

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
SENIOR VICE PRESIDENT &
CHIEF POLICY OFFICER

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September 7, 2017

The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Patrick Leahy
Vice Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Chairman Cochran and Vice Chairman Leahy:

As the Committee prepares to mark up the Fiscal Year 2018 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill, the U.S. Chamber of Commerce urges you to provide for programs and initiatives important to the business community and makes the following recommendations. Given the need to restrain overall federal spending and the discretionary spending caps currently in effect, the Chamber urges you to focus federal resources on projects and activities that offer the greatest potential to contribute to an environment conducive to stronger economic growth.

The Chamber urges you to support:

- Provisions that would block funding for the promulgation, implementation, or enforcement of regulations implementing President Obama's Executive Order 13706, "Establishing Paid Sick Leave for Federal Contractors."
- Provisions that would nullify the effective date and legal effect of the Department of Labor's regulation altering the interpretation of a fiduciary under the Employee Retirement Income Security Act of 1974 (ERISA).
- Proposed funding for the Wage and Hour Division (WHD), Occupational Safety and Health Administration (OSHA), and the National Labor Relations Board (NLRB) as responsible allocations of resources in a restrictive budget climate.
- A prohibition of funding for implementation or enforcement of the OSHA rulemaking entitled "Improve Tracking of Workplace Injuries and Illnesses," published as a final regulation in the Federal Register, May 12, 2016, RIN: 1218-AC49.
- A prohibition of funding to implement or enforce the WHD rulemaking amending the Companionship Exemption under the Fair Labor Standards Act (FLSA).

- A prohibition of funding for implementation or enforcement of the OSHA revised standard on occupational exposure to respirable crystalline silica published as a final regulation in the Federal Register on March 25, 2016 (78 FR 56274), RIN: 1218-AB70.
- A prohibition on the Office of Federal Contract Compliance Programs (OFCCP) rulemaking aimed at mandating that contractors turn over vast amounts of employee compensation data even without an allegation or inference of wrongdoing, imposing tremendous new burdens and privacy concerns without justification.
- Provisions that would require OFCCP to conduct investigations within a reasonable timeframe, as current compliance reviews are too lengthy and unfocused.
- Provisions that would prevent implementation, application, and enforcement of the NLRB Ambush Election regulation.
- Provisions that would require the NLRB to adhere to long standing precedent in determining whether two entities are “joint employers” of particular workers.
- Provisions that would prohibit the NLRB from implementing, applying, and enforcing its *Specialty Healthcare* decision, or other actions that would allow the establishment of micro unions, and mandate compliance with long-standing precedent.
- Provisions that would prohibit the NLRB from implementing, applying, and enforcing its policy relating to pre-hire arbitration agreements in a manner inconsistent with the holdings in *Murphy Oil USA, Inc. v. NLRB*, 808 F.3d 1013 (5th Cir. 2015) and *D.R. Horton, Inc. v. NLRB*, 737 F.3d 344 (5th Cir. 2013).
- A prohibition of funding for the enforcement of the National Labor Relations Act against any Indian tribe, including any enterprise or institution owned and operated by an Indian tribe and located on its Indian lands.
- Provisions that would give businesses the flexibility they need to utilize private wage surveys for the prevailing wage determination process under the H-2B program.
- A prohibition of funding for certain requirements for H-2B employers contained in “Temporary Non-Agricultural Employment of H-2B Aliens in the United States” (80 FR 24042), RIN: 1205-AB76, such as the definitions of temporary need, corresponding employment, the three-quarter guarantee, and for duplicative audit authority and supervised recruitment requirements set forth in the rule.
- Increased funding for Title I grants to school districts for low-income children to ensure that approximately 20 million disadvantaged children in nearly 55,000 public schools obtain the educational skills they need to compete in a global economy.

- Increased funding for charter schools to foster their continued development and expansion.
- Increased funding under the Carl D. Perkins Career and Technical Education Improvement Act of 2006. The Chamber supports programs that ensure students are graduating with industry recognized credentials.
- Funding for the Workforce Innovation and Opportunity Act. Increasing opportunities for individuals to prepare for and find employment and providing investment in an educated, skilled, and adaptable workforce able to meet the needs of employers is essential to the future of the country.

The Chamber appreciates your consideration of these recommendations as you mark up the Fiscal Year 2018 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 large, stylized flourish at the end.

Neil L. Bradley

cc: Members of the Committee on Appropriations