

FY 2023

CONGRESSIONAL BUDGET JUSTIFICATION

DEPARTMENTAL MANAGEMENT

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DEPARTMENTAL MANAGEMENT

TABLE OF CONTENTS

Appropriation Language	1
Amounts Available for Obligation.....	2
Summary of Changes	3
Summary Budget Authority and FTE by Activity	6
Budget Authority by Object Class	8
Authorizing Statutes.....	9
Appropriation History	11
Overview	12
Organization Chart.....	20
Budget Activity	27
Program Direction and Support	27
Legal Services.....	33
International Labor Affairs	43
Administration and Management.....	61
Adjudication.....	67
Women's Bureau	83
Civil Rights	97
Chief Financial Officer	109
Departmental Program Evaluation.....	115

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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 passenger motor vehicles, \$491,796,000, together with not to exceed \$308,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That \$91,325,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2023: 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 \$60,825,000 shall be for programs to combat exploitative child labor internationally and not less than \$30,500,000 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 the Secretary of Labor may waive the application of section 505 of this Act to awards made from funds available to the Bureau of International Labor Affairs if the Secretary determines that the waiver is necessary to protect human health, safety or welfare: Provided further, That \$11,540,000 shall be used for program evaluation and shall be available for obligation through September 30, 2024: 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 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act.

Note.— A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Act, 2022 (Division A of P.L.117-43, as amended). The amounts included for 2022 reflect the annualized level provided by the continuing resolution.

DEPARTMENTAL MANAGEMENT

AMOUNTS AVAILABLE FOR OBLIGATION						
(Dollars in Thousands)						
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.		FY 2023 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
A. Appropriation	1,072	\$349,056	1,085	\$349,056	1,399	\$491,796
Reimbursements	62	\$29,740	36	\$25,134	36	\$25,134
Trust Funds - Black Lung	118	\$33,033	123	\$37,598	123	\$38,407
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	-\$1,883	0	-\$2,143	0	\$0
Transfers for Program Evaluation	0	\$2,000	0	\$14,900	0	\$0
Transfers for OASAM	0	\$554	0	\$0	0	\$0
American Rescue Plan Supplemental	27	\$22,437	0	\$0	0	\$0
Unobligated Balance Carried Forward	20	\$206,627	67	\$239,000	0	\$49,000
<i>Subtotal</i>	<i>1,301</i>	<i>\$641,872</i>	<i>1,313</i>	<i>\$663,853</i>	<i>1,560</i>	<i>\$604,645</i>
B. Gross Budget Authority	1,301	\$641,872	1,313	\$663,853	1,560	\$604,645
Reimbursements	-62	-\$29,740	-36	-\$25,134	-36	-\$25,134
Transfers	0	-\$2,000	0	-\$14,900	0	\$0
USMCA Supplemental	0	\$0	0	\$0	0	\$0
CARES Act	0	\$0	0	\$0	0	\$0
American Rescue Plan Supplemental	-27	-\$22,437	0	\$0	0	\$0
Unobligated Balance Carried Forward	-20	-\$206,627	-67	-\$239,000	0	-\$49,000
Shared Services Realignment	0	\$0	0	\$0	0	\$0
<i>Subtotal</i>	<i>1,192</i>	<i>\$381,068</i>	<i>1,210</i>	<i>\$384,819</i>	<i>1,524</i>	<i>\$530,511</i>
C. Budget Authority Before Committee	1,192	\$381,068	1,210	\$384,819	1,524	\$530,511
Reimbursements	62	\$29,740	36	\$25,134	36	\$25,134
Unobligated Balance Carried Forward	0	\$206,627	0	\$0	0	\$49,000
<i>Subtotal</i>	<i>1,254</i>	<i>\$617,435</i>	<i>1,246</i>	<i>\$409,953</i>	<i>1,560</i>	<i>\$604,645</i>
D. Total Budgetary Resources	1,254	\$617,435	1,246	\$409,953	1,560	\$604,645
Unexpired Unobligated Balance Carried Forward	0	-\$92,752	0	\$0	0	\$0
Direct FTE Lapse and Unobligated Balance Expiring	0	-\$146,248	0	-\$49,000	0	\$0
Reimbursable FTE Lapse and Unobligated Balance Expiring	-7	-\$9,072	0	\$0	0	\$0
<i>Subtotal</i>	<i>0</i>	<i>\$0</i>	<i>0</i>	<i>\$0</i>	<i>0</i>	<i>\$0</i>
E. Total, Estimated Obligations	1,247	\$369,363	1,246	\$360,953	1,560	\$604,645

DEPARTMENTAL MANAGEMENT

SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2022 Full Year C.R.	FY 2023 Request	Net Change
Budget Authority			
General Funds	\$349,056	\$491,796	+\$142,740
Trust Funds	\$35,763	\$38,715	+\$2,952
Total	\$384,819	\$530,511	+\$145,692
 Full Time Equivalents			
General Funds	1,085	1,399	314
Trust Funds	125	125	0
Total	1,210	1,524	314

Explanation of Change	FY 2023 Change							
	FY 2022 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	1,210	\$162,428	0	\$768	0	\$14,112	0	\$14,880
Personnel benefits	0	\$54,447	0	\$41	0	\$2,584	0	\$2,625
One day less of Pay	0	\$0	0	\$0	0	\$0	0	\$0
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	\$4,540	0	\$4,540
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

DEPARTMENTAL MANAGEMENT

Explanation of Change	FY 2023 Change							
	FY 2022 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	1,210	+\$384,371	0	+\$809	0	+\$21,236	0	+\$22,045
B. Programs:								
Program Increase to Provide Legal Services	0	\$0	0	\$0	158	\$37,610	158	\$37,610
ILAB - President's Trade Agenda	0	\$0	0	\$0	10	\$19,553	10	\$19,553
ILAB - TVPRA Mandate and Expanded Engagement	0	\$0	0	\$0	15	\$10,000	15	\$10,000
SOL Increase to Support SOL Client Agencies' Increased Support Requests	0	\$0	0	\$0	39	\$9,301	39	\$9,301
Increase for WB Grants and Research	0	\$0	0	\$0	8	\$9,280	8	\$9,280
Climate Change EO Investment - Electric Vehicles	0	\$0	0	\$0	0	\$6,452	0	\$6,452
PDS - Rebuilding the Department's Leadership Capacity	119	\$35,023	0	\$0	17	\$5,200	17	\$5,200
Future of Work	0	\$0	0	\$0	0	\$5,000	0	\$5,000
Good Jobs Initiative	0	\$0	0	\$0	5	\$3,750	5	\$3,750
Diversity, Equity, Inclusivity and Accessibility (DEIA) evaluation	0	\$0	0	\$0	2	\$3,500	2	\$3,500
CRC - Increase for External Enforcement	0	\$0	0	\$0	16	\$3,000	16	\$3,000
Office of Administrative Law Judges (OALJ) Defense Base Act Request	0	\$0	0	\$0	14	\$2,200	14	\$2,200
Investing in Evidence-Based Decision-Making	0	\$0	0	\$0	2	\$2,000	2	\$2,000
Office of Administrative Law Judges (OALJ) Processing of Adjudication Workload	0	\$0	0	\$0	8	\$1,258	8	\$1,258
ILAB - Labor Attaché Program	0	\$0	0	\$0	2	\$1,250	2	\$1,250
Processing of Mandatory Adjudication Workload (OALJ)	0	\$0	0	\$1,093	0	\$0	0	\$1,093
CRC - Nationwide Expansion	48	\$10,344	0	\$0	10	\$1,000	10	\$1,000
Processing of Adjudication Workload (BRB)	0	\$0	0	\$0	4	\$804	4	\$804
Processing of Mandatory Adjudication Workload (BRB)	0	\$0	0	\$575	0	\$0	0	\$575
SOL Processing of Mandatory Legal Services Workload	0	\$0	0	\$475	0	\$0	0	\$475
Defense Base Act Workload for OALJ and BRB (BRB)	0	\$0	0	\$0	2	\$330	2	\$330
PDS - Establish Climate Policy Office in OSEC	0	\$0	0	\$0	2	\$325	2	\$325
ILAB - Stevens Amendment Waiver	0	\$0	0	\$0	0	\$0	0	\$0
Programs Subtotal			0	+\$2,143	314	+\$121,813	314	+\$123,956

DEPARTMENTAL MANAGEMENT

Explanation of Change	FY 2023 Change							
	FY 2022 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Total Increase	1,210	+\$384,371	0	+\$2,952	314	+\$143,049	314	+\$146,001
Decreases:								
A. Built-Ins:								
To Provide For:								
Federal Employees' Compensation Act (FECA)	0	\$448	0	\$0	0	-\$309	0	-\$309
Built-Ins Subtotal	0	+\$448	0	\$0	0	-\$309	0	-\$309
B. Programs:								
Total Decrease	0	+\$448	0	\$0	0	-\$309	0	-\$309
Total Change	1,210	+\$384,819	0	+\$2,952	314	+\$142,740	314	+\$145,692

DEPARTMENTAL MANAGEMENT

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.		FY 2023 Request		Diff. FY23 Request / FY22 Full Year C.R.	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Program Direction and Support	102	30,250	103	30,250	127	42,323	24	12,073
General Funds	102	30,250	103	30,250	127	42,323	24	12,073
Legal Services	530	131,756	543	131,910	740	186,694	197	54,784
General Funds	499	123,745	512	123,745	709	177,875	197	54,130
Unemployment Trust Funds	2	308	2	308	2	308	0	0
Black Lung Disability Trust Funds	29	7,703	29	7,857	29	8,511	0	654
International Labor Services	116	96,125	124	96,125	151	128,965	27	32,840
General Funds	116	96,125	124	96,125	151	128,965	27	32,840
Administration and Management	104	29,004	101	28,450	103	45,263	2	16,813
General Funds	104	29,004	101	28,450	103	45,263	2	16,813
Adjudication	245	58,447	240	62,598	268	72,732	28	10,134
General Funds	156	35,000	146	35,000	174	42,836	28	7,836
Black Lung Disability Trust Funds	89	23,447	94	27,598	94	29,896	0	2,298
Women's Bureau	36	15,050	43	15,050	51	25,361	8	10,311
General Funds	36	15,050	43	15,050	51	25,361	8	10,311

DEPARTMENTAL MANAGEMENT

SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY								
(Dollars in Thousands)								
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.		FY 2023 Request		Diff. FY23 Request / FY22 Full Year C.R.	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Civil Rights	31	6,880	29	6,880	55	11,591	26	4,711
General Funds	31	6,880	29	6,880	55	11,591	26	4,711
Chief Financial Officer	17	5,516	17	5,516	17	6,042	0	526
General Funds	17	5,516	17	5,516	17	6,042	0	526
Departmental Program Evaluation	11	8,040	10	8,040	12	11,540	2	3,500
General Funds	11	8,040	10	8,040	12	11,540	2	3,500
Total	1,192	381,068	1,210	384,819	1,524	530,511	314	145,692
General Funds	1,072	349,610	1,085	349,056	1,399	491,796	314	142,740
Unemployment Trust Funds	2	308	2	308	2	308	0	0
Black Lung Disability Trust Funds	118	31,150	123	35,455	123	38,407	0	2,952

NOTE: FY 2021 reflects actual FTE. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

DEPARTMENTAL MANAGEMENT

BUDGET AUTHORITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
	Full-Time Equivalent				
	Full-time Permanent	1,192	1,210	1,524	314
	Reimbursable	62	36	36	0
	Total	1,254	1,246	1,560	314
	Average ES Salary	\$185,094	\$186,994	\$190,994	\$4,000
	Average GM/GS Grade	13/8	13/8	13/8	0
	Average GM/GS Salary	\$120,663	\$129,408	\$130,408	\$1,000
	Average Salary of Wage Grade Positions	0	0	0	0
11.1	Full-time permanent	153,394	157,145	218,676	61,531
11.3	Other than full-time permanent	1,476	1,476	1,688	212
11.5	Other personnel compensation	3,807	3,807	3,807	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	158,677	162,428	224,171	61,743
12.1	Civilian personnel benefits	54,895	54,895	71,297	16,402
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	1,337	1,337	1,691	354
22.0	Transportation of things	538	538	538	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	17,218	17,218	19,926	2,708
23.2	Rental payments to others	45	45	50	5
23.3	Communications, utilities, and miscellaneous charges	848	848	1,042	194
24.0	Printing and reproduction	134	134	149	15
25.1	Advisory and assistance services	11,872	11,872	20,238	8,366
25.2	Other services from non-Federal sources	5,661	5,661	14,435	8,774
25.3	Other goods and services from Federal sources 1/	52,597	52,597	70,514	17,917
25.4	Operation and maintenance of facilities	12	12	615	603
25.5	Research and development contracts	200	200	500	300
25.7	Operation and maintenance of equipment	3,332	3,332	8,969	5,637
26.0	Supplies and materials	1,516	1,516	1,834	318
31.0	Equipment	427	427	616	189
41.0	Grants, subsidies, and contributions	71,758	71,758	93,925	22,167
42.0	Insurance claims and indemnities	1	1	1	0
51.1	Benefits	0	0	0	0
	Total	381,068	384,819	530,511	145,692
	1/Other goods and services from Federal sources				
	Working Capital Fund	39,747	39,747	50,362	10,615
	DHS Services	63	63	63	0
	Services by DOL Agencies	447	447	447	0
	Services by Other Government Departments	12,303	12,303	13,153	850
	GSA Services	0	0	6,452	6,452
	HHS Services	20	20	20	0

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	22 U.S.C.A. 5801 et seq.			
	(ILAB) Trafficking Victims Protection Reauthorization Act	22 USC 7112(b)(2)(C),			
	(ILAB) Generalized System of Preferences	19 USC 2461 et seq.			
	(ILAB) African Growth and Opportunity Act	19 U.S.C. 3701 et seq.			
	(ILAB) Participating in the negotiation of and providing information and advice on proposed trade agreements	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

Public Law / Act	Legislation	Statute No. / US Code	Volume No.	Page No.	Expiration Date
	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
2013					
Base Appropriation...1/	\$348,927			\$328,237	1,255
2014					
Base Appropriation...2/ 3/	\$347,856			\$336,929	1,259
2015					
Base Appropriation...3/	\$346,189			\$337,929	1,250
2016					
Base Appropriation...3/ 4/	\$375,985	\$284,229	\$258,727	\$334,373	1,239
2017					
Base Appropriation...3/ 4/	\$387,925			\$334,844	1,139
2018					
Base Appropriation...5/	\$259,858	\$247,911		\$343,969	1,128
2019					
Base Appropriation...6/	\$261,035			\$338,064	1,153
2020					
Base Appropriation...7/ 8/	\$266,866			\$348,918	1,079
2021					
Base Appropriation...8/	\$271,952			\$349,918	1,248
2022					
Base Appropriation...9/	\$439,970	\$457,219			1,087
2023					
Base Appropriation	\$530,511				1,524

1/ 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.

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

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

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

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

6/ 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.

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

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

9/ A full-year FY 2022 appropriation was not enacted at the time the budget was prepared.

DEPARTMENTAL MANAGEMENT

OVERVIEW

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), the second largest litigation department in the federal government, provides the Secretary of Labor and DOL client agencies with the legal services required to accomplish the Department's mission, including litigation, enforcement support, general advice and legal services, and rulemaking support. Unlike many general counsels' offices in the federal government, SOL has independent litigation authority under multiple federal statutes, resulting in worker protection enforcement as well as litigation of other cases in federal courts and other tribunals throughout the nation. In addition, SOL provides legal opinions and advice to the Secretary and DOL agencies on myriad matters arising from the nearly 200 laws the Department enforces, (e.g., guidance materials, implementation plans, written interpretations, opinions, and legislation). SOL also provides legal advice to the Department's agencies and managers related to appropriations, procurement, data privacy, FOIA, ethics, and employment law. Finally, SOL helps develop and defend the Department's regulations, resulting in sustainable and worker-protective regulatory frameworks.

Regarding the Department's important work to advance equity in all its programs, SOL provides guidance to, and plays substantive roles in, the Department's Equity workgroup and its subcommittees as they develop proposals. SOL works with DOL agencies to understand current practices and gaps in information. It advises on the Department's authority to take steps to increase equity among its grantees and contractors as well as in their respective workforces, including through outreach and potential changes to the application, solicitation, and evaluation process. SOL provides guidance on the parameters of existing legal authority and on whether future legislative or Presidential action is necessary. At the same time, SOL is focused on enhancing equity in its own ranks, developing, and implementing new initiatives to promote

DEPARTMENTAL MANAGEMENT

diversity and inclusion through hiring, training, and other efforts designed to recruit and retain diverse and qualified staff. SOL has a standing diversity committee with members from across SOL that advises leadership and plans activities. SOL will continue to devote resources to develop and improve upon internal work products and policies that reflect our values of anti-discrimination, diversity, equity, and inclusion.

In FY 2021 and FY 2022, SOL received funding under several supplemental appropriations - the No Surprises Act and Transparency (NSAT) provisions of the FY 2021 Consolidated Appropriations Act, and different provisions of the American Rescue Plan Act regarding worker protection and unemployment insurance).

No Surprises Act/Transparency (NSAT): Section 118 of the No Surprises Act enacted in late December 2020 appropriated \$500,000,000 to the Departments of Labor (DOL), Health and Human Services (HHS), and Treasury (the “tri-agencies”), available through FY 2024, to carry out the provisions of Titles I and II of Division BB of the FY 2021 Consolidated Appropriations Act (P.L. 116-260). The Office of the Solicitor received \$2.2 million in NSAT funds for the partial FY 2021 year of NSAT activities and will receive \$5.5 million of NSAT funds for FY 2022, which SOL expects to fully expend as enforcement efforts under NSAT and the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) increase. All of SOL’s NSAT work, which began in FY 2021 and will continue long after the funding provided in P.L. 116-260 expires, involves provision of legal services related to the regulatory, implementation, and enforcement legal actions called for by NSAT, focused on addressing medical billing surprises and the parity of mental health and substance abuse benefits provided by health plans. These legal services include, for example, providing legal advice on the newly enacted NSAT and MHPAEA provisions in ERISA to guide EBSA’s implementation plans and enforcement efforts; assisting with the several tri-agency regulations on preventing surprise medical billing (including preparation of final rules, and revisions to an Interim Final Rule which was struck down in litigation); serving on the NQTL Task Force and helping ensure that health plans and issuers comply in a timely manner with EBSA’s requests for NQTL comparative analyses under the new MHPAEA provisions; participating in and advising EBSA on MHPAEA investigations utilizing the enhanced authority in the NSAT and pursuing litigation to support these investigations; advising on the establishment and operation of the State All Payer Claims Databases Advisory Committee; advising on data requirements and submission of health data by plans and issuers; advising EBSA on legal questions governing advisory committees; and assisting the Department of Justice in defending against six challenges to the NSAT’s requirement that the tri-agencies establish an independent dispute resolution process to arbitrate payment disputes concerning out-of-network medical services.

American Rescue Plan Act – Worker Protection (ARPA-WP): For the FY 2021 through FY 2023 period, SOL has received \$22.4 million from the American Rescue Plan Act of 2021 (ARPA), P.L. 117-2, to provide legal services in support of the Department’s expanded worker protection activities related to COVID-19. Of this amount, \$8.4M million was made available and expended in FY 2021, and \$7 million is currently available for expenditure in FY 2022. As summarized below, SOL’s legal services under ARPA-WP are supporting the Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration (MSHA), Wage and Hour Division (WHD), and Office of Workers’ Compensation Programs (OWCP) in their COVID-19 related activities. Further, DOL activities surrounding COVID-19 and ARPA have generated significant legal service demands

DEPARTMENTAL MANAGEMENT

in many “general law” areas such as appropriations, procurement, administrative law, privacy, and information law, and enhanced litigation support needs. Some key pieces of work SOL accomplished in FY 2021 include assisted in the development and defense of OSHA’s COVID-19 Emergency Temporary Standards (ETS), as well as ETS compliance assistance materials; assisted MSHA in drafting and publishing MSHA’s guidance on Protecting Miners: MSHA Guidance on Mitigating and Preventing the Spread of COVID-19; provided legal support and advice to WHD on its Essential Workers, Essential Protections outreach; and provided substantial legal support to OWCP in the development and implementation of policies related to the new ARPA provision for federal workers diagnosed with COVID-19. In FY 2022, SOL will continue to support our client agencies through the review of guidance and enforcement documents, rulemaking and training materials, and COVID-19 enforcement support, along with increased litigation related to COVID-19 enforcement in workplaces, and defense of the Department’s COVID-19 rulemaking, guidance, and actions in response to legal challenges.

American Rescue Plan Act – Unemployment Insurance (ARPA-UI): Of the \$2 billion appropriated to DOL under the Unemployment Insurance (UI) provisions of the American Rescue Plan Act of 2021 (Pub. Law 117-2), SOL has received \$5.9 million for FY 2021 through FY 2023, of which SOL utilized \$800,000 in FY 2021. Starting in FY 2021 and continuing for the foreseeable future, SOL has provided a team of legal experts to assist the Department as it works out initiatives and plans to modernize the Federal-State UI system to combat fraud, promote equitable access to UI benefits, and promote the timely payment of benefits. Key SOL activities thus far have included, for example, assisting in the development, timely publication and award of a solicitation for ID proofing and verification services that States can use to verify UI claimants’ identities for the regular UI and CARES Act programs; advising on development and issuance of multiple grant solicitations to support State UI modernization, including helping to develop the ARPA fraud grant Unemployment Insurance Program Letter (UIPL), the Equity Grant UIPL, which made \$260 million in grant funding available to States to promote equity, and “Navigator Grants,” which makes available \$15 million to States to help workers, especially low-paid or historically underserved workers, apply for and receive unemployment insurance benefits and related services; and advising on UI legal requirements, privacy, data and information sharing, procurement, intellectual property, staffing and equity issues. In FY 2022, SOL will continue to provide legal services as UI modernization initiatives continue, including advising on UI program integrity measures, the development of modular technology solutions that will assist States in implementing their UI programs, addressing questions during grant competitions, advising on grant administration, providing legal support to procurement and technology projects, and representing ETA in any resulting administrative or federal court litigation.

Access to Mental Health and Substance Use Disorder Coverage

The No Surprise Act/Transparency provisions of the FY2021 Consolidated Appropriations Act amended the Mental Health Parity and Addiction Equity Act (MHPAEA) to strengthen DOL’s mental health parity enforcement authority and placed new requirements for the Department to conduct audits of group market health plans and issuers that impose Non-Quantitative Treatment Limitations (NQLs) for mental health and substance use disorder (MH/SUD) benefits. Specifically, to comply with MHPAEA’s implementing regulations, plans and issuers must ensure that the processes, strategies, evidentiary standards, and other factors used when applying an NQL to MH/SUD benefits are, both in writing and in operation, comparable to, and are applied no more stringently than, the

DEPARTMENTAL MANAGEMENT

processes, strategies, evidentiary standards, or other factors used in applying the limitation with respect to medical/surgical benefits in the same benefits classifications. The No Surprises Act provides a mechanism by which the Department requests NQTL comparative analyses to examine whether the plans or issuers are compliant with MHPAEA's NQTL requirements. Plans and issuers determined not to be compliant must specify the corrective actions they will take to come into compliance and provide additional comparative analyses that demonstrate compliance not later than 45 days after the initial non-compliance determination.

In FY 2022, DOL, along with HHS and Treasury, proposed five (5) recommendations through the 2022 MHPAEA Report to Congress (the Report) that span three critical areas essential to achieving meaningful MH/SUD parity: (1) enhanced enforcement; (2) ensuring and protecting coverage of promised benefits; and (3) requiring group health plans and health insurance issuers to further evidence compliance. Specific recommendations include:

- A recommendation that the Congress consider amending MHPAEA to ensure that MH/SUD benefits are defined in an objective and uniform manner pursuant to external benchmarks that are based in nationally recognized standards.
- A recommendation that the Congress grant authority (through legislative action) for DOL to assess civil monetary penalties for parity violations that have the potential to greatly strengthen the protections of MHPAEA. In the absence of the authority to impose civil monetary penalties, DOL is limited in its ability to ensure appropriate corrective action in response to findings of non-compliance with MHPAEA. The Department estimates that the civil monetary penalties would provide \$35,000,000 in savings over 10 years.
- A recommendation that the Congress amend ERISA to expressly provide DOL with the authority to directly pursue parity violations by entities that provide administrative services to ERISA group health plans (including, health insurance issuers that provide administrative services to ERISA plans and third-party administrators).
- A recommendation that the Congress amend ERISA to expressly provide that participants and beneficiaries, as well as DOL on their behalf, may recover amounts lost for those who wrongly had their claims denied in violation of MHPAEA, ensuring that participants and beneficiaries are made whole.
- A recommendation that the Congress consider ways to permanently expand access to telehealth and remote care services.

As the primary federal regulator of MHPAEA responsible for overseeing two million group health plans covering 136.5 million individuals, the Department is uniquely positioned to evaluate and identify areas where there are impediments to full enforcement of the law. Accordingly, the Report offers recommendations to strengthen MHPAEA's consumer protections and better position the Department to enforce the law.

DEPARTMENTAL MANAGEMENT

Mandatory Funding to Perform Audits Related to Mental Health and Substance Abuse

The FY 2023 Budget proposes to provide the Department with \$275,000,000 in mandatory funding over 10 years, including \$240,000,000 for EBSA and \$35,000,000 for the Office of the Solicitor, to increase capacity for the agencies to perform audits related to MH/SUD (including investigating reimbursement rates as Non-Quantitative Treatment Limitations) and take action against non-compliant actors. These enhanced oversight and compliance efforts would increase the number of large group market health plans and issuers that are complying with the mental health parity requirements under MHPAEA.

The Department has primary authority for enforcing MHPAEA with respect to private sector employment-based group health plans. The overwhelming majority of American workers under age 65 receive their benefits from these plans. In total, approximately two million ERISA-covered group health plans provide health benefits to an estimated 136.5 million Americans. EBSA's MHPAEA jurisdiction and responsibilities extend to all these plans and plan participants.

The FY 2023 Budget further strengthens consumer protections by closing various loopholes that have resulted in disparate coverage practices, and, most importantly, by requiring all plans to cover mental health and substance use disorder services. The Department of Labor, HHS, and Treasury jointly recommend the following proposals:

Improve Access to Behavioral Healthcare in the Private Insurance Market

The Budget strengthens and improves consumer protections by requiring all plans and issuers, including group health plans, to provide mental health and substance use disorder benefits. In addition, it seeks to improve compliance with behavioral health parity standards by requiring plans and issuers to use medical necessity criteria for behavioral health services that are consistent with the criteria developed by nonprofit medical specialty associations, as well as placing limits on the consideration of profit in determinations of medical necessity. It also authorizes the Secretaries of HHS, Labor, and Treasury to regulate behavioral health network adequacy, and to issue regulations on a standard for parity in reimbursement rates based on the results of comparative analyses submitted by plans and issuers.

Require Coverage of Three Behavioral Health Visits and Three Primary Care Visits without Cost-Sharing

Access to primary care and behavioral health services improves long-term health outcomes by promoting prevention and early detection of potentially serious conditions. However, even small out-of-pocket costs may deter consumers from seeking medical care, including behavioral health services. About half of U.S. adults say they or a family member put off care because of the cost. Members of racial and ethnic minority groups are especially likely to forego necessary care, and in addition experience more difficulty accessing behavioral health services than white Americans. This proposal seeks to improve health outcomes by requiring all plans and issuers to cover three primary care visits and three behavioral health visits each year without charging a copayment, coinsurance or deductible-related fee.

DEPARTMENTAL MANAGEMENT

Bureau of International Labor Affairs

The Bureau of International Labor Affairs (ILAB) safeguards dignity at work, both at home and abroad, by strengthening global labor standards; enforcing labor commitments among trading partners; promoting racial and gender equity; 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.

ILAB is committed to finding ways to make a thoughtful and intentional focus on equity a routine part of how the agency does business. Achieving this goal will take time, focus, and effort. Recognizing that addressing equity will be an evolving process, ILAB will continue to prioritize the goal of advancing racial and gender equity and supporting underserved communities, including in the following core areas:

- **Diversity, Inclusion and Belonging:** ILAB will invest and focus on promoting a culture that supports a diverse, equitable, inclusive, and accessible workforce. ILAB will aim to increase diversity, inclusion, and belonging through recruiting, on-boarding and hiring processes and creating pathways for development and promotion. Our goal will be to ensure that ILAB benefits from the backgrounds, creativity, perspectives, and unique experiences that a broad array of individuals bring to the job.
- **Employee Engagement:** ILAB is committed to building a foundation of trust at the agency. Increased trust amongst staff, leaders, and stakeholders will not only help ILAB achieve its mission more efficiently; it will improve communication, promote cross-office collaboration, and contribute to building a culture that works to advance equity goals.
- **Programs:** ILAB's programs help create more opportunities for members of underserved communities in countries where we work. Diversity, equity, inclusion, and accessibility are vital for ILAB to achieve its mission to safeguard the dignity of work in the United States and around the world by enforcing trade commitments; strengthening labor standards; and combating international child labor, forced labor, and human trafficking.

As we continue to do this work, ILAB will re-assess and gain a better understanding of how the agency distributes resources, identifies challenges and priority program areas, staffs technical assistance projects, includes the voices of the communities it seeks to represent and assist, and engages with diverse external stakeholders.

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.

OASAM provides crucial administrative support in ensuring the Department implements the President's priorities around equity. OASAM will focus on the following activities to support these priorities:

DEPARTMENTAL MANAGEMENT

- Employ hiring strategies to promote a diverse workforce
- Promote an equitable, accessible, inclusive, and engaged workplace
- Support small, women-owned, and minority-owned businesses
- Uphold equal opportunity requirements for recipients of DOL programs

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 approximately 6,000 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

The Women's Bureau (WB) is the only federal agency exclusively concerned with representing and promoting the interests of the more than 75 million women in the U.S. labor force today. Continuing a century-old legacy of advocating on behalf of working women, the WB will continue to effectively deliver research, evidence-based policy analysis, grant programming, and education and outreach that advance equity in employment and economic outcomes for working women, especially women of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty. Under the Secretary's morning, noon and night framework, in 2023, the WB will focus in particular on (1) Decreasing occupational segregation and the resulting negative impact to wages and wealth for women and women of color by increasing their access to and retention in good-paying jobs and growth sectors in the US economy, to include fields where women have traditionally been under-represented; (2) Supporting the most marginalized workers in accessing potential new paid leave and other rights and benefits expansions and continuing to advocate for public investment in the care infrastructure; (3) Advocating for increasing wages and labor standards for women and workers of color; and (4) Deploying strategies to eliminate pay discrimination and other gender-based employment discrimination, including sexual harassment and discrimination based on sexual orientation, gender identity, or pregnancy or ability.

Civil Rights Center

The Civil Rights Center's (CRC) mission is to enforce compliance with Federal civil rights laws that cover DOL employees, applicants for DOL employment, and participants in certain DOL conducted programs as well as programs and activities receiving or benefiting from DOL financial assistance (generally grantees, including WIOA recipients). This Administration has prioritized the promotion of equity for racial, gender, and other historically underserved populations. A variety of Executive Orders outline ambitious efforts that Federal agencies must take to advance outcomes in meaningful, lasting ways. For example, Executive Order 13985, officially titled Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, mandates remediation of potential barriers that underserved communities and individuals may face to enrollment in and access to benefits and services in Federal programs. While most agencies within the Department will strive to affect change, the mission of the CRC advances these leadership goals and outcomes for the Department, the workforce system, and the American worker in more concrete ways -- through

DEPARTMENTAL MANAGEMENT

complaint investigations, formal resolutions, final decisions, technical assistance and monitoring of regulatory compliance.

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.

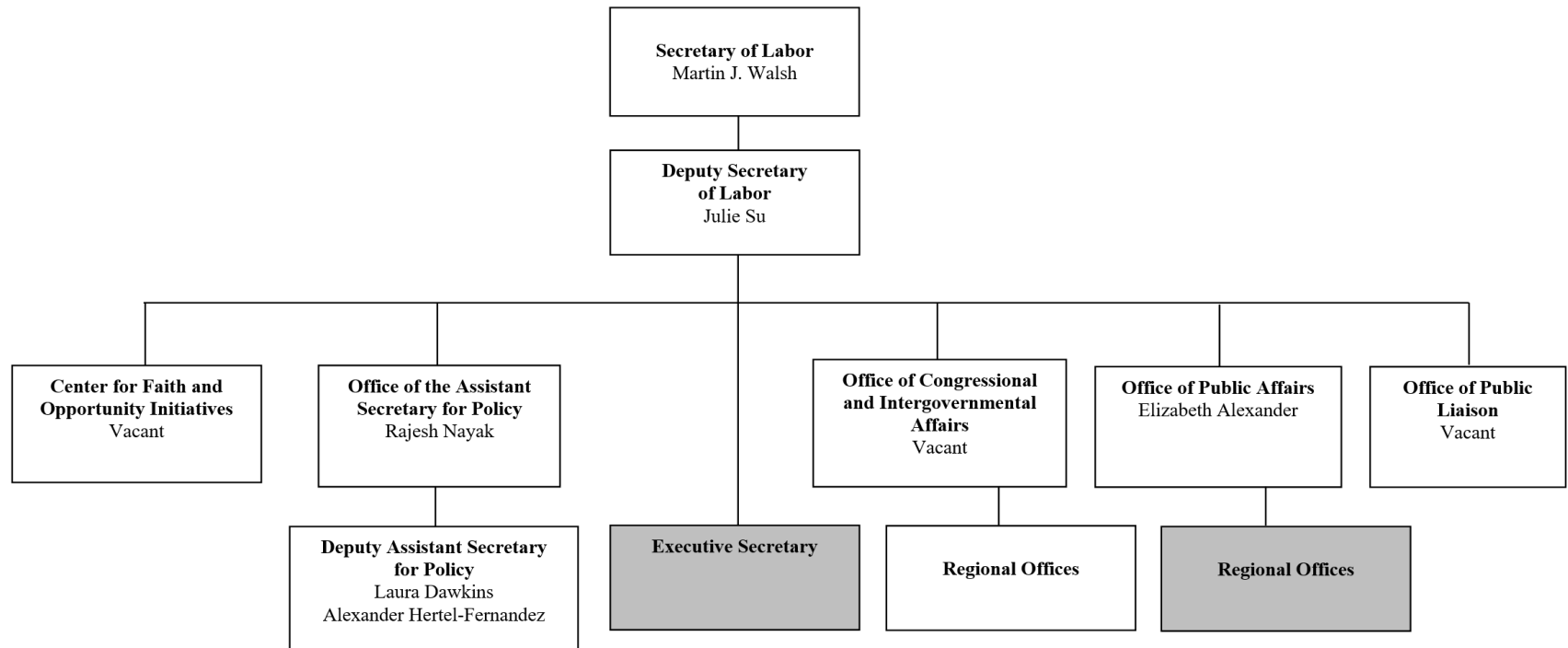
Departmental Program Evaluation

OASP's Chief Evaluation Office (CEO) is charged with coordinating and overseeing evaluations of the Department of Labor's programs, and leads the implementation of the Department's evidence-building agenda. Through these activities, CEO ensures that the conduct of evaluation and research activities adhere to the Department's Evaluation Policy principles of rigor, relevance, transparency, independence and ethics; and that findings are available and accessible for policy and program decision-makers in a timely and user-friendly way.

DEPARTMENTAL MANAGEMENT

ORGANIZATION CHARTS

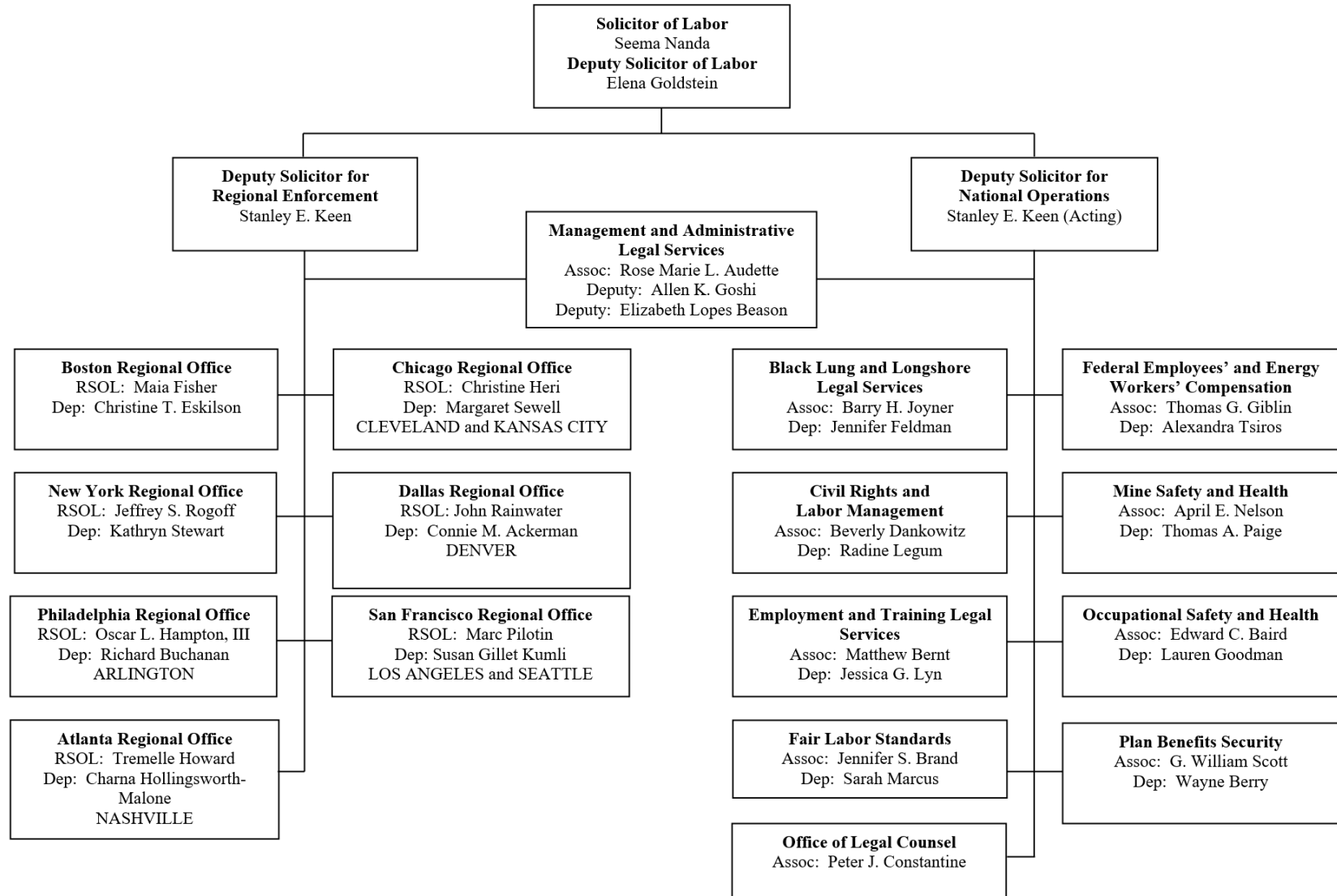
PROGRAM DIRECTION AND SUPPORT



Shaded box indicates funding through the Working Capital Fund

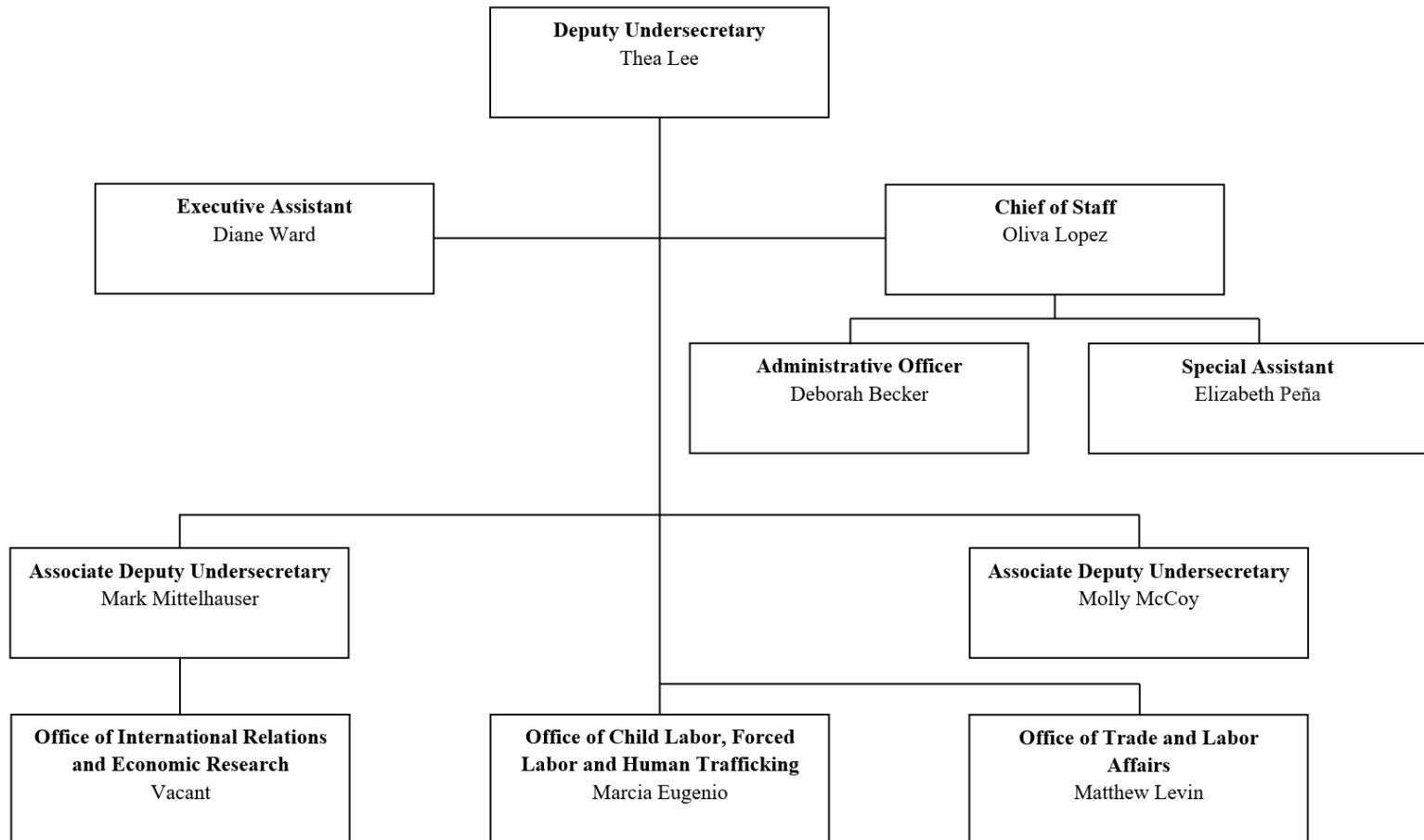
DEPARTMENTAL MANAGEMENT

OFFICE OF THE SOLICITOR OF LABOR



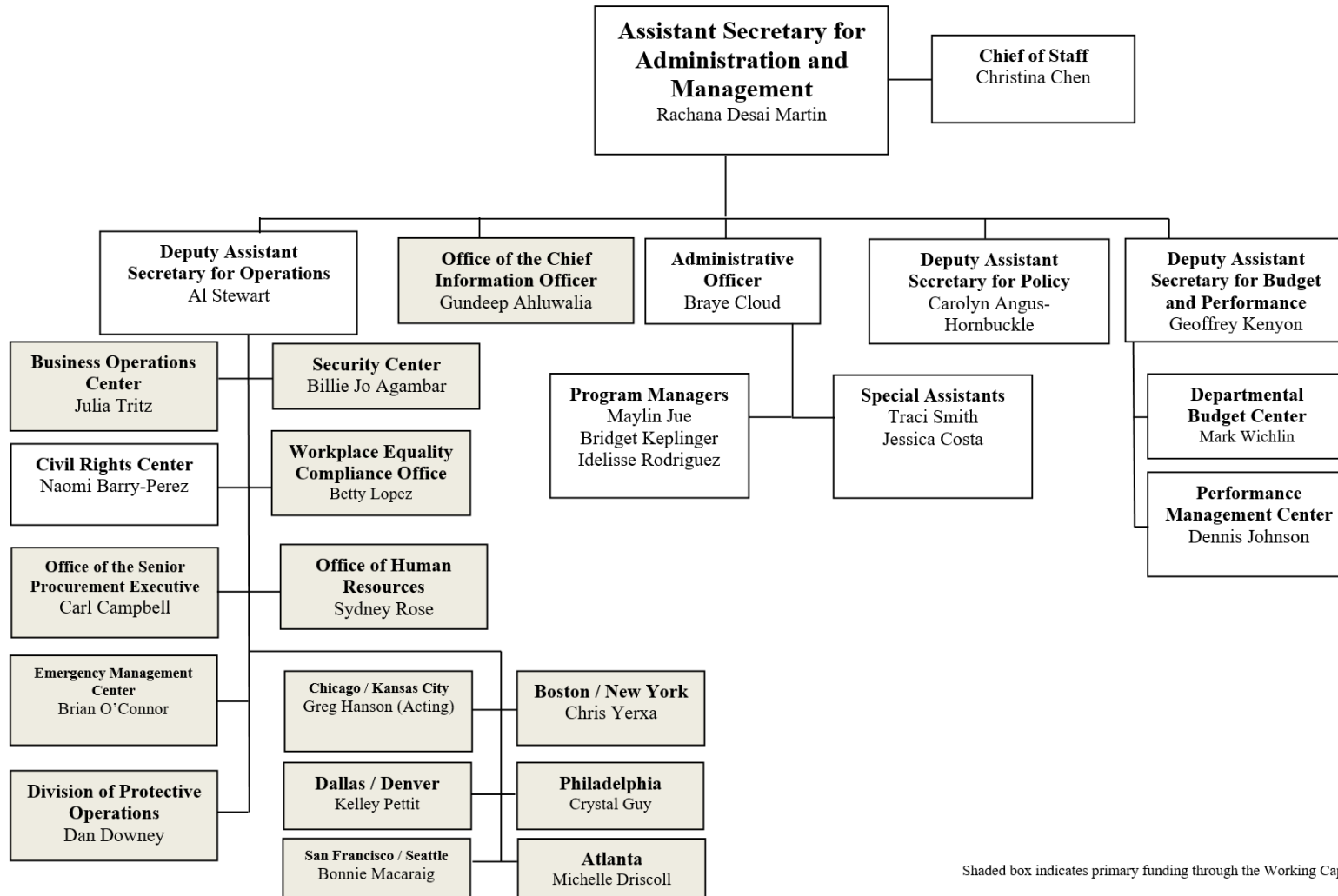
DEPARTMENTAL MANAGEMENT

INTERNATIONAL LABOR AFFAIRS BUREAU



DEPARTMENTAL MANAGEMENT

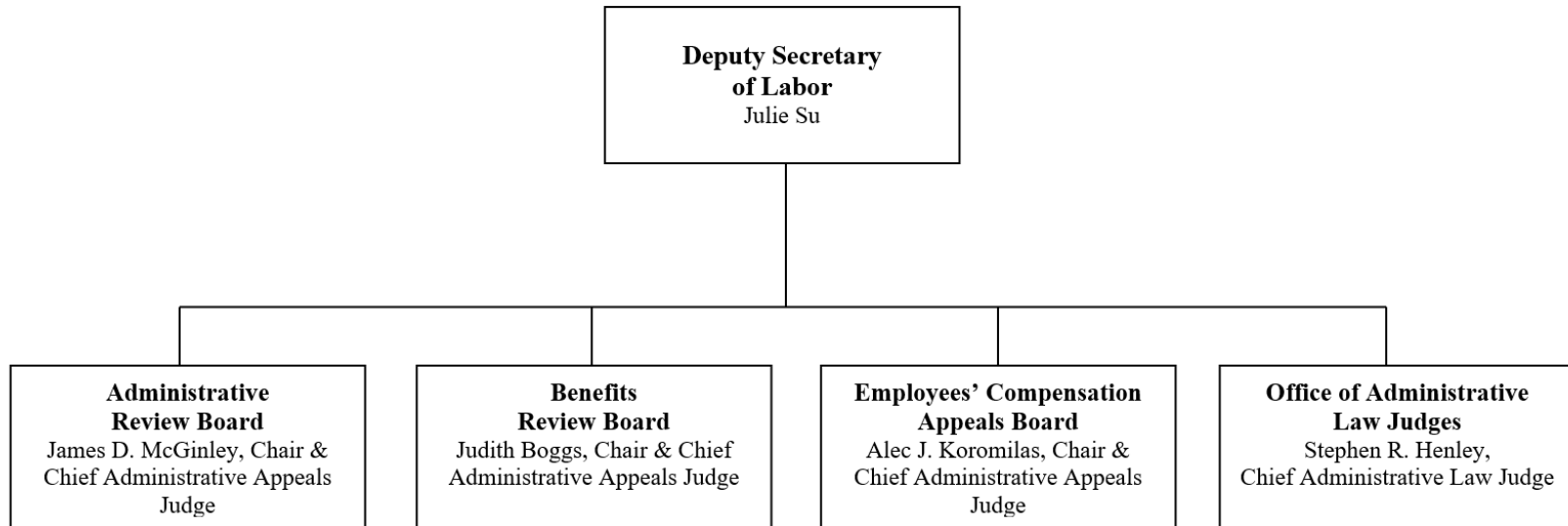
OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT



Shaded box indicates primary funding through the Working Capital Fund

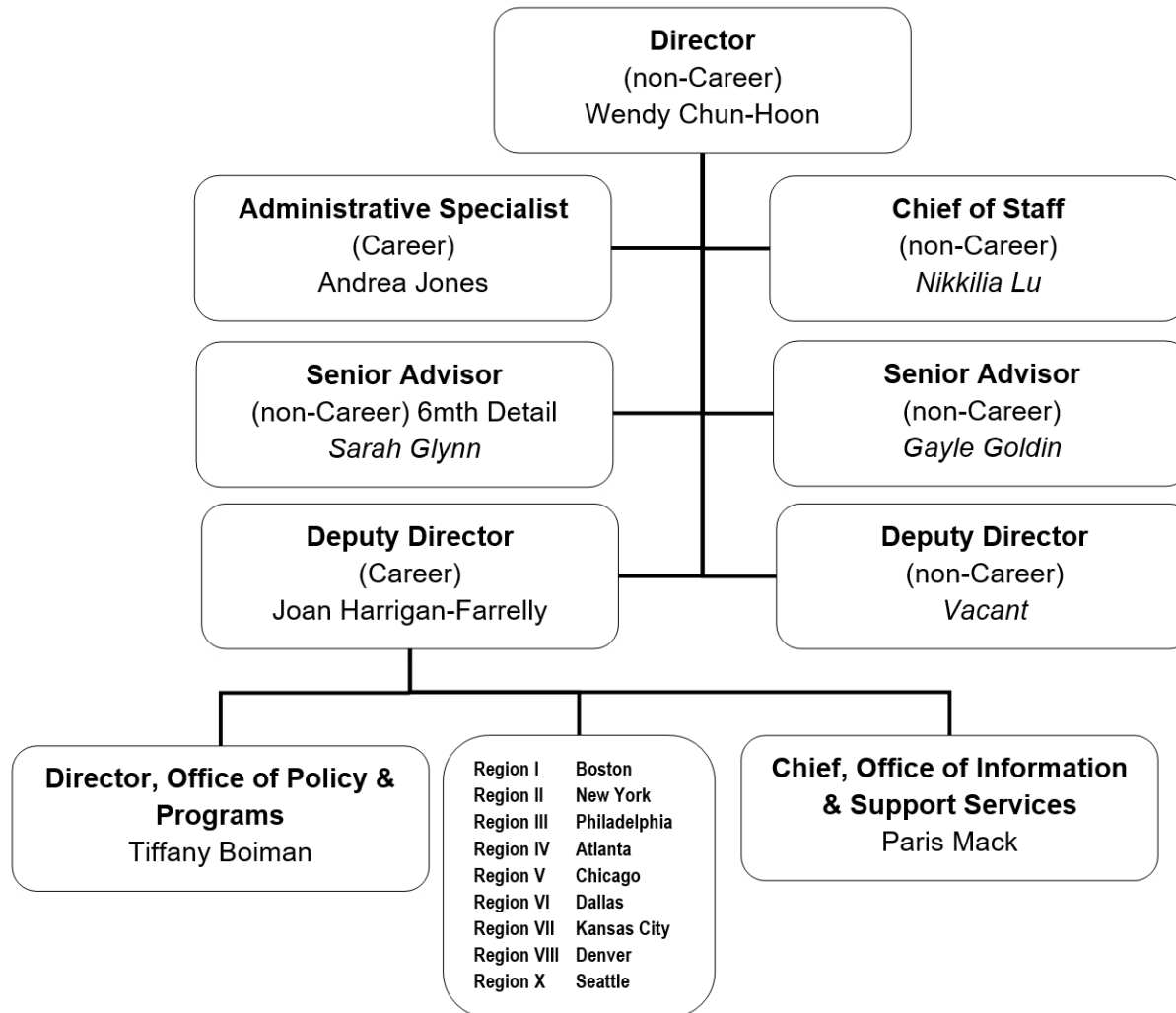
DEPARTMENTAL MANAGEMENT

ADJUDICATION



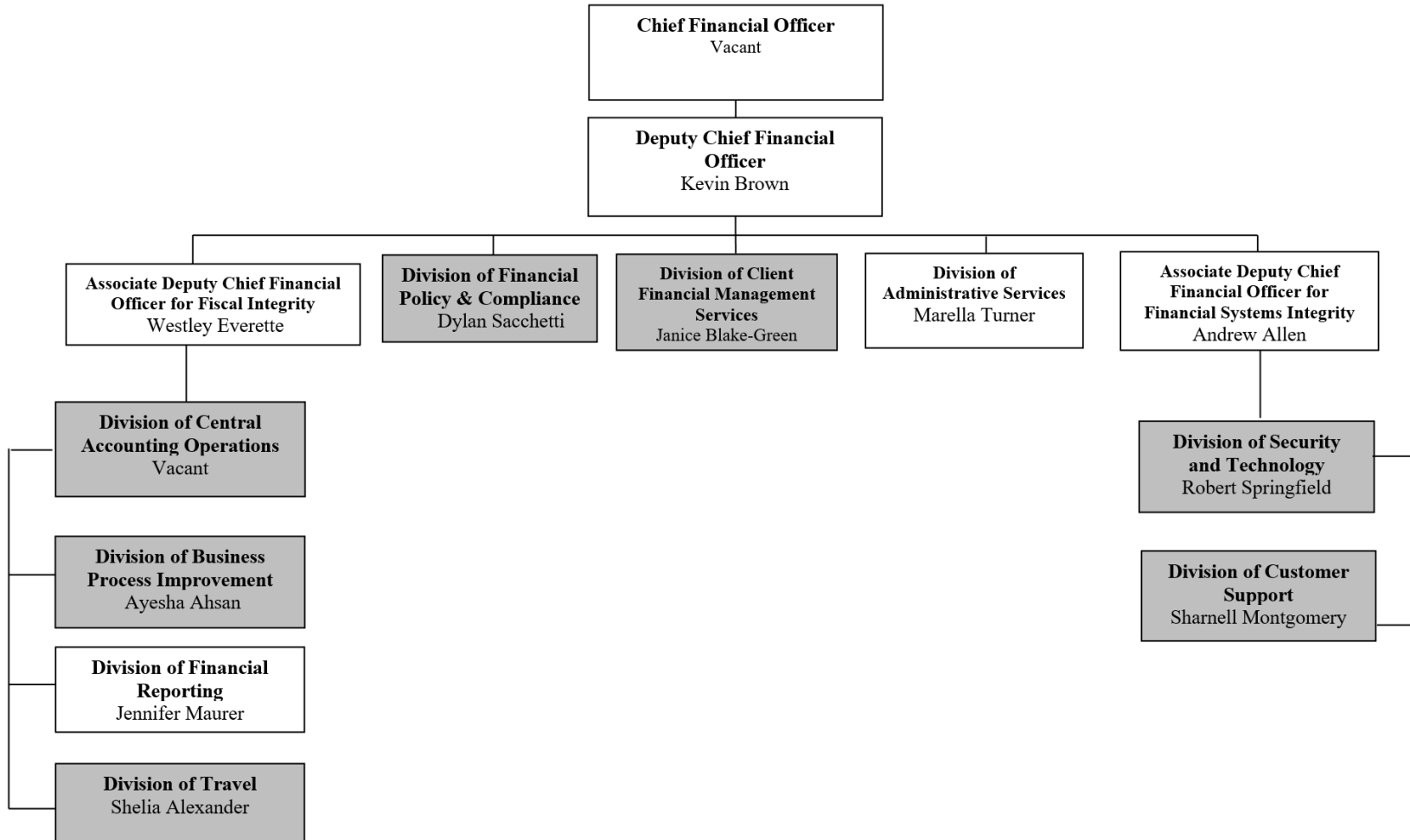
DEPARTMENTAL MANAGEMENT

WOMEN'S BUREAU



DEPARTMENTAL MANAGEMENT

OFFICE OF THE CHIEF FINANCIAL OFFICER



PROGRAM DIRECTION AND SUPPORT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	30,250	30,250	42,323	12,073
FTE	102	103	127	24

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 112. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

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 the following areas:

- **Regulatory Policy and Direction:** 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 equity assessment; 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 DIRECTION AND SUPPORT

- **Program Evaluation:** The Chief Evaluation Office (CEO) coordinates and oversees the Department's evaluations and evidence-building agenda and includes a data analytics component which carries out consultative statistical and data analytical projects. The CEO evaluation FTEs are funded 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.
- **Advancing Equity:** OASP leads the Department's implementation of E.O. 13985 and supports the Administration's priorities involving equity for underserved communities through improved and continued outreach and support of new Departmental programs and initiatives - the goal being to make programs understandable, to empower workers, and to highlight initiatives for underserved populations.
- **Improve Job Quality:** Through the Good Jobs Initiative, OASP provides training and technical assistance to agencies as they work to embed and promote good jobs principles in procurement, loans, and grants; engages employers on strategies and initiatives to improve job quality; and will provide a centralized location of information and services on workers' rights under key workplace laws and on unions and collective bargaining for use by workers, unions, employers, researchers, other government agencies, and policymakers.

PROGRAM DIRECTION AND SUPPORT

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>
2018	\$30,250	90
2019	\$30,250	105
2020	\$30,250	96
2021	\$30,250	112
2022	\$0	103

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

The FY 2023 Budget request for the PDS activity is \$42,323,000 and 127 FTE. Funding at this level will provide continued support of leadership on key DOL initiatives and mandates. The Budget includes three increases at this request level:

- *Good Jobs Initiative:* The Department requests a total of \$3,750,000 and 5 FTE in support of the work of the U.S. Department of Labor to create a Good Jobs Initiative that will provide training and technical assistance to agencies as they work to embed and promote good jobs principles in procurement, loans, and grants; engage employers on strategies and initiatives to improve job quality; and provide a centralized location of information and services on workers' rights under key workplace laws and on unions and collective bargaining for use by workers, unions, employers, researchers, other government agencies, and policymakers.
- *Rebuilding the Department's Leadership Capacity:* The Administration has an ambitious agenda for the Department, and this requires robust resource levels for the Program Direction and Support (PDS) activity in the Departmental Management appropriation. Due to the combination of flat funding and inflationary pressures in both personnel and non-personnel costs, the Department's fundable FTE level in this budget activity has plummeted. The Department requests \$5,200,000 and 17 FTE which will be used for leadership, policy, and regulatory staffing.
- *Establish Climate Policy Office in OSEC:* The Budget includes an \$325,000 and 2 FTE to create a new climate policy coordination office to support the growing climate work among its sub-agencies and across the federal government. These FTE will have specialized expertise in labor and climate policy, including specialized focus on workforce training, just transition, health and safety, labor standards, worker empowerment, stakeholder management and the regulatory processes. In addition to meeting objectives of the Justice40 Initiative, expanded resources will help increase our capacity to:

PROGRAM DIRECTION AND SUPPORT

- highlight the connections between interagency climate efforts and the Department's priorities, including worker health and safety, empowerment, and equity in workforce development
- support current and future work on climate at the Department including rule-making, enforcement, and grant making opportunities
- research climate impact on workers, find synergies on climate across the DOL, the federal government and internationally, and
- identify and help to execute on strategies for socializing and bridging climate action to external labor stakeholders.

FY 2022

The FY 2022 annualized C.R. funding for PDS is \$30,250,000 and 103 FTE. High priority activities in FY 2022 include continued development of the Office of Equity and Inclusion in coordination with the Chief Economist. This office continues to provide guidance and leadership to ensure that the Department takes a comprehensive approach in 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. OASP manages the regulatory development process, and as such, plays an important role in supporting rules that advance equity for underserved communities. OASP's regulatory staff continues to develop enhanced guidance for DOL agency use in preparing equity assessments in their regulatory impact analyses. This guidance assists agencies in better analyzing the distribution of regulatory impacts across individuals, households, and businesses/industries, with particular attention given to economically or historically disadvantaged or vulnerable groups.

FY 2021

The FY 2021 revised enacted funding for PDS was \$30,250,000. High priority activities in FY 2021 included 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). ODG, in collaboration with members of the DOL Data Board (DOLDB), continued to improve data capacity and collection, while increasing utilization and sharing with relevant internal and external stakeholders. OCI continued 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.

PROGRAM DIRECTION AND SUPPORT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	15,547	15,547	21,612	6,065
11.3	Other than full-time permanent	0	0	66	66
11.5	Other personnel compensation	80	80	80	0
11.9	Total personnel compensation	15,627	15,627	21,758	6,131
12.1	Civilian personnel benefits	5,212	5,212	6,856	1,644
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	46	46	46	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	2,301	2,301	2,301	0
23.3	Communications, utilities, and miscellaneous charges	160	160	160	0
24.0	Printing and reproduction	48	48	48	0
25.1	Advisory and assistance services	1,362	1,362	4,873	3,511
25.2	Other services from non-Federal sources	251	251	251	0
25.3	Other goods and services from Federal sources 1/	5,119	5,119	5,906	787
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	35	35	35	0
26.0	Supplies and materials	77	77	77	0
31.0	Equipment	12	12	12	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	30,250	30,250	42,323	12,073
	1/Other goods and services from Federal sources				
	Working Capital Fund	5,058	5,058	5,845	787
	Services by Other Government Departments	61	61	61	0

PROGRAM DIRECTION AND SUPPORT

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$1,709
Personnel benefits	493
Federal Employees' Compensation Act (FECA)	-191
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	787
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 **\$2,798**

Net Program **\$9,275**

Direct FTE **24**

	Estimate	FTE
Base	\$33,048	103
Program Increase	\$9,275	24
Program Decrease	\$0	0

LEGAL SERVICES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	131,756	131,910	186,694	54,784
FTE	530	543	740	197

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 574. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

The Office of the Solicitor of Labor (SOL) is the legal enforcement and support arm of DOL, advancing the Department’s mission through enforcement of worker safety and protection laws and implementation of the Secretary’s priorities, regulatory and program agendas. Its mission of meeting the legal service demands of the entire Department includes providing the legal support necessary to accomplish the President’s strategic vision and the Secretary’s priorities to support and enhance worker protections *Morning, Noon, and Night*. SOL provides its legal services through National Office Divisions that are generally dedicated 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. Because client enforcement agencies have no attorneys or ability to bring litigation matters, SOL participates in the development of all complex investigations even before litigation, enforces every client case that goes to litigation, and works-up all significant and complex settlements.

SOL shares the goals of each of its clients and works closely with DOL agencies to develop and implement specific policies and mission critical programs. SOL contributes to the accomplishment of all Department enforcement, strategic, and outcome goals, and supports the Department in five core ways:

- *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. As such, affirmative litigation is a large part SOL’s work. SOL represents the Department in federal courts 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 profit from a competitive advantage over law-abiding employers.
- *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

LEGAL SERVICES

program objectives and responding to pending issues while complying with all applicable legal requirements.

- *Promoting Equity.* SOL provides crucial leadership, advice and helps develop proposals and programs to further equity applications throughout Departmental programs. SOL continues to devote resources to develop and improve upon internal work products and policies that reflect our values of anti-discrimination, diversity, equity, and inclusion.
- *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.
- *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.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$124,053	597
2019	\$124,053	567
2020	\$124,053	541
2021	\$124,053	574
2022	\$0	514

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

In FY 2023, SOL is requesting \$186,694,000 and 740 FTE. This request includes two increases, to restore base level staffing and to match increases provided to DOL agencies under the FY 2023 budget request. 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.

This SOL request reflects a program increase of \$47,386,000 and 197 FTE over FY 2022 funding at an annualized continuing resolution level, of which \$9,301,000 and 39 FTE of the program increase is provided for SOL to provide commensurate increases in legal support to client agencies with FY2023 programmatic increases and initiatives that drive a need for legal services. This request aligns with the enforcement agenda of the Department’s *Morning, Noon and Night* initiative and President Biden’s commitment to an all-hands-on-deck effort to fight misclassification of workers and enforce health and safety laws. SOL, the leading agency within the federal government that has attorneys enforcing a sweeping range of the nation’s labor and employment laws, currently has a staff of about 645 FTE, as compared to 724 FTE at the

LEGAL SERVICES

beginning of the previous Administration, and a peak staff of about 770 FTE in FY2012. The FY 2023 funding request is directed to providing sufficient legal resources to support the Department in achieving this Administration's priorities – vigorously enforcing the nation's labor laws, developing a strong regulatory agenda, and supporting DOL programs such as the Good Jobs Initiative.

SOL is solely charged with bringing enforcement actions for the nearly 200 laws that DOL enforces. SOL participates in the development of all complex investigations and enforces all client cases in litigation and is additionally intensely involved in every single significant settlement of its client agencies. The FY 2023 funding request would enable SOL to rectify its current understaffing in relation to our historical levels, and reach staffing levels sufficient to support all DOL client agencies and fulfillment of the Department's worker protection mission. Notably, SOL is positioned to maximize its enforcement capacity by hiring swiftly when it has resources, engaging in timely and aggressive recruitment, and being able to quickly complete hiring actions because of the excepted service nature of attorney positions.

As its client agencies get increased funding, SOL remains critically underfunded, with an average attorney-to-client ratio in the field of 21:1 (one attorney for every 21 FTE in the client agency). This equates to insufficient SOL staff to litigate client agency cases. With supplemental appropriated funding under the American Rescue Plan Act (ARPA) and the No Surprises Act/Transparency (NSA/T, §118 of Division BB of the FY 2021 Consolidated Appropriations Act), DOL enforcement agencies are hiring more investigators and related staff, which results in more cases requiring SOL consultation ("early and often" consultation produces better results, but it takes resources), more enforcement actions heading to litigation, and more significant settlements. Without adequate funding of SOL, DOL becomes nothing more than a paper tiger – without real teeth to our enforcement efforts.

Fewer staff is dramatically felt in litigation, where the number of litigation matters SOL has opened and concluded has dropped alongside declining staff levels. In FY 2012, when SOL staffing was at its height, SOL opened over 15,000 litigation matters and closed over 16,500 litigation matters. In contrast, in FY 2021, with staffing at close to the lowest level, just over 5,100 litigation matters were opened and just over 6,200 were closed. This equates to an approximately 65% reduction in opened and closed litigation matters.

To the degree SOL has received some supplemental funding under the American Rescue Plan (for worker protection/COVID and UI) and No Surprises Act, those dollars largely prevented layoffs, rather than built staff levels, because appropriated funds have remained flat since FY 2013. SOL's FY 2023 funding request seeks sufficient funding to increase our base resource – staff – and, in turn, revitalize and strengthen our enforcement work in support of Department and Administration priorities. Absent additional resources, SOL's ability to provide legal support to the Department will be substantially diminished. Without improved resources as sought in this request, SOL will be unable to support the Department's enhanced worker protection compliance and enforcement efforts as proposed in FY 2022 and FY 2023. 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.

LEGAL SERVICES

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.

Additionally, the request for SOL includes an increase of \$475,000 and 0 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 (ALJ), the Benefits Review Board, and the U.S. Courts of Appeals. Because of an increase in Black Lung claims 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 involvement – has multiplied over the last several years. Further, because of ongoing and evolving issues related to challenges to ALJs' authority to decide claims under the Constitution's Appointments Clause (see, e.g., Carr v. Saul, 141 S. Ct. 1352 (2021)), SOL must expend a higher level of resources in Black Lung claims.

FY 2022

In FY 2022, the annualized Continuing Resolution level for SOL is \$131,910,000 and 543 FTE, which includes General, Unemployment Trust Fund (UTF), and Black Lung Disability Trust Fund (BLDTF) appropriated funding but does not include funding and FTE supported by reimbursable funding. Should this level of funding prevail for all of FY 2022, it will provide basically the same level of funding for SOL as since FY 2013 and will force further drop in staff levels. It will continue the pattern of deeply inadequate flat funding of SOL, which conflicts with the growing demand for SOL legal services and SOL's growing expenditures as a result of inflationary costs, including substantial benefit cost increases. SOL's workload continues to rise as a result of the Administration's priorities, the need for vigorous worker protections in all areas, and our client agencies receiving increases in funding for their programs, putting further stress on SOL's limited resources.

Inadequate funding (1) exposes the Department to the risk of being unable to receive all requested and otherwise necessary legal services; (2) prohibits early and often consultation with client agencies; (3) handicaps the recruitment of diverse, qualified staff that will nurture a fully engaged workforce and ensure SOL can address succession planning; (4) inhibits SOL's ability to promote a transparent, equitable and ethical government; and (5) makes it difficult to make informed and effective decisions regarding pursuing cases that fall within articulated priorities and those that do not, as well as address unanticipated legal issues that arise during the year.

Absent adequate resources, SOL will continue to strive to attain the Department's strategic objectives and the Solicitor's priorities of providing robust and comprehensive legal services to support all parts of the Department's mission: (1) enforcement of worker protection statutes; (2) support of DOL's workforce development, safety net, and research programs, and (3) legal advice and assistance in developing new programs and protections for workers through legislation, regulation, and guidance.

LEGAL SERVICES

FY 2021

In FY 2021, SOL's enacted funding level was \$131,756,367 and 572 FTE. This was flat funding at the same level as FY 2019 and FY 2020, and indeed basically the same since FY 2013. In contrast, SOL's projected expenditures for FY 2021 substantially increased as a result of a federal pay raise and benefits 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 from SOL. Meanwhile, SOL's ability to utilize certain reimbursable funding for legal services related to those funds was substantially reduced due to low levels of collections and fees paid into the funds.

In FY 2021, SOL experienced a demand for legal services at a frenzied, increased level due to the enactment of several key pieces of legislation, including provisions of the American Rescue Plan Act (ARPA) and the No Surprises Act/Transparency (NSA/T, §118 of Division BB of the FY 2021 Consolidated Appropriations Act). As a result, client agencies relied even more on SOL to assist with rulemaking efforts, implementation of requirements, and enforcement work. Due to the deficit created by continued flat appropriated funding in FY 2020 and FY 2021, SOL would have had to furlough staff except for its receipt of supplemental resources under ARPA (for worker protection/COVID and UI) and NSA/T. These additional funding sources allowed SOL to work within budget restrictions to provide legal services, but at a continuing diminishment of staff levels and legal services.

LEGAL SERVICES

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
Legal Services					
Strategic Goal ALL - All Strategic Goals					
Strategic Objective ALL.1 - All Strategic Objectives					
Pre Litigation:					
PRE-01	Matters Opened	2,300[p]	2,325	2,600[p]	3,425[p]
PRE-02	Matters Concluded	2,400[p]	2,892	2,700[p]	3,550[p]
PRE-04	Matters Pending	3,000[p]	2,144	2,900[p]	2,775[p]
Litigation:					
LIT-01	Matters Opened	5,600[p]	5,156	6,400[p]	8,400[p]
LIT-02	Matters Concluded	4,800[p]	6,238	5,500[p]	7,225[p]
LIT-04	Matters Pending	11,800[p]	11,446	12,700[p]	13,875[p]
Opinion/Advice:					
OA-01	Matters Opened	7,200[p]	5,984	8,200[p]	10,775[p]
OA-02	Matters Concluded	6,200[p]	5,527	7,100[p]	9,325[p]
OA-04	Matters Pending	20,200[p]	18,555	21,300[p]	22,750[p]
Regulations:					
REG-01	Matters Opened	60[p]	52	68[p]	89[p]

LEGAL SERVICES

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
REG-02	Matters Concluded	35[p]	31	40[p]	53[p]
REG-04	Matters Pending	163[p]	118	191[p]	227[p]

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

LEGAL SERVICES

Workload and Performance

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 2023 workload performance targets are best estimates based on FY 2021 year-end results, and actual to-date and projected final results for FY 2022. The FY 2023 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.

LEGAL SERVICES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	68,735	68,889	101,426	32,537
11.3	Other than full-time permanent	144	144	144	0
11.5	Other personnel compensation	2,123	2,123	2,123	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	71,002	71,156	103,693	32,537
12.1	Civilian personnel benefits	26,517	26,517	36,885	10,368
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	330	330	684	354
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	5,409	5,409	8,117	2,708
23.2	Rental payments to others	13	13	18	5
23.3	Communications, utilities, and miscellaneous charges	67	67	261	194
24.0	Printing and reproduction	23	23	38	15
25.1	Advisory and assistance services	80	80	80	0
25.2	Other services from non-Federal sources	2,030	2,030	2,711	681
25.3	Other goods and services from Federal sources 1/	24,175	24,175	31,004	6,829
25.4	Operation and maintenance of facilities	9	9	37	28
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	1,320	1,320	1,887	567
26.0	Supplies and materials	646	646	955	309
31.0	Equipment	134	134	323	189
42.0	Insurance claims and indemnities	1	1	1	0
	Total	131,756	131,910	186,694	54,784
	1/Other goods and services from Federal sources				
	Working Capital Fund	18,281	18,281	25,110	6,829
	Services by Other Government Departments	5,894	5,894	5,894	0

LEGAL SERVICES

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$5,597
Personnel benefits	1,069
Federal Employees' Compensation Act (FECA)	-22
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	754
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 **\$7,398**

Net Program **\$47,386**

Direct FTE **197**

	Estimate	FTE
Base	\$139,308	543
Program Increase	\$47,386	197
Program Decrease	\$0	0

INTERNATIONAL LABOR SERVICES

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	96,125	96,125	128,965	32,840
FTE	116	124	151	27

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 122. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

Introduction

The Bureau of International Labor Affairs (ILAB) safeguards dignity at work, both at home and abroad, by strengthening global labor standards; enforcing labor commitments among trading partners; promoting racial and gender equity; and combating international child labor, forced labor, and human trafficking. These efforts support DOL’s Strategic Goal 2 to ensure safe jobs, essential protections, and fair workplaces.

ILAB positions the United States as a leader on international labor rights by demonstrating the U.S. commitment to work with governments, workers, unions, civil society organizations, the private sector, and other actors to achieve its mission. ILAB employs research, technical assistance, trade policy and labor diplomacy to enforce trade commitments and strengthen compliance with labor rights.

ILAB 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, to ensure that trade partners do not undermine worker 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 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 technical assistance 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* (TVPRAList), as mandated by the

INTERNATIONAL LABOR SERVICES

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.

These efforts are made actionable by the implementation of ILAB’s Agency Management Plan (AMP), which includes the following themes for FY 2022: Implementing the President’s Trade Agenda, Implementation of Regional Initiatives in Central America, Elevating Labor Diplomacy, Worker Protection, and DOL as a Model Workplace.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$86,125	108
2019	\$86,125	114
2020	\$96,125	108
2021	\$96,125	122
2022	\$0	124

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

The FY 2023 request for ILAB is \$128,965,000 and 151 FTE. The requested funding reflects a \$30,803,000 increase over the FY 2021 enacted level (which has been extended into FY 2022 at the time of this writing under an annualized Continuing Resolution), and includes the following:

- 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 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;
- A program increase of \$10,000,000 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
- An increase of \$1,250,000 from the FY 2021 enacted funding level to support the hiring, placement and maintenance of new labor attaché posts to expand ILAB’s ground presence as it monitors and enforces commitments made by trading partners.

Implementing the President’s Trade Agenda

The President’s trade 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, and 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

INTERNATIONAL LABOR SERVICES

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.

ILAB's FY 2021 appropriation, at an annualized Continuing Resolution level, 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 theft. 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, 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 will directly support the Biden Administration's Executive Order on American supply chains, the President's trade agenda, 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 \$10 million annually, which will support 15 new FTE, as well as necessary research contracts and other related expenses. 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.

INTERNATIONAL LABOR SERVICES

Labor Attaché Program

The labor attaché program is a powerful tool for strengthening compliance with labor-related trade commitments and raising labor standards in selected countries, regions, and globally. This program places experienced staff in U.S. missions abroad where direct monitoring and engagement on labor issues advances U.S. interests. ILAB labor attachés play a critical role in ensuring our trade partners and other countries uphold the internationally recognized labor standards included in our trade agreements, including standards pertaining to the right to freedom of association and collective bargaining, wages, hours, overtime, workplace safety, non-discrimination, and the prohibition of child and forced labor. They enhance the effectiveness of ILAB's targeted technical assistance, which helps ensure local labor law and practice align with internationally recognized labor standards. Recent ILAB labor attaché accomplishments have supported the Administration's focus on ensuring trade partners comply with their commitments to the United States. For example, in Mexico, labor attachés directly contributed to the negotiation of the settlement of the GM-Silao case, the first case received under the USMCA Rapid Response Mechanism, by interviewing workers in country and engaging with the Ministry of Labor in Mexico. ILAB proposes an expansion of the labor attaché program to intensify its focus on the Administration's labor and employment priorities, including through the monitoring and enforcement of Free Trade Agreements (FTAs) through continued, targeted deployment of labor attachés in strategically important countries and regions.

ILAB requests additional funding to provide for the establishment and maintenance of labor attachés in strategic countries where longstanding and flagrant labor violations persist, including in Central America and Bangladesh. The Northern Central American countries of El Salvador, Guatemala and Honduras are of particular importance to support the implementation of the Administration's strategies on addressing root causes of migration and supporting collaborative migration frameworks. Labor attachés placed in these countries would lead in-country implementation of labor-related aspects of the Biden-Harris Administration Strategy to Address the Root Causes of Migration in Central America and Collaborative Migration Management Strategy. These strategies include labor and employment as key issue areas and recognize that other pillars, such as economic prosperity, need to be addressed with a labor lens to maximize effectiveness. Labor attachés in these countries would execute strategies, strengthen networks of contacts and partners, identify new areas for interventions and cooperation, engage with governments, and support labor-related technical assistance projects. Serving as senior advisors to embassy leadership, labor attachés would coordinate closely with the political and economic sections and other parts of the Mission to carry out USG labor mandates and promote links to broader implementation of the strategy. DOL attaché responsibilities would include monitoring and reporting on compliance with the labor chapter of the CAFTA-DR, violence against labor leaders, labor migration, and labor market trends. The sustained presence of labor attachés would create a channel for strengthening the work of the U.S. Government domestically and internationally with respect to migration issues in Northern Central America.

ILAB estimates that the placement and maintenance of labor attachés in two additional overseas missions or posts in trade partner countries will require an additional \$1,250,000. Ongoing USMCA funding supports labor attachés based in Mexico.

INTERNATIONAL LABOR SERVICES

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

ILAB will focus on fulfilling the President's trade agenda to review, monitor and enforce the labor provisions of the FTAs between 19 trade partner countries and the United States. To support the administration's Root Causes Strategy and Collaborative Migration Management Strategy to engage in Central America, ILAB will focus on increased monitoring and engagement with Northern Central American countries. In addition, ILAB will increase existing Western Hemisphere engagements with Colombia, Panama, 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 FTAs have not been satisfied. ILAB will serve as the principal liaison with U.S. trading partners for the administration of FTA labor chapters, including labor subcommittees and labor cooperation mechanisms.

ILAB will also conduct 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). ILAB will continue to engage with priority countries seeking innovative avenues to improve labor compliance, including partnering with like-minded partner governments on beneficiary countries. In addition, in anticipation of reauthorized GSP criteria that will include an anti-discrimination standard, ILAB is researching country-level law and practice to establish a baseline for engagement and enforcement. ILAB is also developing an all-Africa strategy, not reliant solely on trade, and focused on a coordinated, strategic approach that strengthens our hand in labor diplomacy, supported by establishing a relationship network of African ministries, ideally supported with technical assistance engagement.

ILAB will continue to negotiate strong, enforceable, and clear labor provisions in any trade agreements, or economic strategies, negotiated or renegotiated in FY 2023 to ensure American workers' equities are protected, including by developing approaches that meet high labor standards, advance resilient and secure supply chains, and address the suppression of wages and workers' rights in other countries to the detriment of U.S. workers. 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 a potential future 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.

ILAB will seek to support trade partner countries' sustainable development trajectories by expanding linkages to multilateral development bank work and building a stronger economic

INTERNATIONAL LABOR SERVICES

development focus that includes discussions around social protection, wages, and key sectors in bilateral relationships with governments.

Improving Global Working Conditions and Promoting Inclusive, Equitable Economic Growth

In FY 2023, 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, WHO, G20, G7, and OECD. 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 work with like-minded partners around the world to implement the expected decision by the Governing Body of the ILO in making occupational safety and health a fundamental right and principle at work. ILAB will sharpen focus and increase leadership at the G20 OSH Network and the WHO H-WoW Network to support the adoption of ILO OSH instruments by countries. ILAB will continue to implement plans developed under the M-POWER initiative to advance workplace democracy and support trade union rights in the global economy. Finally, ILAB will continue to 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 DOL policy work, 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

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 spotlighting child labor and forced labor abuses, 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. 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 projects to address these issues, ILAB will work in countries that advance the strategic foreign policy priorities of the Administration, most notably in Central America, Southeast Asia, and Sub-Saharan Africa. ILAB will also continue to manage, monitor, and evaluate a diverse

INTERNATIONAL LABOR SERVICES

portfolio of projects to combat child and forced labor around the world. Finally, ILAB will advance the knowledge base on these issues by developing new tools and disseminating good practices and partnering with other U.S. 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 policy engagement, pursuing South-South cooperation, and designing new funding mechanisms to better respond to emerging Administration priorities.

FY 2022

The FY 2022 ILAB, at an annualized CR rate, is \$96,125,000 and 122 FTE, continuing ILAB's FY 2021 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.

Implementing the President's Trade Agenda

The President's trade 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.

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

INTERNATIONAL LABOR SERVICES

tainted goods through complex global supply chains to identify the final products. The implementation of this mandate will directly support the Biden Administration's Executive Order on American supply chains, the President's trade agenda, 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.

ILAB will work to implement the new TVPRA mandate, despite challenges caused by the absence of designated funding. ILAB will conduct mix-method studies to experiment with possible methodologies to trace a variety of different types of supply chains, and will pilot the more promising methodologies through tracing two or three selected goods tainted with forced labor at the original site of production/mining. In this manner, ILAB aims to be ready for a rapid ramp up of the mandated supply chain tracing in the event that funding for the necessary research and additional staff is obtained. In addition, ILAB will also support implementation of the Uyghur Forced Labor Protection Act as part of our role in the Forced Labor Enforcement Task Force.

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

ILAB will focus on fulfilling the President's trade 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, Panama, Peru, and Chile to support greater compliance with FTAs and continue labor engagement with other FTA countries including Korea, Bahrain, and Jordan. 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 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 chapters, including 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.

INTERNATIONAL LABOR SERVICES

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.

Improving Global Working Conditions and Promoting Inclusive, Equitable Economic Growth

In FY 2022, ILAB will advance U.S. labor and employment priorities in several ways. First, ILAB will focus on representing the U.S. Government's interests and policies in international fora, such as the ILO, WHO, G20, G7, and OECD, and in regional groups. ILAB will ensure U.S. priorities are reflected in the international organizations' policies and programs, and is advocating for making OSH a fundamental right and principle at work. ILAB conducts dialogue and informational exchanges with foreign governments to shape policies and enable senior DOL officials to share with, and learn from, practices, policies, and programs used in other countries, particularly in the areas of workforce development, social protection and equity. ILAB promotes 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 regularly furnishes reporting of international economic trends and comparisons between the United States and other developed countries.

ILAB launched the M-POWER initiative in FY 2022. The M-POWER Initiative is the largest commitment by the U.S. government to advance workplace democracy and support trade union rights in the global economy. Together with the State Department and USAID, ILAB plans to invest more than \$120 million over two years for innovative technical assistance to empower workers and strengthen worker voice. The M-POWER initiative strengthens free and independent trade unions; supports labor law reform and enforcement; promotes worker organizing and the innovative use of collective bargaining to improve livelihoods; and extends labor law coverage to protect workers in vulnerable, low-wage employment and in the informal economy.

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. For example, in February 2022, ILAB's Reducing Incidence of Child Labor and Harmful Conditions of Work in Economic Strengthening Initiatives (RICHES) project launched a set of 19 new tools to mitigate the risk of child labor occurring as an unintended result of women's economic empowerment initiatives.

INTERNATIONAL LABOR SERVICES

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 will also support and promote full participation by civil society and workers in the Fifth Global Conference on Child Labor, with the aim of producing an action-oriented and time-bound outcome document.

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. ILAB will update its Comply Chain tool for due diligence to provide companies with the tools and know-how to include worker voice as an essential element of due diligence. ILAB will also expand its newly launched Better Trade tool to provide greater transparency and understanding of goods imported into the U.S. at high risk of being made with forced labor or child labor. Across all its projects to address these issues of forced and child labor, 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. ILAB will also continue to manage a portfolio of over 45 projects, active in over 45 countries, to combat child and forced labor. This includes programming to pilot new tools, and programming in Central America and Mexico. ILAB will publicly feature the many tools, resources, research products, and lessons learned developed through these and previous technical assistance programming in an online platform. This platform will house resources like the 19 tools developed by the ILAB-funded RICHES project, which will mitigate the risks of child labor occurring as a result of women's economic empowerment initiatives.

Finally, ILAB will advance the knowledge base on these issues by disseminating new tools, research, and good practices and partnering with other U.S. 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 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 was \$96,125,000 and 122 FTE. This funding level continued ILAB's FY 2020 enacted funding level.

ILAB continued to represent the U.S. government and promote U.S. labor and employment priorities at the ILO, G20, G7, and in bilateral engagements. ILAB focused its efforts to make

INTERNATIONAL LABOR SERVICES

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 focused on monitoring and enforcing the labor provisions of the 19 U.S. FTAs that include such provisions. Attention was focused on Mexico and the obligations of the United States-Mexico-Canada Agreement (USMCA). Specifically, ILAB undertook increased monitoring and engagement with Mexico through a combination of labor attachés based in Mexico and staff based in Washington, D.C., as well as additional enforcement responsibilities. ILAB received and acted on four rapid response petitions. Further, DOL/ILAB and the Office of the United States Trade Representative successfully used the Rapid Response Mechanism (RRM) two times in FY 2021. The United States and Mexico agreed to a course of remediation to address a denial of rights at a General Motors facility in Silao, State of Guanajuato. This course of remediation resulted from a self-initiated RRM enforcement action. Pursuant to that course of remediation, a new legitimization vote overseen by the Mexican Secretariat of Labor and Social Welfare took place on August 19, 2021, with the participation of observers from the International Labor Organization and Mexico's National Electoral Institute. Nearly 6,000 workers freely cast their ballots and the vote resulted in rejection of the existing collective bargaining agreement. The course of remediation ended on September 20, 2021.

The United States also invoked the RRM concerning the Tridonex automotive parts facility in Matamoros, State of Tamaulipas. On August 10, 2021, the company and USTR agreed to an action plan to address issues at the facility. Among other things, the action plan commits Tridonex to offer severance and back pay totaling more than \$600,000 to certain terminated workers, be neutral in future union elections, provide training to all Tridonex workers and staff on their rights and responsibilities, and hire personnel or a consultant with experience in workers' rights to review labor relations practices at the facility. In addition to commitments made by Tridonex, the Government of Mexico agreed to help facilitate workers' rights training for Tridonex employees and monitor any union representation election at the facility.

ILAB conducted 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). Despite the lapse in the GSP program, ILAB staff targeted engagement with priority beneficiary countries (i.e. Algeria, Ecuador, Egypt, Kazakhstan) to continue dialogue to improve labor compliance. During the AGOA annual review, the ILAB team drew attention to labor concerns in ten beneficiary countries with the result that the interagency will engage on labor in key countries such as Lesotho, Nigeria, Tanzania, and Zambia, 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 worked to prepare to negotiate strong, enforceable, and clear labor provisions in trade agreements and economic strategies in FY 2021 to ensure American workers' equities are protected.

INTERNATIONAL LABOR SERVICES

ILAB worked with interagency partners to identify new ways to improve compliance with labor standards, including by engaging workers and businesses to build strong and resilient supply chains and address suppression of wages and worker rights in other countries. In FY 2021, ILAB exceeded its technical assistance targets by supporting and overseeing 58 active technical assistance interventions in 53 countries. These efforts strengthened labor law enforcement and compliance with the labor requirements of U.S. trade agreements and preference programs.

ILAB worked with the U.S. Department of State, the Office of the U.S. Trade Representative (USTR), the Department of Commerce, and other inter-and-intra agency partners to maximize the impact of ILAB's efforts to improve labor conditions around the world.

Improving Global Working Conditions and Promoting Inclusive, Equitable Economic Growth

ILAB drew 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

In FY21, ILAB continued its efforts to combat exploitative child labor, forced labor, and human trafficking, focusing 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. ILAB awarded \$29.5 million in new grant awards to combat child labor, forced labor and other unacceptable conditions of work. This included over \$8 million for a project to empower civil society and workers' organizations to address child labor, forced labor and other unacceptable working conditions in El Salvador, Guatemala and Honduras; a \$5 million project addressing these labor issues in Malaysia's palm oil and garment industries; a \$10 million project with the ILO to support global action under Alliance 8.7; a \$4 million project with the Global March Against Child Labor to strengthen action by civil society actors to address child labor in Nepal, Peru and Uganda; and a \$2.5 million project to build the capacity of ASEAN to combat forced labor in the region's fishing sector. In addition, ILAB allocated another \$5 million to expand actions to combat child labor and forced labor under 12 existing projects across multiple regions. ILAB also ramped up activities on two supply chain tracing projects – the STREAMS project, which is tracing goods made with child and forced labor in the garment sector of India, and the Global Trace Protocol project, which is tracing cotton from Pakistan and cobalt from the Democratic Republic of Congo. These two projects will develop and test new supply chain tracing methodologies and tools, pilot test them, and share them with a broad range of stakeholders to promote adoption. Elsewhere, in Brazil, Colombia, and Mexico, ILAB programming supported the piloting of new tools to increase private sector monitoring of coffee supply chains to improve labor conditions and reduce child labor and forced labor.

ILAB efforts also included publication of its three flagship reports: *The Findings on the Worst Forms of Child Labor*, the *List of Goods Produced by Child Labor or Forced Labor* (TVPRA List), and the E.O. 13126 - *List of Products Produced by Forced or Indentured Child Labor*. ILAB also undertook policy engagement efforts to assist governments in addressing suggested

INTERNATIONAL LABOR SERVICES

actions identified through its reporting. ILAB worked with key countries, workers, businesses, and civil society to address the child labor or forced labor that led to inclusion of a good on ILAB's TVPRA List by providing a systematic framework to support removal of a good from the TVPRA List through the collection of information and development of effective systems.

In FY 2021, ILAB released the Better Trade Tool, which is designed to help businesses, civil society, workers' organizations, consumers and others to understand the risk levels of child labor and forced labor in goods being imported into the U.S. The Tool matches high risk goods listed in ILAB's reports with import trade data. It contains interactive features for users to track both the volume and value of those imported goods. ILAB also released a new Malay addition of its Comply Chain tool in FY 2021, making the hands-on due diligence supply chain tool more accessible to 300 million Malay speakers.

ILAB worked 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 addressed 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 projects promoted accountability in supply chains, worker voice, and social protection as strategies to address child labor and forced labor. ILAB also worked 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 took steps to increase its engagement with foreign governments, worker and employer organizations, international and civil society organizations, and like-minded countries to promote coordinated, 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. 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, ILAB highlighted efforts to address child labor and encouraged broader and accelerated action to eliminate child labor and forced labor.

Oversight of existing technical assistance grants

During FY21, ILAB provided strong oversight of its diverse portfolio of technical assistance programming. ILAB staff worked with grantees to develop project monitoring and evaluation plans to track progress towards achieving intended results and commissioned third-party performance evaluations for several projects. ILAB also conducted an annual risk assessment process to identify high-risk projects that may benefit from project-level audits/attestation engagements and commissioned independent audits for selected projects. ILAB continued 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 also published [evaluation results](#) on its website.

INTERNATIONAL LABOR SERVICES

Workload and Performance

In support of its FY 2023 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 2022, ILAB introduced new performance measures, including several measures relating to ILAB's mandates under the USMCA, support for the administration's Root Causes Strategy in Central America, and efforts to address equity issues. In addition to these new performance measures, ILAB is continuing the use of several existing legacy performance measures.

In FY 2023, ILAB will work to:

- Increase the capacity of governments – as well as private sector, worker organizations 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.
- 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.
- Conduct evaluations of ILAB's policies, programs, and technical assistance to develop new data and evidence for current and future programming.
- Elevate engagement with countries through a labor attaché corps in Mexico, Vietnam, Colombia, and other trade partner and preference program countries.
- Increase ILAB's capacity to expand its TVPRA list to include (as mandated by the 2018 Trafficking Victims Protection Act) goods made with inputs that are produced with forced labor or child 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 goals. These activities are also aligned with the themes and strategies identified in ILAB's Agency Management Plan.

The successful achievement of ILAB's strategic goals 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

INTERNATIONAL LABOR SERVICES

officials, and political leadership, and not solely on ILAB's efforts.

While much of ILAB's efforts rely on external stakeholders and other external factors, ILAB does have ways to assess the degree to which it is successfully implementing planned activities to pursue desired outcomes. The FY 2023 Budget request includes measures that help evaluate whether ILAB has successfully carried out these activities, including:

- Number of international policy documents that reflect U.S. labor and employment interests.
- Percent of high engagement trading partner countries or multilateral institutions that implement actions to improve protection of labor rights, including through law or enforcement.
- Number of trade partner countries in which labor rights, including child labor and forced labor, are systematically monitored and analyzed.

In FY 2023, ILAB will develop and oversee expanded technical assistance programming in support of the USMCA and the Biden Administration's Strategy to Address the Root Causes of Migration in Central America, as well as continuing to oversee and expand the scope of grants under its broader technical assistance portfolio.

In FY 2022, ILAB will expand its monitoring and enforcement work in Mexico under the USMCA. Specifically, ILAB will hire two additional labor attachés and will establish one in a new consulate. ILAB will continue to utilize the Rapid Response Mechanism to expedite enforcement of labor rights at particular facilities that fail to comply with domestic laws. ILAB will develop a new electronic case management system to bolster its case building and monitoring capabilities. Finally, ILAB will support the Interagency Labor Committee in meeting Congressional reporting requirements and process submissions.

ILAB will fulfill its responsibilities 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, expand traceability through global supply chains, and support policy engagement efforts to assist governments in addressing suggested actions identified through its reporting. In addition to increasing its capacity to meet the 2018 TVPRA mandate, ILAB will also increase its level of outreach, training, and support for U.S. Government agencies seeking to guard against procurement of goods made with child labor, forced labor, or other abusive labor practices.

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.

INTERNATIONAL LABOR SERVICES

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	14,800	14,800	22,050	7,250
11.3	Other than full-time permanent	225	225	225	0
11.5	Other personnel compensation	410	410	410	0
11.9	Total personnel compensation	15,435	15,435	22,685	7,250
12.1	Civilian personnel benefits	4,884	4,884	5,002	118
21.0	Travel and transportation of persons	400	400	400	0
22.0	Transportation of things	38	38	38	0
23.1	Rental payments to GSA	1,120	1,120	1,120	0
23.3	Communications, utilities, and miscellaneous charges	38	38	38	0
24.0	Printing and reproduction	18	18	18	0
25.1	Advisory and assistance services	600	600	600	0
25.2	Other services from non-Federal sources	181	181	7,181	7,000
25.3	Other goods and services from Federal sources 1/	6,251	6,251	7,723	1,472
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	100	100	100	0
26.0	Supplies and materials	70	70	70	0
31.0	Equipment	65	65	65	0
41.0	Grants, subsidies, and contributions	66,925	66,925	83,925	17,000
	Total	96,125	96,125	128,965	32,840
	1/Other goods and services from Federal sources				
	Working Capital Fund	4,912	4,912	5,534	622
	DHS Services	6	6	6	0
	Services by DOL Agencies	5	5	5	0
	Services by Other Government Departments	1,314	1,314	2,164	850

INTERNATIONAL LABOR SERVICES

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$1,297
Personnel benefits	226
Federal Employees' Compensation Act (FECA)	-108
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	622
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 **\$2,037**

Net Program **\$30,803**

Direct FTE **27**

	Estimate	FTE
Base	\$98,162	124
Program Increase	\$30,803	27
Program Decrease	\$0	0

ADMINISTRATION AND MANAGEMENT

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	29,004	28,450	45,263	16,813
FTE	104	101	103	2

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 102. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

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 – beyond those supported by the Reasonable Accommodation Resource Center (RARC), which are also financed through the WCF - are detailed in the Civil Rights budget activity below.

ADMINISTRATION AND MANAGEMENT

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$34,475	85
2019	\$28,450	106
2020	\$29,004	99
2021	\$29,004	102
2022	\$0	101

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

The FY 2023 request for OASAM is \$45,264,000 and 103 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. With this portion of the request, OASAM will further integrate OASAM's budget and performance management functions by enhancing coordination with the Chief Evaluation Office in the Office of the Assistant Secretary for Policy's (OASP) on program evaluation, the Chief Data Officer on data governance functions and the Office of the Chief Financial Officer's (OCFO) on Enterprise Risk Management function.
- *Future of Work:* The Department requests \$5,000,000 for Future of Work activities. Resources will be used for the planning, space redesign, reasonable accommodations, and information technology tools to implement modern workplace solutions. With adequate resources, the Department can guide the way to creating a Future of Work model that equitably addresses employee needs, promotes diversity interests, and can be replicated across the Federal government.

In addition, the request includes resources for inflationary costs.

FY 2022

The FY 2022 annualized continuing resolution funding level for OASAM is \$29,004,000 and 101 FTE. In FY 2022, OASAM is committed to providing the administrative support to implement the Secretary's vision of supporting workers morning, noon, and night. With

ADMINISTRATION AND MANAGEMENT

resources in the Departmental Management appropriation, OASAM will provide leadership around the following themes:

- Enable the Department to Perform Its Mission
- Advancing Equity
- Evidence-Based Decision Making
- Promote a Culture of Customer Service within OASAM
- DOL as a Model Workplace

Whether it is by modernizing legacy applications and ensuring compliance with Section 508 of the Rehabilitation Act, employing hiring strategies to promote a diverse workforce, streamlining administrative services to improve the efficiency and quality of service delivery, or engaging employees in building a model workforce, OASAM is committed to continuing to improve the Department's administrative services to drive success in all mission areas.

FY 2021

The FY 2021 revised enacted funding for OASAM was \$29,004,000. In FY 2021, OASAM led optimization of the enterprise-wide shared services model for DOL core administration functions, including procurement, human resources, information technology, and personnel security. This model 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.

ADMINISTRATION AND MANAGEMENT

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	14,070	13,516	15,911	2,395
11.3	Other than full-time permanent	0	0	30	30
11.5	Other personnel compensation	364	364	364	0
11.8	Special personal services payments	0	0	0	0
11.9	Total personnel compensation	14,434	13,880	16,305	2,425
12.1	Civilian personnel benefits	4,423	4,423	5,035	612
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	268	268	268	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	3,161	3,161	3,161	0
23.3	Communications, utilities, and miscellaneous charges	174	174	174	0
24.0	Printing and reproduction	25	25	25	0
25.1	Advisory and assistance services	391	391	1,961	1,570
25.2	Other services from non-Federal sources	573	573	573	0
25.3	Other goods and services from Federal sources 1/	5,222	5,222	12,428	7,206
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	128	128	5,128	5,000
26.0	Supplies and materials	174	174	174	0
31.0	Equipment	31	31	31	0
	Total	29,004	28,450	45,263	16,813
	1/Other goods and services from Federal sources				
	Services by Other Government Departments	1,879	1,879	1,879	0
	Working Capital Fund	3,343	3,343	4,097	754
	GSA Services	0	0	6,452	6,452

ADMINISTRATION AND MANAGEMENT

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$2,095
Personnel benefits	486
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
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	754
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 **\$3,361**

Net Program **\$13,452**

Direct FTE **2**

	Estimate	FTE
Base	\$31,811	101
Program Increase	\$13,452	2
Program Decrease	\$0	0

ADJUDICATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	58,447	62,598	72,732	10,134
FTE	245	240	268	28

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 240. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

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 as the tribunal of first instance. 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 multiple 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, Longshore Workers' compensation, and Defense Base Act cases constitute the largest part of the office's work.

The large increase in the Defense Base Act (DBA) cases, which are compensation cases for disability or death to persons employed at Military, Air, and Naval Bases outside the United States, received during FY 2020, FY 2021 and predicted for FY 2022 and FY 2023 is the most important new challenge for the Office of Administrative Law Judges (OALJ) and the Benefits Review Board (BRB).

Designated judges also serve as members of the Board of Alien Labor Certification Appeals (BALCA), which adjudicates the PERM cases. In addition to formal adjudication, OALJ implements alternative dispute resolution through its settlement judge process.

ADJUDICATION

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

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 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 ARB consists of five members who serve as Administrative Appeals Judges, one of whom is the Board Chair and Chief Administrative Appeals Judge. All ARB members are appointed by the Secretary of Labor.

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 BRB consists of five members, one of whom is the Board Chair and Chief Administrative Appeals Judge. All BRB members are appointed by the Secretary of Labor,

ADJUDICATION

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.

The ECAB consists of five members, one of whom is the Board Chair and Chief Administrative Appeals Judge. All ECAB members are appointed by the Secretary of Labor.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$35,000	141
2019	\$35,000	157
2020	\$35,000	141
2021	\$35,000	240
2022	\$0	146

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

The FY 2023 Budget for the Adjudication activity is \$72,732,000 and 268 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 \$1,668,000 and 0 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 plus a Black Lung Trust Fund increase of \$1,093,000 and 0 FTE for FY 2023.

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

ADJUDICATION

adjudicated 1,595 cases. In fiscal year 2021, OALJ received 6,025 and disposed of 2,564 cases with pending backlog of 5,748 cases. This fiscal year, OALJ is on track to receive another 6,000 DBA cases, and to adjudicate 2,100 cases based on an annualized CR rate. The consequences of docketing significantly more DBA cases than OALJ can adjudicate is to accumulate approximately 9,648 pending cases at the end of FY 2022. The rise in the number of cases received, increases the current predicted FY 2022 DBA case pendency from 27-months to 55-months.

The requested funding for \$2,200,000 and 14 FTE out of the General Fund request will allow OALJ to increase DBA Case adjudications affecting projected pendency rate and slowing it down from 55 to 60-months. Without this increase, the pendency will be 77-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 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, for FY 2020 received 488 cases and in FY 2021 we received 521 cases. OALJ is on track to receive approximately 675 Temporary Labor Certification cases during FY 2022 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 \$1,093,000 and 0 FTE to provide for a Black Lung Case pendency reduction from 21-months to 18-months. 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 2023 and will adjudicate approximately 1,450 Black Lung cases per year with additional funding.

Adjudicatory Boards:

The ARB FY 2023 requested level budget is \$4,405,000 in General Funds. At this requested level, the ARB will continue to focus on productivity and the quality of its decisions. The Board projects to receive 72 new appeals, has a target to close 90 appeals with an average, case, processing time of 8.94 months, and 15 appeals pending at the end of the FY 2023.

The BRB is requesting a General Fund increase of \$499,000 plus a Black Lung Trust Fund increase of \$575,000 for FY 2023. BRB projects that new appeals received will increase because of a projected increase in OALJ determinations and will commit requested 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 2023, BLDTF will increase its closed appeals target to 525, resulting in end of FY 2023 pending appeals decreasing to 588 with an average case processing time of 14.25 months. Based on the full increased requested funding in FY 2023, LS/LDA will increase its closed appeals target to 135,

ADJUDICATION

resulting in end of FY 2023 pending appeals of 96 with an average case processing time of 12 months.

The ECAB FY 2023 requested level budget is \$8,018,000 in General Funds. 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 projects to receive 2,000 new appeals, has a target to close 2,000 appeals with an average, case, processing time of 10 months, and 1,435 appeals pending at the end of the FY 2023.

FY 2022

The annualized continuing resolution funding level for the Adjudication activity is \$62,598,000 and 240 FTE.

Administrative Law Judges:

The Office of Administrative Law Judges (OALJ) is projected to receive 9,850 cases during FY 2022 and disposing of 5,875 cases. This will result in 2,323 Black Lung pending cases with a 21-month backlog; 1,647 Longshore pending cases with a 16-month backlog; 9,648 Defense Base Act pending cases with a 55-month backlog; 273 Immigration pending cases with a 13-month backlog; 230 Traditional Immigration pending cases with a 6-month backlog; and 650 Traditional cases pending with a 18-month backlog.

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 full year continuing resolution funding level is \$3,822,000. At this requested level, the ARB will continue to focus on productivity and the quality of its decisions. The Board projects to receive 72 new appeals, has a target to close 90 appeals with an average case processing time of 8.94 months, and 33 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. In FY 2022, BLDTF will maintain its closed appeals target of 460, resulting in end of FY 2022 pending appeals of 618 with an average case processing time of 15 months. Based on projected OALJ LS/LDA determinations in FY 2022, LS/LDA will decrease its closed appeals target to 75, resulting in end of FY 2022 pending appeals of 106 with an average case processing time of 13 months.

The ECAB full year continuing resolution funding level is \$6,961,000. At this level, the ECAB will continue to strategically utilize its funding to maximize productivity, the quality of its decisions, and work to decrease the backlog. ECAB projects to receive 1,900 new appeals, has a target to close 1,900 with an average case processing time of 10 months, and 1,435 appeals

ADJUDICATION

pending at the end of FY 2022.

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) received 9,713 cases during FY 2021 and disposed of 6,532 cases. This resulted in 2,423 Black Lung pending cases with a 20-month backlog; 1,497 Longshore pending cases with a 14-month backlog; 5,748 Defense Base Act pending cases with a 27-month backlog; 423 Immigration pending cases with a 20-month backlog; 55 Traditional Immigration pending cases with a 1-month backlog; and 650 Traditional cases pending with a 18-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.

The ARB utilized its funding to maximize productivity and the quality of its decisions. The Board received 71 new appeals, closed 121, and had 51 pending at the end of FY 2021. Average case processing time was 16.10 months.

BRB committed FY 2021 funding toward adjudicating incoming appeals. BRB BLDTF closed 423 appeals in FY 2021; pending appeals increased to 618 because of an increase in appeals received from the Office of Administrative Law Judges' (OALJ). BLDTF average case processing time was 14.3 months. BRB LS/LDA new appeals received remained relatively steady at 117 in FY 2021; BRB LS/LDA closed 114 appeals in FY 2021, despite delays in receiving records, and pending appeals also remained relatively steady at 66. LS/LDA average case processing time was 9.9 months, well under the projected target of 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.

The ECAB strategically utilized its funding to maximize productivity and the quality of its decisions. The Board received 1,439 new appeals, closed 1,548 and had 1,435 pending at the end of FY 2021. Average case processing time was 10 months.

ADJUDICATION

WORKLOAD AND PERFORMANCE SUMMARY						
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request		
	Target	Result	Target	Target		
Adjudication						
Administrative Law Judges						
Strategic Goal ALL - All Strategic Goals						
Strategic Objective ALL.1 - All Strategic Objectives						
ALJ-BL-01	OALJ BLACK LUNG New Cases:		1,250[p]	1,204	1,250[p]	1,250[p]
ALJ-BL-02	OALJ BLACK LUNG Dispositions:		1,350	1,432	1,350	1,450
ALJ-BL-03	OALJ BLACK LUNG Pending Cases:		2,551[p]	2,423	2,323[p]	2,123[p]
ALJ-BL-04	OALJ BLACK LUNG Pending Months:		23	20	21	18
ALJ-IM-01	OALJ IMMIGRATION New Cases:		200[p]	124	100[p]	100[p]
ALJ-IM-02	OALJ IMMIGRATION Dispositions:		250	256	250	250
ALJ-IM-03	OALJ IMMIGRATION Pending Cases:		505[p]	423	273[p]	123[p]
ALJ-IM-04	OALJ IMMIGRATION Pending Months:		24	20	13	6

ADJUDICATION

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
ALJ-TI-01	OALJ TRADITIONAL IMMIGRATION New Cases:	675[p]	521	675[p]	675[p]
ALJ-TI-02	OALJ TRADITIONAL IMMIGRATION Dispositions:	500	571	500	650
ALJ-TI-03	OALJ TRADITIONAL IMMIGRATION Pending Cases:	280[p]	55	230[p]	255[p]
ALJ-TI-04	OALJ TRADITIONAL IMMIGRATION Pending Months:	7	1	6	5
ALJ-T-01	OALJ TRADITIONAL New Cases:	425[p]	419	425[p]	425[p]
ALJ-T-02	OALJ TRADITIONAL Dispositions:	425	427	425	465
ALJ-T-03	OALJ TRADITIONAL Pending Cases:	658[p]	650	650[p]	610[p]
ALJ-T-04	OALJ TRADITIONAL Pending Months:	19	18	18	16
ALJ-LS-01	OALJ LONGSHORE New Cases:	1,200[p]	1,420	1,400[p]	1,400[p]
ALJ-LS-02	OALJ LONGSHORE Dispositions:	1,250	1,282	1,250	1,250
ALJ-LS-03	OALJ LONGSHORE Pending Cases:	1,309[p]	1,497	1,647[p]	1,797[p]

ADJUDICATION

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
ALJ-LS-04	OALJ LONGSHORE Pending Months:	13	14	16	17
ALJ-LDA-01	OALJ DEFENSE BASE ACT New Cases:	6,000[p]	6,025	6,000[p]	6,000[p]
ALJ-LDA-02	OALJ DEFENSE BASE ACT Dispositions:	1,595	2,564	2,100	2,600
ALJ-LDA-03	OALJ DEFENSE BASE ACT Pending Cases:	6,692[p]	5,748	9,648[p]	13,048[p]
ALJ-LDA-04	OALJ DEFENSE BASE ACT Pending Months:	50	27	55	60
Employees' Compensation Appeals Board					
Strategic Goal ALL - All Strategic Goals					
Strategic Objective ALL.1 - All Strategic Objectives					
ECAB-01	New Appeals	1,900[p]	1,439	1,900[p]	2,000[p]
ECAB-02	Closed Appeals	1,900	1,548	1,900	2,000
ECAB-03	Pending Appeals	1,630	1,435	1,435	1,435
ECAB-05	Average Case Processing Time	9.00	10.00	10.00	10.00

ADJUDICATION

WORKLOAD AND PERFORMANCE SUMMARY					
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request	
	Target	Result	Target	Target	
Adjudication General Fund					
Strategic Goal ALL - All Strategic Goals					
Strategic Objective ALL.1 - All Strategic Objectives					
BRB- LS/LDA- 01	New Appeals	135[p]	117	115[p]	125[p]
BRB- LS/LDA- 02	Closed Appeals	100	114	75	135
BRB- LS/LDA- 03	Pending Appeals	100	66	106	96
BRB- LS/LDA- 05	Average Case Processing Time	11.00	9.90	13.00	12.00
BRB- LS/LDA- 12	Affirmance Rate	85.00%	82.00%	85.00%	85.00%
Administrative Review Board					
Strategic Goal ALL - All Strategic Goals					
Strategic Objective ALL.1 - All Strategic Objectives					

ADJUDICATION

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
ARB-01	New Appeals	90[p]	71	72[p]	72[p]
ARB-02	Closed Appeals	90	121	90	90
ARB-03	Pending Appeals	141	51	33	15
ARB-05	Average Case Processing Time	17.00	16.10	8.94	8.94
Adjudication Black Lung Fund					
Strategic Goal ALL - All Strategic Goals					
Strategic Objective ALL.1 - All Strategic Objectives					
BRB- BL-01	New Appeals	608[p]	563	460[p]	495[p]
BRB- BL-02	Closed Appeals	460	423	460	525
BRB- BL-03	Pending Appeals	623	618	618	588
BRB- BL-05	Average Case Processing Time	14.50	14.30	15.00	14.25
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

Workload and Performance

Administrative Law Judges

The FY 2023 Black Lung Trust Funds request level will enable OALJ to reduce Black Lung program area pendency in FY 2022 from 2,323 to 2,123 cases. This equates to pendency of 18-months. This diminution in the projected pendency is possible by increasing dispositions from 1,350 cases to 1,450 cases in FY 2023.

The FY 2023 General Funds request level will enable OALJ to adjudicate additional Defense Base Act cases and maintain the projected backlog at 5 years. 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 continued to grow during FY 2021 when OALJ received 6,025 DBA cases. At the end of FY 2022, Defense Base Act cases pending are projected to total over 9,000 cases resulting in a 55-months pendency. Without additional resources, OALJ estimates that at the end of FY 2023 pending DBA cases will reach a 13,548 case backlog equating to a 77-months DBA case pendency.

OALJ projects to receive around 675 Traditional Immigration cases during FY 2023 and at the request level will allow OALJ to dispose of 650 cases resulting in 255 pending cases and a 5-month pendency. 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 273 cases at the end of FY 2022 to 123 projected pending cases at the end of FY 2023. During FY 2023, OALJ projects to dispose of 1,250 Longshore cases and expects 1,400 new cases to end with a 17-month backlog. The Traditional mix of cases is projected at 465 case dispositions with a 16-month pendency.

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 72 new appeals filed in FY 2023. The ARB closed appeal target is 90 appeals at the request level. The ARB projects end of FY 2023 pending appeals to decrease to 15. The average case processing time target is 8.94 months based the integration of newly hired staff that processes appeals, and continued efforts to prevent a backlog in aged cases.

BRB Black Lung (BL) projects new appeals filed to increase to 495 in FY 2023 because of increased anticipated OALJ BL production. Historically, 35 to 40% of OALJ BL decisions are

ADJUDICATION

appealed to BRB. BRB BL expects closed appeals to increase to 525, average case processing time to decrease to 14.25 months, and end of FY 2023 pending appeals to decrease to 588 based on anticipated new hires in FY 23.

BRB Longshore (LS/LDA) projects new appeals filed to increase to 125 in FY 2023 because of increased anticipated OALJ LS/LDA production. BRB LS/LDA expects closed appeals to increase to 135 due to increased funding providing for new, additional staff, average case processing time to decrease to 12 months, and end of FY 2023 pending appeals to decrease to 96.

ECAB expects new appeals filed to increase to 2,000 in FY 2023. The ECAB closed appeals target is 2,000 appeals at the request level with an average case processing time target of 10 months. The ECAB projects end of FY 2023 pending appeals to be 1,435.

ADJUDICATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	29,246	33,397	39,840	6,443
11.3	Other than full-time permanent	993	993	1,016	23
11.5	Other personnel compensation	580	580	580	0
11.9	Total personnel compensation	30,819	34,970	41,436	6,466
12.1	Civilian personnel benefits	10,223	10,223	11,234	1,011
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	238	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	4,378	4,378	4,378	0
23.2	Rental payments to others	32	32	32	0
23.3	Communications, utilities, and miscellaneous charges	384	384	384	0
24.0	Printing and reproduction	16	16	16	0
25.1	Advisory and assistance services	1,115	1,115	1,115	0
25.2	Other services from non-Federal sources	2,139	2,139	3,232	1,093
25.3	Other goods and services from Federal sources 1/	6,340	6,340	7,250	910
25.4	Operation and maintenance of facilities	0	0	575	575
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	1,679	1,679	1,749	70
26.0	Supplies and materials	437	437	446	9
31.0	Equipment	147	147	147	0
42.0	Insurance claims and indemnities	0	0	0	0
	Total	58,447	62,598	72,732	10,134
	1/Other goods and services from Federal sources				
	Working Capital Fund	4,978	4,978	5,888	910
	Services by Other Government Departments	1,362	1,362	1,362	0

ADJUDICATION

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$2,970
Personnel benefits	0
One day less of Pay	0
Federal Employees' Compensation Act (FECA)	-6
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	910
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 **\$3,874**

Net Program **\$6,260**

Direct FTE **28**

	Estimate	FTE
Base	\$66,472	240
Program Increase	\$6,260	28
Program Decrease	\$0	0

WOMEN'S BUREAU

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	15,050	15,050	25,361	10,311
FTE	36	43	51	8

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 38. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

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 deploys its research, statistics, advocacy and grantmaking capacity to advising the Secretary, the Administration, and DOL sub-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 workers, grassroots organizations, community leaders, issue advocates, think tanks, 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.

The Women’s Bureau’s priorities are squarely aligned with those of the Biden-Harris Administration and with the Secretary’s priorities to empower workers morning, noon and night. Specifically, WB is advancing the President’s agenda – both through WB’s own grants programs and in coordinating DOL agencies to deliver on the Administration’s Gender Equity Strategy – to ensure greater racial and gender equity as we invest in historic job creation to rebuild America’s infrastructure and prepare women for these jobs of the future, make our care systems more durable and accessible, and ensure economic relief is reaching those who most need it right now.

The effects of the pandemic are still reverberating for women around the world, and that is equally true for women in the United States. COVID-19 exacerbated the challenges women already faced with employment discrimination, sexual harassment in the workplace, pay inequity and limited advancement opportunities, while at the same time, underscored how threadbare our care infrastructure is. Because structural racism has led to an over-representation of women and workers of color in low wage, low quality jobs, women of color were especially hard-hit by the pandemic - concentrated in “frontline” jobs, including care jobs and in restaurant and hospitality

WOMEN'S BUREAU

jobs that shuttered. They also had the least access to paid leave and telework and paid the price – as their families’ primary caregivers – for our country’s lack of investment in child, elder and disability care.

Data across several indicators supports the assertion that in general, women have experienced more profound hardship during the pandemic.

- In the early part of the pandemic, April 2020, the unemployment rate for adult women was 15.4 percent - the highest unemployment rate ever recorded since the Bureau of Labor Statistics began its data collection in 1948.
- The nation is currently experiencing the lowest female labor force participation in 33 years.
- Even now, there are still over a million fewer women in the labor force, with the impact of job losses even greater for women of color.

While the economy has been improving and unemployment has gone down, women have recovered more slowly than men, and Black women’s employment has recovered the least. In January 2022, the Black women’s unemployment rate was almost twice that of white women’s (5.8 percent compared to 3.1 percent).

Many of those who left the labor force did so in order to provide care for their children. Even prior to the pandemic, many families faced difficulties securing and affording childcare. This challenge has only been amplified. Many childcare centers have permanently shuttered as a result of the pandemic, making childcare even harder to find. In January 2022 the childcare services industry still had losses of more than 131,200 workers; over 12% of this workforce. As of January, 5.2 million women lived in households where children under age 5 were unable to attend daycare or another childcare arrangement in the past 4 weeks. Some 4.4 million women lived in households with children ages 5-11 who could not attend before or after school care or another care arrangement. Over the course of the pandemic, nearly all the employment losses among mothers were among mothers with children under the age of 13.

Women’s labor force participation is closely tied to availability of childcare and, at the same time, 95% of all childcare workers in the US are women. Women working in childcare are the backbone of our economy, yet childcare workers receive among the lowest wages of any occupation and are over twice as likely to live below the poverty line compared to workers in other sectors. On average, a childcare worker earns less than \$28,000 a year to do one of the most important jobs in our economy, caring for our children, the nation’s future.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$13,530	40
2019	\$13,750	43
2020	\$14,050	38
2021	\$15,050	38
2022	\$0	43

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

WOMEN'S BUREAU

FY 2023

For FY 2023, WB has identified a set of themes and strategies that promote policies and support programs focused on improving women's employment and economic outcomes, in support of the Department's Strategic Goal 1: Build Opportunity and Equity for All, Strategic Objective 1.1 Advance training, employment, and return-to-work opportunities that connect workers to higher-wage jobs, especially in ways that address systemic inequities, and the Department's Agency Priority Goal #1: By September 30, 2021, DOL programs will prioritize the advancement of racial equity, diversity and inclusion, to better support underserved communities. These efforts further the Secretary's vision to empower workers morning, noon and night.

To achieve this, the Women's Bureau's current focus for its research, policy analysis, grant-making, and education and outreach includes:

- Decreasing occupational segregation and the resulting negative impact to wages and wealth accumulation of women and women of color by increasing women and people of color's access to and retention in good-paying jobs in energy, transportation, technology, and construction industries that stand to receive investment from the Infrastructure Investment and Jobs Act (IIJA);
- Supporting the most marginalized workers in accessing potential new paid leave rights on the job, and greater access to child and elder care supports. Alternately, the WB will continue to advance an economic case for public investment in the care infrastructure as a key lever for advancing equity by reducing caregiving penalties that impact women and low-paid workers' wages and employment outcomes;
- Advocating for increasing wages and labor standards for women and workers of color concentrated in the care sector;
- Deploying strategies to eliminate pay discrimination and other gender-based employment discrimination, including sexual harassment and discrimination based on sexual orientation, gender identity, or pregnancy; and
- Ensuring the WB is a model for the diverse, equitable, inclusive, and accessible workplace we want the Federal government to be.

The Women's Bureau's grants, contracts, research and outreach and engagement programs have always focused on mitigating gender inequities and disparities across a variety of indicators, including composition and representation in key industries, earnings, access to critical employment benefits and income supports. In FY 2023, the WB will expand the depth of its research, reach of its stakeholder engagement and contacts, and impact of its grants and contracts for historically underrepresented communities, including but not limited to: women of color, women with disabilities, formerly incarcerated women, immigrant women, trans-identified women, and rural women. WB will advocate for targeted interventions that support the most marginalized, and simultaneously deploy an influence strategy to scale these interventions into rising tide strategies that lift all boats.

WOMEN'S BUREAU

GRANTS

The WB plans to execute two major grant programs:

- The Women in Apprenticeship and Non traditional Occupations (WANTO) program is intended to provide technical assistance to employers and labor unions to encourage employment of women in apprenticeable occupations and nontraditional occupations (“A/NTO”), specifically by:
 - Developing (establishing, expanding, and/or enhancing) pre-apprenticeship, apprenticeship, or other nontraditional skills training programs designed to prepare women for careers in A/NTO;
 - Providing ongoing orientations or other resources for employers, unions, and workers on creating a successful environment for women in A/NTO; and/or
 - Setting up support groups, facilitating networks, and/or providing supportive services for women in A/NTO to improve their retention.
 - The WB proposes to increase the WANTO grants program from annualized CR level of \$2 million for FY 2022 to \$6.5 million in FY 2023.
- Aligned with the Administration’s executive orders on equity, the Fostering Access, Rights and Equity (FARE) grant program is designed to support targeted education and outreach efforts by “trusted messengers” and community intermediaries to ensure marginalized workers – disproportionately women of color – avail themselves of critical and timely income supports and employment rights and benefits. The WB proposes growing the FARE grants program from the annualized CR level of \$1 million for FY 2022 to \$3.5 million in FY 2023.

RESEARCH & CONTRACTS

The WB will continue to study and report on the status of working women in the wake of the pandemic, with particular attentiveness to the ways in which different populations may experience the recovery unequally. The vast majority of the digital data and statistics content developed by the WB’s quantitative team, updated annually and made publicly available on the Women’s Bureau’s website, can be disaggregated by racial and ethnic group, revealing disparities in employment indicators and outcomes across a variety of measures.

In terms of its annual federal procurements, the WB is committed to, and has a strong track record of meeting, women-owned and minority-owned business goals in selecting vendors. Research priorities for FY 23 include the following:

American Time Use Survey Leave and Job Flexibilities Module

The WB will fund planning and preparation activities at BLS in advance of fielding another round of the American Time Use Survey Leave and Job Flexibilities Module in 2024 for gender disaggregated data.

WOMEN'S BUREAU

Paid Leave Micro-Simulator Technical Assistance

The simulator provides a comprehensive tool for evaluating equity in both the design and implementation of paid leave programs. The WB will support CEO-driven technical assistance to deliver user support and guidance in appropriate use of the paid leave micro-simulator.

Older Women Workers

In FY 2023, the WB will continue to develop and advance a revived portfolio focused on older women workers, to include new short form infographics, continued promotion of relevant findings from long-form reports on the lifetime opportunity costs of caregiving and the impact of the pandemic on women workers, and culminating in stakeholder and expert events and convenings, as well as WB-led, Department-wide coordination of ongoing and new policy and programmatic initiatives to ensure employment and economic security for women workers as they approach the end of their working lives.

Disaggregated Sub-Population and Topical Research

In FY 2023, in support of its broader equity agenda and in recognition of the stark disparities experienced across demographic groups, the Women's Bureau will work to update and expand its repository of shorter-form, snapshot resources focused on trends in employment and related recovery indicators among particular demographic groups of women workers, to include women of color, older women (detailed above), justice-involved and re-entering workers, immigrant women and others.

OUTREACH, COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT

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. In addition, the WB will expand its collaboration and provide technical assistance to DOL sub-agencies to ensure that a gender lens is applied when developing policies and programs.

With the goal of increasing safety and reducing harassment and discrimination, WB regional teams will hold listening sessions with a diverse set of stakeholders representing women and low-paid workers, including marginalized women workers, themselves, in various industries, such as hospitality, care, retail, construction and others, regarding solutions and risks for returning to work and strategies for improving wages and working conditions in these sectors. The WB will ensure that outreach is made to historically underrepresented communities, including but not limited to women of color and women with disabilities, formerly incarcerated women, immigrant women, trans-identified women, and rural women.

- The WB plans to host a symposium in 2023 featuring the work of local, national and government researchers who are utilizing the National Database of Childcare Prices.
- The Women's Bureau will advance the discussion on equity in access to paid family medical leave and paid sick and safe days through webinars and regional engagement,

WOMEN'S BUREAU

focused on identifying and disseminating promising practices at the national, state and local levels.

- WB will showcase through several webinars and events best practices to recruit women of color and other underrepresented populations into pre-apprenticeship/apprenticeship programs, including amplifying WANTO grantee promising practices and innovative approaches. WB will conduct high profile outreach events timed, for example, during National Apprenticeship Week and Women's Apprenticeship Day. WB will continue our work with ETA to provide technical assistance and resources to Registered Apprenticeship program sponsors to help them create diverse and inclusive programs and fulfill their responsibilities under the Office of Apprenticeship's EEO regulations.
- The Women's Bureau will continue to provide training to Job Corps recruitment staff with the goal of increasing female enrollment in the program and breaking down habits in Job Corps and other public workforce development programs that lead to occupational segregation.
- WB will conduct targeted stakeholder listening sessions focused on identifying the challenges or opportunities union leaders have identified related to expanding opportunities for women and the challenges related to increasing the number of women in apprenticeship pipelines, expanding effective supportive services, such as pre-apprenticeship programs, and changing the culture of bullying and harassment for women entering "non-traditional" occupations.
- WB will continue to network women leading two-generation approaches to equity, focusing attention on the ways in which different populations may experience economic recovery unequally, and try to mitigate the negative impact this could have for economic security among older women workers and/or a spill-over effect on the next generation of women workers.

To engage our target audiences, the WB produces blogs, infographics, monthly digests, talking points, social media content, and delivers these communications through various formats, including email, online, press releases, speeches, etc.

- Women's Bureau will continue to enhance its website to reflect its research, policy, and data priorities. Women's Bureau will work to ensure that all data on its website is up to date, and archive and remove old data sets. The Women's Bureau will endeavor to release this information in a timely manner when national data sets are updated and will publicize these updates via social media, on the Women's Bureau Twitter account.
- The Women's Bureau will release the following communications:
 - Monthly Newsletter
 - Monthly or bi-monthly blog post on Women's Bureau priorities
 - Daily Tweets regarding Women's Bureau activities, and policy priorities
 - Monthly or semi-monthly op-eds in main stream news outlets explaining Women's Bureau work and priorities.

WOMEN'S BUREAU

FY 2022

At the FY 2022 annualized CR level of \$15,050,000 and 43 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 WANTO 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.

In FY 2022, at the annualized CR level, the Women's Bureau will allocate \$2M for the WANTO grant program, a program that supports community-based organizations to improve women's access to apprenticeship, pre-apprenticeship and non- traditional occupations.

The WB will expand a new grant initiative launched in FY2021 to ensure equity in access to benefits and awareness of rights. Titled the 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. At the annualized CR level, the \$1M 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 grant programs, the WB will also synthesize research and data on women's participation in the labor force and how it has been affected by the COVID-19 crisis and the ongoing recovery, disaggregated by race,

WOMEN'S BUREAU

ethnicity, and other demographic variables whenever possible. WB will produce a report that will include a discussion of the barriers women workers face to full and equal participation in the labor force and how these barriers were magnified during the COVID-19 crisis, especially for women of color and other disadvantaged groups. It will also discuss policy interventions that promote more equitable labor force participation for all women, including assessing progress that has been made. 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.

FY 2021

With the FY 2021 appropriated budget of \$15,050,000 and 38 FTE, WB clarified 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 convened a number of stakeholders 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 worked 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. These reports were published on the WB website and are still available. At the same time, the WB published 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 continued 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 devoted considerable staff time to finalizing the National Database of Child Care Prices, an undertaking more than two years in the making that is the first comprehensive, national repository of prices for various kinds of child care, collected from every region in the nation. As the database was readied for publication, the team also worked on a variety of related resources that to 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

WOMEN'S BUREAU

an interactive web resource depicting state pay equity and transparency statutes and drafting the commemorating presidential proclamation.

WB continued to collaborate with ETA on the WANTO grant programs by funding the program with \$3.5 million dollars. In response to requests for assistance with information on workers' rights, the WB launched a new grant program. Through the FY 2021 FARE Grant Program, the Women's Bureau invited Governors and their designated agencies to develop partnerships with trusted community-based organizations and other non-profits. Several of the states responded and the WB awarded \$2 million dollars to six states to develop partnerships with community-based organizations and other non-profits to conduct outreach to low-income and marginalized women workers to help them understand and exercise their rights and benefits in the workplace.

WOMEN'S BUREAU

WORKLOAD AND PERFORMANCE SUMMARY					
	FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request	
	Target	Result	Target	Target	
Women's Bureau					
Strategic Goal 1 - Build Opportunity and Equity for All					
Strategic Objective 1.1 - Advance training, employment, and return-to-work opportunities that connect workers to higher-wage jobs, especially in ways that address systemic inequities.					
1-WB-PRO-01	Number of policy & research deliverables	17	23	32	34
9-WB- PREOE-01	Number of Policy and Research Education and Outreach Engagements	26	92	110	130
3-WB-POC-01	Number of Public Outreach Communications	40	46	40	42
7-WB- SPUCO-01	Number of strategic partnerships with organizations primarily serving underserved communities	--	--	[base]	TBD

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

WOMEN'S BUREAU

Workload and Performance

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.

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, grants, and education and outreach and ensuring that information is disseminated to our stakeholders.

In support of its FY 2023 Budget request, the WB will implement performance measures for the following:

Number of Policy and Research Deliverables: 34
Number of Policy and Research Education & Outreach Engagements: 130
Number of Public Outreach Communications: 42

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

1. Eliminating the persistent gender wage gap by
 - Improving wages and working conditions in female dominated sectors;
 - Disrupting occupational segregation and getting more women in pathways to good jobs
2. Reducing caregiving penalties for women and low paid workers by
 - Expanding access to paid leave;
 - Expanding access to child, elder, disability care
3. Eliminating gender based discrimination in the workplace by
 - Preventing sexual harassment and discrimination against workers on the basis of pregnancy, sexual orientation, gender identity or ability;
 - Preventing pay discrimination
4. Ensuring WB is a model workplace by
 - Engaging employees in building a modernized workforce;
 - Developing a diversity, equity, inclusion and accessibility-focused organization;
 - Recruiting, hiring, promoting and retaining a diverse workforce;
 - Increasing performance, recognition, and accountability

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 and staff, particularly in the regional offices engages in with stakeholders and other federal agents.

Number of Public Outreach Communications refers to the information that the WB puts out via the website, newsletters, infographics, blogs etc. 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

WOMEN'S BUREAU

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.

WOMEN'S BUREAU

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	4,617	4,617	7,715	3,098
11.3	Other than full-time permanent	89	89	89	0
11.5	Other personnel compensation	94	94	94	0
11.9	Total personnel compensation	4,800	4,800	7,898	3,098
12.1	Civilian personnel benefits	1,334	1,334	2,689	1,355
21.0	Travel and transportation of persons	47	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	755	755	755	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	10	10	10	0
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	130	130	130	0
25.2	Other services from non-Federal sources	25	25	25	0
25.3	Other goods and services from Federal sources 1/	2,845	2,845	3,236	391
25.4	Operation and maintenance of facilities	3	3	3	0
25.5	Research and development contracts	200	200	500	300
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	39	39	39	0
31.0	Equipment	29	29	29	0
41.0	Grants, subsidies, and contributions	4,833	4,833	10,000	5,167
42.0	Insurance claims and indemnities	0	0	0	0
	Total	15,050	15,050	25,361	10,311
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,882	1,882	2,273	391
	DHS Services	44	44	44	0
	Services by DOL Agencies	442	442	442	0
	Services by Other Government Departments	474	474	474	0

WOMEN'S BUREAU

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$505
Personnel benefits	143
Federal Employees' Compensation Act (FECA)	-8
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	391
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 **\$1,031**

Net Program **\$9,280**

Direct FTE **8**

	Estimate	FTE
Base	\$16,081	43
Program Increase	\$9,280	8
Program Decrease	\$0	0

CIVIL RIGHTS

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	6,880	6,880	11,591	4,711
FTE	31	29	55	26

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 32. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

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 addressing and 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. Additionally, OIE is responsible for developing and implementing Departmental policies on EEO and harassing conduct to ensure they reflect the law and that employees are aware of their rights and responsibilities. OIE will also play a leadership role to support the Department’s compliance with recent Executive Orders on Diversity, Equity, Inclusion, and Accessibility.

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

CIVIL RIGHTS

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.

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

The various federal antidiscrimination laws and regulations CRC utilizes to investigate and adjudicate these complaints and compliance reviews (for example, Section 188 of the Workforce Innovation and Opportunity Act, Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972) are critical in protecting and advancing the civil rights of individuals, consistent with the goals of Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities.

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 although CRC provides direction and other oversight including management and administrative functions.

Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2018	\$6,880	32
2019	\$6,880	32
2020	\$6,880	30
2021	\$6,880	32
2022	\$0	29

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

For FY 2023, the Civil Rights Center (CRC) is requesting a total of \$11,591,000 and 58 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 Unemployment Insurance (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

CIVIL RIGHTS

analysis to support the goals of the Administration's Executive Orders on equity and antidiscrimination. Staff will be assigned across the Nation 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, more than one-third of OEE's complaint resolutions were favorably resolved by such agreements and, for FY 2021, more than half of OEE's complaint resolutions 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 filed with CRC increased significantly and often required more complex analysis to assess multiple jurisdictional bases and frame the parameters of investigations.

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. 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.

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.

This funding level also would provide support of \$1,000,000 and 10 FTE to begin expanding the Department's civil rights presence in locations outside of Washington, D.C. In FY 2023, the expansion will be piloted in three regions and will extend the reach of CRC's external enforcement technical assistance, equal employment opportunity support, and reasonable accommodation function. Establishing a presence across the Nation, in contrast to exclusive Washington DC-based operations, will allow CRC to better understand local communities and their specific equity challenges, and be better positioned to respond to short and long-term variables that may impact equity such as demographic shifts, economic developments, and even crises such as natural and health-related emergencies. Additionally, as outreach, training and education are agency priorities,

CIVIL RIGHTS

having a greater presence around the country will raise the visibility of CRC's programs, thereby enhancing CRC's ability to successfully carry out the Department's mission.

FY 2022

At the FY 2022 annualized CR level, of \$6,880,000 and 32 FTE, CRC will be able to maintain its core functions but will struggle to reach goals within desired timeframes. 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 2021

The FY 2021 enacted level for CRC was \$6,880,000 and 32 FTE. At this level, CRC was able to accomplish core program work, including revising the Department's Harassing Conduct Policy and Complaint procedures; playing a leadership role on various DOL equity subcommittees; working with a small group of other (DOL) agency leaders on proposing and planning for a Central Office for Language Assistance Services at the Department; drafting revisions to the Department of Labor Manual Series (DLMS) on building and facilities accessibility; and implementing a new complaint tracking and reporting system. CRC, with support from SOL, drafted a Notice of Interpretation and a separate Notice of Proposed Rulemaking for publication in the Federal Register, to notify stakeholders and the general public that, consistent with the Supreme Court's decision in *Bostock v. Clayton County*, and Title IX of the Education Amendments of 1972, DOL intends to interpret WIOA Section 188 and its implementing regulations as prohibiting discrimination on the basis of sexual orientation (Section 188 already prohibited discrimination based on gender identity).

Moreover, beginning in Q4 of FY 2021, CRC has taken the lead with responding to and ensuring proper implementation of the President's Vaccine Requirement for Federal Employees within DOL. In particular, CRC was instrumental in developing the structure to receive and manage a voluminous number of accommodation requests. CRC also oversees accommodation requests stemming from testing and masking requirements.

In FY 2021, CRC met performance targets for key performance indicators. Specifically, the Office of Internal Enforcement (OIE) issued 100 percent of investigations and 100 percent of final agency decisions within regulatory timeframes. Additionally, OIE conducted 100 percent of all EEO counseling sessions within regulatory timeframes and provided 32 trainings to various stakeholders within the Department. In addition to initiating 24 new complaint investigations, completing 22 investigations, resolving 24 external complaints, and conducting 4 compliance

CIVIL RIGHTS

reviews, 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.

CIVIL RIGHTS

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
Civil Rights					
Strategic Goal 5 - A Department Grounded in Innovation, Evidence, and Employee Engagement					
Strategic Objective CRC M.3 - DOL as a model workplace					
Internal Enforcement					
OASAM-DM-CRC-08	Internal Enforcement: Number of Climate Assessments Conducted	--	--	[base]	TBD
OASAM-DM-CRC-01	Internal Enforcement: Percent of EEO Counseling Sessions Completed within Regulatory Timeframes	96.5%	100.0%	96.5%	97.5%
OASAM-DM-CRC-02	Internal Enforcement: Percent of Formal EEO Investigations Issued within Regulatory Timeframes	90%	100%	92%	92%
OASAM-DM-CRC-03	Internal Enforcement: Percent of Final Agency Decisions (FADs) Issued on Formal EEO Complaints within Regulatory Timeframes	92%	100%	92%	93%
OASAM-DM-CRC-07	Internal Enforcement: Number of EEO & RA Training Sessions Provided	25[p]	32	25[p]	27[p]
External Enforcement					
OASAM-DM-CRC-12	External Enforcement: Number of External Investigations Completed	26	22	22	45
OASAM-DM-CRC-13	External Enforcement: Number of External Compliance Reviews Conducted	3	4	4	6
OASAM-DM-CRC-14	External Enforcement: Number of Case Resolutions (Determinations and Conciliation/Settlement Agreements)	30	24	24	45

CIVIL RIGHTS

WORKLOAD AND PERFORMANCE SUMMARY					
		FY 2021 Revised Enacted		FY 2022 Full Year C.R.	FY 2023 Request
		Target	Result	Target	Target
OASAM- DM-CRC-18	External Enforcement: Number of Non Discrimination Plans Reviewed	--	--	[base]	TBD
OASAM- DM-CRC-19	External Enforcement: Number of Informal Letters of Findings Issued	--	--	--	--
OASAM- DM-CRC-20	External Enforcement: Number of Training Sessions (Germane to Particular Groups of Respondents) Conducted	5	7	4	8

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

CIVIL RIGHTS

Workload and Performance

Internal (Equal Employment Opportunity (EEO)) Program

CRC's Office of Internal Enforcement (OIE) administers DOL's EEO complaint program. Funding at the requested level will support efforts designed to resolve workplace complaints, increase awareness of the EEO complaint program and the Department's anti-harassment policy, and investigate and adjudicate EEO 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. With the implementation of the CTRS in FY 2021 and the ability to fully digitize case files, OIE expects to further improve case processing. In FY 2022, CRC staff and Workplace Equality Compliance Office Managers underwent training on the new CTRS. Presently, staff are working closely with OCIO to ensure that OIE (as well as the OEE) can fully rely on the database for all tracking and reporting needs, by providing real-time notice of any technical issues or concerns during these initial stages of the rollout. It is the expectation that the database will be fully stood up in FY 2022.

In FY 2021, continuing its emphasis on increasing technical assistance and 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 "HC Policy"). In FY 2022 and FY 2023, upon the enactment of the policy within DOL, OIE expects to roll out the changes to the HC Policy to help build a climate that stresses accountability and where harassment is not tolerated. CRC will also continue to provide comprehensive 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. Additionally, for FY 2022, OIE will implement the Elijah Cummings Federal Employee Antidiscrimination Act of 2020. Furthermore, to advance the goals of the Executive Order on Diversity, Equity, Inclusive and Accessibility, OIE will develop a strategy to conduct racial and other equity climate assessments of the work environment within DOL and with the assistance of new field staff in FY 2023.

For FY 2021, OIE completed 100 percent of EEO counseling sessions, issued 100 percent of Final Agency Decisions (FADs), and finalized 100 percent of investigations within regulatory timeframes. In FY 2022, OIE commits to completing 96.5 percent of EEO counseling sessions, issuing 92 percent of FADs, and finalizing 92 percent of investigations within regulatory timeframes. In FY 2023, OIE commits to completing 97.5 percent of EEO counseling sessions, issuing 92 percent of FADs, and finalizing 92 percent of investigations within regulatory timeframes. Additionally, for FY 2022, OIE commits to completing 25 trainings for DOL employees and 27 in FY 2023. In FY 2022, to facilitate management and programmatic accountability, OIE will begin tracking the number of climate

CIVIL RIGHTS

assessments conducted each reporting quarter. Results for FY 2022 will serve as the baseline by which targets for this measure will be established in the outyears.

Office of External Enforcement (OEE)

As explained in the introduction, OEE currently has dual responsibilities – handling discrimination complaints and compliance and policy work. All of these responsibilities intersect with various federal antidiscrimination laws that CRC is tasked with enforcing including, for example, the nondiscrimination and equal opportunity provisions in Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and DOL’s implementing regulations; Sections 504 and 508 of the Rehabilitation Act and DOL’s implementing regulations; Title II of the Americans with Disabilities Act and its implementing regulations; Title VI of the Civil Rights Act and DOL’s implementing regulations; and Title IX and DOL’s implementing regulations. We note that these laws are critical in protecting the civil rights of individuals in a manner consistent with the Administration’s commitment for equity for all.

With respect to compliance and policy, following the passage of WIOA and publication of the Final Rule in December 2016, CRC initially turned its attention to offering training and compliance assistance about the new regulations to stakeholders. In FYs 2020 and 2021, as stakeholders became more familiar with the requirements of the WIOA nondiscrimination regulations, OEE shifted its focus to enforcement and compliance (including conducting and resolving compliance reviews). In FY 2020, OEE completed 3 compliance reviews (often proactive, systematic reviews of a state’s program such as Unemployment Insurance to ensure compliance with the nondiscrimination provisions of WIOA and similar federal antidiscrimination laws) and completed an additional 4 compliance reviews in FY 2021. In FY 2023, with planned hiring, CRC will reconstitute a separate Office of Compliance and Policy (OCP) in order to re-prioritize this work. As CRC expects that it will take time in FY 2023 to hire and train new staff, CRC projects completing 8 compliance reviews that year. However, in FY 2024, CRC anticipates that the number of compliance reviews completed would rise to 12, as staff would be expected to perform at their full performance level.

In addition, beginning in FY 2022, OEE will be responsible for updating DOL’s WIOA Section 188 regulations and Title IX regulations with respect to the U.S. Supreme Court decision in *Bostock v. Clayton County*, with an NPRM scheduled for Summer 2022. This effort is also consistent with E.O. 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.

Regarding discrimination complaints, in FY 2021, OEE resolved 24 cases and completed 22 investigations. Many case resolutions focus on correcting systematic issues of discrimination through the negotiation of settlement agreements with respondents, frequently recipients of federal financial assistance and/or entities of state or local government. In FY 2022, OEE projects that it will resolve 24 cases and complete 22 investigations; in 2023, with the requested funding, it is anticipated that these numbers would rise to 45 cases resolved and 45 investigations completed. Additionally, in FYs 2022 and 2023, OEE will work to

CIVIL RIGHTS

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 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	3,725	3,725	6,887	3,162
11.3	Other than full-time permanent	25	25	118	93
11.5	Other personnel compensation	90	90	90	0
11.9	Total personnel compensation	3,840	3,840	7,095	3,255
12.1	Civilian personnel benefits	1,324	1,324	2,441	1,117
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	8	8	8	0
23.1	Rental payments to GSA	47	47	47	0
23.3	Communications, utilities, and miscellaneous charges	15	15	15	0
24.0	Printing and reproduction	4	4	4	0
25.1	Advisory and assistance services	0	0	160	160
25.2	Other services from non-Federal sources	50	50	50	0
25.3	Other goods and services from Federal sources 1/	1,451	1,451	1,630	179
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	70	70	70	0
26.0	Supplies and materials	62	62	62	0
31.0	Equipment	9	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	11,591	4,711
	1/Other goods and services from Federal sources				
	Working Capital Fund	503	503	682	179
	DHS Services	8	8	8	0
	HHS Services	20	20	20	0
	Services by Other Government Departments	920	920	920	0

CIVIL RIGHTS

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$412
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
Advisory and assistance services	0
Other services from non-Federal sources	0
Working Capital Fund	179
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 **\$711**

Net Program **\$4,000**

Direct FTE **26**

	Estimate	FTE
Base	\$7,591	29
Program Increase	\$4,000	26
Program Decrease	\$0	0

CHIEF FINANCIAL OFFICER

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	5,516	5,516	6,042	526
FTE	17	17	17	0

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 18. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

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>
2018	\$5,616	35
2019	\$5,516	21
2020	\$5,516	17
2021	\$5,516	18
2022	\$0	17

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

The FY 2023 request for the Office of the Chief Financial Officer (OCFO) is \$6,042,000 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 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.

CHIEF FINANCIAL OFFICER

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.

CHIEF FINANCIAL OFFICER

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	2,654	2,654	2,949	295
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	66	66	66	0
11.9	Total personnel compensation	2,720	2,720	3,015	295
12.1	Civilian personnel benefits	978	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	47	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	154	154	154	0
25.2	Other services from non-Federal sources	412	412	412	0
25.3	Other goods and services from Federal sources 1/	1,194	1,194	1,337	143
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	11	11	11	0
31.0	Equipment	0	0	0	0
	Total	5,516	5,516	6,042	526
	1/Other goods and services from Federal sources				
	Working Capital Fund	790	790	933	143
	DHS Services	5	5	5	0
	Services by Other Government Departments	399	399	399	0

CHIEF FINANCIAL OFFICER

CHANGES IN FY 2023

(Dollars in Thousands)

Activity Changes

Built-In

To Provide For:

Costs of pay adjustments	\$295
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	143
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 **\$526**

Net Program **\$0**

Direct FTE **0**

	Estimate	FTE
Base	\$6,042	17
Program Increase	\$0	0
Program Decrease	\$0	0

DEPARTMENTAL PROGRAM EVALUATION

BUDGET AUTHORITY BEFORE THE COMMITTEE				
(Dollars in Thousands)				
	FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
Activity Appropriation	8,040	8,040	11,540	3,500
FTE	11	10	12	2

NOTE: FY 2021 reflects actual FTE. Authorized FTE for FY 2021 was 10. FY 2022 reflects estimated FTE usage at the annualized level of the CR.

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 identifies priorities for building new evidence based on learning agendas updated by each agency annually, as well as through statutory requirements for evaluations, Secretarial and Administration priorities, and continuing discussions with agency leadership and program staff. Research activities led by the Chief Evaluation Office are described across two publicly-available resources: *U.S. Department of Labor Evidence-Building Plan for Fiscal Years 2022 – 2026* and *U.S. Department of Labor Evaluation Plan for Fiscal Years 2022 – 2023*. The evaluations and research projects described in these documents are aligned with the Department's priorities specified in the Strategic Plan and are updated annually.

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>
2018	\$8,040	0
2019	\$8,040	8
2020	\$8,040	9
2021	\$8,040	10
2022	\$0	10

NOTE: A full-year 2022 appropriation for this account was not enacted at the time the budget was prepared.

FY 2023

The FY 2023 request for DPE is \$11,540,000 and 12 FTE. The request includes the following program increase:

- Federal-wide Evaluation of Diversity, Equity, Inclusivity, and Accessibility (DEIA): the Department requests \$3,500,000 above the FY 2021 enacted level and 2 FTE in the DPE budget activity to conduct a new rigorous interagency evaluation of actions aimed to improve DEIA across the Federal workforce. A coordinated cross-agency evaluation presents an opportunity to drive long-term, meaningful changes for the Federal workforce and the Department lead this initiative in close collaboration with other select agencies, including the Office of Personnel Management.

The Budget also continues essential authorities for evaluating and improving Federal programs. The Budget maintains the authority for DOL to set-aside “up to 0.75 percent” of appropriations so that there may be sufficient funds for conducting significant and rigorous evaluations, and it continues to provide the DOL Chief Evaluation Office the authority to carry out grants and demonstration projects to test innovative strategies for building evidence. The Budget also includes measures to further support these offices, such as the request for the Evaluation Funding Flexibility General Provision to give the Chief Evaluation Office, the Bureau of Labor Statistics, and evaluation offices at the Department of Health and Human Services the ability to use evaluation funds over a greater period of time, among other evaluation funding flexibilities.

FY 2022

The FY 2022 full year continuing resolution funds the DPE activity at \$8,040,000 and 10 FTE. At this funding level, CEO will continue to fund high-priority evaluation activities. New studies aligned with Administration priorities and will be identified through the learning agenda process.

FY 2021

The FY 2021 enacted funding for DPE was \$8,040,000. This provided 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, the evaluations supported department priorities and agency statutory and operational objectives.

DEPARTMENTAL PROGRAM EVALUATION

BUDGET ACTIVITY BY OBJECT CLASS					
(Dollars in Thousands)					
		FY 2021 Revised Enacted	FY 2022 Full Year C.R.	FY 2023 Request	Diff. FY23 Request / FY22 Full Year C.R.
11.1	Full-time permanent	0	0	286	286
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	0	0	0	0
11.9	Total personnel compensation	0	0	286	286
12.1	Civilian personnel benefits	0	0	89	89
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	8,040	8,040	11,165	3,125
25.2	Other services from non-Federal sources	0	0	0	0
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	11,540	3,500
	1/Other goods and services from Federal sources				

DEPARTMENTAL PROGRAM EVALUATION

CHANGES IN FY 2023

(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 **\$3,500**

Direct FTE **2**

	Estimate	FTE
Base	\$8,040	10
Program Increase	\$3,500	2
Program Decrease	\$0	0