACA) participants and those who have received Temporary Protected Status under the Immigration and Nationality Act.

Reigning in Deleterious Policies at the National Labor Relations Board: The Chamber supports adding provisions prohibiting implementation of the National Labor Relations Board’s final regulations for “The Standard for Determining Joint-Employer Status” (RIN: 3142-AA13), as

well as including a prohibition of funding for imposing restrictions on employer speech or requiring card check recognition as outlined in the NLRB General Counsel's filing in the Cemex Construction Materials, LLC case.

We welcome the opportunity to work with the Committee to create a balanced bill that increases educational opportunities for all Americans and gives the agencies the resources necessary to continue successful federal programs. We appreciate your consideration of these recommendations as you mark up the Fiscal Year 2024 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a stylized flourish at the end.

Neil L. Bradley
Executive Vice President, Chief Policy Officer,
and Head of Strategic Advocacy
U.S. Chamber of Commerce

cc: Members of the Senate Committee on Appropriations