

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

July 14, 2021

The Honorable Rosa DeLauro
Chair
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Kay Granger
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chair DeLauro and Ranking Member Granger:

As the Committee prepares to mark up the Fiscal Year 2022 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill, the U.S. Chamber of Commerce would like to detail the important Federal programs and policy positions we support and oppose under this legislation. We strongly urge you to provide full funding for programs and initiatives important to the business community and ask you to consider the following recommendations.

The Chamber **supports** the following provisions:

- Increasing funding for the Child Care and Development Block Grant and Head Start.
- Adding a prohibition of funding for implementation or enforcement of 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.
- Increasing funding for 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.
- Adding a provision allowing eligible students attending programs that are at least 15 credit hours to receive Pell Grants, if the program meets the requirements of Pell Grant eligibility outlined in the Higher Education Act and in subsequent regulations.
- Increasing funding for Federal Work Study.
- Adding the requirement that the Office of Federal Contract Compliance Programs conclude its investigations within a reasonable timeframe.
- Restoring funding for the Department of Labor (DOL) Office of Labor-Management Standards to the President’s FY 2009 request (\$58.256 mil.)
- Adding provisions restoring the Office of Labor-Management Standards International Compliance Audit Program (I-CAP).
- Adding a provision that respects tribal sovereignty by prohibiting funding for the enforcement of the National Labor Relations Act against any Indian tribe.
- Adding provisions giving businesses the flexibility they need to utilize private wage surveys for the prevailing wage determination process under the H-2B program.
- Adding a prohibition on 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, and the three-quarter guarantee.

- Increasing funding for the Workforce Innovation and Opportunity Act.
- Expanding 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.

The Chamber **opposes** the following provisions:

- Decreasing funding for charter schools as well as prohibiting funding for charter schools that contract with a for-profit entity to operate, oversee, or manage the activities of the school.
- Changing the calculation of the 90/10 rule, as well as provisions changing the ratio to 85/15.
- Adding provisions prohibiting implementation of the National Labor Relations Board's final regulations for "The Standard for Determining Joint-Employer Status" published in the Federal Register on February 26, 2020, RIN: 3142-AA13.
- Adding provisions prohibiting implementation of the National Labor Relations Board's final rule on "Representation Case Procedures" published in the Federal Register on December 18, 2019, RIN: 3142-AA12.
- Adding several provisions that will significantly harm many seasonal businesses by preventing them from meeting their workforce needs through the H-2B program. These provisions would cause a tremendous amount of business disruption, with the most negative impacts being inflicted upon small businesses. Specifically, these provisions would:
 - Ban the construction industry and other industries hit hard by COVID from hiring H-2B workers, unless the workers sought by these companies are union members;
 - Impose onerous wage requirements upon H-2B employers that are woefully disconnected from market conditions and bar companies from utilizing private wage surveys, and;
 - Resurrect President Obama's invalidated Executive Order on Fair Pay and Safe Workplaces and bar companies from hiring H-2B workers if they had "an administrative merits determination, arbitral award or decision, or civil judgment" within the last three years regarding a wide array of labor and employment laws. This language would deny H-2B employers their due process rights and subject them to intimidation and extortionary tactics by unions and their allies.

The Chamber looks forward to working with the Committee to create a balanced bill that increases investments for priorities critical to Chamber members and that gives agencies the resources necessary to keep Americans safe.

The Chamber appreciates your consideration of these recommendations as you mark up the Fiscal Year 2022 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill.

Sincerely,



Neil L. Bradley

cc: Members of the House Committee on Appropriations