

FY 2022

CONGRESSIONAL BUDGET JUSTIFICATION

DEPARTMENTAL MANAGEMENT

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DEPARTMENTAL MANAGEMENT

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DEPARTMENTAL MANAGEMENT

APPROPRIATION LANGUAGE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of [three] passenger motor vehicles, [\$349,056,000] *\$439,662,000*, together with not to exceed [\$308,000] *\$308,000*, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That [\$67,325,000] *\$87,947,000* for the Bureau of International Labor Affairs shall be available for obligation through December 31, [2021] *2022*: Provided further, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: Provided further, That not more than [\$53,825,000] *\$57,772,000* shall be for programs to combat exploitative child labor internationally and not less than [\$13,500,000] *\$30,175,000* shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: Provided further, That [\$8,040,000] *\$10,040,000* shall be used for program evaluation and shall be available for obligation through September 30, [2022] *2023*: Provided further, That funds available for program evaluation may be used to administer grants for the purpose of evaluation: Provided further, That grants made for the purpose of evaluation shall be awarded through fair and open competition: Provided further, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer: Provided further, That the funds available to the Women's Bureau may be used for grants to serve and promote the interests of women in the workforce: Provided further, That of the amounts made available to the Women's Bureau, not less than [\$1,794,000] *\$1,794,000* shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.

(Department of Labor Appropriations Act, 2021.)

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AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2020		FY 2021		FY 2022	
	Revised Enacted		Revised Enacted		Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	1,105	\$348,056	1,128	\$349,056	1,320	\$439,662
Reimbursements	177	\$95,445	63	\$29,740	63	\$29,740
Trust Funds - Black Lung	119	\$32,844	118	\$33,033	152	\$37,598
Trust Funds - Unemployment Trust Fund	2	\$308	2	\$308	2	\$308
Reduction Pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985	0	-\$1,938	0	-\$1,883	0	\$0
Transfers for Program Evaluation	0	\$3,262	0	\$2,000	0	\$0
Transfers for OASAM	0	\$554	0	\$554	0	\$0
USMCA Supplemental	18	\$210,000	0	\$0	0	\$0
CARES Act	2	\$1,000	0	\$0	0	\$0
American Rescue Plan Supplemental	0	\$0	27	\$22,437	0	\$0
Unobligated Balance Carried Forward	0	\$50,097	20	\$206,627	83	\$138,000
<i>Subtotal</i>	<i>1,423</i>	<i>\$739,628</i>	<i>1,358</i>	<i>\$641,872</i>	<i>1,620</i>	<i>\$645,308</i>
B. Gross Budget Authority	1,423	\$739,628	1,358	\$641,872	1,620	\$645,308
Reimbursements	-177	-\$95,445	-63	-\$29,740	-63	-\$29,740
Transfers	0	-\$3,262	0	-\$2,000	0	\$0
USMCA Supplemental	-18	-\$210,000	0	\$0	0	\$0
CARES Act	-2	-\$1,000	0	\$0	0	\$0
American Rescue Plan Supplemental	0	\$0	27	-\$22,437	0	\$0
Unobligated Balance Carried Forward	0	-\$50,097	-20	-\$206,627	-83	-\$138,000
Shared Services Realignment	-9	\$0	0	\$0	0	\$0
<i>Subtotal</i>	<i>1,217</i>	<i>\$379,824</i>	<i>1,302</i>	<i>\$381,068</i>	<i>1,474</i>	<i>\$477,568</i>
C. Budget Authority Before Committee	1,217	\$379,824	1,302	\$381,068	1,474	\$477,568
Reimbursements	177	\$95,445	63	\$29,740	63	\$29,740
Unobligated Balance Carried Forward	0	\$0	0	\$206,627	0	\$0
<i>Subtotal</i>	<i>1,394</i>	<i>\$475,269</i>	<i>1,365</i>	<i>\$617,435</i>	<i>1,537</i>	<i>\$507,308</i>
D. Total Budgetary Resources	1,394	\$475,269	1,365	\$617,435	1,537	\$507,308
Direct FTE Lapse and Unobligated Balance Expiring	4	-\$75,877	0	-\$138,000	0	\$0
Reimbursable FTE Lapse and Unobligated Balance Expiring	16	-\$34,509	0	\$0	0	\$0
Shared Services Realignment	9	\$0	0	\$0	0	\$0
E. Total, Estimated Obligations	1,423	\$364,883	1,365	\$479,435	1,537	\$507,308

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SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2021 Revised Enacted	FY 2022 Request	Net Change
Budget Authority			
General Funds	\$349,610	\$439,662	+\$90,052
Trust Funds	\$31,458	\$37,906	+\$6,448
Total	\$381,068	\$477,568	+\$96,500
 Full Time Equivalents			
General Funds	1,128	1,320	192
Trust Funds	120	154	34
Total	1,248	1,474	226

FY 2022 Change

Explanation of Change	FY 2021 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Increases:								
A. Built-Ins:								
To Provide For:								
Costs of pay adjustments	1,248	\$158,677	0	\$495	0	\$5,196	0	\$5,691
Personnel benefits	0	\$54,447	0	\$165	0	\$2,860	0	\$3,025
Federal Employees' Compensation Act (FECA)	0	\$0	0	\$0	0	\$0	0	\$0
Benefits for former personnel	0	\$0	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$1,337	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$538	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$17,218	0	\$0	0	\$0	0	\$0
Rental payments to others	0	\$45	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$848	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$134	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$11,872	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$5,661	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$39,747	0	\$0	0	\$2,616	0	\$2,616
Other Federal sources (Census Bureau)	0	\$0	0	\$0	0	\$0	0	\$0
Other Federal sources (DHS Charges)	0	\$63	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$12,787	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$200	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$12	0	\$0	0	\$0	0	\$0

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FY 2022 Change

Explanation of Change	FY 2021 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Operation and maintenance of equipment	0	\$3,332	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$1,516	0	\$0	0	\$0	0	\$0
Equipment	0	\$427	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$71,758	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$1	0	\$0	0	\$0	0	\$0
Built-Ins Subtotal	1,248	+\$380,620	0	+\$660	0	+\$10,672	0	+\$11,332
B. Programs:								
Program Increase to Provide Legal Services	0	\$0	0	\$0	108	\$27,663	108	\$27,663
President's Trade Policy Agenda	0	\$0	0	\$0	10	\$19,553	10	\$19,553
Forced Labor Reporting Mandate	0	\$0	0	\$0	11	\$7,000	11	\$7,000
Climate Change EO Investment in Electric Vehicles	0	\$0	0	\$0	0	\$6,452	0	\$6,452
Investing in Evidence-Based Decision-Making	0	\$0	0	\$0	6	\$6,000	6	\$6,000
Ensuring Equity in Access to Benefits and Awareness of Rights Grant Program	0	\$0	0	\$0	8	\$4,280	8	\$4,280
Processing of Mandatory Adjudication Workload (OALJ)	0	\$0	27	\$4,093	0	\$0	27	\$4,093
Increase Civil Rights Programs	0	\$0	0	\$0	16	\$3,000	16	\$3,000
Defense Base Act Workload for OALJ and BRB (OALJ)	0	\$0	0	\$0	14	\$2,200	14	\$2,200
Processing of Adjudication Workload (OALJ)	0	\$0	0	\$0	8	\$1,258	8	\$1,258
Processing of Mandatory Adjudication Workload (BRB)	0	\$0	5	\$1,229	0	\$0	5	\$1,229
Office of Equity and Inclusion	0	\$0	0	\$0	5	\$1,000	5	\$1,000
Processing of Adjudication Workload (BRB)	0	\$0	0	\$0	4	\$804	4	\$804
Processing of Mandatory Legal Services Workload	0	\$0	2	\$466	0	\$0	2	\$466
Defense Base Act Workload for OALJ and BRB (BRB)	0	\$0	0	\$0	2	\$330	2	\$330
Programs Subtotal			34	+\$5,788	192	+\$79,540	226	+\$85,328
Total Increase	1,248	+\$380,620	34	+\$6,448	192	+\$90,212	226	+\$96,660
Decreases:								
A. Built-Ins:								
To Provide For: Federal Employees' Compensation Act (FECA)	0	\$448	0	\$0	0	-\$160	0	-\$160
Built-Ins Subtotal	0	+\$448	0	\$0	0	-\$160	0	-\$160
B. Programs:								
Total Decrease	0	+\$448	0	\$0	0	-\$160	0	-\$160

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Explanation of Change	FY 2022 Change							
	FY 2021 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Total Change	1,248	+\$381,068	34	+\$6,448	192	+\$90,052	226	+\$96,500

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SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY (Dollars in Thousands)								
	FY 2020 Revised Enacted		FY 2021 Revised Enacted		FY 2022 Request		Diff. FY22 Request / FY21 Revised Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Program Direction and Support	119	30,250	112	30,250	119	35,023	7	4,773
General Funds	119	30,250	112	30,250	119	35,023	7	4,773
Legal Services	562	131,697	574	131,756	684	162,961	110	31,205
General Funds	530	123,745	542	123,745	650	154,321	108	30,576
Unemployment Trust Funds	2	308	2	308	2	308	0	0
Black Lung Disability Trust Funds	30	7,644	30	7,703	32	8,332	2	629
International Labor Services	114	96,125	122	96,125	143	123,751	21	27,626
General Funds	114	96,125	122	96,125	143	123,751	21	27,626
Administration and Management	103	29,004	102	29,004	104	39,308	2	10,304
General Funds	103	29,004	102	29,004	104	39,308	2	10,304
Adjudication	235	58,262	240	58,447	300	70,279	60	11,832
General Funds	146	35,000	152	35,000	180	41,013	28	6,013
Black Lung Disability Trust Funds	89	23,262	88	23,447	120	29,266	32	5,819
Women's Bureau	37	14,050	38	15,050	46	20,000	8	4,950
General Funds	37	14,050	38	15,050	46	20,000	8	4,950
Civil Rights	31	6,880	32	6,880	48	10,344	16	3,464
General Funds	31	6,880	32	6,880	48	10,344	16	3,464

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SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2020 Revised Enacted		FY 2021 Revised Enacted		FY 2022 Request		Diff. FY22 Request / FY21 Revised Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Chief Financial Officer	18	5,516	18	5,516	18	5,862	0	346
General Funds	18	5,516	18	5,516	18	5,862	0	346
Departmental Program Evaluation	9	8,040	10	8,040	12	10,040	2	2,000
General Funds	9	8,040	10	8,040	12	10,040	2	2,000
Total	1,228	379,824	1,248	381,068	1,474	477,568	226	96,500
General Funds	1,107	348,610	1,128	349,610	1,320	439,662	192	90,052
Unemployment Trust Funds	2	308	2	308	2	308	0	0
Black Lung Disability Trust Funds	119	30,906	118	31,150	152	37,598	34	6,448

NOTE: 2020 reflects actual FTE.

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BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
	Full-Time Equivalent				
	Full-time Permanent	1,258	1,287	0	-1,287
	Reimbursable	73	62	0	-62
	Total	1,331	1,349	0	-1,349
	Average ES Salary	\$183,262	\$185,094	\$0	-\$185,094
	Average GM/GS Grade	13/8	13/8	0	0
	Average GM/GS Salary	\$118,532	\$120,663	\$0	-\$120,663
	Average Salary of Wage Grade Positions	174,848	176,596	0	-176,596
11.1	Full-time permanent	156,487	153,394	189,194	35,800
11.3	Other than full-time permanent	1,201	1,476	1,553	77
11.5	Other personnel compensation	2,685	3,807	3,981	174
11.8	Special personal services payments	5	0	0	0
11.9	Total personnel compensation	160,378	158,677	194,728	36,051
12.1	Civilian personnel benefits	48,515	54,895	68,075	13,180
13.0	Benefits for former personnel	55	0	0	0
21.0	Travel and transportation of persons	3,236	1,337	2,371	1,034
22.0	Transportation of things	511	538	538	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	19,185	17,218	18,809	1,591
23.2	Rental payments to others	29	45	48	3
23.3	Communications, utilities, and miscellaneous charges	1,620	848	962	114
24.0	Printing and reproduction	275	134	142	8
25.1	Advisory and assistance services	12,511	11,872	15,310	3,438
25.2	Other services from non-Federal sources	2,978	5,661	8,912	3,251
25.3	Other goods and services from Federal sources 1/	52,234	52,597	65,601	13,004
25.4	Operation and maintenance of facilities	2,726	12	28	16
25.5	Research and development contracts	56	200	480	280
25.7	Operation and maintenance of equipment	2,777	3,332	3,737	405
26.0	Supplies and materials	2,122	1,516	1,867	351
31.0	Equipment	541	427	579	152
41.0	Grants, subsidies, and contributions	70,075	71,758	95,380	23,622
42.0	Insurance claims and indemnities	0	1	1	0
51.1	Benefits	0	0	0	0
	Total	379,824	381,068	477,568	96,500
	1/Other goods and services from Federal sources				
	Working Capital Fund	48,001	39,747	45,999	6,252
	DHS Services	302	63	63	0
	Services by DOL Agencies	406	447	647	200
	Services by Other Government Departments	2,000	12,303	12,303	0
	CIGIE	323	0	100	100
	GSA Services	251	0	6,452	6,452
	HHS Services	0	20	20	0

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SIGNIFICANT ITEMS IN FY 2021 APPROPRIATIONS' REPORTS

House Report, pg. 36: Foundations for Evidence-based Policymaking Act. The Committee is supportive of efforts by the Department to consider evidence of effectiveness in grant competitions and requests an update in the fiscal year 2022 Congressional Budget Justification on implementation of the Foundations for Evidence-based Policymaking Act (P.L. 115-435) and implementation plans for the coming year.

Response: As evidenced by the Department's FY 2022 President's Budget, there is ongoing support to ensure robust implementation of the Foundations for Evidence-Based Policymaking Act at the Department of Labor. The Department has a several notable strengths upon which Evidence Act implementation has been enhanced, including a centralized evaluation function through the Office of the Chief Evaluation Officer which has dedicated appropriations for building new scientific evidence. Additionally, the Department upholds a strong evaluation policy with five key principles governing its evaluation activities. In FY 2022, the Department will leverage its proposed evaluation budget to build new evidence about equity in DOL programs and services; improve internal capacity to integrate evidence across its programs and operations; and expand outreach to DOL's evidence-building external stakeholders, including our state and local partners.

House Report, pg. 35-37: Advertising. The Committee understands that, as the largest advertiser in the U.S., the Federal Government should work to ensure fair access to its advertising contracts for small disadvantaged businesses and businesses owned by minorities and women. The Committee directs the Department to include the following information in its fiscal year 2022 Congressional Budget Justification: Expenditures for fiscal year 2020 and expected expenditures for fiscal years 2021 and 2022, respectively, for (1) all contracts for advertising services; and, (2) contracts for the advertising services of (I) socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and (II) women- and minority-owned businesses....The Committee encourages the Department to consider using local media in their advertising, including local television, radio broadcast stations, and newspapers to the greatest extent possible. The Committee directs the Department to include in its fiscal year 2022 Congressional Budget Justification details on expenditures on local media advertising for the prior two fiscal years.

Response: Though FY 2021 is still ongoing and total obligations are not finalized, the Department of Labor obligated a total of \$8,036,859 for advertising for the Job Corps program during FY 2020. As of March 31, 2021, \$4,031,424 has been expended. The vendor was a women-owned small business. In addition, the Occupational Safety and Health Administration obligated \$2,983 for billboard advertising. Neither obligation was for local media.

House Report, pg. 36: Title 31. The Committee directs the Department to comply with title 31 of the United States Code, including the development of organizational priority goals and outcomes such as performance outcome measures, output measures, efficiency measures, and customer service measures. The Committee further directs the Department to include an update on the progress of these efforts in the fiscal year 2022 Congressional Budget Justification.

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Response: [31 USC Chapter 11 – The Budget and Fiscal, Budget, and Program Information](#) requires the Department to establish Agency Priority Goals (APGs) ([§1120](#)), make them available on a public website ([§1122](#)) and conduct quarterly progress reviews of performance information ([§1121](#)). DOL has complied with title for several years by developing a number of Agency Priority Goals, reviewing them quarterly with the Deputy Secretary, in his or her roles as the Chief Operating Officer, and publishing them on OMB’s performance.gov website. Since 2018, these two-year goals have aligned with the development of the four-year strategic plan, meaning that each strategic plan has two sets of two-year goals. The Department is currently developing the next set of Agency Priority Goals that will be launched on October 1, 2021. Beyond Agency Priority Goals, the Department develops annual Agency Management Plans which establish performance measures for each agency. Measure results are analyzed and reported to the Deputy Secretary quarterly, and are linked directly to DOL employee performance plans.

House Report, pg. 36: Customer Service. The Committee continues to support efforts to improve customer service in accordance with Executive Order 13571—Streamlining Service Delivery and Improving Customer Service. The Committee directs the Secretary to develop standards to improve customer service and incorporate the standards into the performance plans required under 31 U.S.C. 1115. The Committee further directs the Department to include an update on the progress of these efforts in the fiscal year 2022 Congressional Budget Justification.

Response: [31 USC 1115](#) requires the Department’s Annual Performance Plan “establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal, including, as appropriate, *customer service*, efficiency, output, and outcome indicators;...” (emphasis added). The previous Administration focused customer service efforts on the Occupational Safety and Health Administration (OSHA) and the Office of Workers’ Compensation Programs (OWCP), labeling them as High-Impact Service Providers (HISPs). Both DOL agencies were part of a Cross-Agency Priority Goal focused on improving Customer Experience, a government-wide goal in the President’s Management Agenda. In DOL’s Annual Performance Report, OSHA and OWPC provide updates on this effort and routinely provide additional information on [OMB’s public-facing website](#).

House Report, pg. 34: U.S.-Mexico-Canada Agreement (USMCA). In the fiscal year 2022 Congressional Budget Justification, ILAB is directed to include spending plans for resources provided in the USMCA Implementation Act for fiscal years 2020, 2021, and 2022. Spending plans should include descriptions and amounts for projects and staffing.

Response: Spending plans are provided below for both technical assistance funds and for salaries and expenses funds.

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USMCA Technical Assistance Funds (\$180 million available until 12/31/2023) (Dollars in thousands)

Awarded Projects

Description	Recipient	Amount	Type
Strengthening Government Labor Law Enforcement	IMPAQ International	\$20,750	Cooperative Agreement
Strengthening Workers' Ability to Exercise their Labor Rights in Mexico	Solidarity Center	\$10,000	Cooperative Agreement
Mexico Awareness Raising Project	Partners of the Americas	\$10,000	Cooperative Agreement
Improving Workers' Occupational Safety and Health in Selected Supply Chains in Mexico – A Vision Zero Fund Project	International Labor Organization	\$5,000	Cooperative Agreement
Engaging Mexico's Auto Sector Employers in Labor Law Reform Implementation	Pan American Development Foundation	\$3,000	Cooperative Agreement
Campos de Esperanza (Fields of Hope) Project	World Vision	\$419	Cooperative Agreement
Labor Value Content Certification and Verification, Including System Development	Wage and Hour Division	\$3,200	Interagency Agreement
Activities to Support Labor Dispute Resolution in Mexico	Federal Mediation Conciliation Services	\$665	Interagency Agreement

Total \$53,033

Future Project Plans:

As detailed in the table above, DOL has obligated \$53.0 million for USMCA projects to date to support labor justice reform and other labor priorities in Mexico. ILAB is currently developing new project solicitations under a second tranche of funding, which will be awarded in coming months. We expect that this next tranche of funding will include approximately \$70 million for projects addressing the focus areas detailed below. We are moving forward expeditiously to develop project scopes of work and to consult with the Mexican government and other key stakeholders to finalize targets, approaches, and sectors. As these projects are finalized, we will notify the appropriate Congressional Committees prior to publishing Funding Opportunity Announcements (FOAs) and detailed information will be made available on our website.

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Project Areas of Focus:

- A project focused broadly on labor law enforcement to target government officials and workers regarding areas including effective complaints, *recuentos* in new labor courts, subcontracting, and training for notaries and other officials supporting enforcement.
- A project to promote sound industrial relations by resolving labor disputes through high-quality conciliations.
- A project to deepen and extend efforts to build the capacity of democratic trade unions in USMCA priority sectors, including by increasing focus on gender equity within project interventions.
- A project to reduce labor exploitation of vulnerable populations in agricultural areas in Mexico by focusing on efforts to address child and forced labor, improve working conditions, and empower agricultural workers by increasing their knowledge of labor rights and improve access to effective judicial and non-judicial remediation of labor law violations.
- A project to train labor inspectors and strengthen the impact of labor inspection, particularly in key states and priority sectors.
- A project to develop and support the implementation of curricula in universities focused on landmark labor justice reform to increase the number of lawyers and other professionals able to engage effectively in context of new labor justice system.
- A project focused on increasing gender equity and empowering women in the workforce by increasing wages, income security, labor protections, and economic opportunities.
- A project to improve government enforcement of Mexican labor laws to eradicate child labor, forced labor, and human trafficking by supporting the implementation of the Government of Mexico's actions under the Alliance 8.7 Roadmap.
- A project to improve implementation of social compliance systems aimed at eliminating child labor and forced labor and promoting acceptable conditions of work in the tomato and chili pepper supply chains in Mexico.
- DOL's Wage and Hour Division (WHD) has been delegated authority and responsibility to review labor value content (LVC) certifications for omissions and errors, to conduct verifications to determine whether covered vehicles comply with the high-wage components of the LVC requirements, and to issue LVC-related regulations. WHD is currently developing IT systems to use in fulfilling its certification and verification responsibilities, and will also use funds to promulgate final regulations and conduct enforcement-related matters, including reviewing certifications, conducting verifications, and issuing guidance materials.

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USMCA Salaries & Expenses Funds (\$30 million available until 9/30/2027) (Dollars in thousands)

Description	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Total
Salaries & Benefits	\$133	\$2,244	\$3,234	\$3,366	\$3,630	\$3,828	\$3,828	\$4,026	\$24,289
Travel	\$0	\$50	\$100	\$100	\$100	\$100	\$100	\$121	\$671
Training	\$0	\$30	\$30	\$30	\$30	\$30	\$30	\$30	\$210
Labor Attaché Relocation	\$100	\$350	\$0	\$0	\$0	\$0	\$0	\$450	\$900
Services by Other DOL/ Government Agencies	\$350	\$200	\$250	\$250	\$650	\$650	\$650	\$650	\$3,650
Supplies & Equipment	\$0	\$40	\$40	\$40	\$40	\$40	\$40	\$40	\$280
Totals =	\$583	\$2,914	\$3,654	\$3,786	\$4,450	\$4,648	\$4,648	\$5,317	\$30,000

FY 2020 data reflects actual obligations. Subsequent years are estimates. Future year estimates will be continuously adjusted as actual costs are incurred and plans are refined. ILAB intends to hire approximately 30 employees from the USMCA S&E funds, and currently has 12 staff onboard (including 4 labor attachés).

DEPARTMENTAL MANAGEMENT

AUTHORIZING STATUTES

Public Law / Act	Legislation	Statute No. / US Code	Volume No.	Page No.	Expiration Date
	Bureau of International Labor Affairs (ILAB)				
Pub. L. 101-179	Support for East European Democracy (SEED) Act of 1989	22 U.S.C. 5401 et seq.			
Pub. L. 102-511	(ILAB) FREEDOM Support Act (ILAB) Trafficking Victims Protection Reauthorization Act (ILAB) Generalized System of Preferences (ILAB) African Growth and Opportunity Act (ILAB) Participating in the negotiation of and providing information and advice on proposed trade agreements	22 U.S.C.A. 5801 et seq. 22 USC 7112(b)(2)(C), 19 USC 2461 et seq. 19 U.S.C. 3701 et seq 19 USC 2152, Executive Order 12188			
Pub. L. 103-82	(ILAB) Canada-Mexico-United States: North America Agreement on Labor Cooperation (NAALC) (ILAB) Consulting and reporting on labor laws of a country seeking a trade agreement and assessing the effect of a proposed agreement on US employment.	19 USC 3802(c)			
Pub. L. 106-200	(ILAB) Trade and Development Act of 2000	19 U.S.C. 2464			
Pub. L. 106-554	(ILAB) DOL appropriation provided for funding to be used for ...Departmental bilateral and multilateral foreign technical assistance...	Stat. 2763			
Pub. L.115-245, division B, title I	(ILAB) Providing and administering international technical assistance.				
Pub. L. 66-259	Women's Bureau Act to establish the Women's Bureau Uniformed Services Employment and Reemployment Rights Acts of 1994. Protects members of the uniformed services from discrimination in hiring and re- employment after service in the military.	29 U.S.C. 11-14			
Pub. L. 103-353	Office of the 21 st Century Workforce	38 U.S.C. 4301- 4333 E.O. 13218			

DEPARTMENTAL MANAGEMENT

OALJ – Black Lung Appeals Program Title IV, Federal Mine Safety & Health Act of 1977, as amended.	33 U.S.C. Section 901 et seq.
OALJ – Longshore Appeals Program Longshore & Harbor Workers Act	33 U.S.C. Section 901 et seq.
OALJ – Traditional Program & Board of Alien Labor Certification Appeals	Over 80 labor-related statutes & regulations. See OALJ website www.oalj.dol.gov
Benefits Review Board – Black Lung Appeals Program & Longshore Appeals Program	30 U.S.C. Section 901 et seq.
Benefits Review Board – Black Lung Appeals Program & Longshore Appeals Program	33 U.S.C. Section 901 et seq.
Employees’ Compensation Appeals Board. Review appeals of claims under Federal Employees’ Compensation Act	5 U.S.C. Section 8101 et seq.
Pub. L. 99-570	Anti-Drug Act of 1986

DEPARTMENTAL MANAGEMENT

APPROPRIATION HISTORY					
(Dollars in Thousands)					
	Budget Estimates to Congress	House Allowance	Senate Allowance	Appropriations	FTE
2012					
Base Appropriation...1/	\$371,554	\$268,733	\$347,009	\$346,353	1,282
2013					
Base Appropriation...2/	\$348,927			\$328,237	1,255
2014					
Base Appropriation...3/ 4/	\$347,856			\$336,929	1,259
2015					
Base Appropriation...4/	\$346,189			\$337,929	1,250
2016					
Base Appropriation...4/ 5/	\$375,985	\$284,229	\$258,727	\$334,373	1,239
2017					
Base Appropriation...4/ 5/	\$387,925			\$334,844	1,139
2018					
Base Appropriation...6/	\$259,858	\$247,911		\$343,969	1,128
2019					
Base Appropriation...7/	\$261,035			\$338,064	1,153
2020					
Base Appropriation...8/ 9/	\$266,866			\$348,918	1,079
2021					
Base Appropriation...9/	\$271,952			\$349,918	1,248
2022					
Base Appropriation	\$439,970				1,474

1/ Reflects a .189% across the board reduction pursuant to P.L. 112-74

2/ Reflects a 0.2% across the board rescission pursuant to P.L. 113-6 and the sequestration reduction pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

3/ Reflects the full appropriation pursuant to P.L. 113-76 without enacted rescissions.

4/ Reflects sequestration reduction to mandatory accounts pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

5/ Budget estimates to Congress and Appropriations do not reflect transfers from the Employment and Training Administration for the purposes of program evaluation.

6/ A full-year 2018 appropriation for this account was not enacted at the time the budget was prepared.

7/ This bill was passed by the Senate. It was passed out of the House Subcommittee but was not reported out of the House Committee or by the full House.

8/ This bill was passed by the House. It was not taken up by the Senate Appropriations Subcommittee or full Appropriations Committee.

9/ FTE for FY 2020 and FY 2021 reflect the Shared Services Realignment.

DEPARTMENTAL MANAGEMENT

OVERVIEW

Introduction

The Departmental Management (DM) Salaries and Expenses (S&E) appropriation provides policy, regulatory, legal, and administrative services to every agency within the Department. The DM S&E appropriation is composed of the following nine budget activities: Program Direction and Support; Legal Services; International Labor Affairs; Administration and Management; Adjudication; Women's Bureau; Civil Rights; Chief Financial Officer; and Departmental Program Evaluation. Three of the nine activities (Program Direction and Support; Administration and Management; and Adjudication) include a consolidation of several smaller operating programs.

Program Direction and Support

The Program Direction and Support (PDS) activity provides leadership and direction for the various DOL agencies. As part of its responsibilities, the PDS oversees a program of analysis and general research on issues affecting America's workforce, and also evaluates the effectiveness of Departmental programs. The PDS includes funding for the following organizations: Office of the Secretary; Office of the Deputy Secretary; Office of the Assistant Secretary for Policy; Office of Congressional and Intergovernmental Affairs; Office of Public Affairs; Office of Public Liaison; and the Centers for Faith and Opportunity Initiatives.

Office of the Solicitor

The Office of the Solicitor (SOL) provides the Secretary of Labor and DOL client agencies with the legal services required to accomplish the Department's mission, including litigation, advice, general legal services, and rulemaking. Unlike many general counsels' offices in the federal government, SOL has independent litigating authority under a number of federal statutes, litigating worker protection enforcement and other cases in federal and other tribunals throughout the nation. In addition, SOL provides legal opinions and advice to the Secretary and DOL agencies on a wide variety of matters arising under the nearly 200 laws the Department enforces, including regarding guidance materials, implementation plans, written interpretations, opinions, and legislation. SOL also provides legal advice to the Department's agencies and managers with respect to issues like appropriations, procurement, data privacy, FOIA, ethics, and employment law. Finally, SOL helps to develop and defend the Department's regulations, helping to craft sustainable and worker-protective regulatory frameworks.

Bureau of International Labor Affairs

The Bureau of International Labor Affairs (ILAB) advances worker rights and promotes a fair global playing field by enforcing trade commitments, strengthening compliance with labor standards, and combating international child labor, forced labor, and human trafficking. ILAB combines monitoring and enforcement of labor provisions in U.S. trade agreements and preference programs, bilateral and multilateral engagement, research, and technical cooperation to carry out the international responsibilities of the Department of Labor.

DEPARTMENTAL MANAGEMENT

Administration and Management

The Office of the Assistant Secretary for Administration and Management (OASAM) provides the infrastructure and support that enables the Department of Labor to perform its mission. OASAM provides leadership and support for business operations and procurement; information technology; human resources and civil rights; security and emergency management; and budget and strategic planning.

Adjudication

The Adjudication activity includes the Office of Administrative Law Judges (OALJ), the Benefits Review Board (BRB), the Employees' Compensation Appeals Board (ECAB), and the Administrative Review Board (ARB). OALJ holds hearings and adjudicates over 7,000 cases each year. The Boards review and determine several thousand appeals each year, make legal interpretations, and establish legal precedents that set standards for the entire nation.

Women's Bureau

Women's full engagement in the workforce is critical to the Nation's economic prosperity, as well as the financial well-being of their individual families. In 2022, the WB will continue its more than 100-year tradition as a trusted source of accurate, objective qualitative research and quantitative analysis, and fielding requests from constituents seeking information about various workplace rights and resources. As articulated in its authorizing legislation, the Women's Bureau is authorized to develop policies and standards and conduct inquiries to safeguard the interests of working women, to advocate for their equality and economic security for themselves and their families, and to promote quality work environments.

Civil Rights Center

The Civil Rights Center's (CRC) mission is to ensure compliance with Federal civil rights laws and regulations that cover DOL employees, applicants for employment, DOL conducted programs, and programs and activities receiving or benefiting from DOL financial assistance.

Office of the Chief Financial Officer

The Office of Chief Financial Officer (OCFO) is responsible for the financial leadership of DOL. Its mission is to foster effective stewardship of public funds; to safeguard fiscal integrity; and to deliver timely, accurate, and reliable financial information.

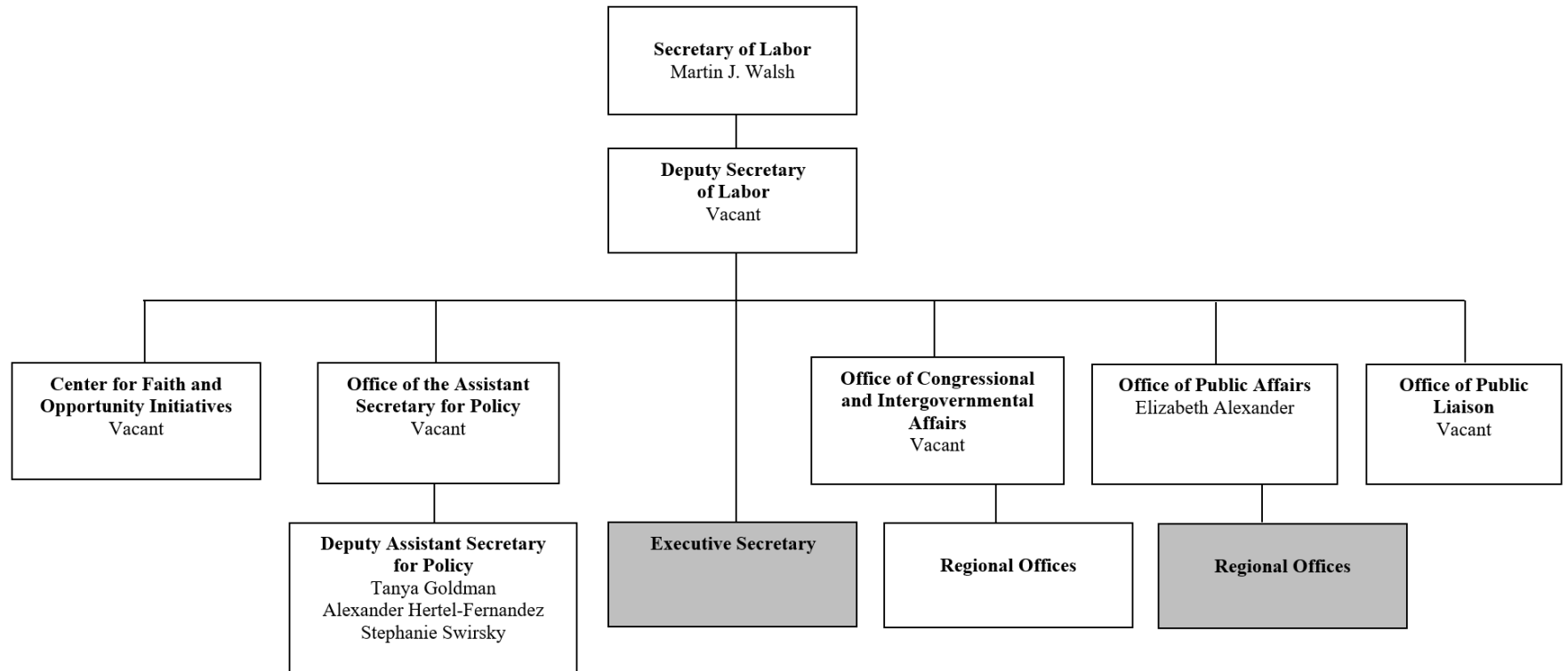
Departmental Program Evaluation

OASP's Chief Evaluation Office (CEO) is charged with coordinating and overseeing rigorous evaluations of the Department of Labor's programs, ensuring high standards in evaluations undertaken and funded by the Department, and in leading implementation of the Department's evidence-building agenda. Through its development and dissemination of rigorous scientific knowledge, the office builds evaluation capacity and expertise to ensure that evaluation and research findings are available and accessible for policy and program decision-makers in a timely and user-friendly way.

DEPARTMENTAL MANAGEMENT

ORGANIZATION CHARTS

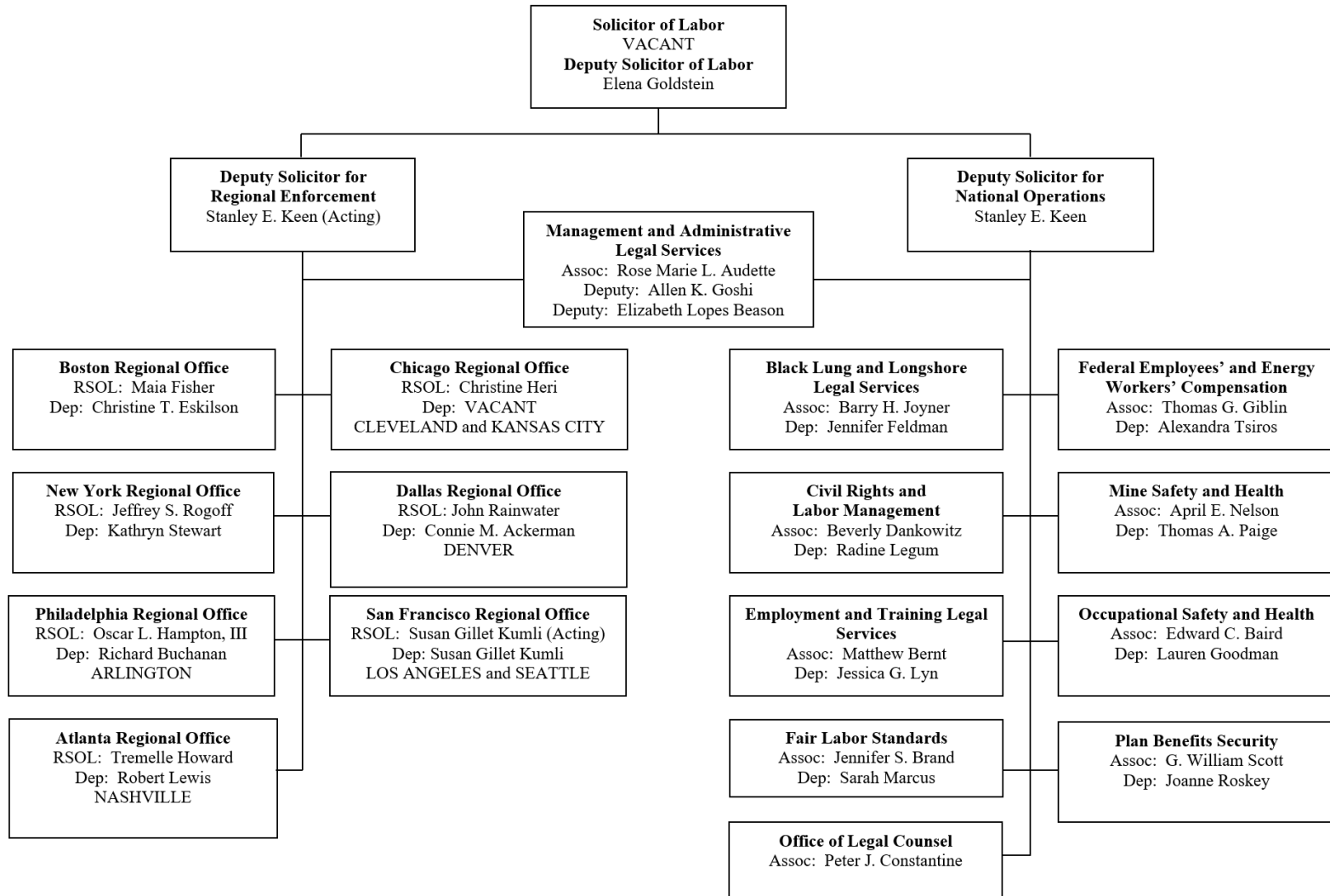
PROGRAM DIRECTION AND SUPPORT



Shaded box indicates funding through the Working Capital Fund

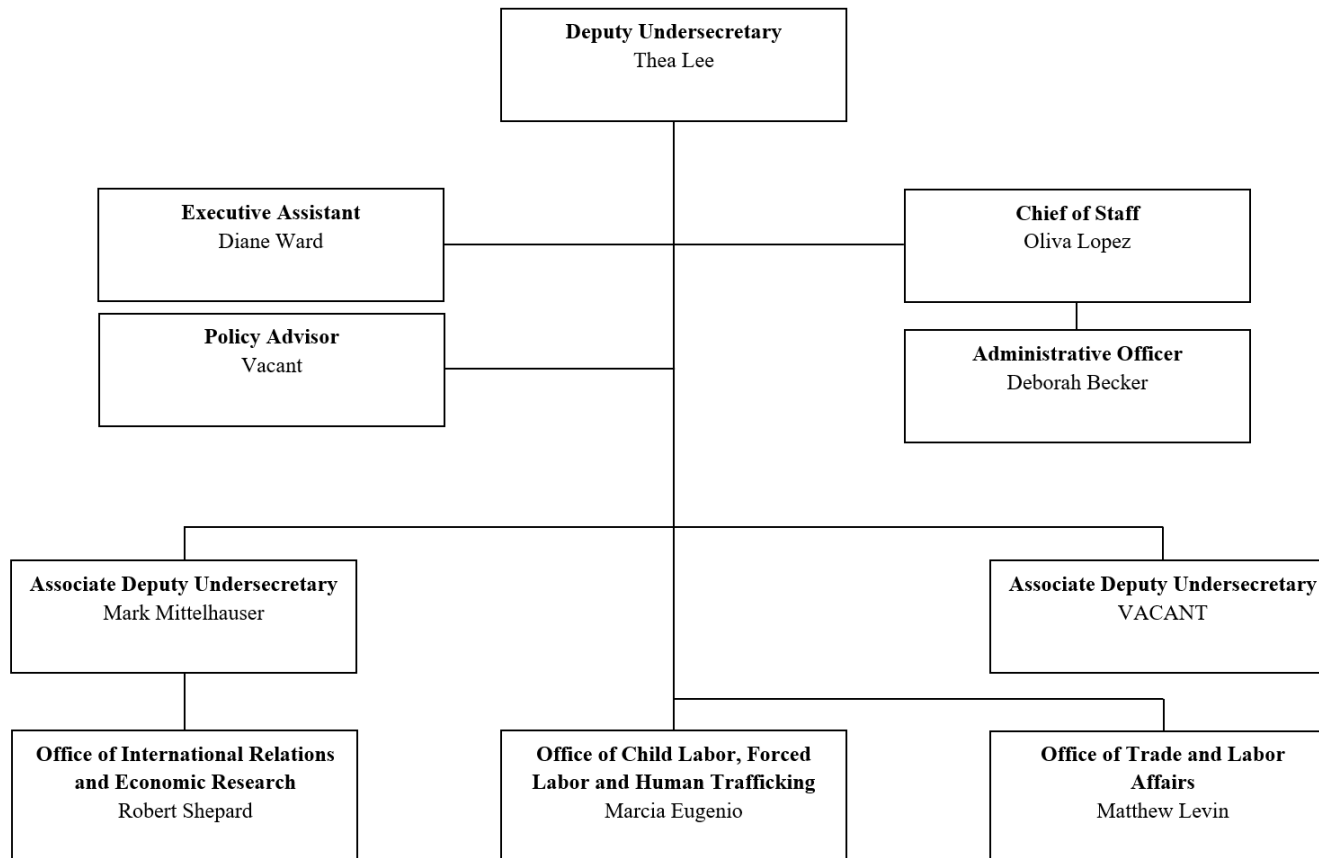
DEPARTMENTAL MANAGEMENT

OFFICE OF THE SOLICITOR OF LABOR



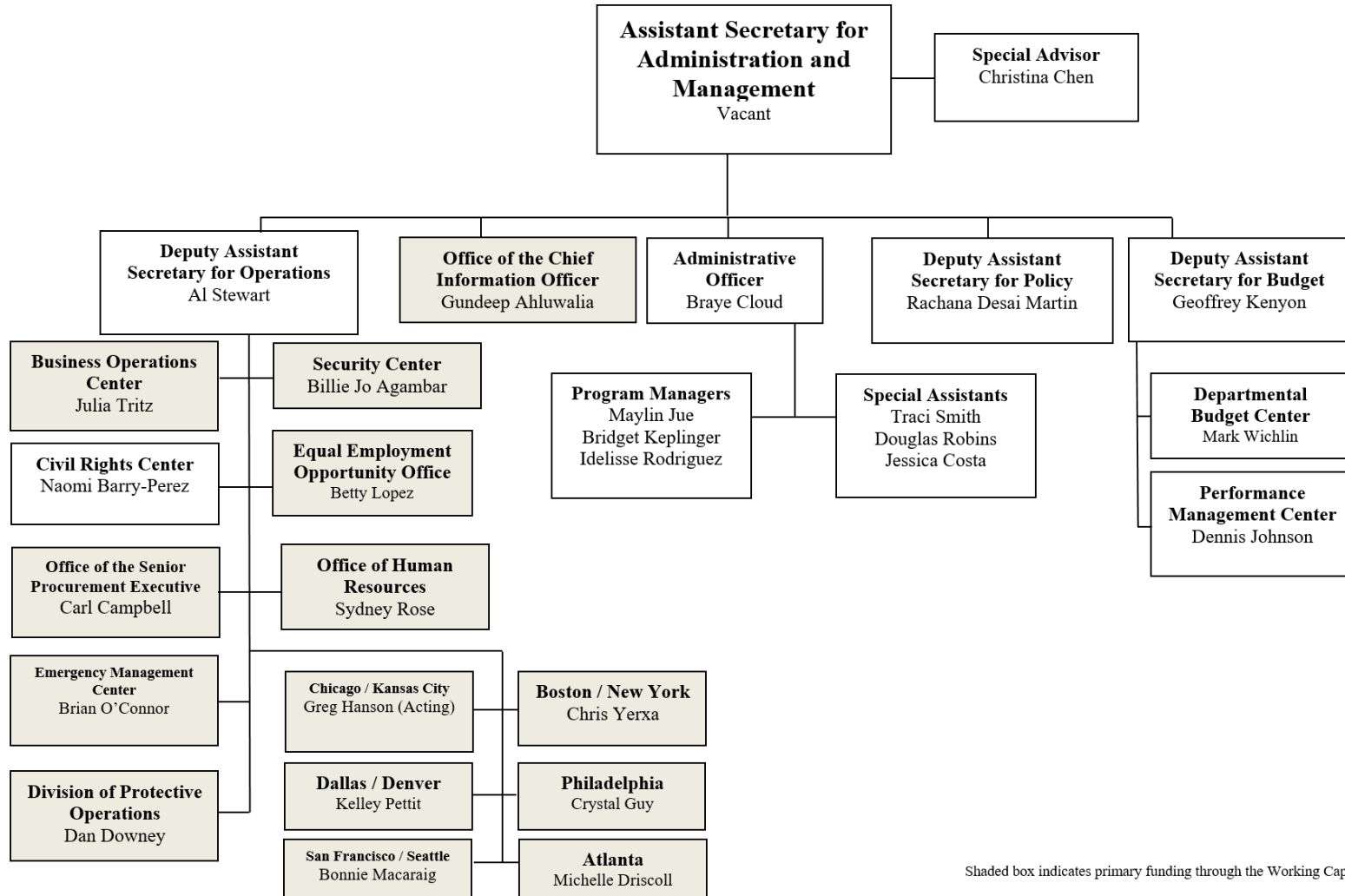
DEPARTMENTAL MANAGEMENT

INTERNATIONAL LABOR AFFAIRS BUREAU



DEPARTMENTAL MANAGEMENT

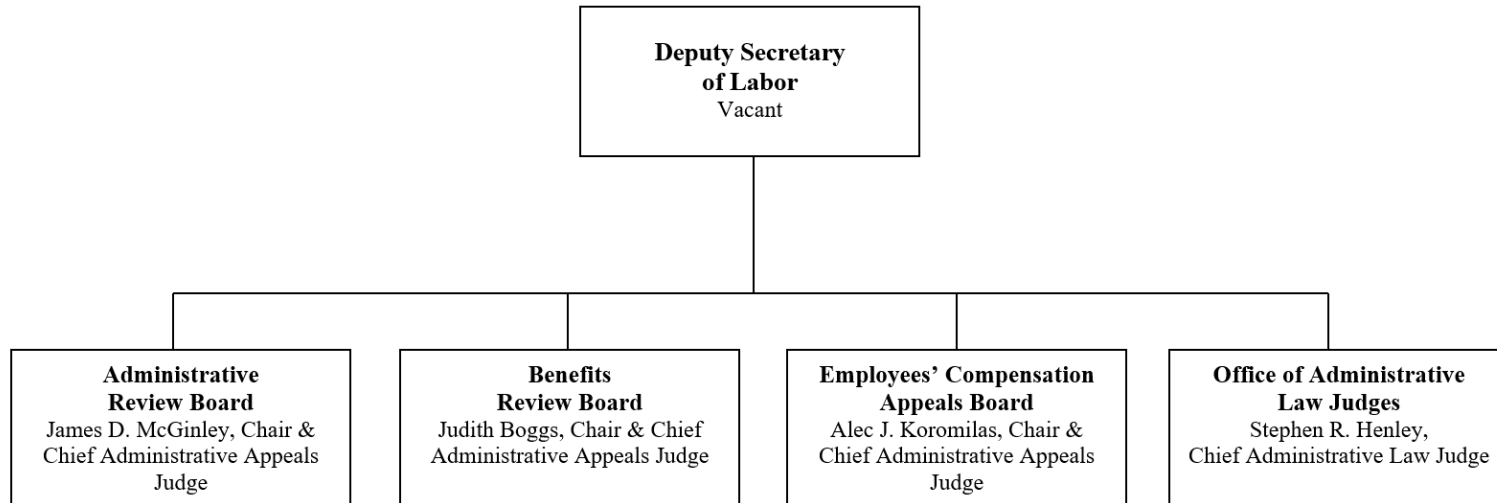
OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT



Shaded box indicates primary funding through the Working Capital Fund

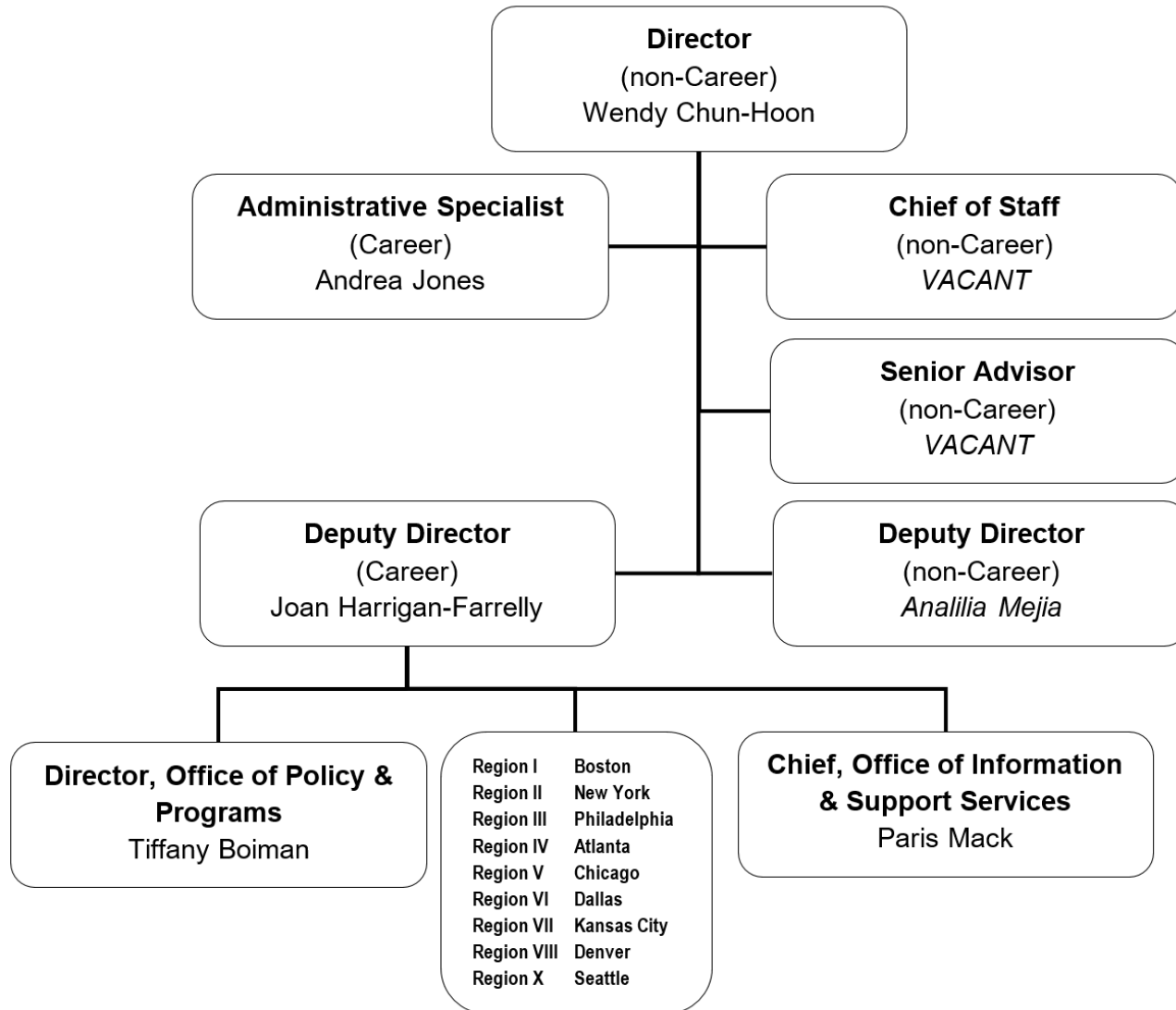
DEPARTMENTAL MANAGEMENT

ADJUDICATION



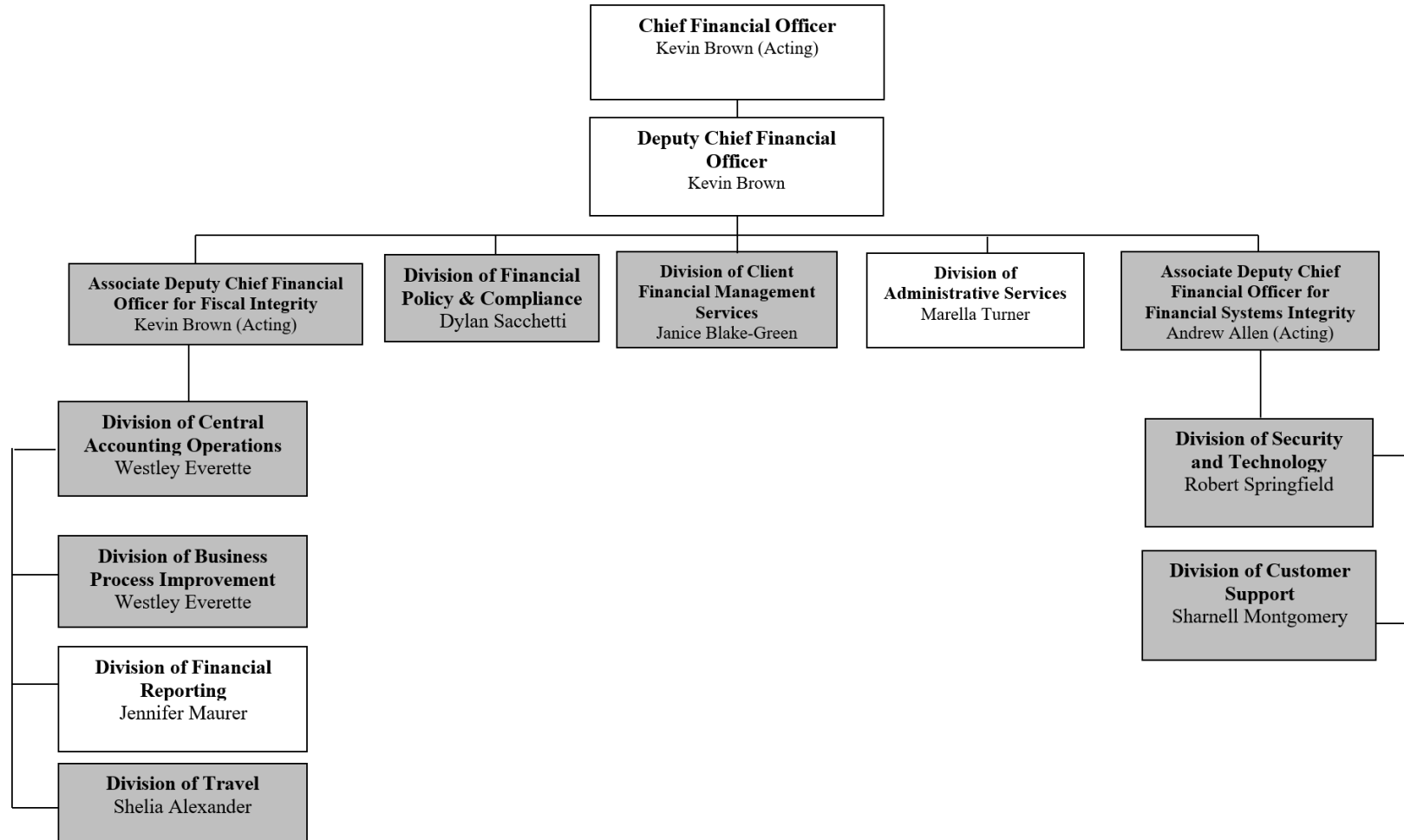
DEPARTMENTAL MANAGEMENT

WOMEN'S BUREAU



DEPARTMENTAL MANAGEMENT

OFFICE OF THE CHIEF FINANCIAL OFFICER



PROGRAM DIRECTION AND SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	30,250	30,250	35,023	4,773
FTE	119	112	119	7

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 96.

Introduction

The Program Direction and Support (PDS) activity provides funding for the offices that offer centralized leadership and direction for the Department.

In addition to the Office of the Secretary of Labor and the Office of the Deputy Secretary of Labor, PDS includes the following offices:

Office of Public Affairs: The Office of Public Affairs (OPA) directs and coordinates the public affairs programs and activities of the U.S. Department of Labor. OPA is the chief adviser on public affairs to the Secretary, Deputy Secretary, agency heads, and departmental staff in developing communication strategies, public affairs, and media relations goals and objectives.

Centers for Faith and Opportunity Initiatives: The Centers for Faith and Opportunity Initiatives (CFOI) builds partnerships with faith-based groups, community organizations, and neighborhood leaders to better serve disadvantaged and underserved workers and job seekers.

Office of Congressional and Intergovernmental Affairs: The Office of Congressional and Intergovernmental Affairs is the principal representative for the Department's legislative program and coordinates legislative proposals with staff of other Federal agencies.

Office of the Assistant Secretary for Policy: The Office of the Assistant Secretary for Policy (OASP) serves as a source of independent policy analysis and advice for the Secretary, Deputy Secretary, and the Department. The work of OASP staff may be divided into seven areas:

- **Regulatory Policy and Reform:** OASP serves as the Department's Regulatory Policy Office and leads high priority regulatory initiatives through the Department and the Office of Management and Budget (OMB). This includes: (1) leading the policy development and drafting of regulations; (2) engaging agency economists in the development and defense of the economic analyses; and (3) managing the Department's equities in the OMB/ Office of Information and Regulatory Affairs (OIRA) interagency economic and policy review process.
- **Policy and Data Analysis:** OASP undertakes broad analytical studies of issues, identifies gaps in policy and data, and initiates policy planning and formulation to fill these gaps.
- **Program Evaluation:** The Chief Evaluation Office (CEO) coordinates the Department's evaluation agenda and also includes a data analytics component which carries out consultative statistical and data analytical projects. The CEO evaluation FTEs are funded

PROGRAM DIRECTION AND SUPPORT

in the Departmental Program Evaluation activity, where evaluation performance is reported.

- **Data Governance:** The Chief Data Officer (CDO) manages the DOL Data Board, an interagency working group that promotes data capacity and establishes data governance models advancing the Department’s management of data as a strategic asset. The move towards data-informed policymaking across the government has led to an increased need for a modern data infrastructure, strengthened data capacity, and proven models for developing, maintaining, and leveraging data in strategic planning and decision-making.
- **Compliance Initiatives:** OASP collaborates and partners across DOL agencies to develop best practices and materials to advance innovative compliance strategies to promote a greater understanding of federal labor laws and regulations through stakeholder outreach and by providing innovative assistance tools and data sharing.
- **Policy Coordination:** OASP engages agencies within the Department to coordinate and integrate policy initiatives with Secretarial and Administration objectives. OASP staff coordinates the Government Accountability Office (GAO) review process, leads cross-agency initiatives, supports the implementation of agency-led policy initiatives, and offers policy feedback on and coordinates agency input into Secretarial communications.
- **Liaison and Outreach:** OASP acts as a liaison with nongovernmental organizations, the academic community, think tanks, and others to exchange expert views on matters relevant to labor policy and to ensure that broad public opinion informs the policy formulation process.

Office of Public Liaison: The Office of Public Liaison maintains a program of public information and communications to inform the public of the services and protection afforded by Departmental agencies.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$30,250	88
2018	\$30,250	90
2019	\$30,250	105
2020	\$30,250	96
2021	\$30,250	112

FY 2022

The FY 2022 Budget request for the PDS activity is \$35,023,000 and 119 FTE. Funding at this level will provide continued support of leadership on key DOL initiatives and mandates. The Budget includes two increases at this request level:

- *Investing in Evidence-Based Decision-Making:* The Department requests \$2,000,000 and 2 FTE for OASP as part of the larger investment of \$6,000,000 in evidence-based decision-making. With this portion of the request, OASP will expand open data, data sharing, and governance activities, and further integrate these functions with program evaluation, performance management, and budget.

PROGRAM DIRECTION AND SUPPORT

- *Office of Equity and Inclusion*: To support the Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, the Department will set up an Office of Equity and Inclusion in the Office of the Secretary. This office will provide guidance and leadership to ensure that the Department takes a comprehensive approach to advancing equity for all in all mission areas, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. The total increase for this initiative is \$1,000,000 and 5 FTE.

FY 2021

The FY 2021 revised enacted funding for PDS is \$30,250,000 and 112 FTE. High priority activities in FY 2021 include continued development of a DOL-wide position on data strategy, data management, and data standards through its Office of Data Governance (ODG) and advancement of compliance initiatives by promoting greater understanding of federal labor laws and regulations through its Office of Compliance initiatives (OCI).

As Federal agencies invest resources to manage data to enhance organization-wide use and decision making, it has led to an increased need for a modern data infrastructure and strengthened data capacity. ODG, in collaboration with members of the DOL Data Board (DOLDB), continue to improve data capacity and collection, while increasing utilization and sharing with relevant internal and external stakeholders. This will be accomplished via the following goals:

1. Integrating an enterprise data inventory and framework;
2. Developing metadata standards and repositories, and building data validation systems that are metadata-driven;
3. Expanding the number and quality of offerings through open data service at DOL;
4. Expanding the role for data in the operations of enforcement agencies; and
5. Developing standardized tools for data management.

In addition, OCI continues to expand, strengthen, and innovate the Department's outreach efforts to workers and the regulated community by promoting a greater understanding of federal labor laws and regulations to prevent violations and protect the wages, workplace safety and health, and other rights and benefits of workers in the U.S. by:

1. Expanding upon [Worker.gov](#), [Employer.gov](#), and [elaws Advisors](#) to better inform workers and employers of their protections, rights, and responsibilities under the law;
2. Hosting forums to gather public input and feedback to better develop processes; and
3. Creating enhanced user-focused resources through testing and social listening.

PROGRAM DIRECTION AND SUPPORT

FY 2020

The FY 2020 enacted funding for PDS was \$30,250,000 and 112 FTE. High priority activities in FY 2021 included the continued work of OCI and the standing up of the ODG. OCI collaborated with DOL agencies to help employers understand their obligations and workers understand their rights under federal labor and employment laws and regulations through targeted outreach and informational materials. In addition, ODG, in coordination with the DOLDB, began working with DOL agencies to advance the development of an enterprise approach to data management, optimizing and standardizing Departmental data governance, aligning agency actions around enterprise-wide data strategy, maintaining data inventories and standardized data management roles, and expanding DOL's open data capabilities.

PROGRAM DIRECTION AND SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	13,059	15,547	17,385	1,838
11.3	Other than full-time permanent	383	0	27	27
11.5	Other personnel compensation	239	80	80	0
11.9	Total personnel compensation	13,681	15,627	17,492	1,865
12.1	Civilian personnel benefits	3,943	5,212	5,830	618
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	417	46	46	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	2,510	2,301	2,301	0
23.3	Communications, utilities, and miscellaneous charges	226	160	160	0
24.0	Printing and reproduction	209	48	48	0
25.1	Advisory and assistance services	948	1,362	3,081	1,719
25.2	Other services from non-Federal sources	361	251	251	0
25.3	Other goods and services from Federal sources 1/	4,945	5,119	5,662	543
25.4	Operation and maintenance of facilities	2,685	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	82	35	35	0
26.0	Supplies and materials	176	77	105	28
31.0	Equipment	67	12	12	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	30,250	30,250	35,023	4,773
	1/Other goods and services from Federal sources				
	CIGIE	154	0	0	0
	Working Capital Fund	4,791	5,058	5,601	543
	Services by Other Government Departments	0	61	61	0

PROGRAM DIRECTION AND SUPPORT

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$916
Personnel benefits	493
Federal Employees' Compensation Act (FECA)	-179
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	543
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$1,773**

Net Program **\$3,000**

Direct FTE **7**

	Estimate	FTE
Base	\$32,023	112
Program Increase	\$3,000	7
Program Decrease	\$0	0

LEGAL SERVICES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	131,697	131,756	162,961	31,205
FTE	562	574	684	110

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 541.

Introduction

The Office of the Solicitor of Labor (SOL) is the legal enforcement and support arm of DOL. Its mission is to meet the legal service demands of the entire Department, including providing the legal support necessary to accomplish the President’s strategic vision. SOL provides its legal services through National Office Divisions that are generally devoted to the major laws under the Department’s jurisdiction, and Regional Offices that undertake front-line enforcement initiatives, providing investigative legal assistance and trial-level enforcement litigation in federal courts and administrative forums to protect and improve the working conditions and security of America’s working people.

SOL plays a critical role in advancing the Department’s mission through enforcement of worker safety and protection laws and implementation of the Secretary’s regulatory and program agendas. SOL works closely with DOL agencies to develop and implement specific policies and mission critical programs. As a result, SOL shares the goals of each of its clients, and SOL contributes to the accomplishment of all of the Department’s enforcement, strategic, and outcome goals, and supports the Department in four main ways:

- *Working with DOL agencies to support Departmental priorities.* SOL works closely with our client agencies to develop and implement policies, programs, and strategies. SOL provides legal opinions and advice to assist Department officials in accomplishing program objectives and respond to pending issues while complying with all applicable legal requirements.
- *Supporting the Department’s regulatory agenda.* SOL has a leadership role in the development, drafting, and legal review of legislation, regulations, guidance documents explaining DOL programs, Executive Orders, and other matters affecting Departmental programs.
- *Pursuing aggressive enforcement actions to protect workers and level the playing field.* DOL, unlike many federal agencies, has significant independent litigation authority under the statutes DOL enforces, and affirmative litigation is a large part SOL’s work. SOL represents the Department in federal and administrative tribunals across the country, enforcing the Department’s strategic priorities, obtaining millions of dollars in compensation each year to workers, mandating that employers protect the safety and health of their workers, and ensuring that businesses that violate the law do not enjoy a competitive advantage over law-abiding employers.

LEGAL SERVICES

- *Serving as a general counsel's office to the Department.* SOL also provides legal services to the Department in its role as a government agency and employer. For example, SOL advises the Department on a wide range of general law areas, including government ethics, appropriations law, procurement of goods and services, internal employment matters and labor relations, Freedom of Information Act requests, and Privacy Act issues.

In support of all DOL actions, SOL provides sound legal advice that is:

- timely;
- understandable;
- able to identify and mitigate legal risk;
- effective; and
- consistent with clients' goals and priorities.

SOL's priorities for FY 2022 mirror the Department's budget and program priorities, and SOL seeks the funding necessary to enable SOL to provide timely and effective advice and litigation services, in support of worker wages, benefits, safety, and rights, thus contributing to a sound economy and economic growth. SOL is requesting additional resources to correct the erosion of SOL's legal service capability resulting from unfunded increases in operational costs, and allow SOL to meet the greatly increased demand for SOL's legal services to support the Department's strengthened and enhanced worker protection efforts, including DOL's actions related to COVID-19, the Cares Act, the American Rescue Plan, UI reform, No Surprises Act/Transparency implementation, and an overall revitalized mission focus. This request will also provide SOL with additional resource to address workload increases in adjudication before Administrative Law Judges and the Benefits Review Board (BRB), in order to ensure the Black Lung Benefits program continues to be properly administered in addressing the needs of American workers.

American Jobs Plan

It is critical to ensure that good jobs created through the investments in the President's American Jobs Plan remain good jobs. To make this a reality, the Budget includes \$7.5 billion in mandatory funding for the Department's Worker Protection agencies to protect against discrimination, protect wages and benefits, enforce health and safety protections, and safeguard workers' rights.

Five-Year Budget Activity History¹

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$122,053	593
2018	\$124,053	597
2019	\$124,053	567
2020	\$124,053	541
2021	\$124,053	574

¹ This table reflects direct discretionary funding sources and FTE.

LEGAL SERVICES

FY 2022

In FY 2022, SOL is requesting \$162,961,000 and 684 FTE. This request includes two increases, described further below. This funding level and FTE include General, Unemployment Trust Fund (UTF), and Black Lung Disability Trust Fund (BLDTF) appropriated funding. Reimbursement funding and FTE supported by reimbursable funding are not included in the above request.

This request reflects a program increase of \$27,663,000 and 108 FTE so that SOL will have adequate capacity to provide legal advice, regulatory support, and strong litigation legal services. This capacity is essential to support the Department's revitalized focus on protecting workers' rights and wages, health and safety, strengthening the unemployment compensation system, supporting good training opportunities, and enforcing antidiscrimination law in Federal contracting. Specifically, SOL faces a substantial increase in workload as a result of (1) the Department's extensive regulatory agenda, (2) the expansion of OSHA, MSHA, OFCCP, WHD and other agencies' investigatory resources in the FY 2021 appropriation without commensurate funding for legal services and enforcement from SOL, and (3) significantly expanded initiatives included in the Department's FY 2022 request for worker protection agencies and other parts of the Department. Additionally, (4) statutory changes in in FY 2021 resulting from the passage of the No Surprises Act/Transparency (NSA/T) and the American Rescue Plan Act (ARPA) substantially increased the workload of SOL.

With SOL's FY2022 budget request, SOL seeks to reverse years of contraction to achieve staffing levels sufficient to support all DOL client agencies and adequate to carry out the Department's worker protection mission. SOL continues to experience diminishing staff levels due to the combination of flat appropriated funding levels and rising costs. SOL's overall staffing level decreased 22% from FY2016 to the start of FY2021. We will use the additional resources and FTE provided in the FY2022 request to increase our worker protection enforcement capability across the Department's mission, from OSHA to MSHA to WHD to EBSA to OFCCP and more, and to support the Department's extensive policy agenda and rulemaking projects, implement new regulatory frameworks, and increase enforcement against bad actors in these expanded areas, along with the already broad and proactive SOL portfolio.

These additional funds will also provide for built in increases in pay, benefits and assessments that have not been provided in SOL's previous enacted budgets. It is imperative that this increase is included in order to further prevent staff erosion from unfunded pay raises and increased benefit costs.

Additionally, the request for SOL includes a program increase of \$466,000 and 2 FTE in Black Lung Disability Trust Funds (BLDTF) to address the escalation of litigation to ensure the Black Lung Benefits program continues to be properly administered in addressing the needs of American workers. SOL represents the Director, Office of Workers' Compensation Programs (OWCP), in all black lung cases before the Office of Administrative Law Judges, the Benefits Review Board, and the U.S. Courts of Appeals. Because of an increase in black lung claims filings and increasing adjudication rates aimed at reducing case backlog (a backlog exacerbated by the COVID pandemic), the number of black lung matters—and SOL's concomitant

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involvement—has multiplied over the last several years. Further, because of on-going and evolving issues related to challenges to ALJs’ authority to decide claims under the Constitution’s Appointments Clause (*see, e.g., Carr v. Saul*, No. 19–1442 (Sup. Ct. April 22, 2021), SOL must expend a higher level of resources in black lung claims.

Absent additional resources, SOL’s ability to provide legal support to the Department will be substantially diminished, particularly in light of the flat level of appropriated funding that SOL received in FY 2021 and in prior years. Without enhanced resources as sought in this request, SOL will be unable to support the Department’s enhanced worker protection compliance and enforcement efforts as already funded for FY 2021 and proposed for FY 2022. SOL will also be unable to satisfy the legal workload generated by new Administration directives and initiatives, and unable to keep pace with the demands for legal services to support ongoing programs and activities, which span the full breadth of DOL programs, enforcement, and compliance assistance activities. Ultimately, this would result in slower or deferred provision of legal services that are vital for the Department’s agencies as they engage in new and innovative efforts to help America’s working people and job creators.

FY 2021

In FY 2021, SOL’s enacted funding level is \$131,756,367 and 572 FTE. This was flat funding at the same level as FY 2019 and FY 2020. In contrast, SOL’s projected expenditures for FY 2021 continued to grow substantially as a result of a federal pay raise and substantial benefit cost increases for which SOL received no additional funds. In addition, many of the Department’s worker protection programs received expanded FY 2021 funding that increased their programmatic activities and likewise increased their demand for legal advice and litigation enforcement support. Meanwhile, SOL’s ability to utilize certain reimbursable funding, for which legal services in these areas are required, was substantially reduced due to low levels of collections and fees paid into the funds.

In FY 2021, the demand for legal services from SOL is being felt at a frenzied, increased level, while our funding and staffing levels have remained fixed. With the passage of several key pieces of legislation, including the American Rescue Plan Act (ARPA) and the No Surprises Act/Transparency (NSA/T) (§ 118 of Division BB of the FY2021 Consolidated Appropriations Act), client agencies are relying on SOL to assist with rulemaking efforts, implementation of requirements, and enforcement work. Some additional funding from these new acts has been identified for SOL.

FY 2020

In FY 2020, SOL’s enacted funding level was \$131,697,000 and 572 FTE. SOL received the same funding level for FY 2020 as in FY 2019 (which was actually \$1 million lower than in FY 2018), even though many of the Department’s worker protection programs—SOL’s clients—received expanded FY 2020 funding that increased their programmatic activities and therefore demand for legal advice and litigation enforcement support. Additionally, SOL operational and personnel costs increased by about 6% in FY 2020, due to a 3.1% federal pay raise and increase in benefits for which SOL received no additional funds.

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In March 2020, the COVID-19 pandemic brought a surge of new legal issues as the Solicitor's office supported the Department in responding to the pandemic's impact on unemployment insurance, wages, benefits, and worker protections, and required swift implementation of new legislation such as the CARES Act and Families First Coronavirus Relief Act. SOL, along with the rest of DOL, shifted to nearly 100% telework. The budget impact of these large-scale operational changes was seen in decreased spending on travel, court reporting, training, and supplies, and some delayed hiring. These unexpected spending reductions, together with a small amount of CARES Act funding that SOL received in FY2020 (\$1M), allowed SOL to work within budget restrictions to provide legal services.

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WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2020 Revised Enacted		FY 2021 Enacted	FY 2022 Request
		Target	Result	Target	Target
Legal Services					
Pre Litigation:					
PRE-01	Matters Opened	3,100[p]	2,516	2,300[p]	2,600[p]
PRE-02	Matters Concluded	2,700[p]	2,636	2,400[p]	2,700[p]
PRE-04	Matters Pending	3,200[p]	2,777	3,000[p]	2,900[p]
Litigation:					
LIT-01	Matters Opened	6,800[p]	5,867	5,600[p]	6,400[p]
LIT-02	Matters Concluded	7,300[p]	5,535	4,800[p]	5,500[p]
LIT-04	Matters Pending	10,600[p]	11,417	11,800[p]	12,700[p]
Opinion/Advice:					
OA-01	Matters Opened	7,200[p]	7,462	7,200[p]	8,200[p]
OA-02	Matters Concluded	8,500[p]	6,967	6,200[p]	7,100[p]
OA-04	Matters Pending	19,200[p]	18,219	20,200[p]	21,300[p]
Regulations:					
REG-01	Matters Opened	25[p]	64	60[p]	68[p]
REG-02	Matters Concluded	34[p]	79	35[p]	40[p]
REG-04	Matters Pending	112[p]	101	163[p]	191[p]

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

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Detailed Workload and Performance Narrative

SOL's workload performance measures involve a simple count of the number of Matters that SOL opens and concludes and the number of pending Matters each quarter in each of four categories of Matters (Pre-litigation, Litigation, Opinion/Advice, and Regulation). SOL considers a Matter a collection of related activities that contribute to a specific investigation, litigation, regulation, or opinion/advice. These performance measures help SOL track its production on a quarterly and annual basis, and provide a contextual basis for SOL to compare its production over time, and help SOL track the demand for and provision of legal services to specific DOL client agencies.

SOL's FY 2022 workload performance targets are best estimates based on FY 2020 year-end results, and actual to-date and projected final results for FY 2021. The FY 2022 projections are further informed by analysis of SOL's Matter data as a reflection of SOL's client agencies' requests for legal services. It should be noted that simple Matter counts do not capture variations in the level of effort and resource investment SOL may need to make for a given Matter, especially with respect to highly complex litigation or regulation Matters.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	75,249	68,735	86,793	18,058
11.3	Other than full-time permanent	411	144	144	0
11.5	Other personnel compensation	1,338	2,123	2,123	0
11.8	Special personal services payments	5	0	0	0
11.9	Total personnel compensation	77,003	71,002	89,060	18,058
12.1	Civilian personnel benefits	23,241	26,517	33,059	6,542
13.0	Benefits for former personnel	45	0	0	0
21.0	Travel and transportation of persons	637	330	538	208
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	7,904	5,409	7,000	1,591
23.2	Rental payments to others	16	13	16	3
23.3	Communications, utilities, and miscellaneous charges	581	67	181	114
24.0	Printing and reproduction	18	23	31	8
25.1	Advisory and assistance services	0	80	80	0
25.2	Other services from non-Federal sources	-105	2,030	2,431	401
25.3	Other goods and services from Federal sources 1/	19,787	24,175	27,811	3,636
25.4	Operation and maintenance of facilities	40	9	25	16
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	1,415	1,320	1,655	335
26.0	Supplies and materials	950	646	827	181
31.0	Equipment	165	134	246	112
42.0	Insurance claims and indemnities	0	1	1	0
	Total	131,697	131,756	162,961	31,205
	1/Other goods and services from Federal sources				
	CIGIE	169	0	0	0
	Working Capital Fund	19,458	18,281	21,917	3,636
	Services by Other Government Departments	0	5,894	5,894	0

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CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$2,033
Personnel benefits	1,069
Federal Employees' Compensation Act (FECA)	-26
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$3,076**

Net Program **\$28,129**

Direct FTE **110**

	Estimate	FTE
Base	\$134,832	574
Program Increase	\$28,129	110
Program Decrease	\$0	0

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BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	96,125	96,125	123,751	27,626
FTE	114	122	143	21

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 108.

Introduction

The Bureau of International Labor Affairs (ILAB) advances worker rights and promotes a fair global playing field by enforcing trade commitments, strengthening compliance with labor standards, and combating international child labor, forced labor, and human trafficking. These efforts support DOL’s Strategic Goal 2 to promote safe jobs and fair workplaces for all Americans.

When other countries fail to enforce their labor laws and protect their workers; allow exported goods to be produced under exploitative labor conditions, including child labor or forced labor; or otherwise do not abide by their trade-related labor commitments, they gain an unfair competitive advantage that can harm workers and businesses in the United States. ILAB’s work supports workers in the United States and around the world by:

- **Ensuring compliance with the labor provisions of U.S. Trade Agreements and Preference Programs.** ILAB negotiates, monitors, and enforces the labor provisions of trade agreements and trade preference programs, including the labor chapter of the U.S. – Mexico – Canada Agreement, as part of its work to ensure that trade partners do not reduce workers’ protections in order to gain an unfair trade advantage or attract investment.
- **Improving global working conditions and promoting inclusive, equitable economic growth.** ILAB represents U.S. interests on labor and employment issues by working with key countries to promote worker rights and raise labor standards, promoting labor diplomacy around the globe, and advocating for the same at the International Labor Organization (ILO), G-20, G-7, Organization for Economic Co-operation and Development (OECD), and other multilateral institutions.
- **Combating international child labor, forced labor, human trafficking and other violations of worker rights.** ILAB funds innovative programming to address these abusive labor practices, conducts in-depth research, and produces reporting on child labor, forced labor, and human trafficking in more than 150 countries around the world. This reporting includes the annual *Findings on the Worst Forms of Child Labor*, as required by the Trade and Development Act of 2000; the *List of Goods Produced with Child Labor or Forced Labor* (TVPPRA List), as mandated by the Trafficking Victims Protection Reauthorization Act of 2018; and the *List of Goods Produced by Forced or Indentured Child Labor*, as mandated by Executive Order 13126.

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Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$86,125	116
2018	\$86,125	108
2019	\$86,125	114
2020	\$96,125	108
2021	\$96,125	122

FY 2022

The FY 2022 request for ILAB is \$123,751,000 and 143 FTE. The requested funding reflects a \$27,626,000 increase over the FY 2021 enacted level, and includes the following:

1. A program increase of \$19,553,000 from the FY 2021 enacted funding level to provide resources necessary to further implement the President's Trade Policy Agenda, which calls for strongly enforced labor provisions in trade agreements and decisive action to combat forced labor, child labor, and exploitative labor conditions among trading partners;
2. A program increase of \$7,000,000 from the FY 2021 enacted funding level to provide resources necessary to meet the requirements of the 2018 Trafficking Victims Protection Reauthorization Act (TVPRA) related to the *List of Goods Produced by Child Labor or Forced Labor* (TVPRA List); and
3. An increase of \$1,073,000 from the FY 2021 enacted funding level necessary to cover built-in increases and adjustments to operating expenses, and to further prevent staff erosion from pay raises and increased benefit costs that have previously gone unfunded.

Implementing the President's Trade Policy Agenda

The President's Trade Policy Agenda places workers at the center of trade policy, calling for engagement with unions and worker advocates, review of trade policies to ensure better outcomes for workers, strongly enforced labor obligations under existing trade agreements that promote workers' rights. In addition, the Administration commits to decisive action to combat exploitative labor conditions, including forced labor and child labor, among trade partners. The Administration pledges to consider new ways to address the suppression of wages and workers' rights in other countries to the detriment of U.S. workers. The agenda also commits the United States to review trade agreements and enforce labor provisions to protect worker rights, and engage in robust technical assistance programs to support trade-related objectives to ensure workers around the world benefit from trade policy and to hasten recovery from the global pandemic. To realize the goals of the worker-centered trade agenda, the administration will focus on strong enforcement, research and reporting, engagement with worker advocates, and targeted technical assistance projects that strengthen respect for labor rights and improve worker voice and working conditions in trade partner countries. As the principal U.S government agency funding trade-related labor technical assistance projects, ILAB is uniquely positioned to develop and oversee these programs.

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ILAB's FY 2021 appropriation provides at least \$13,500,000 to fund worker rights programs in trade partner countries. ILAB is requesting an increase of \$19,553,000 in funding for trade-related worker rights monitoring, enforcement, and capacity building programs to match the scope and ambition of the President's trade agenda. With these funds, ILAB will support the fulfillment of trade commitments through the implementation of technical assistance projects in trading partner countries to improve labor laws and government capacity to enforce such laws, raise awareness of labor rights, provide legal support to workers, build the capacity of democratic unions, expand worker protections, ensure safe and healthy workplaces, engage employers to comply with relevant laws, and combat exploitative labor conditions, such as forced labor, child labor, and wage suppression. The requested funds will also support approximately 10 FTE and other S&E costs for the promotion of the administration's policies, monitoring of labor conditions, placement of labor attaches in strategic countries, and oversight of technical assistance projects.

Trafficking Victims Protection Reauthorization Act Mandate for the *List of Goods Produced by Child Labor or Forced Labor*

ILAB received a new mandate requiring the TVPRA List to be significantly expanded to include, "to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor." In effect, this mandate requires the expanded List to include many new goods containing parts or inputs made with forced or child labor and requires that ILAB trace tainted goods through complex global supply chains to identify the final products. The implementation of this mandate would directly support the Biden Administration's Executive Order on American supply chains, the President's Trade Policy and Build Back Better agendas, and the Administration's foreign policy and human rights priorities through combatting forced labor, including with respect to China, protecting and empowering workers, and improving information on vital supply chains.

Additional funding to implement this mandate was authorized in the 2018 TVPRA in the amount of \$5 million annually from 2018-2021; however, it was never appropriated. Current staffing levels are insufficient to address this expansive and important new mandate. Given the extensive research and technical expertise required to fulfil this mandate, ILAB requests 11 new FTE (estimated at \$2 million) and \$5 million annually in contracts and other expenses, for a total of \$7 million. The new FTE will allow ILAB to hire research and support staff to conduct the supply chain research and manage contracts. The annual contract budget will allow ILAB to implement complex and sensitive in-country investigative research studies to map key segments of supply chains and trace the production of a good from labor exploitation to finished product.

Built-In Increases and Adjustments

ILAB's budget request includes \$1,073,000 above FY 2021 enacted levels to accommodate built-in increases for salaries and benefits, associated increases in ILAB's Working Capital Fund (WCF) expenses, rent, and other inflationary costs. This increase is critical to ILAB's ongoing operations, and is necessary to maintain current staffing levels that have been impacted by several years of stagnant funding amounts prior to FY 2021. Specifically, this amount includes funding to accommodate an anticipated pay raise of 2.7% for staff, a 1% increase to the Federal

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Employees Retirement System (FERS) costs; an adjustment to ILAB's expenses for the Federal Employee Compensation Act (FECA) charges; and resources for increases in WCF and rent costs.

In addition to the proposed efforts associated with the requested program increases, ILAB will continue to perform activities in support of its mission to advance worker rights and promote a fair global playing field by enforcing trade commitments, strengthening and promoting labor standards, and combating international child labor, forced labor, and human trafficking.

Ensuring Compliance with the Labor Provisions of U.S. Trade Agreements and Preference Programs

With the resources requested, ILAB will focus on fulfilling the President's trade policy agenda to review, monitor and enforce the labor provisions of the 19 trade partner countries that have FTAs with the United States. To support the administration's priority to engage in Central America, ILAB will focus on increased monitoring and engagement with CAFTA-DR countries. In addition, ILAB will increase existing Western Hemisphere engagements with Colombia, Peru, and Chile to support greater compliance with FTAs. As with cases arising under the United States- Mexico-Canada Agreement (USMCA), ILAB will consider, and pursue where necessary, enforcement actions when labor commitments in Free Trade Agreements (FTAs) have not been satisfied.

ILAB will also conduct targeted monitoring and enforcement of compliance with the labor provisions of trade preference programs with more than 130 countries under the Generalized System of Preferences (GSP) and the African Growth and Opportunity Act (AGOA) to promote equitable economic growth and ensure the protection worker rights. ILAB will seek to support preference program countries' sustainable development trajectories by expanding linkages to multilateral development bank work and building a stronger economic development focus that includes discussions around social protection and key sectors in bilateral relationships with governments.

ILAB will serve as the principal liaison with U.S. trading partners for the administration of FTA labor subcommittees and labor cooperation mechanisms. ILAB will negotiate strong, enforceable, and clear labor provisions in any trade agreements negotiated or renegotiated in FY 2021 to ensure American workers' equities are protected. As applicable, ILAB will also conduct research on labor rights and analyze the expected employment impact of trade and international investment flows and policies on workers and employers in the United States, per the terms of current Trade Promotion Authority.

ILAB will work with interagency partners, as well as workers and businesses, to improve compliance with labor standards. ILAB will engage with trade partners to achieve multilateral commitments to increase transparency and accountability in global supply chains. These efforts will be bolstered by targeted technical cooperation and research to strengthen labor law enforcement and compliance with the labor requirements of U.S. trade agreements and preference programs.

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Improving Global Working Conditions and Promoting Inclusive, Equitable Economic Growth

In FY 2022, ILAB will continue to use its leadership and expertise on international labor issues to advance U.S. labor and employment priorities. ILAB will continue to focus on representing the U.S. Government's interests and policies in international fora, such as the ILO, G20, G7, and OECD, and in regional groups. ILAB will ensure U.S. priorities are reflected in the international organizations' policies and programs, and will advocate for stronger measures dealing with occupational safety and health, labor inspection, social protection, racial and gender equity, and other Administration priorities. ILAB will also pursue dialogue and informational exchanges between DOL and foreign governments to shape policies and enable senior DOL officials to share with, and learn from, practices, policies, and programs used in other countries. ILAB will promote the Administration's priorities at the G20 and G7, as well as at meetings of the Inter-American Conference of Ministers of Labor and Asia-Pacific Economic Cooperation. To support work in the organizations, as well as to support policy work in the DOL, ILAB will furnish regular reporting of international economic trends and comparisons between the United States and other developed countries.

Combating International Child Labor, Forced Labor, Human Trafficking and Other Violations of Worker Rights

In FY 2022, ILAB will continue to be a global leader in supporting efforts to eliminate child labor, forced labor, and human trafficking around the world. ILAB will pursue this goal through its flagship reports on child labor and forced labor, expanded policy engagement, and direct support for targeted action through its international technical assistance and cooperation programming. ILAB efforts in this area will address root causes of child labor and forced labor, including issues of racial and gender equity that contribute to the persistence of these abusive labor practices. In keeping with the Biden-Harris Administration efforts to re-engage with the international community, ILAB will look for opportunities to partner with like-minded governments to accelerate global action to eliminate child labor and forced labor, building upon efforts begun during the 2021 UN International Year for the Elimination of Child Labor and in support of Alliance 8.7, a global initiative to support achievement of Sustainable Development Goal 8.7 on the eradication of child labor, forced labor, human trafficking, and modern day slavery.

ILAB efforts will focus on accountability in supply chains, promotion of worker voice and empowerment, and social protection to address child labor and forced labor. Across all its programs to address these issues, ILAB will seek to work in countries that advance the strategic foreign policy priorities of the Administration, most notably in Central America, Southeast Asia, and Sub-Saharan Africa. Finally, ILAB will advance the knowledge base on these issues by developing new tools and disseminating good practices and partnering with other US government agencies, such as State Department, USAID, USTR, and Department of Homeland Security, to advance our goals of protecting children and adults from exploitative labor and promoting decent work opportunities. ILAB will continue to innovate in developing and implementing its programs by coordinating with other donors, improving synergies with USG

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policy engagement, pursuing South-South cooperation, and designing new funding mechanisms to better respond to emerging Administration priorities.

FY 2021

The FY 2021 ILAB enacted level is \$96,125,000 and 122 FTE. This funding level continued ILAB's FY 2020 enacted funding level.

ILAB will continue to represent the U.S. government and promote U.S. labor and employment priorities at the ILO, G20, G7, and in bilateral engagements. ILAB will focus on efforts to make U.S. trade agreements fair for U.S. workers by monitoring and enforcing the labor provisions of free trade agreements (FTAs) and trade preference programs to ensure a fair global playing field for U.S. workers and businesses.

Ensuring Compliance with the Labor Provisions of U.S. Trade Agreements and Preference Programs

ILAB will focus on monitoring and enforcing the labor provisions of the 19 U.S. FTAs that include such provisions. Attention will continue to be focused on Mexico and the obligations of the United States- Mexico-Canada Agreement (USMCA). Specifically, ILAB will be required to undertake increased monitoring and engagement with Mexico, as well as additional enforcement responsibilities. A first-of-its-kind rapid response mechanism under the USMCA will allow for facility specific challenges to labor violations in Mexico. ILAB will be involved in the deliberative process to determine when an action should be brought and, thereafter in building the case in support of such actions.

ILAB will also conduct monitoring and enforcement of the labor provisions of trade preference programs with more than 130 countries under the Generalized System of Preferences (GSP), and the African Growth and Opportunity Act (AGOA).

ILAB will continue to act as the principal liaison with U.S. trading partners for the administration of FTA labor subcommittees and labor cooperation mechanisms. ILAB will also work to negotiate strong, enforceable, and clear labor provisions in any trade agreements negotiated or renegotiated in FY 2021 to ensure American workers' equities are protected, and conduct research on labor rights and to analyze the expected employment impact of trade and international investment flows and policies on workers and employers in the United States, per the terms of current Trade Promotion Authority.

ILAB will continue to work with interagency partners, as well as workers and businesses, to improve compliance with labor standards. These efforts will be bolstered by technical cooperation and research to strengthen labor law enforcement and compliance with the labor requirements of U.S. trade agreements and preference programs.

ILAB will work with the U.S. Department of State and the Office of the U.S. Trade Representative (USTR) to conduct assessments of labor conditions in relevant countries.

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Improving Global Working Conditions and Promoting Inclusive, Equitable Economic Growth

ILAB will use its leadership and expertise on international labor issues to promote labor and employment policies that benefit workers and businesses in the United States and around the world, support stronger and more inclusive global growth, and shape policy priorities among major trading partners. ILAB will focus on promoting and representing the U.S. Government's interests and policies in international fora, such as the ILO, G20, G7, and OECD, and ensuring that U.S. priorities are reflected in the international organizations' policies and programs. Similarly, ILAB will pursue more strategic dialogue and bilateral diplomacy with countries to support improved compliance with international labor standards. ILAB will conduct strategic informational exchanges between DOL and foreign governments to shape policies and enable senior DOL officials to share with, and learn from, practices, policies and programs used in other countries.

ILAB also draws lessons from research identifying global best practices in labor market policy and works closely with DOL's domestic agencies and other U.S. government partners to use these lessons to further policies that support quality job creation in the United States.

Combating International Child Labor, Forced Labor, Human Trafficking and Other Violations of Worker Rights

ILAB will continue its efforts to combat exploitative child labor, forced labor, and human trafficking. ILAB will continue to focus its engagement on countries that are key trading partners with the United States to help prevent goods made under exploitative conditions from being imported into the U.S. market. This includes the on-going production of three flagship reports: *The Findings on the Worst Forms of Child Labor*, the *List of Goods Produced by Child Labor or Forced Labor* (TVPRAList), and the E.O. 13126 - *List of Products Produced by Forced or Indentured Child Labor*. ILAB will undertake policy engagement efforts to assist governments in addressing suggested actions identified through its reporting. ILAB will continue to work with key countries, workers, businesses, and civil society to address the child labor or forced labor that lead to inclusion of a good on ILAB's TVPRAList by providing a systematic framework to support removal of a good from the TVPRAList through the collection of information and development of effective systems.

ILAB will continue to work with governments to strengthen legal frameworks, enforcement actions, and policies and programs to end child labor and forced labor. ILAB technical assistance and cooperation programming addresses root causes of child labor and forced labor, including issues of racial and gender equity that contribute to the persistence of these abusive labor practices. ILAB promotes accountability in supply chains, worker voice, and social protection as strategies to address child labor and forced labor. ILAB will also work with businesses and trade associations to help them identify risks, provide appropriate remediation services to those impacted by these abusive practices, and take steps to ensure that these labor abuses are not part of their global supply chains.

Taking advantage of the UN designation of 2021 as the International Year for the Elimination of Child Labor, ILAB will increase its engagement with foreign governments, worker and employer

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organizations, international and civil society organizations, and like-minded countries to promote sustained and immediate action to address the labor exploitation, particularly to counteract the devastating effects of the Covid-19 pandemic on vulnerable populations around the world. ILAB will also highlight efforts to address child labor during its annual commemoration of the World Day Against Child Labor and through issuance of the Department's Iqbal Masih Award for exceptional efforts and leadership to address exploitative child labor.

Oversight of existing technical assistance grants

ILAB will provide strong oversight of its diverse portfolio of technical assistance programming. ILAB staff will work with grantees to develop project monitoring and evaluation plans to track progress towards achieving intended results and commissions at least one third-party performance evaluation for most projects. ILAB also conducts an annual risk assessment process to identify high-risk projects that may benefit from project-level audits/attestation engagements and commissions independent audits for selected projects. ILAB will continue to build its capacity to analyze, synthesize, and distill evidence and learning from project monitoring and performance evaluations to improve program implementation and inform the development and design of new projects. To encourage knowledge sharing of best practices, ILAB publishes [evaluation results](#) on its website.

FY 2020

The FY 2020 ILAB enacted level is \$96,125,000 and 108 FTE, which reflects a \$10,000,000 increase in ILAB's enacted funding level from FY 2019.

Throughout FY 2020, ILAB continued to focus its efforts and resources on ensuring that U.S. trade agreements are fair for U.S. workers by monitoring and enforcing the labor provisions of FTAs and trade preference programs, and working to secure strong labor provisions in any new FTAs negotiated during the year. ILAB continued representation of U.S. labor and employment priorities at the ILO, G20, G7, and in bilateral engagements. ILAB continued efforts to combat exploitative child labor, forced labor, and human trafficking through research, policy engagement, and technical assistance activities.

Ensuring Compliance with the Labor Provisions of U.S. Trade Agreements and Preference Programs

ILAB focused on monitoring and enforcing the labor provisions of the 19 U.S. FTAs that include such provisions. With the passage of the USMCA, ILAB is required to undertake significantly increased monitoring and engagement with Mexico. USMCA enactment also resulted in extensive enforcement responsibilities for ILAB, which includes a first of its kind rapid response mechanism that allows for facility specific challenges to labor violations in Mexico. ILAB was involved in the process for considering bringing, and in building the case in support of, such actions.

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ILAB also conducted monitoring and enforcement of the labor provisions of trade preference programs with over 125 countries under GSP and AGOA. To accomplish this objective, ILAB used a three-pronged strategy:

- (1) Conduct rigorous monitoring and research: proactively identify the most critical and high-priority labor concerns in trade partner countries, assess and affirmatively target those concerns, and develop the means to address them;
- (2) Increase efficiencies in receiving and reviewing trade complaints: develop streamlined processes for receiving, reviewing, and analyzing public complaints that allege a trade partner is not complying with its labor-related trade obligations, as well as for publishing reports that analyze the facts underlying the complaint and determine whether subsequent U.S. government trade enforcement actions are warranted; and
- (3) Identify and leverage a range of trade enforcement and engagement tools, including technical assistance projects: creatively use a variety of tools to enforce labor provisions of free trade agreements and trade preference programs, including trade and diplomatic leverage, policy engagement, involvement in international and multilateral organizations, targeted technical assistance projects, and direct capacity building, among others.

ILAB continued to act as the principal liaison with U.S. trading partners for the administration of FTA labor subcommittees and labor cooperation mechanisms. ILAB also worked to negotiate strong, enforceable, and clear labor provisions in trade agreements negotiated or renegotiated in FY 2020 and conducted research on labor rights and the expected employment impact in the United States, per the terms of current Trade Promotion Authority.

ILAB worked closely with the U.S. Department of State and the Office of the U.S. Trade Representative in relevant countries to assure reliable on-the-ground assessments of labor conditions. For example, ILAB participated as the principal expert on worker rights in the U.S. Trade Representative-led assessment of GSP beneficiary country eligibility. The assessment focused on sub-Saharan Africa in FY 2020.

Improving Global Working Conditions and Promoting Inclusive, Equitable Economic Growth

In FY 2020, ILAB continued to use its leadership and expertise on international labor issues to promote U.S. labor and employment policies that benefit workers and businesses in the United States and around the world. ILAB continued to focus on promoting and defending U.S. Government's interests and policies in international fora, such as the ILO, G20, G7, and OECD, and ensured U.S. priorities were reflected in the international organizations' policies and programs. Similarly, ILAB pursued dialogue and informational exchanges between DOL and foreign governments to influence policies and enable senior DOL officials to share with, and learn from, practices, policies, and programs used in other countries.

INTERNATIONAL LABOR SERVICES

Combating International Child Labor, Forced Labor, Human Trafficking and Other Violations of Worker Rights

ILAB expanded efforts to combat exploitative child labor, forced labor, and human trafficking in 2020. ILAB focused on countries that were key trading partners with the United States to help prevent goods made under exploitative conditions from being imported into the U.S. market. ILAB continued its reporting on international progress to combat the worst forms of child labor, including child trafficking, through its annual *Findings on the Worst Forms of Child Labor*, as required by the Trade and Development Act of 2000; its *List of Goods Produced by Child Labor or Forced Labor*, as mandated by the Trafficking Victims Protection Reauthorization Act of 2018; and its *List of Goods Produced by Forced or Indentured Child Labor*, as mandated by Executive Order 13126. ILAB also took small steps, due to limited resources, to address the new research and reporting requirements in the Trafficking Victims Prevention and Protection Reauthorization Act of 2018, which called for the inclusion of goods, as practical, that are produced with inputs made with child labor or forced labor in violation of international standards. This included examining a few possible new research methodologies and funding independent research in supply chains of certain goods.

ILAB maintained the accuracy and reliability of information in these reports, while supporting policy engagement efforts to assist governments in addressing suggested actions identified through its reporting. ILAB provided tools for governments and business to address these challenges, including our Sweat & Toil and Comply Chain mobile applications, and continued to work with countries and businesses to address the child labor or forced labor that lead to inclusion of a good on its TVPRA List. ILAB provided them with a systematic framework to demonstrate the steps that can be taken to support removal of a good from the TVPRA List through the collection of information and development of effective systems.

Oversight of existing technical assistance grants

In FY 2020, ILAB continued to oversee its grants portfolio, including through the use of implementation evaluations and project level audits. ILAB's oversight efforts ensured that: (1) project funds were spent according to U.S. government and DOL requirements; (2) projects achieve desired outcomes; and (3) lessons were learned and incorporated into existing projects. ILAB used results and findings from implementation evaluations and previously funded impact evaluations to inform and improve the implementation of its current projects and continued to make this information available to the public for broader use.

ILAB also continued to award and administer grants for technical assistance to promote fair working conditions in FTA and trade preference partner countries and to combat exploitative child labor and forced labor internationally. ILAB focused technical assistance in the following areas: supporting the rule of law and other priorities in Mexico and Colombia; strengthening enforcement of trade agreements and preference programs in other priority countries; global women's economic empowerment; and combating forced labor and the worst forms of child labor.

INTERNATIONAL LABOR SERVICES

Detailed Workload Performance Narrative

In support of its FY 2022 Budget request, ILAB will implement performance measures to demonstrate the effectiveness of the following priority strategies:

- Ensuring compliance with the labor provisions of U.S. trade agreements and preference programs;
- Improving global working conditions and promoting inclusive, equitable economic growth; and
- Combating international child labor, forced labor, human trafficking, and other violations of worker rights.

During FY 2021, ILAB piloted a set of performance measures, including several new measures relating to ILAB's new mandates under the USMCA. In addition to these new performance measures, the implementation of USMCA will also affect all of ILAB's existing performance measures.

In FY 2022, ILAB will work to:

- Increase the capacity of countries – as well as private sector and civil society stakeholders – to address child labor, forced labor, trafficking in persons, and other violations of workers' rights;
- Improve key foreign government enforcement of labor laws or other labor-related trade commitments to the United States; and
- Improve access to education, training, or other appropriate services for individuals subject to or highly vulnerable to violations of fundamental worker rights, including child labor and forced labor.

All of these activities contribute to ILAB priority strategies, as implementation of the strategies are not mutually exclusive, but often occur in tandem as ILAB uses multiple avenues and tools in order to achieve its goal.

The successful achievement of ILAB's strategic goal does not rely solely on ILAB's performance. External factors outside ILAB's control will influence the agency's achievement of its goals. For example, while ILAB may provide direct technical assistance to a country in drafting a new labor code and advocate for its adoption and implementation, adoption of the labor code and its enforcement ultimately depends on the country's legislators, enforcement officials, and political leadership, and not solely on ILAB's efforts.

The FY 2022 Budget request includes two measures that help evaluate whether ILAB has successfully carried out its activities:

- Number of trade partner countries in which labor rights are systematically monitored and analyzed; and
- Number of international policy documents that reflect U.S. labor and employment interests.

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In FY 2022, ILAB will continue to implement USMCA-related activities, including expanded technical assistance to Mexico. In FY 2022, ILAB will launch a new electronic case management system to bolster its case monitoring and development capabilities. ILAB will support the Interagency Labor Committee in meeting Congressional reporting requirements and process submissions. ILAB will continue to be responsible for Congressionally-mandated and other required reporting functions related to trade, child labor, and forced labor. ILAB will develop new processes for producing its reports to increase efficiency, maintain the accuracy and reliability of information reported, and support policy engagement efforts to assist governments in addressing suggested actions identified through its reporting. In addition, ILAB will continue to take steps to address the new research and reporting requirements in the Trafficking Victims Prevention and Protection Reauthorization Act of 2018, which calls for the inclusion of goods that are produced with input made with child labor or forced labor in violation of international standards.

The number of countries systematically monitored for child and forced labor in FY 2022 will include those countries featured in the annual *Findings on the Worst Forms of Child Labor*, the biennial TVPRA List, and the periodic EO 13126 List. The precise number of countries included in the report fluctuates depending on Generalized System of Preferences (GSP) status in a given year.

In FY 2022, ILAB will continue to develop and oversee technical assistance programming in support of the USMCA, as well as continuing to oversee and expand the scope of grants under its broader technical assistance portfolio.

INTERNATIONAL LABOR SERVICES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	13,996	14,800	18,895	4,095
11.3	Other than full-time permanent	168	225	225	0
11.5	Other personnel compensation	246	410	578	168
11.9	Total personnel compensation	14,410	15,435	19,698	4,263
12.1	Civilian personnel benefits	4,357	4,884	6,320	1,436
21.0	Travel and transportation of persons	1,065	400	1,135	735
22.0	Transportation of things	11	38	38	0
23.1	Rental payments to GSA	1,213	1,120	1,120	0
23.3	Communications, utilities, and miscellaneous charges	92	38	38	0
24.0	Printing and reproduction	5	18	18	0
25.1	Advisory and assistance services	1,740	600	600	0
25.2	Other services from non-Federal sources	17	181	181	0
25.3	Other goods and services from Federal sources 1/	6,255	6,251	6,781	530
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	0	100	100	0
26.0	Supplies and materials	85	70	70	0
31.0	Equipment	50	65	105	40
41.0	Grants, subsidies, and contributions	66,825	66,925	87,547	20,622
	Total	96,125	96,125	123,751	27,626
	1/Other goods and services from Federal sources				
	CIGIE	0	0	100	100
	Working Capital Fund	4,783	4,912	5,342	430
	DHS Services	32	6	6	0
	Services by DOL Agencies	405	5	5	0
	Services by Other Government Departments	1,035	1,314	1,314	0

INTERNATIONAL LABOR SERVICES

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$420
Personnel benefits	226
Federal Employees' Compensation Act (FECA)	-3
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	430
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0

Built-Ins Subtotal **\$1,073**

Net Program **\$26,553**

Direct FTE **21**

	Estimate	FTE
Base	\$97,198	122
Program Increase	\$26,553	21
Program Decrease	\$0	0

ADMINISTRATION AND MANAGEMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	29,004	29,004	39,308	10,304
FTE	103	102	104	2

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 99.

Introduction

The Office of the Assistant Secretary for Administration and Management (OASAM) provides the infrastructure and support that enables the Department to carry out its core missions. OASAM develops policies, standards, procedures, systems, and materials for the administrative management of the department, including business operations; procurement; information technology (IT); human resource management; budget formulation; and strategic planning and performance.

Six Administration and Management business units receive funding from this appropriation and are designed as centers of excellence with unique mission responsibilities. OASAM emphasizes integrated performance along with seamless and transparent information sharing across business units. The six business units are:

- Departmental Budget Center (DBC)
- Performance Management Center (PMC)
- Office of Human Resources (OHR)
- Office of the Chief Information Officer (OCIO)
- Business Operations Center (BOC)
- Office of the Senior Procurement Executive (OSPE)

DBC, OHR, OCIO, BOC, and OSPE also receive funding for certain activities funded through the Working Capital Fund (WCF). In addition, OASAM Field Services, Emergency Management Center, and the Security Center receive full funding of their activities through the WCF. These activities are detailed in the WCF justification. OASAM's civil rights activities are detailed in the Civil Rights budget activity below.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$28,834	93
2018	\$34,475	85
2019	\$28,450	106
2020	\$29,004	99
2021	\$29,004	102

ADMINISTRATION AND MANAGEMENT

FY 2022

The FY 2022 request for OASAM is \$39,308,000 and 104 FTE. The request includes the following program increases:

- *Climate Change Executive Order Investment: Electric Vehicles:* The Department requests \$6,452,000 and 0 FTE to invest in transitioning to electric vehicles (EV) within the Department's owned vehicle fleets and as part of a transition to the General Service Administration's (GSA) leased fleet. This investment will also support related charging infrastructure to further the President's goal of electrifying the Federal motor vehicle fleet. This investment will be complemented by a parallel GSA investment in electric vehicles for agencies with leased vehicles in the GSA fleet and Department of Energy funding through the Federal Energy Management Program, which provides fleet electrification technical assistance to agencies.
- *Investing in Evidence-Based Decision-Making:* The Department requests \$2,000,000 and 2 FTE for OASAM as part of the larger investment of \$6,000,000 in evidence-based decision-making. With this portion of the request, OASAM will expand upon the OASAM Continuous Process Improvement Program as well as further integrate OASAM's budget and performance management functions with the Office of the Assistant Secretary for Policy's (OASP) program evaluation and data governance functions.

In addition, the request includes resources for inflationary costs.

FY 2021

The FY 2021 revised enacted funding for OASAM is \$29,004,000 and 102 FTE. OASAM continues to lead optimization of the enterprise-wide shared services model for DOL core administration functions, including procurement, human resources, information technology, and personnel security. The DOL Enterprise-wide Shared Services Initiative created an administrative services delivery model that is streamlined, consistent, efficient, and measurable. Policy development and management for these initiatives are funded in the OASAM budget activity; the implementation of the shared services model will be funded in the Working Capital Fund.

FY 2020

The FY 2020 enacted funding for OASAM was \$29,004,000 and 99 FTE. In FY 2020, OASAM provided support to program agencies in fulfilling their missions, lead continued IT modernization efforts, implemented strategic human capital improvements, and provided support for the continuous process improvement effort. OASAM also provided policy development and management for the enterprise-wide shared services model implementation.

ADMINISTRATION AND MANAGEMENT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	14,588	14,070	15,069	999
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	201	364	370	6
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	14,789	14,434	15,439	1,005
12.1	Civilian personnel benefits	4,434	4,423	5,030	607
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	177	268	268	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	2,032	3,161	3,161	0
23.3	Communications, utilities, and miscellaneous charges	137	174	174	0
24.0	Printing and reproduction	27	25	25	0
25.1	Advisory and assistance services	85	391	2,110	1,719
25.2	Other services from non-Federal sources	320	573	573	0
25.3	Other goods and services from Federal sources 1/	6,481	5,222	12,195	6,973
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	56	0	0	0
25.7	Operation and maintenance of equipment	105	128	128	0
26.0	Supplies and materials	240	174	174	0
31.0	Equipment	121	31	31	0
	Total	29,004	29,004	39,308	10,304
	1/Other goods and services from Federal sources				
	Services by Other Government Departments	0	1,879	1,879	0
	Working Capital Fund	6,481	3,343	3,864	521
	GSA Services	0	0	6,452	6,452

ADMINISTRATION AND MANAGEMENT

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$792
Personnel benefits	486
Federal Employees' Compensation Act (FECA)	53
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	521
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0

Built-Ins Subtotal **\$1,852**

Net Program **\$8,452**

Direct FTE **2**

	Estimate	FTE
Base	\$30,856	102
Program Increase	\$8,452	2
Program Decrease	\$0	0

ADJUDICATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	58,262	58,447	70,279	11,832
FTE	235	240	300	60

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 228.

Introduction

The Adjudication activity is part of the Department’s overarching Worker Protection effort. Adjudication funds two major components: (1) the Office of the Administrative Law Judges (OALJ) and (2) the Adjudicatory Boards, consisting of the Administrative Review Board (ARB), the Benefits Review Board (BRB), and the Employees’ Compensation Appeals Board (ECAB).

Office of Administrative Law Judges (OALJ)

OALJ presides over formal hearings concerning many labor-related matters. OALJ’s mission is to render fair and equitable decisions under the governing law, the facts of each case, and the procedures mandated by the Administrative Procedure Act under which OALJ has established its own rules of practice and procedures. The Department's administrative law judges hear and decide cases arising from more than 80 labor-related statutes and regulations, including such diverse subjects as:

- Whistleblower complaints involving corporate fraud, nuclear, environmental, pipeline safety, aviation, commercial trucking, railways, and other statutes;
- Minimum wage disputes;
- Enforcement actions involving the working conditions of migrant farm laborers.
- Disputes involving child labor violations; and
- Civil fraud in federal programs.

Hearings concerning Black Lung benefits and Longshore Workers' compensation constitute the largest part of the office's work in addition to the significantly increased Defense Base Act (DBA) and Temporary Labor Certification cases. In addition to formal adjudication, OALJ implements alternative dispute resolution through its settlement judge process and mediation programs.

Over the past decade, OALJ has experienced increased workloads as Congress passed new whistleblower protection laws, such as the Aviation Investment and Reform Act, the Sarbanes-Oxley Act, Federal Rail Safety Act, the National Transit Systems Security Act, and the Pipeline Safety Improvement Act of 2002. Since FY 2008, regulatory changes and reallocation of enforcement priorities at the Employment and Training Administration have resulted in significant increases of administrative law judges hearings relating to H-2A and H-2B temporary labor certification applications.

The Adjudicatory Boards

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The Adjudicatory Boards (referred to collectively as the Boards) are quasi-judicial bodies that review and make decisions on several thousand appeals every year under a variety of workers' compensation benefit and protection laws and programs that are part of the Department's worker protection mission and that set nationwide standards and legal precedent.

The Administrative Review Board (ARB). The Administrative Review Board (ARB). The ARB issues final agency decisions in appeals of cases arising under more than 60 worker-protection statutes and executive orders as outlined in Secretary's Order No. 01-2020, dated March 6, 2020. Most of the ARB's cases involve retaliation complaints arising under securities fraud, environmental, nuclear, aviation, trucking, rail and other employee protection statutes filed with the OSHA Whistleblower Protection Program. The ARB also reviews certain civil rights enforcement actions arising under OFCCP's executive orders and statutes, and worker protection statutes such as the Child Labor and Migrant and Seasonal Worker Protection Acts. A growing number of appeals are also considered under the Davis-Bacon and Service Contract Acts and the H-1B non-immigrant visa provisions of the Immigration and Naturalization Act. In the past 10 years, the federal courts have upheld the ARB decisions in more than 83 percent of cases appealed.

The Benefits Review Board (BRB). The BRB was created by Congress in 1972 and decides appeals from the OALJ under the Black Lung Benefits Act, the Longshore and Harbor Workers' Compensation Act, and the Defense Base Act.

The BRB has authority to resolve appeals under these statutes, filed by any party-in-interest. It reviews the decisions of administrative law judges in order to determine whether the findings are supported by substantial evidence and are in accordance with law. The BRB's decisions may be appealed to the U.S. Courts of Appeals in the circuit where the injury arose, and from there to the U.S. Supreme Court. Historically, less than 15 percent of the BRB decisions are appealed to the federal circuit courts, and more than 85 percent of these are affirmed.

By statute, the BRB consists of five members appointed by the Secretary of Labor, one of whom is designated as Chair and Chief Administrative Appeals Judge.

The Employees' Compensation Appeals Board (ECAB). The ECAB was established by statute in 1946 to hear and make final decisions on appeals from determinations of the Office of Workers' Compensation Programs (OWCP) in claims of federal employees arising under the Federal Employees' Compensation Act (FECA). Any ill or injured federal employee adversely affected by an OWCP decision may request a review of that decision by the ECAB, either before or after a full evidentiary hearing before OWCP's Branch of Hearings and Review. The ECAB's exclusive jurisdiction extends to deciding questions of fact and law, as well as the exercise of discretion. The ECAB, through its written decisions, has the responsibility for definitively interpreting the FECA in the resolution of controversies raised on appeal and in such a manner as will fully protect the rights of all interested parties. The ECAB decisions are final, binding on OWCP, and not subject to judicial review.

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Five-Year Budget Activity History²

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$35,000	146
2018	\$35,000	141
2019	\$35,000	157
2020	\$35,000	141
2021	\$35,000	240

² This table reflects direct discretionary funding sources and FTE.

FY 2022

The FY 2022 Budget for the Adjudication activity is \$70,279,000 and 300 FTE. The request includes the following program increases:

- *Defense Base Act (DBA) Workload:* The Budget includes an additional \$2,530,000 and 16 FTE to support DBA workload for both OALJ and BRB, discussed more below. Without additional resources, there will be significant increases in case processing times due to large increases in the number of cases. Additional resources are required for both agencies to handle the growing workload.
- *Processing of Adjudication Workload:* The Budget also includes \$2,062,000 and 12 FTE for the processing of Adjudication workload in activities funded by general funds and \$5,322,000 and 32 FTE for the processing of BLDTF workload, discussed more below.

Administrative Law Judges:

The Office of Administrative Law Judges (OALJ) is requesting a General Fund increase of \$3,458,000 and 22 FTE for FY 2022.

The large increase in the Defense Base Act (DBA) cases received by the OALJ during fiscal years 2020, 2021 and predicted for 2022 is the newest challenge facing the agency. In fiscal year 2020, the Office of Administrative Law Judges (OALJ) received 2,586 DBA cases, and adjudicated 1,595 cases. This fiscal year, OALJ is on track to receive 4,800 DBA cases, and to adjudicate another 1,595 cases. The consequences of docketing significantly more DBA cases than OALJ can adjudicate is to accumulate approximately 5,492 pending cases at the end of FY 2021. The increased number of cases increases the current predicted DBA case pendency from 41-months to 65-months.

The requested funding for FY 2022 (\$2,200,000 and 14 FTE) will allow OALJ to increase DBA Case adjudications affecting projected pendency rate from 65 to 31-months. Moreover, the benefits of the requested funds benefit adjudications of other case areas such as Longshore. This results from the requirement that DBA cases be adjudicated within a short timeframe, which pulls resources from other program areas.

The additional OALJ general fund request of \$1,258,000 and 8 FTE addresses the increase of Temporary Labor Certification cases. The OALJ adjudicates these appeals involving non-immigrant worker programs, such as H-1B, H-2A and H-2B cases brought by the Wage and

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Hour Division and DOL Employment & Training Administration. Until FY 2018, OALJ received approximately 200 Temporary Labor Certification cases per year. In FY 2018, OALJ started receiving over 300 cases per fiscal year and for FY 2020 received 488 cases. OALJ is on track to receive approximately 675 Temporary Labor Certification cases during FY 2021 and this increase is expected to continue. The requested funds will allow OALJ to address the increasing number of Temporary Labor Certification cases.

The OALJ is requesting a Black Lung Trust Fund increase of \$4,093,000 and 27 FTE to provide for a Black Lung Case pendency reduction from 22-months to less than one year. OALJ received additional Black Lung funds in FY 2015 and was able to reduce its backlog from a 46-month pendency in FY 2014 to a 22-month backlog at the end of FY 2018. OALJ expects to receive approximately 1,250 new Black Lung cases during FY 2022, and can adjudicate approximately 1,350 Black Lung cases per year at current staffing levels. The requested additional funds will be used to hire personnel to increase the number of Black Lung adjudications. OALJ projects that the additional funds will allow for more expeditious processing of the current case inventory and newly docketed cases, and will enable reduction of case pendency to twelve-months, on average, by the end of FY 2023 by adjudicating 1,800 cases per year for the next two years.

Adjudicatory Boards:

At the request level, the Boards will continue their commitment to the careful review and consideration of appeals and the issuance of high quality decisions both impartially and expeditiously.

The ARB FY 2022 requested level budget is \$4,047,000 in General Funds with an increase in the Board's staff of 2 FTE. At this requested level, the ARB will continue to focus on productivity and the quality of its decisions. The Board projects to receive 90 new appeals, has a target to close 90 appeals with an average, case, processing time of 12 months, and 141 appeals pending at the end of the FY 2022.

The BRB FY 2022 requested level budget is \$3,366,000 in General Funds and \$10,088,000 in Black Lung Trust Funds for a combined total of \$13,454,000. BRB projects that new appeals received will increase because of a projected increase in OALJ determinations in FY 2022 and will commit requested level funding toward adjudicating appeals within target timeframes for disposition. Based on the assumption that the BLDTF staff will increase with the full increased requested funding in FY 2022, BLDTF will increase its closed appeals target to 671, resulting in end of FY 2022 pending appeals decreasing to 605 with an average case processing time of 14 months. Based on the assumption that LS/LDA will increase by 3 FTE in FY 2022, LS/LDA will increase its closed appeals target to 180, resulting in end of FY 2022 pending appeals of 119 with an average case processing time of 11 months.

The ECAB FY 2022 requested level budget is \$7,372,000 in General Funds with an increase in the Board's staff of 2 FTE. At this requested level, the ECAB will strategically utilize its funding to maximize productivity, the quality of its decisions, and work to decrease the backlog. ECAB will increase targets based on an assumption that the agency will add 2 FTE in FY 2022. ECAB will thus increase closed appeals approximately to 1,900; therefore, pending appeals will

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decrease with a decline regarding the average processing time.

FY 2021

The revised enacted funding level for the Adjudication activity is \$58,447,000 and 240 FTE.

Administrative Law Judges:

The Office of Administrative Law Judges (OALJ) is projected to receive 8,550 cases during FY 2021 and disposing of 5,370 cases. This will result in 2,551 Black Lung pending cases with a 23-month backlog; 1,309 Longshore pending cases with a 13-month backlog; 5,492 Defense Base Act pending cases with a 41-month backlog; 505 Immigration pending cases with a 24-month backlog; 280 Traditional Immigration pending cases with a 7-month backlog; and 658 Traditional cases pending with a 19-month backlog.

Adjudicatory Boards:

At the enacted level, the Boards will continue their commitment to the careful review and consideration of appeals and the issuance of high quality decisions both impartially and expeditiously.

ARB will continue to maintain its current level of work with 90 new and closed cases, 141 pending cases, and an average case processing time of 17 months.

BRB is committing FY 2021 funding toward adjudicating incoming appeals within target timeframes for disposition. BRB BLDTF closed appeals target is 460; anticipated pending appeals will increase to 623 because of an increase in appeals received from the Office of Administrative Law Judges' (OALJ). BLDTF average case processing time is projected to be 14.5 months. BRB LS/LDA new appeals received will increase to 135, projected end of FY 2021 closed appeals will decrease to 100, because of delays in receiving records, and pending appeals will increase to 100. LS/LDA average case processing time is projected to be 11 months. The BRB has proposed regulatory changes designed to maximize digital automation efficiencies, while allowing unrepresented parties the ability to continue paper-based filings.

ECAB continues to strategically utilize its funding to maximize productivity and the quality of its decisions. ECAB projects 1,900 of new and closed cases, 1,561 pending cases, and an average processing time of nine months.

FY 2020

The FY 2020 revised enacted for the Adjudication activity was \$58,262,000 and 235 FTE.

Administrative Law Judges:

The Office of Administrative Law Judges (OALJ) receive 6,036 cases during FY 2020 and disposed of 5,569 cases. This resulted in 2,651 Black Lung pending cases with a 22-month backlog; 1,359 Longshore pending cases with a 13-month backlog; 2,287 Defense Base Act pending cases with a 17-month backlog; 555 Immigration pending cases with a 26-month

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backlog; 105 Traditional Immigration pending cases with a 3-month backlog; and 658 Traditional cases pending with a 16-month backlog.

Adjudicatory Boards:

At the enacted level, the Boards continued their commitment to the careful review and consideration of appeals and the issuance of high quality decisions both impartially and expeditiously.

The ARB will utilized its funding to maximize productivity and the quality of its decisions. The Board received 82 new appeals, closed 88, and had 141 pending at the end of FY 2020. Average case processing time was 20.13 months.

BRB committed FY 2020 funding toward adjudicating incoming appeals within target timeframes for disposition. BRB BLDTF received 484 new appeals, closed 461 and had 475 pending at the end of FY 2020. Average case processing time was 14.55 months. BRB LS/LDA received 116 new appeals, closed 117 and had 65 pending at the end of FY 2020. Average case processing time was 8.21 months.

The ECAB strategically utilized its funding to maximize productivity and the quality of its decisions. The Board received 1,988 new appeals, closed 1,913 and had 1,630 pending at the end of FY 2020. Average case processing time was 8.95 months.

ADJUDICATION

WORKLOAD AND PERFORMANCE SUMMARY						
	FY 2020 Revised Enacted		FY 2021 Enacted	FY 2022 Request		
	Target	Result	Target	Target		
Adjudication						
Administrative Law Judges						
ALJ-BL- 01	OALJ BLACK LUNG New Cases:		1,150[p]	1,253	1,250[p]	1,250[p]
ALJ-BL- 02	OALJ BLACK LUNG Dispositions:		1,325	1,449	1,350	1,800
ALJ-BL- 03	OALJ BLACK LUNG Pending Cases:		2,672[p]	2,651	2,551[p]	2,001[p]
ALJ-BL- 04	OALJ BLACK LUNG Pending Months:		24	22	23	13
ALJ-IM- 01	OALJ IMMIGRATION New Cases:		175[p]	173	200[p]	125[p]
ALJ-IM- 02	OALJ IMMIGRATION Dispositions:		250	260	250	250
ALJ-IM- 03	OALJ IMMIGRATION Pending Cases:		567[p]	555	505[p]	380[p]
ALJ-IM- 04	OALJ IMMIGRATION Pending Months:		27	26	24	18
ALJ-TI- 01	OALJ TRADITIONAL IMMIGRATION New Cases:		385[p]	488	675[p]	675[p]

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WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2020 Revised Enacted		FY 2021 Enacted	FY 2022 Request
		Target	Result	Target	Target
ALJ-TI-02	OALJ TRADITIONAL IMMIGRATION Dispositions:	375	482	500	675
ALJ-TI-03	OALJ TRADITIONAL IMMIGRATION Pending Cases:	109[p]	105	280[p]	280[p]
ALJ-TI-04	OALJ TRADITIONAL IMMIGRATION Pending Months:	3	3	7	5
ALJ-T-01	OALJ TRADITIONAL New Cases:	425[p]	439	425[p]	425[p]
ALJ-T-02	OALJ TRADITIONAL Dispositions:	475	495	425	465
ALJ-T-03	OALJ TRADITIONAL Pending Cases:	664[p]	658	658[p]	618[p]
ALJ-T-04	OALJ TRADITIONAL Pending Months:	17	16	19	16
ALJ-LS-01	OALJ LONGSHORE New Cases:	1,200[p]	1,097	1,200[p]	1,200[p]
ALJ-LS-02	OALJ LONGSHORE Dispositions:	1,250	1,288	1,250	1,300
ALJ-LS-03	OALJ LONGSHORE Pending Cases:	1,500[p]	1,359	1,309[p]	1,209[p]
ALJ-LS-04	OALJ LONGSHORE Pending Months:	14	13	13	11

ADJUDICATION

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2020 Revised Enacted		FY 2021 Enacted	FY 2022 Request
		Target	Result	Target	Target
ALJ- LDA-01	OALJ DEFENSE BASE ACT New Cases:	2,550[p]	2,586	4,800[p]	4,800[p]
ALJ- LDA-02	OALJ DEFENSE BASE ACT Dispositions:	1,500	1,595	1,595	2,850
ALJ- LDA-03	OALJ DEFENSE BASE ACT Pending Cases:	2,346[p]	2,287	5,492[p]	7,442[p]
ALJ- LDA-04	OALJ DEFENSE BASE ACT Pending Months:	19	17	41	31
Employees' Compensation Appeals Board					
ECAB- 01	New Appeals	1,900[p]	1,988	1,900[p]	1,900[p]
ECAB- 02	Closed Appeals	1,900	1,913	1,900	1,900
ECAB- 03	Pending Appeals	1,561	1,630	1,630	1,630
ECAB- 05	Average Case Processing Time	9.00	8.95	9.00	9.00
Adjudication General Fund					
BRB- LS/LDA- 01	New Appeals	130[p]	116	135[p]	199[p]

ADJUDICATION

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2020 Revised Enacted		FY 2021 Enacted	FY 2022 Request
		Target	Result	Target	Target
BRB- LS/LDA- 02	Closed Appeals	130	117	100	180
BRB- LS/LDA- 03	Pending Appeals	105	65	100	119
BRB- LS/LDA- 05	Average Case Processing Time	11.00	8.21	11.00	11.00
BRB- LS/LDA- 12	Affirmance Rate	85.00%	89.70%	85.00%	85.00%
Administrative Review Board					
ARB-01	New Appeals	90[p]	82	90[p]	90[p]
ARB-02	Closed Appeals	90	88	90	90
ARB-03	Pending Appeals	141	141	141	141
ARB-05	Average Case Processing Time	17.00	20.13	17.00	12.00
Adjudication Black Lung Fund					
BRB- BL-01	New Appeals	460[p]	484	608[p]	653[p]

ADJUDICATION

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2020 Revised Enacted		FY 2021 Enacted	FY 2022 Request
		Target	Result	Target	Target
BRB- BL-02	Closed Appeals	460	461	460	671
BRB- BL-03	Pending Appeals	450	475	623	605
BRB- BL-05	Average Case Processing Time	14.00	14.55	14.50	14.00
BRB- BL-12	Affirmance Rate	85.00%	100.00%	85.00%	85.00%

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

ADJUDICATION

Detailed Workload Performance Narrative

Administrative Law Judges

The FY 2022 Black Lung Trust Funds request level will enable OALJ to reduce Black Lung program area pendency from 2,551 cases equating to 22-months by increasing dispositions from 1,350 cases to 1,800 cases with a projected 2,001 pending cases and a 13-month case pendency.

The FY 2022 General Funds request level will enable OALJ to adjudicate additional Defense Base Act cases and additional Temporary Labor Certification cases (Traditional Immigration). During FY 2020, the number of Defense Base Act (DBA) cases received increased substantially from an original projection of 975 new cases to a projection of 2,550 new cases. The increase continues to grow during FY 2021. Revised FY 2021 projections are that OALJ will receive approximately 4,800 DBA cases. At the end of FY 2021, Defense Base Act cases pending are projected to equal approximately 5,492 cases resulting in a 41-month pendency. Without additional resources, OALJ estimates that at the end of FY2022 pending DBA cases will reach 8,697 with a 65-month pendency.

OALJ is projected to receive around 675 Traditional Immigration cases during FY 2021 based on the first six months which is a 38% increase over prior year and a 75% increase over FY 2019. This increase is expected to remain at 675 cases into subsequent years. The requested general fund resources will allow OALJ to address the increasing number of cases by increasing dispositions by 35% in FY 2022.

OALJ will continue to reduce the projected backlogs in the Permanent Alien Labor Certification (PERM) Immigration Program area. OALJ projects a reduction in pending cases from 555 cases at the end of FY 2020 to 505 projected pending cases at the end of FY 2022. During FY 2022, OALJ projects to dispose of 1,250 Longshore cases to maintain the Longshore program at a 13-month backlog. The Traditional mix of cases is projected at 425 case dispositions.

Adjudicatory Boards

Workload estimates for all three Adjudicatory Boards are based on Worker Protection claims. Actual incoming workload remains outside the control of the Boards and is affected by such factors as changes to workers' compensation laws, attorney/representative involvement in the appeals process, and increases and decreases in the workforce.

More than 95 percent of the ARB appeals come from OALJ as do virtually all new appeals to BRB. All appeals to ECAB originate in the Federal Employees Compensation Division of OWCP. By the time the Boards receive an appeal, the original claim may be several years old. Any delay at the appellate level is likely to be viewed as a hardship by the parties.

ARB projects 90 new appeals filed in FY 2022. The ARB closed appeal target is 90 cases at the request level. End of FY 2022 pending appeals will be 141. The average case processing time

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forecast is 12 months based the integration of newly hired staff that processes appeals, and continued efforts to prevent a backlog in aged cases.

The BRB Black Lung (BL) expects new appeals to increase to 653 in FY 2022 as a result of anticipated production by the OALJ. BRB BL production is directly related to OALJ BL production. Historically, 35% of OALJ BL decisions are appealed to BRB. Based on projected new hires in FY 22, the BRB BL closed appeals target has increased to 671 and average BL case processing time of 14 months. End of FY 22 pending appeals are projected to decrease to 605. These expected decreases are based on current average trends from OALJ and the learning curve for new hires.

BRB projects new Longshore (LS/LDA) appeals filed in FY 2022 to increase to 199 as volume is directly related to OALJ LS/LDA production. Historically, 5-7% of OALJ LS/LDA decisions are appealed to BRB. The BRB LS/LDA FY 22 closed appeals target will increase to 180 with the requested increased funding. End of FY 22 pending appeals are projected to be 119 based on the requested increased funding and OALJ LS/LDA projections. The LS/LDA average case processing time target is 11 months.

ECAB expects 1,900 new appeals to be filed in FY 2022. The ECAB closed appeals target is 1,900 appeals at the request level. End of FY 22 pending appeals will not increase beyond the FY 21 pending appeals. The average case processing time target remains at nine months.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	28,809	29,246	36,304	7,058
11.3	Other than full-time permanent	111	993	1,037	44
11.5	Other personnel compensation	444	580	580	0
11.9	Total personnel compensation	29,364	30,819	37,921	7,102
12.1	Civilian personnel benefits	8,948	10,223	12,780	2,557
13.0	Benefits for former personnel	10	0	0	0
21.0	Travel and transportation of persons	750	238	238	0
22.0	Transportation of things	500	500	500	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	4,103	4,378	4,378	0
23.2	Rental payments to others	13	32	32	0
23.3	Communications, utilities, and miscellaneous charges	503	384	384	0
24.0	Printing and reproduction	9	16	16	0
25.1	Advisory and assistance services	315	1,115	1,115	0
25.2	Other services from non-Federal sources	1,820	2,139	3,271	1,132
25.3	Other goods and services from Federal sources 1/	10,073	6,340	7,169	829
25.4	Operation and maintenance of facilities	1	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	1,166	1,679	1,749	70
26.0	Supplies and materials	587	437	579	142
31.0	Equipment	100	147	147	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	58,262	58,447	70,279	11,832
	1/Other goods and services from Federal sources				
	Working Capital Fund	9,131	4,978	5,607	629
	DHS Services	201	0	0	0
	Services by DOL Agencies	1	0	200	200
	Services by Other Government Departments	40	1,362	1,362	0

ADJUDICATION

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$885
Personnel benefits	400
Federal Employees' Compensation Act (FECA)	4
Benefits for former personnel	0
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	629
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$1,918**

Net Program **\$9,914**

Direct FTE **60**

	Estimate	FTE
Base	\$60,365	240
Program Increase	\$9,914	60
Program Decrease	\$0	0

WOMEN'S BUREAU

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	14,050	15,050	20,000	4,950
FTE	37	38	46	8

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 38.

Introduction

Public Law 66-259 authorized the Women’s Bureau (WB) to “formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment.”

The Women’s Bureau serves as the only federal agency mandated by Congress to work exclusively on issues that affect women in the workplace and to represent the needs of wage-earning women in the public policy process. The Women’s Bureau is not an enforcement agency. Rather it deploys its research, statistics, advocacy and grantmaking capacity to advising the Secretary, the Administration, and sister DOL agencies on policy and regulatory issues facing working women. The WB informs research and policy by leveraging the subject matter expertise of its own staff, as well as that of its large and diverse stakeholder network which includes grassroots, community leaders issue advocates, think tanks and research institutions, state and local officials, business leaders, community-based and national philanthropies, etc. The WB is well-positioned to apply its research, data and policy analysis capacity to influence program implementation and spending within and across the DOL, including through innovative grant programs, as well as inter-agency collaboration and state and federal legislation to achieve better workforce outcomes and economic security for women and their families.

COVID cracked open the last artifice of an economy propped up by the under-valued labor of women, and the structural racism that’s led to over-representation of women and workers of color in low wage, low quality jobs. COVID-19 has had a dramatic effect on the status of women in the labor force. The burdens and job losses women sustained in 2020/2021 have erased more than 30 years of progress they have made in the labor force. The labor participation rate for women was 55.8% in February 2021, its lowest level since 1987. Due in large part to the impact of the pandemic, there are 4.2 million fewer women working now than there were in February 2020 – and millions more women have had to reduce their hours, often in response to caregiving demands. The pandemic has increased child care and remote schooling obligations that have contributed to an employment loss of 1.6 million mothers of children under 18 since January 2020. Mothers of young children had the steepest reductions in employment during 2020. Women of color have faced even steeper declines.

The Women’s Bureau understands that a full economic recovery will ensure that the most vulnerable workers, many of them women, have the resources that they need to return to full participation in the workforce. To achieve this, the Women’s Bureau will focus its research, policy analysis, grant-making, and education and outreach on addressing equity in wages and

WOMEN'S BUREAU

working conditions in sectors where women, especially women of color, are over-represented, and connecting women to good jobs through apprenticeships and other career pathway models. Our analysis will be laser-focused on what works for the most marginalized workers, and will inform policy areas including: wages, the right to organize, equal pay, paid leave, access to child and elder care, fair scheduling, unemployment insurance, and protecting workers from discrimination, including that based on pregnancy, sexual-orientation, gender identity and disability.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$12,530	45
2018	\$13,530	40
2019	\$13,750	43
2020	\$14,050	38
2021	\$15,050	38

FY 2022

At the FY 2022 request level of \$20,000,000 and 46 FTE's, the WB will play a critical role in advancing the DOL's mission and the Administration's priority to rebuild the American economy in a manner that works for all Americans. The WB strategic objective is to formulate policies and initiatives to promote the interest of working women and the priorities below support these strategic objectives:

- Women and Work in a Recovering Economy
- Inclusive and Effective National Paid Leave
- Affordable and Accessible Child and Elder Care
- Addressing Discrimination in the Workplace
- Ensuring Equity in Access to Benefits and Awareness of Rights

In our effort to help move women into pathways to good jobs, the WB will continue its efforts to scale up the Women in Apprenticeship and non-Traditional Occupations grant. Each year, the WB receives many more robust grant applications than it can fund, and this year throws the urgency of the need into stark relief. COVID-19 has caused unprecedented hardships both for working women and for the workforce intermediaries who provide training for them, who have watched previously reliable funding streams disappear overnight. Never has there been a more critical moment for the WB to support expanded opportunities for women to receive pre-apprenticeship and apprenticeship training and related opportunities to enter non-traditional fields (defined as those where women compose less than 25 percent of the workforce). Stepping in to provide additional resources this year—in a moment when other non-governmental workforce development funding sources are less positioned to deliver—is critical for this year's cohort of WANTO participants and their families.

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In an effort to demonstrate our commitment to get more women in the pipeline to good jobs, in FY 2022, the Women's Bureau will allocate \$4M for the Women in Apprenticeship and Non-Traditional Occupations (WANTO) grant program, a program that supports community-based organizations to improve women's access to apprenticeship, pre-apprenticeship and non-traditional occupations. In the four years since Congress began allocating the appropriation directly to the Women's Bureau, interest in the program has steadily increased, as evidenced by the more than 80 applications received last year. Over the past two years, the WB has reprogrammed money from staffing and research and other priorities to increase the funding going to the WANTO program.

- The FY 2021 WANTO appropriations for FY 2021 was \$1,794,000, and the WB increased it by \$1,706,000 to bring it to \$3,500,000.
- In FY 2020, the WB increased funding to \$4,000,000, which was \$2,706,000 above the appropriated amount of \$1,294,000.

The WB will expand a new grant initiative launched in FY2021 to ensure equity in access to benefits and awareness of rights. Titled the Fostering Access, Rights and Equity (FARE) grant, the program will be operationalized in 2022 as a competitive Funding Opportunity Announcement (FOA) for community-based organizations who serve as trusted intermediaries for the geographic and demographic communities they serve. The \$2.5M grant program, administered by the Women's Bureau, will focus on women workers, including marginalized workers in female-dominated sectors hard-hit by the pandemic. Allowable uses of grant funding include outreach to vulnerable, low-income, and marginalized women workers; dissemination of educational materials through varied platforms, including social media, in-person or virtual events, brochures and leaflets, one-on-one consultations, and other outreach; benefits navigator and benefits calculator services; connecting and referring women workers to additional services, benefits, and/or legal assistance as needed, reasonable, and/or available; and helping women to become focal points for rights, benefits, and assistance in their own communities (i.e., a train-the-trainer model for navigation).

Research is a key component of the work of the WB. In addition to its grants programs, the WB will also conduct research on how women workers and in particular, how working women of color have been impacted by the COVID-19 pandemic and document the employment and economic indicators that define the recovery period, e.g., patterns in employment, long-term unemployment, under-employment, discouraged workers, etc. Some areas of focus will include the emerging conditions, threats and opportunities for women and workers of color as the economy reboots, and conduct an assessment to determine who in the labor force is disconnected as a result of COVID-19 and why. The Women's Bureau will also continue its work advocating for paid leave, affordable and accessible child and elder care and pay equity.

With increased staffing, the WB will once again be able to connect with stakeholders around the country to provide technical assistance, outreach and educational engagement in areas that are of concern to working women. The WB will host webinars on sharing best practices for hiring and retaining women in the trades, programs on helping formerly incarcerated women re-enter the workforce and meetings with childcare advocates on how to build a stronger, better care system that works for working women.

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To provide sufficient human capital to support the burgeoning work portfolios detailed above and offset material staff attrition in recent years, in FY 2022, the Women's Bureau will make eight full-time hires. These hires will enhance its research and policy analysis, grants management, communications and regional operations to deliver on the robust set of policy and programmatic objectives outlined above and serve as leaders and full partners in helping women workers to successfully navigate a post-pandemic economy.

FY 2021

With the FY 2021 appropriated budget of \$15,050,000 and 38 FTE, WB is clarifying its focus on the 74 million women in the workforce, devoting particular effort to studying and reporting on their circumstances and challenges at work and at home during the global pandemic. This coordinated reporting effort combines quantitative and qualitative information gathering to develop a comprehensive understanding of the challenges facing women workers amid cataclysmic circumstances and, in turn, the interventions necessitated to mitigate hardship and facilitate a return to full employment. Specifically, the WB has convened a number of stakeholder listening sessions and developed post-discussion synthesis documents to give voice to grassroots advocate and practitioner assessments of needs and challenges on the ground. At the same time, WB data analysts are working to develop and publish statistics on pandemic-related changes in women's workforce participation, with a particular emphasis on disparate impact among demographic sub-populations, to include mothers and women of color. At the same time, the WB is working to publish updates to perennial digital data and statistics content capturing a variety of employment and earnings indicators, including earnings, labor force participation, occupational composition and others. Related statistical work will also include new reporting of findings from the Bureau's 2017 and 2018 sponsored leave module within the American Time Use Survey (ATUS), delivering critical insights and baseline information about workers' job flexibilities and access to and use of leave pre-dating the pandemic.

The WB will continue to investigate the impact of lacking access to affordable, quality childcare and its impact on working women during the pandemic along with the lack of access to working women of paid leave. In FY 2021, the Bureau is devoting considerable staff time to finalizing the National Database of Child Care Costs, an undertaking more than two years in the making that, when complete, will be the first comprehensive, national, public-facing repository of costs for various kinds of child care, collected from every region in the nation. As the database is readied for publication, the team is also working on a variety of related resources that will examine the interactions between child care costs and women's workforce behaviors. In 2021, with the winter arrival of new leadership and the spring commemoration of Equal Pay Day in 2021, the Women's Bureau re-instituted its pay equity portfolio, advising on possible legislative policy provisions, developing briefing materials for congressional requesters on long-overdue findings from two commissioned studies, updating an interactive web resource depicting state pay equity and transparency statutes and drafting the commemorating presidential proclamation.

WB is continuing to collaborate with ETA on the Women in Apprenticeship and Non-Traditional Occupations grant programs by funding the program with \$3.5 million dollars. In response to requests for assistance with information on workers' rights, the WB will launch a new grant program. Through the FY 2021 Fostering Access, Rights and Equity (FARE) Grant Program, the Women's Bureau will invite Governors and their designated agencies to develop partnerships with trusted community-based organizations and other non-profits.

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FY 2020

The Coronavirus upended a number of actions the WB was embarking on, notably the recognition of the WB's 100th anniversary and several in person WANTO and RESTORE grant visitations, as well as in-person listening sessions. However, with the FY 2020 appropriated budget of \$14,050,000 and 39 FTE, the WB maintained its focus and built on the work it began in FY 2019, and developed expanded research and grant products as it honored the work of the WB over the past 100 years, and charted a new course for the future. The WB continued with the Administration and the Secretary's priority work in the focus areas of apprenticeship, childcare, military spouses, entrepreneurship, and paid leave.

The Women's Bureau operationalized its FY 2020 priorities with the following key accomplishments, to include:

- WB continued its work on childcare with the development of a robust portfolio to advance child care access and affordability for working families which included commissioning a comprehensive first of its kind database of child care costs for varying types of care for every county in the nation; advising on the child care provisions of various COVID-19 relief policy making; and facilitating a White House dialogue event among federal policy makers on child care and paid leave.
- The WB continued its role leading public discussions regarding expansion of paid leave programs; in July of 2020, the Bureau published a Request for Information (RFI) seeking information from small, medium, and large employers, employees, and researchers on their experience regarding paid leave that can lead to the development of recommendations and/or future policy. Employees and employers are increasingly aware of potential programs that might better enable continued workforce participation, and inform public policy on paid leave programs.
- The Women's Bureau worked cooperatively with Job Corps and developed a Jobs Corps training curriculum and resource guide collaborating with the Employment and Training Administration (ETA) to increase recruiting and retention of women. This training curriculum and resource guide includes the Do's, and Don'ts of recruitment. The guide featured a sample recruitment script and guide to developing effective messages about the benefits of Job Corps and apprenticeships for women. In 2021, the training curriculum and script was provided to Job Corps outreach administrators (OA) nationally who oversee and train Job Corps recruiters.
- The WB continued its commitment to improving women's representation in apprenticeship and pre-apprenticeship programs and this work included the publication of a Resource Guide on promising apprenticeship models for employers and workforce development centers. The Guide highlights four successful models and the real life experiences of women.
- To commemorate 2020 Women in Apprenticeship Day, the Women's Bureau hosted a webinar featuring WANTO program officials and participants sharing their success stories.
- Additionally, the Bureau materially expanded the Women in Apprenticeship and Non-Traditional Occupations grant cycle for 2020, increasing funding to \$4.1 million, which

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doubled the number of WANTO grantees in the FY20 funding cycle. There were three grantees in 2019 and six in 2020. In addition, before the end of the fiscal year, the Bureau published a case-based resource guide highlighting four replicable promising approaches for recruiting and retaining women in a diverse set of apprenticeable occupations.

- FY 2020 was the centennial of the WB and because of the Covid-19 Pandemic, execution of a year-long roster of events and activities was severely limited and all plans for in person events and activities were cancelled. However, the January 2020 launch of the WB100, a digital commemoration of the agency's 100th anniversary did take place. On September 10, 2020, the Bureau proudly inducted the group of workers captured by the Rosie the Riveter moniker into the Department of Labor's Hall of Honor, a distinguished award recognizing the significant contributions of women to the wartime production industries during the Second World War. The WB also launched its Twitter account during this year of the 100th anniversary.
- In November 2020, to commemorate Veterans Day and Military Family Appreciation Month, the Women's Bureau held a virtual event exploring important considerations about hiring military spouses.
- The WB continued its administration of the five two and a half year long Re-Employment, Support, and Training for the Opioid Related Epidemic (RESTORE) grants, designed to facilitate employment and re-employment for women impacted by the opioid crisis.

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WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2020 Revised Enacted		FY 2021 Enacted	FY 2022 Request
		Target	Result	Target	Target
Women's Bureau					
1-WB-PRO-01	Number of policy & research deliverables	15	17	17	20
9-WB-PREOE-01	Number of Policy and Research Education and Outreach Engagements	70	93	26	11
3-WB-POC-01	Number of Public Outreach Communications	24	44	40	40

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

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Detailed Workload Performance Narrative

In support of its FY 2022 Budget request, the WB will implement performance measures for the following:

Number of Policy and Research Deliverables
Number of Policy and Research Education & Outreach Engagements
Number of Public Outreach Communications

These measures will be based on the priority work done in the following areas:

- Women and Work in a Recovering Economy
- Inclusive and Effective National Paid Leave
- Affordable and Accessible Child and Elder Care
- Addressing Discrimination in the Workplace
- Ensuring Equity in Access to Benefits and Awareness of Rights

The number of research products are the in-house and commissioned research documents that are produced by the WB.

The Number of Policy and Research Education and Outreach Engagements refers to the activities that the WB's leadership engages in with stakeholders and other federal agents.

Number of Public Outreach Communications refers to the information that the WB puts out for public consumption. The strategic work of the WB is designed to influence policies both within and outside the federal government. To accomplish this goal and inform positive policy development and change, WB's primary functions or activities include: planning and executing the WB's research agenda; administering competitive grant making, collaborating with other Federal and state agencies; conducting stakeholder and public engagement; and, providing education through the development of tools and programs to increase and enhance women's workforce opportunities.

WB's leadership establishes short and long-term strategies based on the priorities of the Administration, as well as ongoing and emerging needs of women workers, and policy and legislative developments. For FY 2022, the WB's primary priorities are improving wages and working conditions in sectors dominated by women/women of color; disrupting occupational segregation, and get more women in pathways to good jobs; reducing caregiving penalties for women and low-paid workers by expanding access to paid family medical leave, paid sick and safe days, child and elder care, and closing gender gaps in programs like unemployment insurance; and eliminating gender-based discrimination in the workplace through policies and practices that promote equal pay and confront sexual harassment, pregnancy discrimination and disability and sexual orientation/gender identity-related discrimination.

The WB has established measures that would track the impact of the work being done by staff in the areas of policy and research deliverables, education and outreach and ensuring that information is disseminated to our stakeholders.

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BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	4,823	4,617	5,683	1,066
11.3	Other than full-time permanent	103	89	89	0
11.5	Other personnel compensation	60	94	94	0
11.9	Total personnel compensation	4,986	4,800	5,866	1,066
12.1	Civilian personnel benefits	1,755	1,334	1,668	334
21.0	Travel and transportation of persons	160	47	47	0
22.0	Transportation of things	0	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	804	755	755	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	39	10	10	0
24.0	Printing and reproduction	2	0	0	0
25.1	Advisory and assistance services	426	130	130	0
25.2	Other services from non-Federal sources	69	25	25	0
25.3	Other goods and services from Federal sources 1/	2,507	2,845	3,115	270
25.4	Operation and maintenance of facilities	0	3	3	0
25.5	Research and development contracts	0	200	480	280
25.7	Operation and maintenance of equipment	2	0	0	0
26.0	Supplies and materials	25	39	39	0
31.0	Equipment	25	29	29	0
41.0	Grants, subsidies, and contributions	3,250	4,833	7,833	3,000
42.0	Insurance claims and indemnities	0	0	0	0
	Total	14,050	15,050	20,000	4,950
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,907	1,882	2,152	270
	DHS Services	59	44	44	0
	Services by DOL Agencies	0	442	442	0
	GSA Services	251	0	0	0
	Services by Other Government Departments	275	474	474	0

WOMEN'S BUREAU

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$266
Personnel benefits	143
Federal Employees' Compensation Act (FECA)	-9
Travel and transportation of persons	0
Transportation of things	0
Rental payments to GSA	0
Rental payments to others	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	270
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$670**

Net Program **\$4,280**

Direct FTE **8**

	Estimate	FTE
Base	\$15,720	38
Program Increase	\$4,280	8
Program Decrease	\$0	0

CIVIL RIGHTS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	6,880	6,880	10,344	3,464
FTE	31	32	48	16

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 30.

Introduction

Operating under authority delegated pursuant to Secretary’s Orders, the Civil Rights Center (CRC) is the organizational unit within the Department of Labor (DOL) responsible for ensuring nondiscrimination and equal opportunity for two primary populations: 1) employees of, and applicants for employment with, DOL; and 2) nearly 60 million individuals served and employed by programs and activities across the nation that are related to labor and the workforce. CRC’s responsibility for the latter population is principally concentrated on the public workforce system, which delivers services primarily (although not exclusively) through the nationwide network of American Job Centers/One-Stop Career Centers.

CRC’s Office of Internal Enforcement (OIE) is responsible for processing discrimination complaints filed by DOL employees and applicants for employment with DOL. Activities include counseling, alternative dispute resolution, investigation, adjudication, and facilitation of appeals with the Equal Employment Opportunity Commission (EEOC) and Merit Systems Protection Board (MSPB). OIE also develops civil rights-related program plans and accomplishment reports, monitors and enforces compliance activity related to EEO matters, and provides training and technical assistance to DOL managers, supervisors, and employees about internal Equal Employment Opportunity (EEO) matters.³

CRC’s Office of External Enforcement (OEE) assesses, investigates, and/or adjudicates complaints alleging discrimination and/or violations of equal opportunity requirements by recipients of financial assistance under Title I of the Workforce Innovation and Opportunity Act (WIOA); One-Stop partners listed in Section 121 of WIOA that offer programs or activities through the public workforce development system; for disability-related matters only, State and local governments and other public entities operating programs and activities related to labor and the workforce, regardless of whether they receive federal financial assistance; and any recipients of financial assistance from, or programs conducted by, DOL that are not included in the categories above. Public job referral and job training programs, as well as Unemployment Insurance (UI) and Job Corps, are examples of the programs over which OEE has jurisdiction.

³ CRC also manages the Reasonable Accommodation Resource Center (CRC) to support the Department’s compliance with its obligation to provide appropriate accommodations for employees and applicants with disabilities. These efforts are funded by the Department’s Working Capital Fund.

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In addition, OEE conducts compliance reviews of the same entities listed above, including reviewing State Governors' implementation of their nondiscrimination plans; developing regulations and guidance documents; reviewing proposed legislation, draft regulations, guidance documents, and other materials developed by agencies within and outside of DOL; conducting other policy-related activities; and providing training and technical assistance for stakeholders.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$6,880	30
2018	\$6,880	32
2019	\$6,880	32
2020	\$6,880	30
2021	\$6,880	32

FY 2022

For FY 2022, the Civil Rights Center (CRC) is requesting a total of \$10,344,000 and 48 FTE. This funds an increase of \$3,000,000 and 16 FTE for the Office of External Enforcement (OEE). Funding at the Request Level will extend the reach and breadth of the enforcement and compliance functions of OEE, which investigates and adjudicates discrimination complaints arising in the Nation's workforce development system, including UI. Activities shall include additional and more efficient complaint investigations and compliance reviews. An increase in staff will also contribute to policy development and review as well as complex data analysis to support the goals of the Administration's Executive Orders on equity and antidiscrimination. Staff will be assigned to regional offices to enhance outreach, monitoring, and the efficiency and effectiveness of investigation and resolution efforts.

This increase in capacity is critical to supporting OEE's mission. OEE emphasizes conciliation/settlement agreements that provide appropriate remedies in cases in which systemic violations of the law have been found. In FY 2020, one-third of OEE's complaint resolutions were favorably resolved by such agreements and, for FY 2021 year-to-date, more than two-thirds of OEE's complaint resolutions have achieved similar results. Due to their expansive scope, resolution in systemic cases frequently takes significantly longer than in individual cases and requires extensive monitoring post-resolution; however, the impact is critical to addressing ongoing discrimination. In FYs 2020 and 2021, the number of complaints received increased significantly⁴ and often required more complex analysis to assess jurisdiction and frame investigation.

⁴ In FY 2020, OEE received 837 complaints, which was a 26% increase over the number of complaints received in FY 2019. For FY 2021, OEE is projected to receive 11% more complaints than in in FY2020. Together, this reflects a 37% projected increase in the number of complaints received over the past two fiscal years. This increase is particularly stunning given the fact that many programs – other than Unemployment Insurance - did not operate at

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In addition to complaint investigations, OEE has the authority to conduct compliance reviews of covered entities in order to determine their conformity with nondiscrimination and equal opportunity regulations. By design, compliance reviews often focus on addressing structural discrimination such as accessibility for individuals with Limited English Proficiency (LEP) or individuals with disabilities. For example, OEE has addressed the difficulties of LEP individuals applying for, accessing benefits in, and understanding appeal rights in state UI systems, experiences which have been exacerbated during the pandemic. Compliance reviews help state and other DOL-supported programs understand legal obligations, modify policies and practices to satisfy regulatory requirements going forward, and remedy past discriminatory processes and outcomes. As a result, many compliance reviews are complex and require significant investigation and negotiation, sometimes over multiple years.⁵ In order to both address these issues and to provide robust policy support for the Administration's civil rights initiatives, CRC shall strengthen the compliance and policy team.

FY 2021

For FY 2021, CRC's revised enacted level is \$6,880,000 and 32 FTE. At this level of funding, CRC will be able to maintain its core functions. These functions include developing, administering, and enforcing DOL policies, practices, and procedures under various laws, including Section 188 of WIOA; Title VI and Title VII of the Civil Rights Act of 1964; Executive Orders 13160 and 13166; Sections 501, 504, and 508 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; the Equal Pay Act; Title IX of the Education Amendments of 1972; Title II of the Americans with Disabilities Act; Secretary's Order 4-2000; and related statutes and Executive Orders. As applicable, these laws prohibit discrimination on various bases in programs and activities that receive Federal financial assistance, are federally operated, or are operated by public entities such as state and local governments. Relevant laws also prohibit discrimination against, and assure equal opportunity for, DOL employees and applicants for employment.

FY 2020

The FY 2020 enacted level for CRC was \$6,880,000 and 32 FTE. At this level,

full capacity (impeding investigation for those cases that had been previously opened). As programs resume, CRC anticipates a sustained high level of complaint filing

⁵ For instance, in a recently resolved compliance review concerning access to a state UI system for LEP individuals, the signed settlement agreement required compliance with a series of sequential requirements, each with specific deadlines and CRC review. CRC has found that considerable staff time is needed to ensure that respondents take appropriate action to comply with their responsibilities as outlined in executed settlement agreements. The lack of understanding that led to a respondent's failure to comply with legal requirements may persist after settlement and OEE staff must continue to educate respondents about their legal obligations and why actions or policies are inconsistent with those obligations.

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CRC was able to accomplish core program work, including revising the Department's Harassing Conduct Policy and Complaint procedures⁶; jointly issuing with ETA an Unemployment Insurance Program Letter (UIPL) to provide guidance to states on compliance with obligations to provide appropriate access to UI benefits, services and information; issuing a memorandum to remind Senior Community Service Employment Program (SCSEP) grantees about obligations to comply with WIOA nondiscrimination regulations; drafting revisions to the Department of Labor Manual Series (DLMS) on building and facilities accessibility; and, developing a new complaint tracking and reporting system.

In FY 2020, CRC met performance targets for key performance indicators. Specifically, the OIE issued 98 percent of investigations and 98 percent of final agency decisions within regulatory timeframes. Additionally, OIE conducted 99 percent of all EEO counseling sessions within regulatory timeframes and provided 25 trainings to various stakeholders within the Department. In addition to initiating 28 new complaint investigations, completing 26 investigations and resolving 30 external complaints, OEE prepared and delivered training and compliance assistance to stakeholders and developed a more formal protocol for conducting compliance reviews, which included the development of new performance metrics.

⁶ Although CRC successfully revised the Department's Harassing Conduct Policy and procedures (Policy), the Policy was rescinded in January 2021. A revised Policy is expected to be finalized in FY2021.

CIVIL RIGHTS

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2020 Revised Enacted		FY 2021 Enacted	FY 2022 Request
		Target	Result	Target	Target
Civil Rights					
Internal Enforcement					
OASAM-DM-CRC-01	Internal Enforcement: Percent of EEO Counseling Sessions Completed within Regulatory Timeframes	96.0%	99.0%	96.5%	96.5%
OASAM-DM-CRC-02	Internal Enforcement: Percent of Investigations Issued within Regulatory Timeframes	86%	98%	90%	90%
OASAM-DM-CRC-03	Internal Enforcement: Percent of Final Agency Decisions (FADs) Issued within Regulatory Timeframes	92%	98%	92%	92%
External Enforcement					
OASAM-DM-CRC-12	External Enforcement: Number of External Investigations Completed	25	26	28	40
OASAM-DM-CRC-13	External Enforcement: Number of External Compliance Reviews Conducted	3	3	3	6
OASAM-DM-CRC-14	External Enforcement: Number of Case Resolutions (Determinations and Conciliation/Settlement Agreements)	25	30	28	40

Legend: (r) Revised (e) Estimate (base) Baseline -- Not Applicable TBD - To Be Determined [p] - Projection

CIVIL RIGHTS

Workload and Performance Summary

Internal (Equal Employment Opportunity (EEO)) Program⁷

CRC's Office of Internal Enforcement (OIE) administers DOL's EEO complaint program. Funding at the requested level will support efforts designed to resolve EEO complaints, increase awareness of the EEO complaint program and the Department's anti-harassment policy, and investigate and adjudicate complaints in a timely and effective manner. CRC will focus on Alternative Dispute Resolution (ADR) and training that targets pertinent trends, while reinforcing DOL's commitment to equal employment opportunity and a harassment-free work environment.

In FYs 2019 and 2020, OIE worked with the Department's Office of the Chief Information Officer (OCIO) to design and develop the internal enforcement component of a new Complaints Tracking and Recording System (CTRS) database (which will replace the current complaints and tracking database used by the CRC). With the implementation of the CTRS in FY 2021 and the ability to fully digitize case files, OIE expects to further improve upon its case processing practices. CRC staff have undergone training on the new CTRS during FYs 2020 and 2021.

In FYs 2020 and 2021, continuing its emphasis on increasing training to help employees better understand their rights, responsibilities, and how best to utilize CRC's services, OIE revised the Department of Labor's Manual Series on Harassing Conduct (or "Policy"). Beginning in FY 2022, OIE expects to roll out the changes to the Policy, to help build a climate that stresses accountability and where harassment is not tolerated. CRC will continue to provide training and guidance to DOL employees on OIE's programs, such as the ADR program, compliance monitoring of EEO matters, and the complaint process. A comprehensive approach to training will ensure that DOL employees, managers, supervisors, and other interested parties receive consistent information on the Department's EEO program and anti-harassment policy while being made aware of the benefits of resolving matters at an early stage.

In FY 2020, OIE completed 99 percent of EEO counseling sessions within regulatory timeframes, issued 98 percent of final agency decisions (FADs) within regulatory timeframes, and completed 98 percent of investigations within regulatory timeframes. To maintain and enhance the EEO counseling services available to DOL employees and applicants for DOL employment, OIE recruited and trained a new cadre of 47 collateral duty EEO counselors in FY 2020. In FYs 2021 and 2022, OIE commits to completing 96.5 percent of EEO counseling sessions, issuing 92 percent of FADs, and finalizing 90 percent of investigations within regulatory timeframes in FYs 2021 and 2022.

⁷ CRC also manages the Reasonable Accommodation Resource Center (CRC) to support the Department's compliance with its obligation to provide appropriate accommodations for employees and applicants with disabilities. These efforts are funded by the Department's Working Capital Fund.

CIVIL RIGHTS

Office of External Enforcement (OEE)

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014. Following the publication of the Final Rule in December 2016, CRC turned its attention to preparing and delivering training and compliance assistance about the new regulations to State and local Equal Opportunity Officers and other stakeholders, most notably at the National State-Level Equal Opportunity Officer Training Conference. In addition, CRC provided extensive guidance to state governments regarding the appointment of State-Level Equal Opportunity Officers and the development and submission of required annual Nondiscrimination Plans. As a result, CRC did not initiate any external compliance reviews in FYs 2018 or 2019. In FYs 2020 and 2021, as stakeholders became more familiar with the requirements of the WIOA nondiscrimination regulations, OEE shifted its focus from providing technical assistance and guidance to enforcement and compliance (including conducting and resolving compliance reviews).

In FY 2020, OEE resolved 30 cases and completed 26 investigations. OEE plans to resolve 28 cases and complete 28 investigations in FY 2021. In FY 2022, at the requested increased budget level, and OEE projects that it would resolve 40 cases and complete 40 investigations; in 2023, it is anticipated that these numbers would rise to 50 cases resolved and 50 investigations completed. Similarly, in FY 2020, OEE completed 3 compliance reviews. In FY 2021, OEE plans to complete 3 more compliance reviews. In FY 2022, at the increased budget level and considering the same factors above, OEE projects completing 6 compliance reviews; in FY 2023, it is anticipated that the number of compliance reviews completed would rise to 10. Additionally, in FYs 2022 and 2023, OEE will work to develop new measures of timeliness and quality for its investigative processes and measures that more fully capture its complaint processing procedures.

CIVIL RIGHTS

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	3,571	3,725	6,045	2,320
11.3	Other than full-time permanent	25	25	25	0
11.5	Other personnel compensation	58	90	90	0
11.9	Total personnel compensation	3,654	3,840	6,160	2,320
12.1	Civilian personnel benefits	1,070	1,324	2,253	929
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	30	8	99	91
23.1	Rental payments to GSA	365	47	47	0
23.3	Communications, utilities, and miscellaneous charges	42	15	15	0
24.0	Printing and reproduction	5	4	4	0
25.2	Other services from non-Federal sources	198	50	50	0
25.3	Other goods and services from Federal sources 1/	1,459	1,451	1,575	124
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	7	70	70	0
26.0	Supplies and materials	50	62	62	0
31.0	Equipment	0	9	9	0
42.0	Insurance claims and indemnities	0	0	0	0
51.1	Benefits	0	0	0	0
	Total	6,880	6,880	10,344	3,464
	1/Other goods and services from Federal sources				
	Working Capital Fund	723	503	627	124
	DHS Services	10	8	8	0
	HHS Services	0	20	20	0
	Services by Other Government Departments	650	920	920	0

CIVIL RIGHTS

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$220
Personnel benefits	120
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Other services from non-Federal sources	0
Working Capital Fund	124
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0

Built-Ins Subtotal **\$464**

Net Program **\$3,000**

Direct FTE **16**

	Estimate	FTE
Base	\$7,344	32
Program Increase	\$3,000	16
Program Decrease	\$0	0

CHIEF FINANCIAL OFFICER

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	5,516	5,516	5,862	346
FTE	18	18	18	0

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 17.

Introduction

The Office of the Chief Financial Officer (OCFO) is responsible for oversight of all financial management activities in the Department and supports overall Departmental management through effective and efficient stewardship of DOL’s financial resources.

The OCFO provides comprehensive direction to all DOL program agencies on financial matters arising from legislative and regulatory mandates such as:

- The Chief Financial Officers (CFO) Act of 1990
- The Government Management Reform Act (GMRA) of 1994;
- The Federal Financial Management Improvement Act (FFMIA) of 1996;
- The Federal Managers’ Financial Integrity Act (FMFIA) of 1982;
- Debt Collection Improvement Act of 1996;
- The Reports Consolidation Act of 2000;
- The Improper Payments Information Act (IPIA) of 2002;
- The Improper Payments Enforcement and Recovery Act (IPERA) of 2010;
- The Improper Payments Enforcement and Recovery Improvement Act (IPERA) of 2012
- Budget and Accounting Act;
- Congressional Budget and Impoundment Control Act;
- Balanced Budget and Emergency Deficit Control Act, as amended; and
- Anti-deficiency Act

To fulfill its financial management duties and responsibilities, OCFO focuses on proactive assistance to agencies with an emphasis on validating corrective actions aimed at enhancing internal controls. OCFO’s mission supports overall Departmental management through effective and efficient stewardship of DOL’s financial resources.

The OCFO also receives funding from the Working Capital Fund.

CHIEF FINANCIAL OFFICER

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$5,132	28
2018	\$5,616	35
2019	\$5,516	21
2020	\$5,516	17
2021	\$5,516	18

FY 2022

The FY 2022 request for the Office of the Chief Financial Officer (OCFO) is \$5,862,000 and 18 FTE. The funds will continue to support the quarterly financial statement preparation, preparation of the Annual Financial Report, and the implementation of corrective and preemptive action plans to ensure agency internal controls over financial reporting and systems are well documented, sufficiently tested, and properly assessed. Funding also will provide resources to continue core financial management review operations, including leadership of efforts to update the Department's internal policies and regulations.

OCFO's mission is to foster effective stewardship of public funds, safeguard fiscal integrity through effective internal controls, and provide timely, accurate, and useful financial information to decision makers. Funding would provide resources necessary to carry out this core mission and ensure continued efforts in raising the bar within DOL in providing sound, efficient, and effective financial management resources to Departmental agencies.

FY 2021

The FY 2021 enacted funding for the Office of the Chief Financial Officer (OCFO) is \$5,516,000 and 18 FTE. In FY 2021, OCFO will prioritize oversight of the implementation of the centralization of the debt management process. By centralizing the debt management process, agencies within the Department will be able to shift time, effort, and resources currently spent on administrative services to core missions. Debt management centralization will increase DOL's debt collection rates, which will strengthen the financial integrity and fiscal stewardship of DOL.

FY 2020

The FY 2020 enacted funding for OCFO is \$5,516,000 and 17 FTE. OCFO also provided leadership for the centralization of all routine, transactional accounting and financial management operations across the Department to achieve greater economies of scale and improved risk mitigation. OCFO continued to provide managers and decision makers with the financial management tools needed to drive high-performance and accountability and expanded its role as a resource and financial management expertise for all DOL agencies.

CHIEF FINANCIAL OFFICER

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	2,392	2,654	2,813	159
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	99	66	66	0
11.9	Total personnel compensation	2,491	2,720	2,879	159
12.1	Civilian personnel benefits	767	978	1,066	88
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	0	0	0	0
23.1	Rental payments to GSA	254	47	47	0
23.3	Communications, utilities, and miscellaneous charges	0	0	0	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	957	154	154	0
25.2	Other services from non-Federal sources	298	412	412	0
25.3	Other goods and services from Federal sources 1/	727	1,194	1,293	99
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	9	11	11	0
31.0	Equipment	13	0	0	0
	Total	5,516	5,516	5,862	346
	1/Other goods and services from Federal sources				
	Working Capital Fund	727	790	889	99
	DHS Services	0	5	5	0
	Services by Other Government Departments	0	399	399	0

CHIEF FINANCIAL OFFICER

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$159
Personnel benefits	88
Federal Employees' Compensation Act (FECA)	0
Benefits for former personnel	0
Travel and transportation of persons	0
Rental payments to GSA	0
Communications, utilities, and miscellaneous charges	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	99
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0

Built-Ins Subtotal **\$346**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$5,862	18
Program Increase	\$0	0
Program Decrease	\$0	0

DEPARTMENTAL PROGRAM EVALUATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
Activity Appropriation	8,040	8,040	10,040	2,000
FTE	9	10	12	2

NOTE: FY 2020 reflects actual FTE. Authorized FTE for FY 2020 was 8.

Introduction

Departmental Program Evaluation (DPE) funds evaluations, including rigorous experimental impact studies and other systematic analyses of programs and policies, to better understand the effectiveness, efficiency, and implementation of DOL investments. The findings from evaluations inform policy, management, and resource allocation decisions. The Department-wide evaluation activities are overseen by a Chief Evaluation Officer with staff skilled in evaluation design and statistical analysis. Evaluations are funded with the DM appropriation and through transferred funds. Transfer authority applies to accounts in the Employment and Training Administration, Employee Benefits Security Administration, Office of Workers' Compensation Programs, Wage and Hour Division, Office of Federal Contract Compliance Programs, Office of Labor Management Standards, Occupational Safety and Health Administration, Mine Safety and Health Administration, Office of Disability Employment Policy, Bureau of International Labor Affairs, Women's Bureau and Veterans Employment and Training.

The Department's annual research and evaluation agenda, called the DOL Evaluation Plan, is developed from learning agendas updated by each agency annually that lay out priority areas for which evaluations are needed. These priority areas and evaluations are aligned with the Department's priorities specified in the Strategic Plan. The Department's evaluation plan is finalized based on feedback from stakeholders and is made public each year.

The underlying goals of the Department's centralization of key evaluation activities are to: (1) build evaluation capacity and expertise in the Department; (2) ensure high standards in evaluations undertaken by, or funded by the Department of Labor; (3) facilitate the use of evaluation and research findings for performance management priorities; (4) ensure the independence of the evaluation and research functions; and (5) make sure that evaluation and research findings are available and accessible in a timely and user-friendly way, so they inform policymakers, program managers, and the public.

DEPARTMENTAL PROGRAM EVALUATION

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2017	\$8,040	0
2018	\$8,040	0
2019	\$8,040	8
2020	\$8,040	9
2021	\$8,040	10

FY 2022

The FY 2022 request for DPE is \$10,040,000 and 12 FTE. The request includes the following program increase:

- *Investing in Evidence-Based Decision-Making*: The Department requests \$2,000,000 and 2 FTE in the DPE budget activity as part of the larger investment of \$6,000,000 in evidence-based decision-making. With this portion of the request, CEO will expand its evaluation work and further integrate the evaluation function with data governance, performance management, and budget.

The CEO will complete 100 percent of contracts for evaluations on time and within budget.

FY 2021

The FY 2021 funding level for the DPE activity is \$8,040,000 and 10 FTE. Funding at this level will provide for evaluations related to department priorities and agency statutory and operational objectives, using the most rigorous evaluation methods appropriate, and designed and coordinated by CEO in collaboration with operating agencies. As in past years, these evaluations will support department priorities and agency statutory and operational objectives. New studies will align with Administration priorities, and will be identified through the learning agenda process. Additionally, with a new role as leading in the Department's implementation of the Foundations for Evidence-Based Policymaking Act, CEO staff are supporting the Department in meeting the legislative requirements.

FY 2020

The FY 2020 enacted funding for DPE was \$8,040,000 and 10 FTE. Priority investments included launching evaluations across three of Employment and Training Administration's important discretionary programs. CEO began evaluations of (1) the Pathway Home discretionary grant program which supports justice-involved individuals in gaining meaningful employment; (2) a portfolio of the Office of Apprenticeship's grant investments to support building the states' infrastructure to support apprenticeship expansion efforts and youth apprenticeship models; and (3) the Support to Communities Opioid Recovery Dislocated Worker Grants Program. Other investments in FY2020 included ongoing commitments to ensuring that the Department and the public have access to the latest evidence on important labor topics, through the Department's Clearinghouse on Labor Evaluation and Research (CLEAR.dol.gov).

DEPARTMENTAL PROGRAM EVALUATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2020 Revised Enacted	FY 2021 Revised Enacted	FY 2022 Request	Diff. FY22 Request / FY21 Revised Enacted
11.1	Full-time permanent	0	0	207	207
11.3	Other than full-time permanent	0	0	6	6
11.5	Other personnel compensation	0	0	0	0
11.9	Total personnel compensation	0	0	213	213
12.1	Civilian personnel benefits	0	0	69	69
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	8,040	8,040	8,040	0
25.2	Other services from non-Federal sources	0	0	1,718	1,718
25.3	Other goods and services from Federal sources 1/	0	0	0	0
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
31.0	Equipment	0	0	0	0
	Total	8,040	8,040	10,040	2,000
	1/Other goods and services from Federal sources				

DEPARTMENTAL PROGRAM EVALUATION

CHANGES IN FY 2022

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$0
Personnel benefits	0
Printing and reproduction	0
Advisory and assistance services	0
Other services from non-Federal sources	0
Other goods and services from Federal sources	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Equipment	0

Built-Ins Subtotal **\$0**

Net Program **\$2,000**

Direct FTE **2**

	Estimate	FTE
Base	\$8,040	10
Program Increase	\$2,000	2
Program Decrease	\$0	0