

**FY 2024**

**CONGRESSIONAL BUDGET JUSTIFICATION**

**DEPARTMENTAL MANAGEMENT**

This page is intentionally left blank.

# DEPARTMENTAL MANAGEMENT

## TABLE OF CONTENTS

Appropriation Language .....	1
Explanation of Language Change .....	2
Amounts Available for Obligation.....	3
Summary of Changes .....	4
Summary Budget Authority and FTE by Activity .....	7
Budget Authority by Object Class .....	9
Significant Items in Appropriations Committees' Reports .....	10
Authorizing Statutes.....	15
Appropriation History .....	17
Overview .....	18
Organization Chart.....	27
Budget Activity .....	35
Program Direction and Support .....	35
Legal Services.....	43
International Labor Affairs .....	55
Administration and Management.....	73
Adjudication.....	79
Women's Bureau .....	97
Civil Rights .....	113
Chief Financial Officer .....	125
Departmental Program Evaluation.....	129
GSA Technology Transformation.....	135

This page is intentionally left blank.

## DEPARTMENTAL MANAGEMENT

### APPROPRIATION LANGUAGE SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of [three] passenger motor vehicles *and supporting charging or fueling infrastructure for zero emission passenger motor vehicles*, [\$391,889,000] \$545,216,000, which shall be available through September 30, 2025, together with not to exceed \$308,000, may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That [\$81,725,000] *not less than \$89,816,000 shall be* 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 less than [\$30,175,000] \$30,175,000 shall be for programs to combat exploitative child labor internationally and not less than [\$30,175,000] \$30,175,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, *That 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 [\$8,281,000] \$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 [\$5,000,000] \$5,000,000 shall be used for grants authorized by the Women in Apprenticeship and Nontraditional Occupations Act. (*Department of Labor Appropriations Act, 2023.*)

## **DEPARTMENTAL MANAGEMENT**

### **EXPLANATION OF LANGUAGE CHANGE**

The Department requests two-year availability to increase flexibility for program execution. The annual uncertainty in the appropriations timing results in delayed hiring and rushed execution of contracts. The multi-year availability would reduce the impact of short-term continuing resolutions at no cost to the annual appropriations bill. This change would also enhance staff oversight of the programs they are administering.

## DEPARTMENTAL MANAGEMENT

<b>AMOUNTS AVAILABLE FOR OBLIGATION</b>						
(Dollars in Thousands)						
	FY 2022 Revised Enacted		FY 2023 Revised Enacted		FY 2024 Request	
	FTE	Amount	FTE	Amount	FTE	Amount
<b>A. Appropriation</b>	<b>1,123</b>	<b>\$374,083</b>	<b>1,105</b>	<b>\$393,389</b>	<b>1,438</b>	<b>\$545,216</b>
Reimbursements	64	\$29,408	77	\$32,779	77	\$32,779
Trust Funds - Black Lung	125	\$35,445	146	\$36,218	146	\$41,178
Trust Funds - Unemployment Trust Fund	2	\$308	2	\$308	2	\$308
Transfers for Program Evaluation	0	\$26,291	0	\$0	0	\$0
Transfers for OASAM	0	\$554	0	\$0	0	\$0
Unobligated Balance Carried Forward	60	\$239,223	84	\$139,604	0	\$17,000
<i>Subtotal</i>	<i>1,374</i>	<i>\$705,312</i>	<i>1,414</i>	<i>\$602,298</i>	<i>1,663</i>	<i>\$636,481</i>
<b>B. Gross Budget Authority</b>	<b>1,374</b>	<b>\$705,312</b>	<b>1,414</b>	<b>\$602,298</b>	<b>1,663</b>	<b>\$636,481</b>
Reimbursements	-64	-\$29,408	-77	-\$32,779	-77	-\$32,779
Transfers	0	-\$26,845	0	\$0	0	\$0
Unobligated Balance Carried Forward	-60	-\$239,223	-84	-\$139,604	0	\$0
<i>Subtotal</i>	<i>1,250</i>	<i>\$409,836</i>	<i>1,253</i>	<i>\$429,915</i>	<i>1,586</i>	<i>\$603,702</i>
<b>C. Budget Authority Before Committee</b>	<b>1,250</b>	<b>\$409,836</b>	<b>1,253</b>	<b>\$429,915</b>	<b>1,586</b>	<b>\$603,702</b>
Reimbursements	64	\$29,408	77	\$32,779	77	\$32,779
Unobligated Balance Carried Forward	60	\$239,223	84	\$139,604	0	\$0
<i>Subtotal</i>	<i>1,374</i>	<i>\$678,467</i>	<i>1,414</i>	<i>\$602,298</i>	<i>1,663</i>	<i>\$636,481</i>
<b>D. Total Budgetary Resources</b>	<b>1,374</b>	<b>\$678,467</b>	<b>1,414</b>	<b>\$602,298</b>	<b>1,663</b>	<b>\$636,481</b>
Unexpired Unobligated Balance Carried Forward	0	-\$139,604	0	\$0	0	\$0
Direct FTE Lapse and Unobligated Balance Expiring	-20	-\$11,733	0	-\$17,000	0	\$0
Reimbursable FTE Lapse and Unobligated Balance Expiring	-17	-\$1,008	0	\$0	0	\$0
<i>Subtotal</i>	<i>-37</i>	<i>-\$152,345</i>	<i>0</i>	<i>\$0</i>	<i>0</i>	<i>\$0</i>
<b>E. Total, Estimated Obligations</b>	<b>1,337</b>	<b>\$526,122</b>	<b>1,414</b>	<b>\$585,298</b>	<b>1,663</b>	<b>\$636,481</b>

# DEPARTMENTAL MANAGEMENT

## SUMMARY OF CHANGES

(Dollars in Thousands)

	FY 2023 Revised Enacted	FY 2024 Request	Net Change
<b>Budget Authority</b>			
General Funds	\$393,389	\$545,217	+\$151,828
Trust Funds	\$36,526	\$41,486	+\$4,960
<b>Total</b>	<b>\$429,915</b>	<b>\$586,703</b>	<b>+\$156,788</b>
 <b>Full Time Equivalents</b>			
General Funds	1,130	1,438	308
Trust Funds	148	148	0
<b>Total</b>	<b>1,278</b>	<b>1,586</b>	<b>308</b>

Explanation of Change	FY 2024 Change							
	FY 2023 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Increases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Costs of pay adjustments	1,278	\$182,237	0	\$767	0	\$7,819	0	\$8,586
Personnel benefits	0	\$62,231	0	\$446	0	\$4,378	0	\$4,824
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	\$15	0	\$0	0	\$0	0	\$0
Travel and transportation of persons	0	\$3,526	0	\$0	0	\$0	0	\$0
Transportation of things	0	\$36	0	\$0	0	\$0	0	\$0
Rental payments to GSA	0	\$17,829	0	\$0	0	\$0	0	\$0
Rental payments to others	0	\$11	0	\$0	0	\$0	0	\$0
Communications, utilities, and miscellaneous charges	0	\$325	0	\$0	0	\$0	0	\$0
Printing and reproduction	0	\$60	0	\$0	0	\$0	0	\$0
Advisory and assistance services	0	\$12,795	0	\$0	0	\$0	0	\$0
Other services from non-Federal sources	0	\$8,180	0	\$0	0	\$0	0	\$0
Working Capital Fund	0	\$41,213	0	\$0	0	\$2,965	0	\$2,965
Other Federal sources (Census Bureau)	0	\$0	0	\$0	0	\$0	0	\$0
Other Federal sources (DHS Charges)	0	\$2,843	0	\$0	0	\$0	0	\$0
Other goods and services from Federal sources	0	\$4,896	0	\$0	0	\$0	0	\$0
Research & Development Contracts	0	\$0	0	\$0	0	\$0	0	\$0
Operation and maintenance of facilities	0	\$36	0	\$0	0	\$0	0	\$0



## DEPARTMENTAL MANAGEMENT

Explanation of Change	FY 2024 Change							
	FY 2023 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Operation and maintenance of equipment	0	\$225	0	\$0	0	\$0	0	\$0
Supplies and materials	0	\$1,648	0	\$0	0	\$0	0	\$0
Equipment	0	\$300	0	\$0	0	\$0	0	\$0
Grants, subsidies, and contributions	0	\$89,725	0	\$0	0	\$0	0	\$0
Insurance claims and indemnities	0	\$1	0	\$0	0	\$0	0	\$0
<b>Built-Ins Subtotal</b>	<b>1,278</b>	<b>+\$428,132</b>	<b>0</b>	<b>+\$1,213</b>	<b>0</b>	<b>+\$15,162</b>	<b>0</b>	<b>+\$16,375</b>
<b>B. Programs:</b>								
SOL FY 2024 Optimal Staffing Level	0	\$0	0	\$0	180	\$47,121	180	\$47,121
Climate Change EO Investment-Electric Vehicles	0	\$0	0	\$0	0	\$18,000	0	\$18,000
Future of Work	0	\$5,000	0	\$0	0	\$13,007	0	\$13,007
Increase for WB Grants and Staffing	52	\$25,361	0	\$0	3	\$8,861	3	\$8,861
Rebuilding the Department's Leadership Capacity	0	\$0	0	\$0	27	\$7,795	27	\$7,795
President's Trade Agenda	151	\$129	0	\$0	7	\$7,700	7	\$7,700
SOL FY 2024 Increase to Support Worker Protection Client Agencies	0	\$0	0	\$0	23	\$6,025	23	\$6,025
Good Jobs Initiative	127	\$42,323	0	\$0	9	\$4,430	9	\$4,430
GSA Technology Transformation Services	0	\$0	0	\$0	0	\$4,182	0	\$4,182
Increase for Civil Rights	0	\$0	0	\$0	16	\$4,005	16	\$4,005
TVPRA Expanded Mandate	151	\$128,965	0	\$0	5	\$3,891	5	\$3,891
Diversity, Equity, Inclusivity and Accessibility (DEIA) evaluation	0	\$0	0	\$0	2	\$3,259	2	\$3,259
Defense Base Act Workload (OALJ and BRB)	0	\$0	0	\$0	16	\$3,215	16	\$3,215
Processing of Adjudication Workload (OALJ and Boards)	0	\$0	0	\$0	13	\$2,621	13	\$2,621
Equity Technical Assistance Center	0	\$0	0	\$0	3	\$2,507	3	\$2,507
Processing of ADJ BLDTF Mandatory Workload (OALJ and BRB)	0	\$0	0	\$1,704	0	\$0	0	\$1,704
O&M to Ensure Continued Success of New Court Management System	0	\$0	0	\$1,558	0	\$0	0	\$1,558
Labor Attaché Program	151	\$128,965	0	\$0	2	\$1,250	2	\$1,250
Processing of SOL BLDTF Mandatory Workload	0	\$0	0	\$485	0	\$0	0	\$485
Increase for Staffing	0	\$0	0	\$0	2	\$360	2	\$360
<b>Programs Subtotal</b>			<b>0</b>	<b>+\$3,747</b>	<b>308</b>	<b>+\$138,229</b>	<b>308</b>	<b>+\$141,976</b>
<b>Total Increase</b>	<b>1,278</b>	<b>+\$428,132</b>	<b>0</b>	<b>+\$4,960</b>	<b>308</b>	<b>+\$153,391</b>	<b>308</b>	<b>+\$158,351</b>
<b>Decreases:</b>								
<b>A. Built-Ins:</b>								
To Provide For:								
Federal Employees' Compensation Act (FECA)	0	\$1,783	0	\$0	0	-\$64	0	-\$64
<b>Built-Ins Subtotal</b>	<b>0</b>	<b>+\$1,783</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>-\$64</b>	<b>0</b>	<b>-\$64</b>

# DEPARTMENTAL MANAGEMENT

Explanation of Change	FY 2024 Change							
	FY 2023 Base		Trust Funds		General Funds		Total	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>B. Programs:</b>								
<b>Total Decrease</b>	<b>0</b>	<b>+\$1,783</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>-\$64</b>	<b>0</b>	<b>-\$64</b>
<b>Total Change</b>	<b>1,278</b>	<b>+\$429,915</b>	<b>0</b>	<b>+\$4,960</b>	<b>308</b>	<b>+\$153,327</b>	<b>308</b>	<b>+\$158,287</b>

## DEPARTMENTAL MANAGEMENT

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	FY 2022 Revised Enacted		FY 2023 Revised Enacted		FY 2024 Request		Diff. FY24 Request / FY23 Revised Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Program Direction and Support</b>	<b>106</b>	<b>31,158</b>	<b>116</b>	<b>34,158</b>	<b>155</b>	<b>48,778</b>	<b>39</b>	<b>14,620</b>
General Funds	106	31,158	116	34,158	155	48,778	39	14,620
<b>Legal Services</b>	<b>539</b>	<b>139,919</b>	<b>542</b>	<b>139,088</b>	<b>745</b>	<b>199,641</b>	<b>203</b>	<b>60,553</b>
General Funds	509	131,754	510	130,754	713	190,553	203	59,799
Unemployment Trust Funds	2	308	2	308	2	308	0	0
Black Lung Disability Trust Funds	28	7,857	30	8,026	30	8,780	0	754
<b>International Labor Services</b>	<b>127</b>	<b>106,125</b>	<b>138</b>	<b>116,125</b>	<b>152</b>	<b>130,525</b>	<b>14</b>	<b>14,400</b>
General Funds	127	106,125	138	116,125	152	130,525	14	14,400
<b>Administration and Management</b>	<b>94</b>	<b>29,858</b>	<b>102</b>	<b>30,804</b>	<b>102</b>	<b>63,148</b>	<b>0</b>	<b>32,344</b>
General Funds	94	29,858	102	30,804	102	63,148	0	32,344
<b>Adjudication</b>	<b>239</b>	<b>63,598</b>	<b>267</b>	<b>65,192</b>	<b>296</b>	<b>78,283</b>	<b>29</b>	<b>13,091</b>
General Funds	144	36,000	151	37,000	180	45,885	29	8,885
Black Lung Disability Trust Funds	95	27,598	116	28,192	116	32,398	0	4,206
<b>Women's Bureau</b>	<b>45</b>	<b>18,000</b>	<b>52</b>	<b>23,000</b>	<b>55</b>	<b>32,426</b>	<b>3</b>	<b>9,426</b>
General Funds	45	18,000	52	23,000	55	32,426	3	9,426
<b>Civil Rights</b>	<b>27</b>	<b>7,086</b>	<b>28</b>	<b>7,586</b>	<b>44</b>	<b>11,911</b>	<b>16</b>	<b>4,325</b>
General Funds	27	7,086	28	7,586	44	11,911	16	4,325

## DEPARTMENTAL MANAGEMENT

<b>SUMMARY BUDGET AUTHORITY AND FTE BY ACTIVITY</b>								
(Dollars in Thousands)								
	FY 2022 Revised Enacted		FY 2023 Revised Enacted		FY 2024 Request		Diff. FY24 Request / FY23 Revised Enacted	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
<b>Chief Financial Officer</b>	<b>18</b>	<b>5,681</b>	<b>18</b>	<b>5,681</b>	<b>20</b>	<b>6,268</b>	<b>2</b>	<b>587</b>
General Funds	18	5,681	18	5,681	20	6,268	2	587
<b>Departmental Program Evaluation</b>	<b>12</b>	<b>8,421</b>	<b>15</b>	<b>8,281</b>	<b>17</b>	<b>11,540</b>	<b>2</b>	<b>3,259</b>
General Funds	12	8,421	15	8,281	17	11,540	2	3,259
<b>GSA Technology Transformation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,182</b>	<b>0</b>	<b>4,182</b>
General Funds	0	0	0	0	0	4,182	0	4,182
<b>Total</b>	<b>1,246</b>	<b>409,846</b>	<b>1,278</b>	<b>429,915</b>	<b>1,586</b>	<b>586,702</b>	<b>308</b>	<b>156,787</b>
<b>General Funds</b>	<b>1,082</b>	<b>374,083</b>	<b>1,130</b>	<b>393,389</b>	<b>1,438</b>	<b>545,216</b>	<b>308</b>	<b>151,827</b>
<b>Unemployment Trust Funds</b>	<b>2</b>	<b>308</b>	<b>2</b>	<b>308</b>	<b>2</b>	<b>308</b>	<b>0</b>	<b>0</b>
<b>Black Lung Disability Trust Funds</b>	<b>123</b>	<b>35,455</b>	<b>146</b>	<b>36,218</b>	<b>146</b>	<b>41,178</b>	<b>0</b>	<b>4,960</b>

NOTE: FY 2022 reflects actual FTE.

## DEPARTMENTAL MANAGEMENT

<b>BUDGET AUTHORITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		FY 2022 Revised Enacted	FY 2023 Revised Enacted	FY 2024 Request	Diff. FY24 Request / FY23 Revised Enacted
	Full-Time Equivalent				
	Full-time Permanent	1,246	1,278	1,586	308
	Reimbursable	49	77	77	0
	<b>Total</b>	<b>1,259</b>	<b>1,355</b>	<b>1,663</b>	<b>308</b>
	Average ES Salary	\$186,994	\$190,994	\$195,994	\$5,000
	Average GM/GS Grade	13/8	13/8	14	0
	Average GM/GS Salary	\$129,408	\$130,408	\$135,408	\$5,000
	Average Salary of Wage Grade Positions	0	0	0	0
11.1	Full-time permanent	171,264	177,393	234,058	56,665
11.3	Other than full-time permanent	1,096	2,405	2,538	133
11.5	Other personnel compensation	5,813	2,439	2,439	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>178,173</b>	<b>182,237</b>	<b>239,035</b>	<b>56,798</b>
12.1	Civilian personnel benefits	59,353	64,014	84,811	20,797
13.0	Benefits for former personnel	0	15	15	0
21.0	Travel and transportation of persons	1,684	3,526	4,402	876
22.0	Transportation of things	538	36	36	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	18,825	17,829	20,706	2,877
23.2	Rental payments to others	122	11	16	5
23.3	Communications, utilities, and miscellaneous charges	615	325	531	206
24.0	Printing and reproduction	-844	60	76	16
25.1	Advisory and assistance services	15,309	12,795	39,006	26,211
25.2	Other services from non-Federal sources	7,615	8,180	13,932	5,752
25.3	Other goods and services from Federal sources 1/	53,025	48,952	58,115	9,163
25.4	Operation and maintenance of facilities	162	36	653	617
25.5	Research and development contracts	182	0	0	0
25.7	Operation and maintenance of equipment	1,056	225	1,365	1,140
26.0	Supplies and materials	1,076	1,648	1,976	328
31.0	Equipment	605	300	18,501	18,201
41.0	Grants, subsidies, and contributions	72,349	89,725	103,525	13,800
42.0	Insurance claims and indemnities	1	1	1	0
51.1	Benefits	0	0	0	0
	<b>Total</b>	<b>409,846</b>	<b>429,915</b>	<b>586,702</b>	<b>156,787</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	43,525	41,213	44,178	2,965
	DHS Services	265	2,843	2,843	0
	Services by DOL Agencies	675	592	592	0
	Services by Other Government Departments	8,493	2,554	3,404	850
	GSA Services	0	179	179	0
	HHS Services	10	10	10	0

## DEPARTMENTAL MANAGEMENT

### SIGNIFICANT ITEMS IN FY 2023 APPROPRIATIONS' REPORTS

**House Report, pg. 38: Foundations for Evidence-based Policymaking Act.** Evidence-based Policymaking Act. Requests an update in the fiscal year 2024 Congressional Budget Justification on implementation of the Foundations for Evidence-based Policymaking Act (P.L. 115–435) and implementation plans for the coming year. The Committee is supportive of efforts by the Department to consider evidence of effectiveness in grant competitions.

**Response:** As evidenced by the Department's FY 2024 President's Budget, there is ongoing support to ensure robust implementation of the Foundations for Evidence-Based Policymaking Act at the Department of Labor. The Department has a several notable strengths upon which Evidence Act implementation has been enhanced, including a centralized evaluation function through the Office of the Chief Evaluation Officer which has dedicated appropriations for building new scientific evidence. Additionally, the Department upholds a strong evaluation policy with five key principles governing its evaluation activities. In FY 2024, the Department will leverage its proposed evaluation budget to build new evidence about equity in DOL programs and services; improve internal capacity to integrate evidence across its programs and operations; and expand outreach to DOL's evidence-building external stakeholders, including our state and local partners.

**House Report, pg. 37: Advertising.** The Committee understands that, as the largest advertiser in the U.S., the Federal Government should work to ensure fair access to its advertising contracts for small disadvantaged businesses and businesses owned by minorities and women. The Committee directs the Department to include the following information in its fiscal year 2024 Congressional Budget Justification: Expenditures for fiscal year 2022 and expected expenditures for fiscal years 2023 and 2024, respectively, for (1) all contracts for advertising services; and, (2) contracts for the advertising services of (I) socially and economically disadvantaged small business concerns (as defined in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and (II) women- and minority-owned businesses.

**Response:** Though FY 2023 is still ongoing and total obligations are not finalized, the Department of Labor obligated a total of \$8,070,815 for advertising for the Job Corps program. As of November 2022, \$7,469,224 has been expended. In addition, the Employment Benefits Security Administration obligated \$5,634,053 for marketing resources for website outreach and video production services and \$90,409 has been expended. Neither obligation was for local media.

**House Report, pg. 38. Organizational Priority Goals.** The Committee directs the Department to comply with title 31 of the United States Code, including the development of organizational priority goals and outcomes such as performance outcome measures, output measures, efficiency measures, and customer service measures. The Committee further directs the Department to include an update on the progress of these efforts in the fiscal year 2024 Congressional Budget Justification.

## DEPARTMENTAL MANAGEMENT

**Response:** DOL supports two Agency Priority Goals, An Economy for All Workers, highlighting DOL’s Equity efforts, and Strengthening America’s Safety Net for Workers, focused on improving customer experience of the Unemployment Insurance program. DOL has developed performance indicators and concrete milestones to track progress toward these goals, and progress is reviewed quarterly by the Deputy Secretary. Detailed updates on progress can be found here: <https://www.performance.gov/agencies/dol/>

**House Report, pg. 38-39: Customer Service.** Streamlining Service Delivery and Improving Customer Service. Directs the Secretary to develop standards to improve customer service and incorporate the standards into the performance plans required under 31 U.S.C. 1115. The Committee further directs the Department to include an update on the progress of these efforts in the fiscal year 2024 Congressional Budget Justification.

**Response:** DOL continues to implement the CX EO through its four High-Impact Service Providers (HISPs). These four DOL subagencies have incorporated CX efforts into their annual management plans, which are reviewed quarterly by the Deputy Secretary. The Department also continues to provide more fulsome updates on the performance.gov website. Please find the most recent update on our CX efforts here: <https://www.performance.gov/cx/agencies/dol/>

**House Report, pg. 36: U.S.-Mexico-Canada Agreement (USMCA).** Directs ILAB to include in the fiscal year 2024 Congressional Budget Justification, directs ILAB to include spending plans for resources provided in the USMCA Implementation Act for fiscal years 2020 through 2024. Spending plans should include descriptions and amounts for projects and staffing.

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

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

Description of Awarded Projects	Recipient	Amount	Type
Strengthening Government Labor Law Enforcement	IMPAQ International	\$20,750	Cooperative Agreement
Building a Comprehensive Government Approach to Combating Child Labor and Forced Labor in Mexico	International Labor Organization	\$13,000	Cooperative Agreement
Strengthening Mexican Inspectorate for Labor Enforcement	American Institutes for Research	\$12,000	Cooperative Agreement
Strengthening Conciliation to Enhance Resolution of Labor Disputes in Mexico	American Institutes for Research	\$10,000	Cooperative Agreement
Improving Gender Equity in the Mexican Workplace	Partners of the Americas	\$10,000	Cooperative Agreement
Mexico Awareness Raising Project	Partners of the Americas	\$10,000	Cooperative Agreement

## DEPARTMENTAL MANAGEMENT

Building an Independent and Democratic Labor Movement to Protect Worker Rights in Mexico	Solidarity Center	\$10,000	Cooperative Agreement
Strengthening Workers' Ability to Exercise their Labor Rights in Mexico	Solidarity Center	\$10,000	Cooperative Agreement
Towards Effective Courts and Coordinated Labor Justice	Ergo Group Inc.	\$9,945	Cooperative Agreement
Reduce Child Labor, Forced Labor, and other Forms of Labor Exploitation of Workers in the Chile Pepper and Tomato Sectors in Mexico	World Vision	\$7,000	Cooperative Agreement
Improving Workers' Occupational Safety and Health in Selected Supply Chains in Mexico – A Vision Zero Fund Project	International Labor Organization	\$5,000	Cooperative Agreement
Increased Compliance with Mexican Labor Law and International Labor Standards by the Tomato and Chile Pepper Sectors in Mexico	Social Accountability International	\$5,000	Cooperative Agreement
Labor Value Content Certification and Verification, Including System Development	Wage and Hour Division	\$3,200	Interagency Agreement
Engaging Mexico's Auto Sector Employers in Labor Law Reform Implementation	Pan American Development Foundation	\$3,000	Cooperative Agreement
Improving Working Conditions in the Mexican Automotive Supply Chain	American Institutes for Research	\$1,250	Cooperative Agreement
Administrative Support Costs - Grants Management	Employment Training Administration	\$1,109	Interagency Agreement
Activities to Support Labor Dispute Resolution in Mexico	Federal Mediation Conciliation Services	\$1,000	Interagency Agreement
Campos de Esperanza (Fields of Hope) Project	World Vision	\$419	Cooperative Agreement

**Total \$132,673**

### Future Project Plans:

DOL has obligated \$132.7 million for USMCA projects to date to support labor justice reform and other labor priorities in Mexico. ILAB is currently developing additional project solicitations which will be awarded in the next year. This will include approximately \$47 million for projects addressing the focus areas detailed below. ILAB is continuing to develop project scopes of work and to consult with the Mexican government and other key stakeholders to finalize targets, approaches, and sectors. As these projects are finalized, ILAB will notify the appropriate Congressional Committees prior to publishing Funding Opportunity Announcements (FOAs), and detailed information will be made available on our website.



## DEPARTMENTAL MANAGEMENT

### Project Areas of Focus:

- Additional funding to add functionalities to the platform utilized for union registrations.
- A project to deploy international observers from the International Labor Organization to monitor key union democracy votes.
- A project to build capacity of Mexico's National Employment Service and other stakeholders to promote fair recruitment, strengthen inclusion and worker rights, and prevent human trafficking.
- Additional funding to expand independent, democratic union organizing in additional states and sectors.
- A research contract to examine how labor reforms are progressing in selected states and to identify steps for improving implementation.
- Additional funding for training and outreach to employers in the auto sector regarding compliance with labor reform in new states.

## DEPARTMENTAL MANAGEMENT

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

Description	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Total
Salaries & Benefits	\$133	\$2,094	\$3,453	\$3,500	\$3,475	\$3,475	\$3,450	\$3,450	\$23,030
Travel	\$0	\$15	\$89	\$115	\$115	\$115	\$115	\$115	\$679
Training	\$0	\$6	\$30	\$30	\$30	\$30	\$30	\$30	\$186
Labor Attaché Relocation	\$100	\$128	\$50	\$75	\$75	\$75	\$75	\$200	\$778
Services by Other DOL/ Government Agencies	\$350	\$858	\$1,304	650	\$600	\$550	\$500	\$500	\$5,312
Supplies & Equipment	\$0	\$0	\$3	\$3	\$3	\$2	\$2	\$2	\$15
Totals =	\$583	\$3,101	\$4,929	\$4,373	\$4,298	\$4,247	\$4,172	\$4,297	\$30,000

FY 2020 – FY 2022 data reflects actual obligations. Subsequent years are estimates. Future year estimates will be continuously adjusted as actual costs are incurred and plans are refined. ILAB currently has 27 staff onboard (including 5 labor attachés).

# DEPARTMENTAL MANAGEMENT

## AUTHORIZING STATUTES

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

<b>APPROPRIATION HISTORY</b>					
(Dollars in Thousands)					
	<b>Budget Estimates to Congress</b>	<b>House Allowance</b>	<b>Senate Allowance</b>	<b>Appropriations</b>	<b>FTE</b>
2014					
Base Appropriation...1/ 2/	\$347,856			\$336,929	1,259
2015					
Base Appropriation...2/	\$346,189			\$337,929	1,250
2016					
Base Appropriation...2/ 3/	\$375,985	\$284,229	\$258,727	\$334,373	1,239
2017					
Base Appropriation...2/ 3/	\$387,925			\$334,844	1,139
2018					
Base Appropriation...4/	\$259,858	\$247,911		\$343,969	1,128
2019					
Base Appropriation...5/	\$261,035			\$338,064	1,153
2020					
Base Appropriation...6/ 7/	\$266,866			\$348,918	1,079
2021					
Base Appropriation...7/	\$271,952			\$349,918	1,248
2022					
Base Appropriation...8/	\$439,970	\$457,219		\$374,251	1,203
2023					
Base Appropriation	\$530,511	\$537,324		\$392,197	1,132
2024					
Base Appropriation	\$586,702				1,586

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

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

3/ 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.

4/ A full-year 2018 appropriation for this account was not enacted at the time the FY 2019 budget was prepared.

5/ 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.

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

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

8/ A full-year FY 2022 appropriation was not enacted at the time the FY 2023 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. Consequently, SOL litigates worker protection enforcement and other cases in federal courts and administrative 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 internal 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 working groups and agencies 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 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

## DEPARTMENTAL MANAGEMENT

has also recently created a full-time position for a diversity officer within the SOL front office, currently staffed with an internal detail. 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, accessibility, and inclusion.

As detailed below, in fiscal years 2021, 2022 and 2023, SOL received funding under several supplemental appropriations.

No Surprises Act Transparency (NSAT): Section 118 of the No Surprises Act enacted in late December 2020 appropriated \$500,000,000 to DOL, the Department of Health and Human Services (HHS), and the Treasury Department (the “tri-agencies”), making these funds 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, \$5.5 million in FY 2022 and \$7.5 million in FY 2023. All of SOL’s NSAT work, which began in FY 2021 and will continue long after the FY 2024 funding expiration, involves provision of legal services related to the regulatory, implementation, and enforcement legal actions called for by NSAT. This work focuses on addressing both surprise medical billing and the parity of mental health and substance abuse benefits provided by health plans, pursuant to amendments to the Mental Health Parity and Addiction Equity Act (MHPAEA). These legal services include, for example, providing legal advice on the 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 at least twelve 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. While the appropriation expires at the end of 2024, most of the statutory requirements added by the No Surprises Act are permanent and the Departments will have ongoing responsibilities such as enforcement of plan, issuer, and provider compliance with the provisions of the No Surprises Act; complaints collection and investigation; as well as auditing comparative analyses of non-quantitative treatment limits for mental health and substance-use disorder plan benefits. The proposal to replenish and extend the No Surprises Act implementation fund provides \$500 million in additional mandatory funding for continued implementation of the No Surprises Act, ensuring the Departments will have sufficient funding to enforce this law well into the future.

American Rescue Plan Act – Worker Protection (ARPA-WP): For the FY 2021 through FY 2023 period, SOL 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. Approximately \$8.4 million was made available and expended in FY 2021 and \$7.9 million in FY 2022. SOL anticipates expending the remaining balance of these funds, approximately

## DEPARTMENTAL MANAGEMENT

\$6 million in FY 2023, which is when these funds expire. With expiration of these funds at the end of FY 2023, no ARPA-WP funds will be available under the P.L. 117-2 legislation during FY 2024.

SOL's legal services under ARPA-WP are supporting worker protection activities related to COVID-19 across DOL, and especially in 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). Despite the expiration of these ARPA-WP funds prior to in FY 2024, SOL anticipates continuing to support our client agencies in their COVID-19 related activities throughout the 2024 fiscal year, including the review or defense of guidance documents, and assistance with enforcement matters, litigation of which often continues long after initial citations or findings of violations.

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 was provided with \$5.9 million, of which SOL utilized \$800,000 in FY 2021 and \$2.2 million in FY 2022 and anticipates expending \$2.4 million in FY 2023. Starting in FY 2021 and continuing for the foreseeable future, SOL has fielded 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 have included: assisting in the development of a pilot program which uses Login.gov and the U.S. Postal Service to provide identity proofing and verification services that States can use to verify UI claimants' identities for the regular UI program; advising on the 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; advising on and reviewing all recommendations provided to states through the Tiger Teams process; and overall advising on UI legal requirements, privacy, data and information sharing, procurement, intellectual property, staffing and equity issues in multiple aspects of the UI modernization effort. As the Department continues to pursue UI initiatives in FY 2024, SOL will provide robust supporting legal services, 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.

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

The FY 2024 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.



## DEPARTMENTAL MANAGEMENT

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 133 million Americans. EBSA's MHPAEA jurisdiction and responsibilities extend to all these plans and plan participants.

The CAA amended MHPAEA to strengthen DOL's mental health parity enforcement authority and require DOL to audit group health plans and issuers that impose non-quantitative treatment limitations (NQTLs) for mental health and substance use disorders.

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 NQTL to mental health and substance use disorder benefits are comparable to, and are applied no more stringently than, those used in applying the limitation to medical/surgical benefits in the same classifications.

The CAA provides a mechanism for the Department to request comparative analyses from plans and issuers to examine whether a NQTL complies with MHPAEA. If it does not, plans and issuers must specify the corrective actions they will take and provide additional comparative analyses that demonstrate compliance no later than 45 days after the initial determination.

The FY 2024 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. Consistent with the FY 2023 President's Budget and the 2022 MHPAEA Report to Congress, this budget includes proposals aimed at strengthening MHPAEA's consumer protections and better positioning the Department to enforce the law. These proposals spanned three critical areas essential to achieving meaningful mental health and substance use disorder parity: enhanced enforcement, ensuring and protecting coverage of promised benefits, and requiring group health plans and health insurance issuers to further prove compliance. The Department of Labor, HHS, and Treasury jointly recommend the following proposals:

1. Grant authority (through legislative action) for DOL to assess civil monetary penalties for parity violations 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 non-compliance findings.
2. 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).
3. Amend ERISA to expressly state that participants and beneficiaries – and DOL on their behalf – may recover amounts lost if their claims were wrongly denied in violation of MHPAEA, ensuring that participants and beneficiaries are made whole.

## DEPARTMENTAL MANAGEMENT

4. Consider amending MHPAEA to ensure that mental health and substance use disorder benefits are defined in an objective and uniform manner pursuant to external benchmarks that are based on nationally recognized standards.
5. Consider ways to permanently expand access to telehealth and remote care services.

### Replenish and Extend the No Surprises Act Implementation Fund

The No Surprises Act and Title II Transparency provisions created crucial new consumer protections from surprise medical bills and entrusted the Departments of HHS, Labor, and the Treasury with many new or enhanced enforcement, oversight, data collection, and program operation requirements. To implement the law, the Departments scaled up expertise and resources for rulemaking, technical builds, enforcement, and staffing. A one-time lump-sum appropriation of \$500 million was provided to the Departments for implementation of the No Surprises Act and Title II Transparency provisions. While the appropriation expires at the end of 2024, most of the statutory requirements added by the No Surprises Act and Title II Transparency provisions are permanent and the Departments will have ongoing responsibilities such as enforcement of plan, issuer, and provider compliance; complaints collection and investigation; as well as auditing comparative analyses of non-quantitative treatment limits for mental health and substance-use disorder plan benefits. This proposal provides \$500 million in additional mandatory funding for continued implementation of the No Surprises Act and Title II Transparency provisions, ensuring the Departments will have sufficient funding to enforce this law in the future.

Beginning in FY 2024, this funding would be available to HHS, DOL, and Treasury for continued implementation of the law until expended.

### Extend Surprise Billing Protections to Ground Ambulances

Under the No Surprises Act, Americans are protected from most forms of surprise medical bills. Ground ambulance services, however, are excluded from these important protections. Beginning in 2025, this proposal extends surprise billing protections to ground ambulance bills across the commercial market. As a result, people who take an out-of-network ground ambulance ride during an emergency would only be subject to their in-network cost-sharing amount. Unresolved disagreements between the plan or issuer and ground ambulance provider over payment for these services would be settled through the Federal Independent Dispute Resolution Process.

### 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 putting medical necessity at the forefront of care decisions instead of profit. It also authorizes the Secretaries of HHS, Labor, and Treasury to regulate behavioral health network adequacy, and to issue regulations on a standard for

## DEPARTMENTAL MANAGEMENT

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 historically underserved racial and ethnic groups are especially likely to forego necessary care and 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 behavioral health visits and three primary care visits each year without charging a copayment, coinsurance, or deductible-related fee.

### Bureau of International Labor Affairs

The Bureau of International Labor Affairs (ILAB) safeguards dignity at work, both at home and abroad. ILAB employs research, technical assistance, trade policy, and labor diplomacy to strengthen global labor standards and their implementation; enforce labor commitments among trading partners; combat discrimination and promote racial and gender equity; and combat international child labor, forced labor, and human trafficking. When other countries do not uphold internationally recognized workers' rights, fail to enforce their labor laws, limit workers' ability to freely organize and advocate for their rights, or export goods produced under exploitative labor conditions, they gain an unfair advantage that harms American workers and businesses. ILAB positions the United States as a leader on international labor rights by demonstrating the U.S. commitment to work with governments, workers, unions and other civil society organizations, and the private sector to achieve its mission.

ILAB supports U.S. Government efforts to advance equity on all fronts, particularly in countries where vulnerable and marginalized populations are most susceptible to exploitative labor conditions. By redressing exploitative labor conditions and advancing equity in key countries, ILAB supports efforts to combat poverty and structural racism in underserved and marginalized communities.

### 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:

- Advance Diversity, Equity, Inclusion, and Accessibility at DOL

## DEPARTMENTAL MANAGEMENT

- Modernize legacy applications
- Leverage DOL's federal buying power while supporting small, women-owned, and minority-owned businesses
- Maintain a safe and secure workplace

### **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 mandated 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. Consistent with that mission, in 2024, the WB will focus in particular on:

- 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, middle-class jobs in construction, manufacturing, energy, transportation, and technology and other industries in receipt of historic investment from the Bipartisan Infrastructure Law, CHIPS and Science Act, and Inflation Reduction Act.
- Advancing an economic case for public investment in care infrastructure, such as paid leave and childcare, as a key lever for supporting women and low-paid workers in the workforce by reducing the impact that caregiving can have on wages and employment outcomes. In FY 2024, this will include an approximate \$10 million investment to provide grants and technical assistance to states and localities to develop, expand or refine paid leave programs, which will include technical assistance in assimilating Worker PLUS modeling into analytical work;
- Contracting for the next round of data collection to update the seminal National Database of Childcare Prices, culminating in comprehensive price data for different types of childcare for every county in the nation;
- Advocating for increasing wages and labor standards for women and workers of color concentrated in the care sector; and
- 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.

## **DEPARTMENTAL MANAGEMENT**

### **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). While agencies within the Department will strive to promote equity for racial, gender, and other historically underserved populations, the CRC advances these goals and outcomes for the Department, the workforce system, and the American worker in more concrete ways -- through complaint investigations, formal resolutions, technical assistance and monitoring of compliance.

### **Office of the Chief Financial Officer**

The Office of Chief Financial Officer (OCFO) is responsible for the financial leadership of the Department of Labor. OCFO's 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.

A key aspect to CEO fulfilling its technical role for DOL is to ensure that its staff maintain their skills and also have the capacity to effectively implement evaluations. To that end, dedicated resources to ensure skills training and travel to monitor evaluation activities requires extending uses of Departmental Program Evaluation resources to support these critical functions.

### **Research and Development Priorities for the FY 2024 Budget**

To help the Department's access to quick, rigorous evaluations and research with administrative data, CEO targets two areas of growth in FY 2024. The first activity is to establish the department's restricted access analytics program. Beginning as a pilot in FY 2023, CEO is leading the establishment of a restricted access analytics program for DOL, in close collaboration with the Department's Chief Data Officer and Office of the Chief Information Officer. This funding will support activities related to data-sharing and data-access within and outside DOL. For the first time, the department will create capacity both to build data assets and to allow for them to be safely re-used in a controlled environment. This capacity-building activity will support the department in maintaining longer-standing data-sharing partnerships with academics, government agencies, and advocate communities. Further, under the direction of the technical experts in CEO, the program will assure access to users with expressed capabilities to apply appropriate scientific methods and conduct analysis for pre-specified public good purposes.

The second area of growth for CEO in FY 2024 is in boosting advanced analytics technical expertise to address ad hoc, project-based use cases across the Department. Building upon

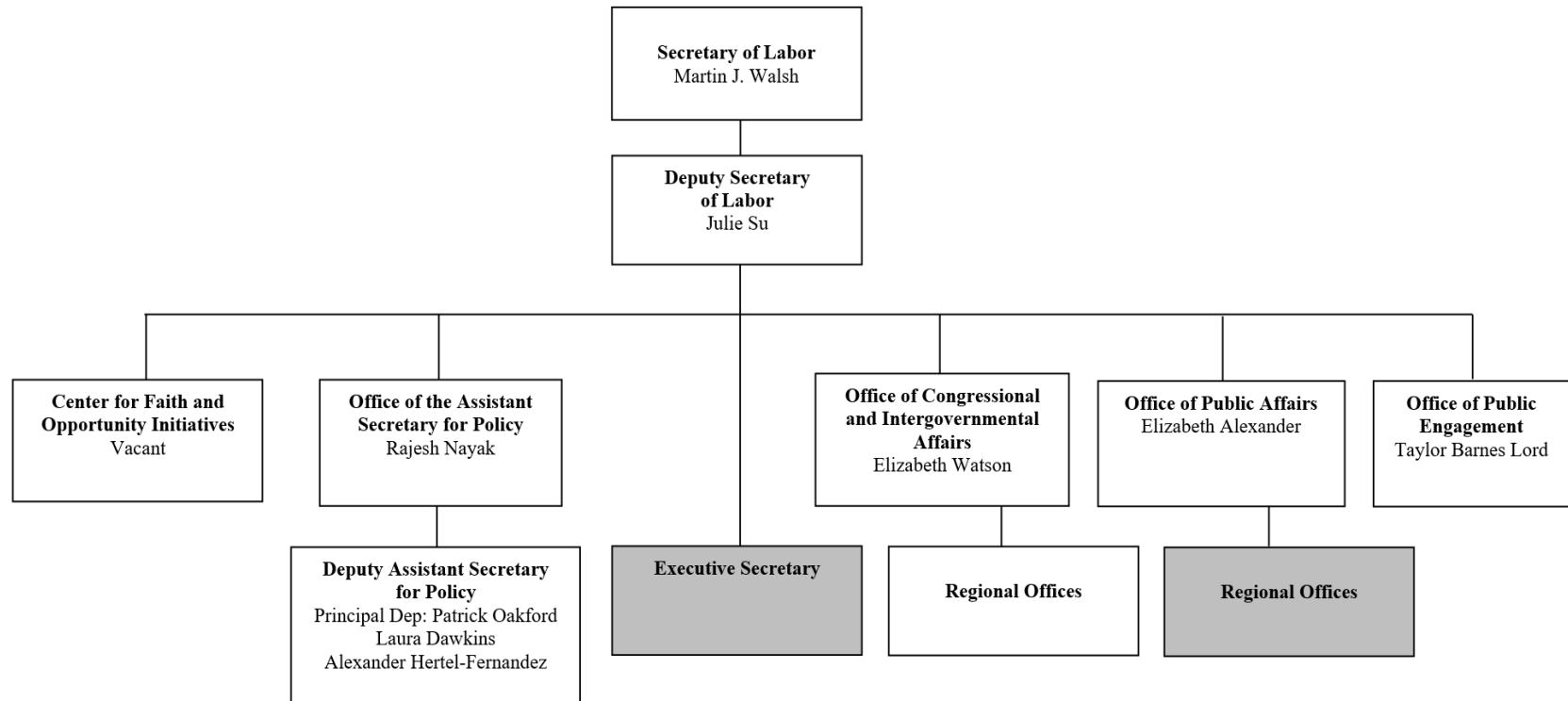
## **DEPARTMENTAL MANAGEMENT**

CEO's existing analytic services, the continuity of services will include activities such as algorithm develop and testing, data-linking and analysis, and code development and technical assistance for agency use. These data science techniques are critical to advancing evaluation and research activities with administrative data sources.

# DEPARTMENTAL MANAGEMENT

## ORGANIZATION CHARTS

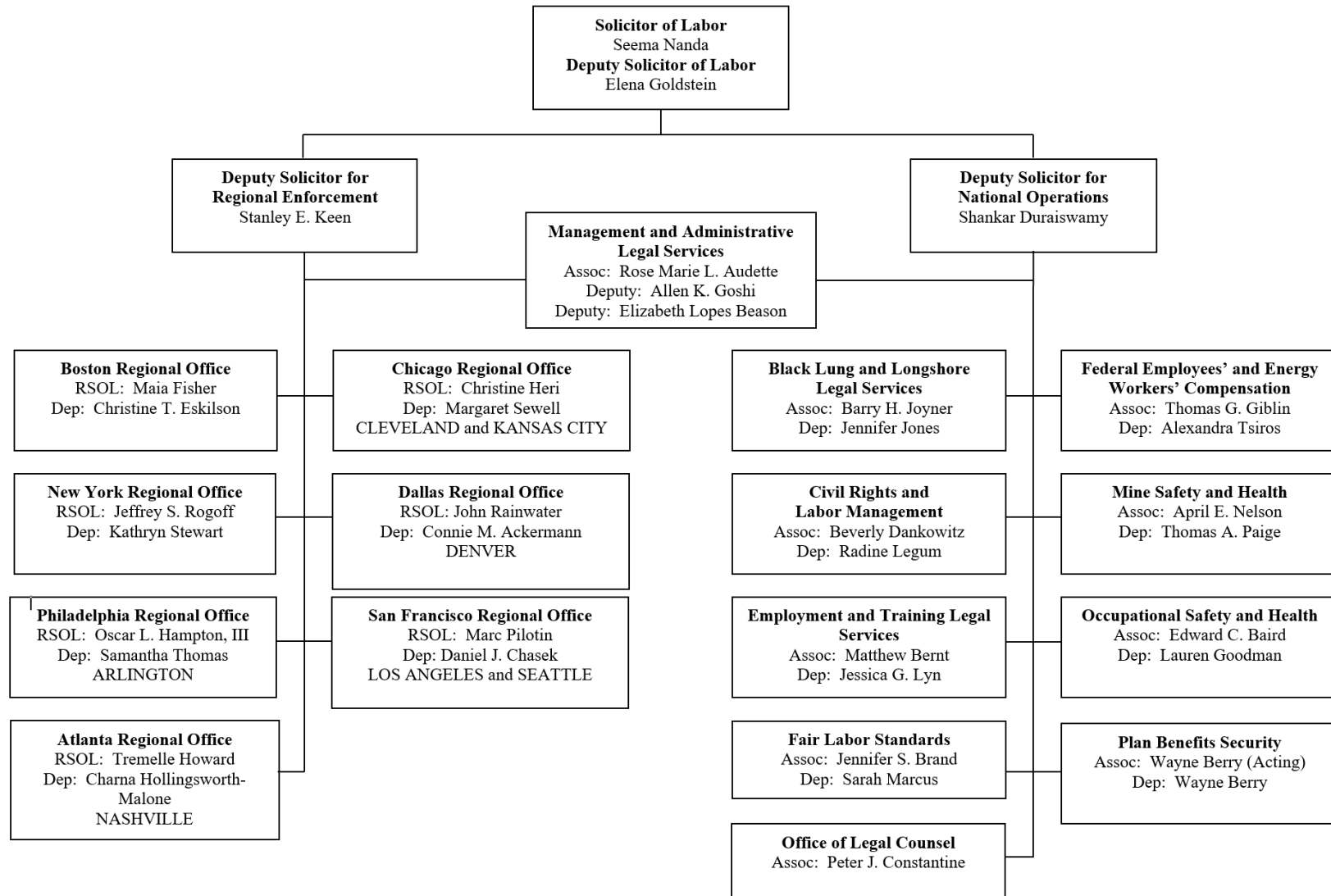
### PROGRAM DIRECTION AND SUPPORT



Shaded box indicates funding through the Working Capital Fund

# DEPARTMENTAL MANAGEMENT

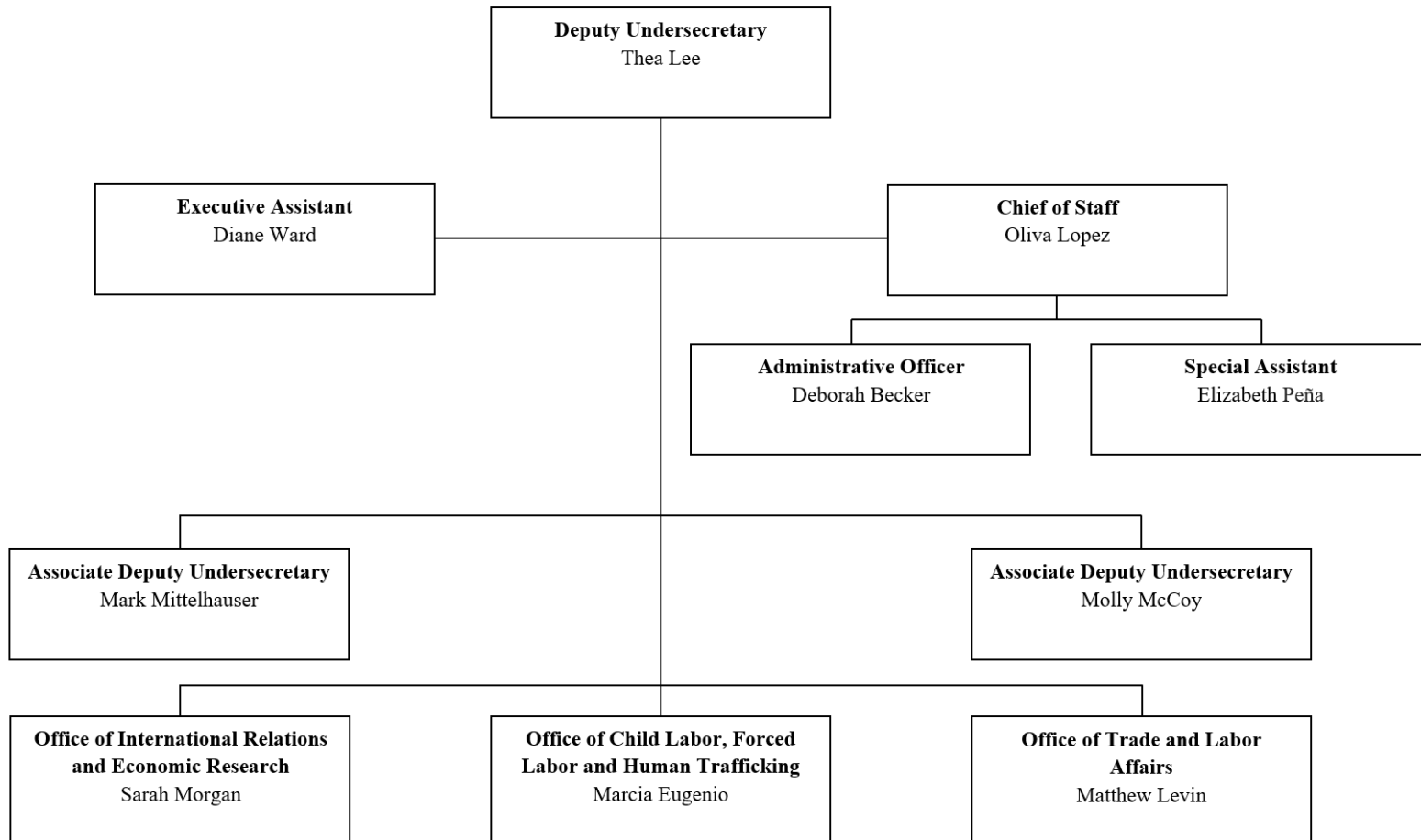
## OFFICE OF THE SOLICITOR OF LABOR





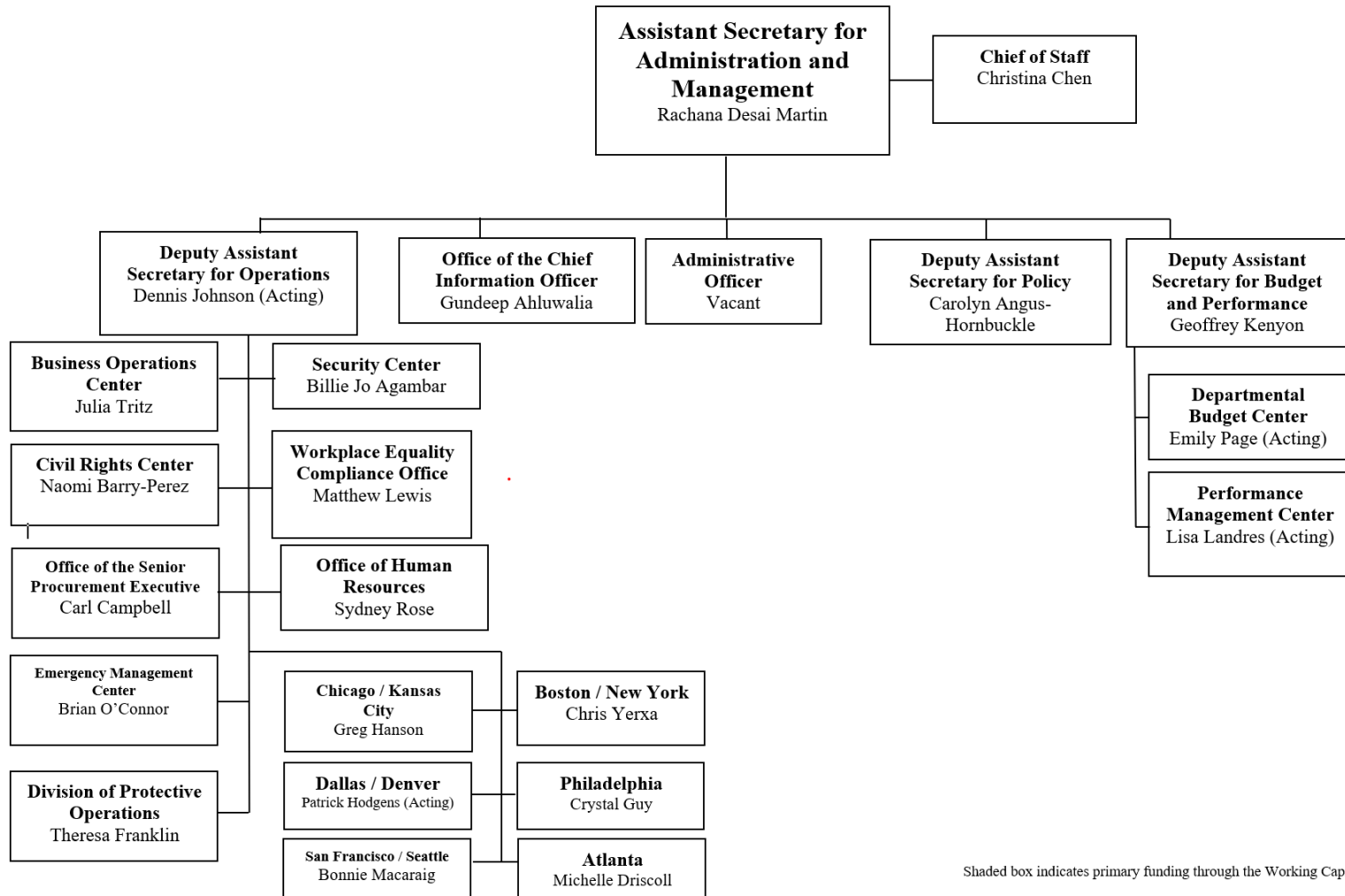
# DEPARTMENTAL MANAGEMENT

## INTERNATIONAL LABOR AFFAIRS BUREAU



# DEPARTMENTAL MANAGEMENT

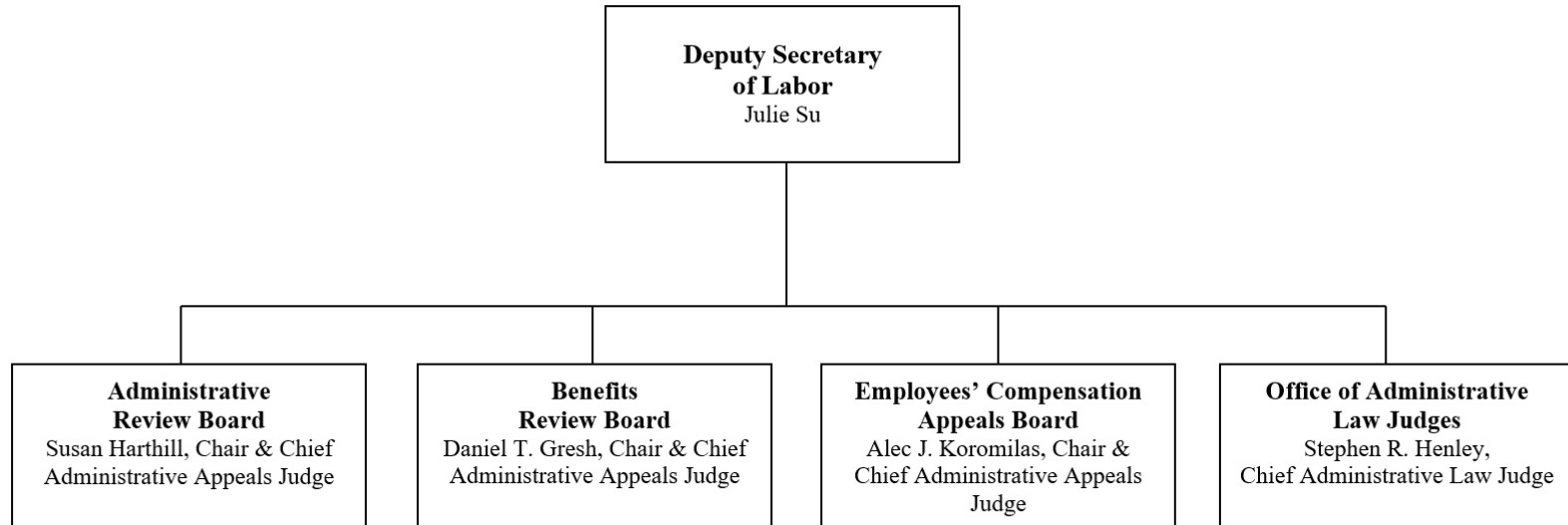
## OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT



Shaded box indicates primary funding through the Working Capital Fund

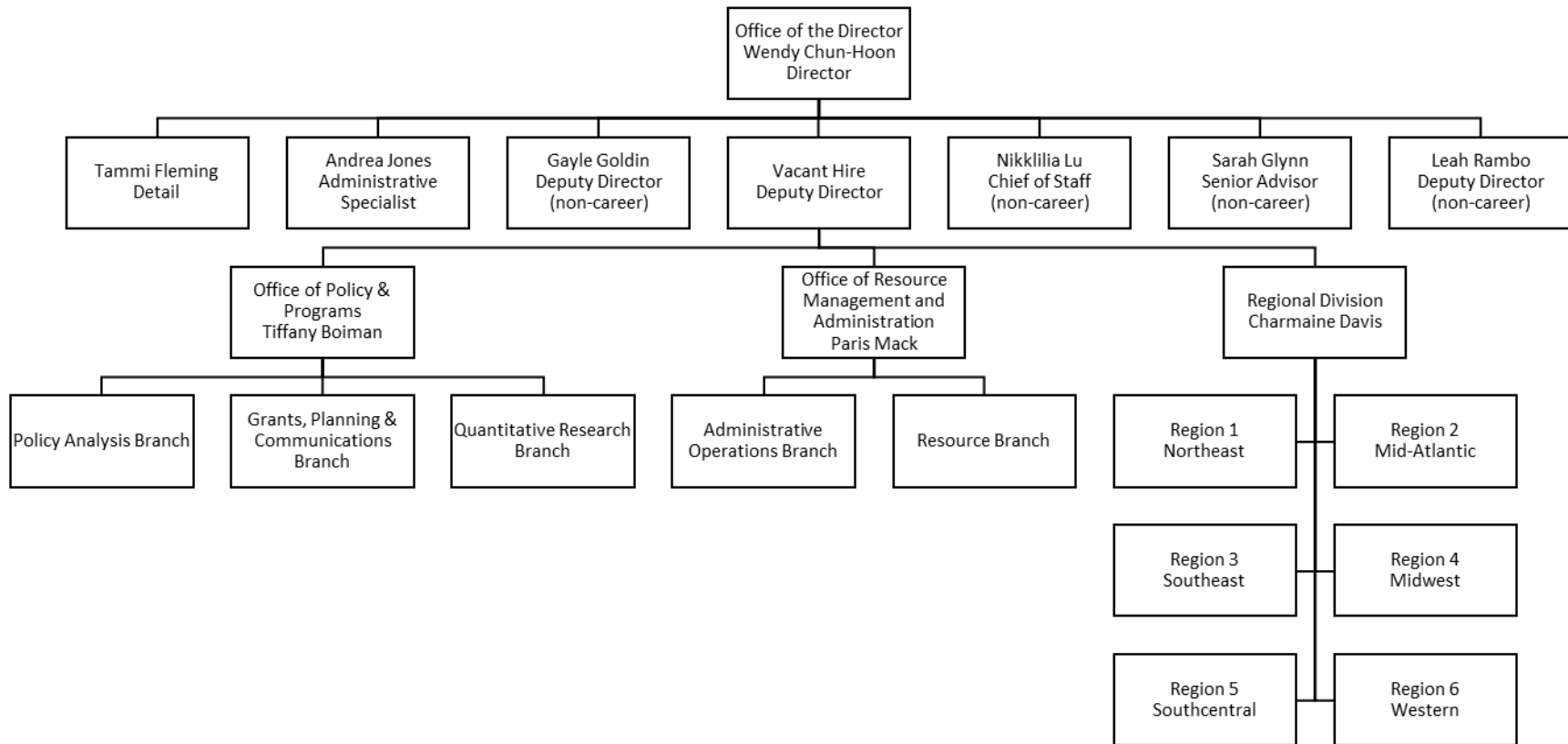
# DEPARTMENTAL MANAGEMENT

## ADJUDICATION



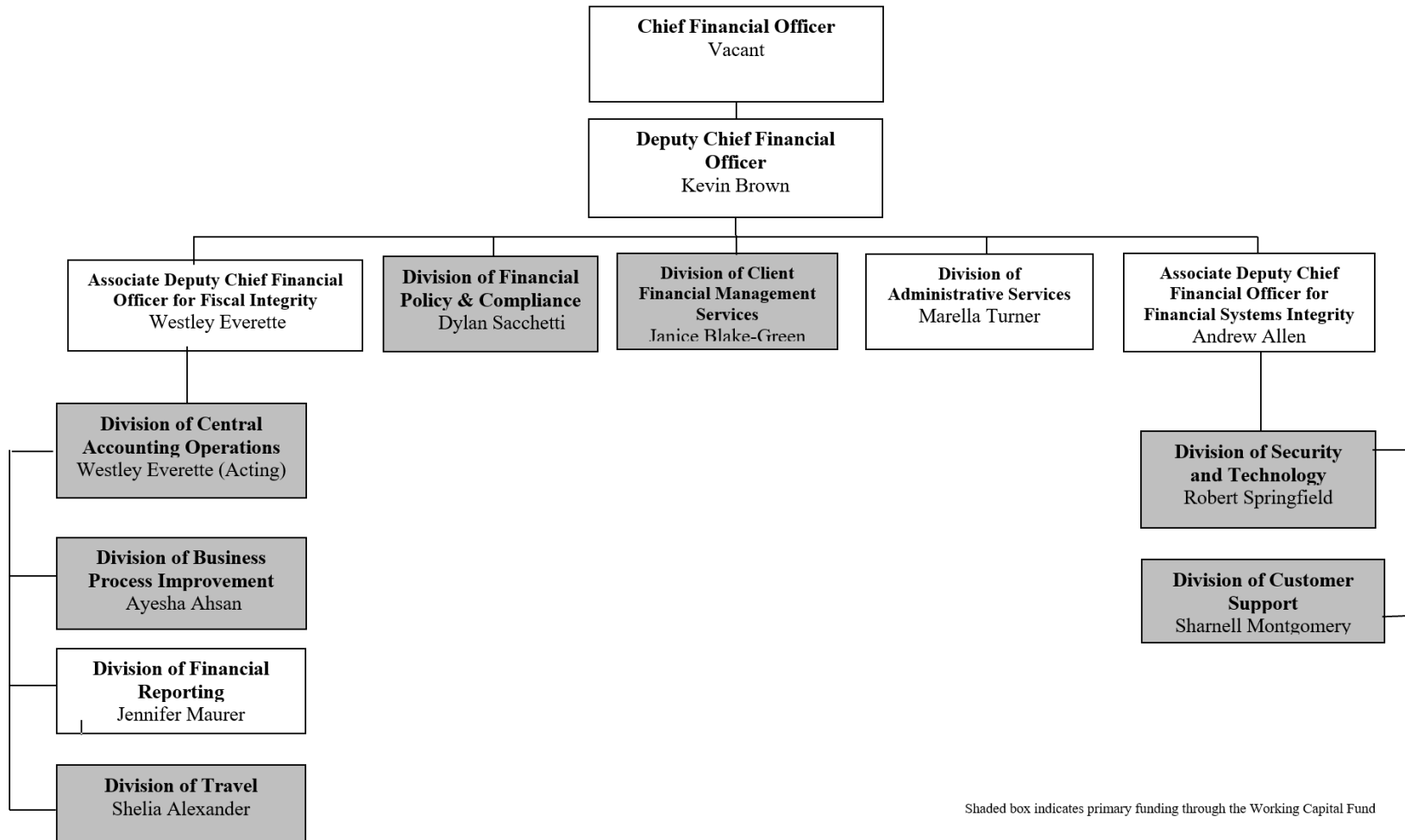
# DEPARTMENTAL MANAGEMENT

## WOMEN'S BUREAU



# DEPARTMENTAL MANAGEMENT

## OFFICE OF THE CHIEF FINANCIAL OFFICER





## PROGRAM DIRECTION AND SUPPORT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>31,158</b>	<b>34,158</b>	<b>48,778</b>	<b>14,620</b>
FTE	106	116	155	39

NOTE: FY 2022 reflects actual FTE. Authorized FTE for FY 2022 was 112.

### **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 Departmental 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 and the Office of the Chief Economist 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

## PROGRAM DIRECTION AND SUPPORT

fill these gaps.

- **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 FTE 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 supports the Department's implementation of E.O. 13985 and 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 provides 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.

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



# PROGRAM DIRECTION AND SUPPORT

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2019	\$30,250	105
2020	\$30,250	96
2021	\$30,250	112
2022	\$31,158	112
2023	\$32,658	116

## FY 2024

The FY 2024 Budget request for the PDS activity is \$48,778,000 and 155 FTE. Funding at this level will provide continued support of leadership on key Department initiatives and mandates. The Budget includes two increases at this request level:

- *Good Jobs Initiative:* Building on the FY 2023 budget request for the Good Jobs Initiative of \$3.750 million and 5 FTE, the Department requests an additional \$680,000 in the FY 2024 budget to support an additional 4 FTE to institutionalize this work for the longer term. These additional staff will help DOL centralize a sustainable staff and provide a stable budget to allow for consistency, uniformity, and the ability to provide full services rather than being contingent upon the Department’s discretion and funding capabilities. Additional budgetary resources for these staff would permit the Department to better assess and measure the effectiveness of the Department’s technical assistance and its benefit to workers and communities.

These additional staff will also allow the Department to facilitate greater compliance with the laws under its jurisdiction by working with agencies to embed job quality principles broadly in their procurement, grant, tax credit, and loan programs. This, in turn, will raise job quality standards for working people by incentivizing employers to improve the wages, benefits, and working conditions at their workplaces. It will also build greater awareness and understanding of the rights and protections provided to workers under key labor and employment laws through worker.gov and employer.gov, the Department’s plain language websites for workers and employers. In addition, these staff would be used to build greater awareness and understanding of the benefits of unions and collective bargaining to achieving job quality and equity and promoting compliance with the laws that the Department enforces. The information collected and services provided would be utilized by other agencies and policymakers as they consider actions they can take to improve job quality and compliance with the Department’s laws, including supporting worker organizing, collective bargaining, and job creation.

- *Equity Technical Assistance Center:* The Department requests \$2,507,000 in the FY 2024 budget and 3 FTE to fund a contract and staff an Equity Technical Assistance Center (“the Center”) which will provide targeted training, ongoing professional support, and technical assistance (TA) to DOL agencies in support of the administration’s mission to advance equity and remove barriers for members of underserved communities in

## **PROGRAM DIRECTION AND SUPPORT**

accessing agency programs, benefits, services, and procurement opportunities in service of Executive Order 13985.

The Department has made equity a priority in everything it does for workers. Equity is a throughline of how the Department seeks to empower workers morning, noon, and night and ensuring equity in everything it does is one of the Department's key management priorities. One limitation, however, has been the lack of sustained, professional, and centralized resources for providing technical assistance to agencies to help them build long-term equity capacity. The Center would help to institutionalize and accelerate the Department's equity work by developing and providing training to DOL staff, reviewing and strengthening the equity focus of draft policies, assisting in the development of strategic planning guidance, sharing best practices, and supporting the work of the Equity Board. Over time, the Center would embed knowledge and capacity within individual agencies so that agency career staff could achieve these objectives on their own. With the new Chief Diversity and Equity Officer, the Department continues to make significant strides in this area and at the FY 2024 level, will continue to make more.

### **FY 2023**

The FY 2023 revised enacted funding for the PDS activity is \$34,158,000 and 116 FTE. High priority activities in FY 2023 include providing training and technical assistance to agencies as they work to embed and promote good jobs principles in procurement, loans, tax credits, 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.

Through its regulatory staff, OASP will continue to manage the regulatory development process and provide support to rules that advance equity for underserved communities. OASP will coordinate closely with leadership to advocate for increased resources that will allow OASP to rebuild leadership, policy, and regulatory staffing capacity to further advance this and other Administration priorities.

### **FY 2022**

The FY 2022 revised enacted funding for PDS was \$31,158,000. High priority activities in FY 2022 included continued development of the Good Jobs Initiative, which focused on providing critical information to workers, employers, and government as they worked to improve job quality and create access to good jobs free from discrimination and harassment for all working people. The Good Jobs Initiative worked in collaboration with federal agency partners to incentivize equity and good jobs in over \$55 billion dollars of competitive grant funding; entered into Memorandums of Understanding with the Departments of Transportation, Commerce, and Energy, respectively, to support equitable workforce development pathways into good jobs; established Good Jobs Principles with the Department of Commerce identifying essential elements of a quality job; hosted a Summit where over 350 cross-sector stakeholders engaged in a full-day conversation exploring effective strategies for building partnerships to empower

## **PROGRAM DIRECTION AND SUPPORT**

working people; and engaged both small and large employers across the country to showcase how they are recruiting and retaining diverse workers by investing in training, higher wages, benefits, and respecting workers' right to organize and collectively bargain. OASP's regulatory staff developed enhanced guidance for DOL agency use in preparing equity assessments in their regulatory impact analyses. This guidance assists DOL 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.

## PROGRAM DIRECTION AND SUPPORT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
11.1	Full-time permanent	15,730	18,233	24,066	5,833
11.3	Other than full-time permanent	108	133	266	133
11.5	Other personnel compensation	159	248	248	0
11.9	<b>Total personnel compensation</b>	<b>15,997</b>	<b>18,614</b>	<b>24,580</b>	<b>5,966</b>
12.1	Civilian personnel benefits	5,773	5,826	8,276	2,450
13.0	Benefits for former personnel	0	15	15	0
21.0	Travel and transportation of persons	285	515	515	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	2,223	2,325	2,325	0
23.3	Communications, utilities, and miscellaneous charges	132	153	153	0
24.0	Printing and reproduction	-912	0	0	0
25.1	Advisory and assistance services	1,440	873	6,780	5,907
25.2	Other services from non-Federal sources	249	228	228	0
25.3	Other goods and services from Federal sources 1/	5,768	5,201	5,498	297
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	106	54	54	0
26.0	Supplies and materials	77	218	218	0
31.0	Equipment	20	136	136	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>31,158</b>	<b>34,158</b>	<b>48,778</b>	<b>14,620</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	5,334	4,910	5,207	297
	DHS Services	0	54	54	0
	Services by Other Government Departments	434	175	175	0
	GSA Services	0	12	12	0

# PROGRAM DIRECTION AND SUPPORT

## CHANGES IN FY 2024

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$709
Personnel benefits	382
Federal Employees' Compensation Act (FECA)	0
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	297
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Insurance claims and indemnities	0

**Built-Ins Subtotal** **\$1,388**

**Net Program** **\$14,732**

**Direct FTE** **39**

	Estimate	FTE
<b>Base</b>	<b>\$35,546</b>	<b>116</b>
<b>Program Increase</b>	<b>\$14,732</b>	<b>39</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## LEGAL SERVICES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>139,919</b>	<b>139,088</b>	<b>199,641</b>	<b>60,553</b>
FTE	511	542	745	203

NOTE: FY 2022 reflects actual FTE. Authorized FTE for FY 2022 was 498.

### **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 protection laws and implementation of the Secretary’s priorities and regulatory agenda. SOL provides the legal support necessary to accomplish the President’s strategic vision and the Secretary’s goals of supporting and enhancing worker protections. SOL has independent litigation authority regarding many of the Department’s statutes, and only attorneys employed in SOL are authorized to practice law on behalf of the Department and provide legal advice to the Secretary of Labor. 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 economic security of America’s working people. Since the Solicitor and SOL attorneys have sole responsibility within the Department for providing legal services to program agencies, SOL participates in the development of complex investigations before litigation, handles every enforcement action that proceeds to litigation, and negotiates all significant and complex settlements.

SOL shares the goals of each of its clients and has the responsibility to serve the interests of DOL agencies to develop and implement specific policies and mission critical programs. SOL contributes to the accomplishment of all Departmental enforcement, strategic, and outcome goals 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 many statutes DOL enforces. As such, affirmative litigation is a large part of SOL’s work. SOL represents the Department in federal courts and administrative tribunals across the country, enforcing the Department’s strategic priorities, recovering millions of dollars in compensation for workers each year, 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 the Department’s leadership and agencies to develop and implement policies, programs, and strategies that advance Departmental priorities. SOL provides legal opinions and advice to assist

## LEGAL SERVICES

Department officials in accomplishing program objectives and responding to emerging issues while complying with applicable legal requirements.

*Promoting equity.* SOL provides crucial leadership and advice to help develop and implement proposals and programs to further the Department's equity objectives. SOL also devotes resources to develop and improve upon internal work product and policies that reflect the Department's values of anti-discrimination, diversity, equity, inclusion, and accessibility.

*Supporting the Department's regulatory agenda.* SOL has a leadership role in the development, drafting, and legal review of regulations and guidance documents that implement the laws that DOL is charged with administering and explain Departmental programs to the public and regulated community.

*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 myriad general law areas, including ethics, appropriations law, procurement of goods and services, internal employment matters and labor relations, Freedom of Information Act requests, and Privacy Act issues.

SOL's FY 2024 budget request seeks funding to enable SOL to fully support the President's and Secretary's priorities. This funding will allow SOL to provide timely and effective advice and litigation services in support of protecting workers' rights to fair wages, secure benefits, and workplace safety. A strong SOL is critical to the Department's enforcement work. Without adequate staffing, the message to the regulated community is that DOL does not vigorously enforce the laws that the Department is charged with administering. This invites employers to ignore their compliance obligations and incentivizes employers who face agency investigations to resist and dispute agency findings, as they know that the Department lacks the legal resources to vigorously litigate those disputes. Without a credible threat of litigation, worker protection agencies are forced to resolve these disputes with less favorable settlements, including less recovery for vulnerable and exploited workers. SOL is requesting additional resources to accomplish two objectives more fully detailed below:

(1) Correct SOL's chronic under-resourcing and understaffing and provide additional resources to replace expiring supplemental funds so that SOL can adequately respond to current legal service demands arising from the Department's revitalized mission, equity focus, and efforts to strengthen and enhance worker protection efforts. SOL faces a significant funding decrease in FY 2024 through the expiration of ARPA-WP funds and loss of Departmental assistance provided in FY 2023. As a result, SOL is projecting that approximately 50 existing FTE will be required to be funded from our General funds in FY 2024.

(2) Provide for additional SOL FTE to address increased client-generated need for SOL's legal services to support and implement the enforcement and program actions for which funding is requested by client agencies in their FY 2024 budget requests. To align the enforcement capacity of SOL with agency investigatory capacity, this request seeks to fund SOL with the resources to provide a 10:1 ratio of SOL FTE to the increased personnel sought by the worker protection agencies' FY 2024 requests.



# LEGAL SERVICES

## Five-Year Budget Activity History<sup>1</sup>

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2019	\$124,053	567
2020	\$124,053	541
2021	\$124,053	574
2022	\$132,062	498
2023	\$131,062	512

## FY 2024

In FY 2024, SOL is requesting \$199,641,000 and 745 FTE. This request includes two increases, to restore base level staffing and to match increases provided to DOL agencies under the FY 2024 budget request. This funding level and FTE include General, Unemployment Trust Fund (UTF), and Black Lung Disability Trust Fund (BLDTF) appropriated funding. Reimbursement and supplemental funding and FTE supported by those funding sources are not included.

This SOL request reflects a total program increase of \$53,631,000 and 203 FTE over FY 2023 enacted funding, of which \$47,121,000 and 180 FTE is to provide adequate resources for SOL to vigorously enforce this nation's labor and employment laws and keep stride with the urgent enforcement agenda of the Department, and \$6,025,000 and 23 FTE is to provide commensurate increases in SOL legal support to client agencies with FY 2024 programmatic increases and initiatives that drive a need for legal services.

*Adequate funding for SOL is critical to realizing the Administration's priorities*

Making sure SOL is adequately staffed is essential to realizing the President's Management Agenda and the Secretary's vision of supporting American workers Morning, Noon, and Night – both of which prioritize critical equity objectives. SOL is the leading agency within the federal government that has attorneys enforcing a sweeping range of the nation's labor and employment laws. Largely flat funding since FY 2013, combined with continually escalating personnel and operational costs, have decreased SOL staff levels steadily over the last 10 years by 17 percent and restricted the provision of legal services, particularly in enforcement, to the Department. Onboard staff levels dropped by more than 125 from FY 2012 to FY 2023, with total SOL onboard staff plummeting from a high of 773 staff at the end of FY 2012 to 645 at the start of FY 2023. The FY 2024 funding request is directed to providing sufficient legal resources to support the Department in achieving this Administration's priorities through enforcement of laws that ensure fair wages, workplace health and safety, secure retirement savings, and reliable employer healthcare and laws that prohibit discrimination and child and forced labor.

SOL has sole responsibility for bringing litigation to enforce the nearly 200 laws under DOL's charge. SOL participates in the development of all complex investigations, handles all enforcement matters that proceed to litigation, and plays an integral role in every single

---

<sup>1</sup> Includes General and Trust Funds only.

## LEGAL SERVICES

significant settlement. The FY 2024 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 fulfill the Department's worker protection mission.

### *Chronic underfunding of SOL has reduced its ability to bring enforcement actions*

As its client agencies get increased funding, SOL remains critically underfunded, with an average attorney to client ratio in the field of 21:1 – far higher than the ratio of 10:1 that is provided for in this funding request. This translates to insufficient SOL staff to litigate client agency cases. Through utilization of 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 have been 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 2022, approximately 5,200 litigation matters were opened and approximately 5,800 matters were closed.

### *Supplemental funding – which has been inadequate to address SOL's chronic underfunding – will soon expire*

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 largely flat since FY 2013. SOL's FY 2024 funding request seeks sufficient funding to increase our base resource – staff – and no longer require SOL to rely on supplemental and reimbursable funding sources to compensate for funding gaps. In addition to making SOL financially solvent, this will revitalize and strengthen our enforcement work in support of Department and Administration priorities.

Moreover, for FY 2024, SOL faces a significant funding decrease through the expiration of ARPA-WP funds, and loss of Departmental assistance provided in FY 2023. As a result, SOL is projecting that nearly 50 existing FTE will be required to be funded from our General funds in FY 2024. Without the increased resources sought in this request, SOL's ability to provide legal support to the Department will be substantially diminished and SOL will be unable to support the Department's enhanced worker protection compliance and enforcement efforts. SOL will also be unable to satisfy the legal workload generated by new Administration directives and initiatives, and unable to keep pace with the demands for legal services to support ongoing programs and activities, which span the full breadth of DOL programs, enforcement, and compliance assistance activities. Ultimately, this would result in slower or deferred provision of

## LEGAL SERVICES

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.

### *SOL plays a critical role in the Department's equity agenda*

SOL is essential to the Department's equity agenda. As the Department's strategic legal partner, a strong and adequately staffed SOL is critical not only to the overall development and implementation of the Department's equity initiatives, but to enforcement and defense of those initiatives in the face of legal challenges. Absent additional resources for SOL, the Administration's priorities, centered on equity and focused on protecting and empowering the American worker, will be severely curtailed. Realizing equity goals requires increased attorney time in the areas of rulemaking, advice, and guidance. SOL will also face increased enforcement demands as client agencies build their investigative staff and expose employers exploiting the most vulnerable and under-served workers. If the regulated community does not comply with enforcement agencies' assessments of penalties, only SOL can enforce those penalties through litigation. The agencies' increased resources focusing on vulnerable communities become an empty threat without sufficient legal support to advise on strong settlements, participate early in matters, and, if necessary, bring and fully pursue enforcement actions in adjudicatory forums.

SOL's litigation strategies directly support equity goals. SOL's litigation work is focused on improving the lives of workers and families, with an emphasis on those from marginalized or vulnerable populations. For example, one of SOL's current enforcement priorities is combatting retaliation against workers seeking better safety or wages, a pernicious practice that is often motivated by illicit factors, such as immigration status. SOL prioritizes cases on behalf of our most vulnerable workers across our work. Among other things, SOL litigates wage enforcement actions on behalf of low-wage workers and immigrant workers (FLSA, temporary worker H programs, Migrant and Seasonal Agricultural Worker Protection Act or MSPA); combats discrimination on the basis of sex, race, and other protected traits through its OFCCP litigation and Title VI work with OASAM-CRC; investigates and litigates MHPAEA violations affecting people with mental health or substance abuse issues; and litigates and advises on OWCP's Black Lung program, which provides monetary and medical benefits to workers suffering from serious diseases caused by their work. Importantly from an equity perspective, SOL often brings cases that private plaintiffs otherwise could not bring due to lack of access to legal services (e.g., low-wage workers) or lack of access to the courts (e.g., subject to mandatory arbitration, or no private right of action).

In addition, as client enforcement agencies develop and implement their external equity agendas, they will need SOL to accept cases for enforcement, whether those cases are eventually litigated or settled with the assistance of SOL staff. There are only teeth behind the Department's equity agenda if SOL is able to pursue a sufficient number of cases for enforcement. Without sufficient resources, SOL will be forced to turn down important enforcement actions, such as Fair Labor Standards Act cases that protect vulnerable workers and OSHA cases that do not rise to the most severe categories. Equally significantly, DOL's ability to properly serve our most vulnerable workers requires the Department to act quickly. Without adequate resources, SOL cannot engage in time-intensive pre-litigation practices such as seeking temporary restraining orders to stop retaliation, seeking the enforcement of subpoenas, bringing contempt proceedings for failing to

## LEGAL SERVICES

comply with settlement agreements, and seeking debarment in appropriate situations. The most resource intensive work often involves serving the most vulnerable workers, and inadequate SOL resources both impinges on the number of cases SOL can take and hampers how effectively SOL can engage in enforcement activities.

### **FY 2023**

In FY 2023, SOL's enacted funding level is \$139,088,000 and 542 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 or supplemental funding. With the \$5,700,000 increase in base appropriation that SOL received in FY 2023, along with improved projected availability of reimbursable funds, and the continued FY 2023 availability of both supplemental and multi-year funds, (provided by the Department in FY 2022), SOL will be able to modestly increase FTE levels by approximately 4%. However, increased FY 2023 payroll costs estimated at \$7,000,000 actually exceed the \$5,700,000 budget increase that SOL received, so that SOL will only be able to bring staffing level to 670 on board by year end (to include staff paid from all funding sources). This is nowhere near the staffing level SOL requires to be fully operational, which is at least 800 staff. It is important to note that as a result of the anticipated termination of ARPA-WP funding at the end of FY 2023 (constituting \$6,000,000 of SOL's FY 2023 funding), SOL will enter FY 2024 with a significant budget deficit if FY 2024 funding is flat.

SOL's work in FY 2023 will continue to remain focused on protecting the most vulnerable workers while leveling the playing field for the majority of employers who comply with the law. However, SOL's increasing reliance on special and reimbursable funds constricts the agency's ability to strategically target enforcement work in areas not covered by the special funds, an immediate risk for the current fiscal year. The NSAT funds require us to spend a significant amount of FTE on MHPAEA and related work, and the ARPA-WP funds similarly require us to dedicate a percentage of our legal services on COVID-19 related enforcement and worker protection activities. While MHPAEA and COVID-19 are indeed Departmental priorities, they are not the only priorities—most of which are left to be covered by General Funds.

SOL can only deliver legal services through qualified and proficient personnel. Since SOL will be focusing the increased funding on staffing, we will continue to do our best to deliver on all parts of our mission, including advancing the SOL Enforcement Priorities announced by the Solicitor in FY 2022 and incorporated in SOL's FY 2023 Agency Management Plan. However, this level of funding still does not bring SOL to the optimal staffing level of 800 or more at which SOL could properly meet the legal demands of the Department. This inability to fully grow our staff will continue to constrain SOL's ability to provide the level of legal services and enforcement activity needed to support the Department's ongoing and new priorities and will negatively affect SOL's overall performance and ability to function and deliver sufficient legal services.

## LEGAL SERVICES

### **FY 2022**

SOL's revised enacted funding level for FY 2022 was \$139,919,000 and 539 FTE. This revised enacted level provided for a \$8,000,000 increase over the FY 2021 funding level. This increase included a reprogramming of \$6,000,000 from the Department due to back-to-back insufficient funding. In addition, many of the Department's worker protection programs continued to utilize their ARPA and NSAT supplemental funds to increase their staffing levels and programmatic activities and likewise continued to increase their demand for legal advice and litigation enforcement support from SOL.

In FY 2022, with the continued use of supplemental funds (ARPA-WP, ARPA-UI, NSAT), Departmental reprogramming and reimbursable funds, SOL was able to work within budget restrictions to provide legal services, although not at the level equivalent to the demand from our client agencies. SOL's work in FY 2022 continued to remain focused on protecting the most vulnerable workers and we continued to do our best to deliver on all parts of our mission, including advancing the SOL Enforcement Priorities announced by the Solicitor in FY 2022.

## LEGAL SERVICES

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2022 Revised Enacted</b>		<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Legal Services</b>					
<b>Strategic Goal ALL - All Strategic Goals</b>					
<b>Strategic Objective ALL.1 - All Strategic Objectives</b>					
<b>Pre Litigation:</b>					
PRE-01	Matters Opened	2,600[p]	2,653	2,600[p]	3,475[p]
PRE-02	Matters Concluded	2,700[p]	2,702	2,700[p]	3,600[p]
PRE-04	Matters Pending	2,900[p]	2,124	2,900[p]	2,775[p]
<b>Litigation:</b>					
LIT-01	Matters Opened	6,400[p]	5,186	6,400[p]	8,525[p]
LIT-02	Matters Concluded	5,500[p]	5,833	5,500[p]	7,325[p]
LIT-04	Matters Pending	12,700[p]	11,434	12,700[p]	13,900[p]
<b>Opinion/Advice:</b>					
OA-01	Matters Opened	8,200[p]	6,972	8,200[p]	10,925[p]
OA-02	Matters Concluded	7,100[p]	6,143	7,100[p]	9,475[p]
OA-04	Matters Pending	21,300[p]	20,066	21,300[p]	22,750[p]
<b>Regulations:</b>					
REG-01	Matters Opened	68[p]	51	68[p]	91[p]

## LEGAL SERVICES

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2022 Revised Enacted</b>		<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
REG-02	Matters Concluded	40[p]	48	40[p]	53[p]
REG-04	Matters Pending	191[p]	125	191[p]	229[p]

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

# LEGAL SERVICES

## **Workload and Performance Narrative**

SOL's workload performance measures involve a numerical count 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. They also help SOL track the demand for and provision of legal services to specific DOL client agencies.

SOL's FY 2024 workload performance targets are best estimates based on FY 2022 year-end results and actual to-date and projected final results for FY 2023. The FY 2024 projections are further informed by analysis of SOL's Matter data and how demand for SOL's legal services will be impacted by SOL's client agencies' requests for additional funding/FTE and the Administration's priorities and goals. 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

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
11.1	Full-time permanent	76,252	77,705	112,328	34,623
11.3	Other than full-time permanent	144	1,705	1,705	0
11.5	Other personnel compensation	3,638	110	110	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>80,034</b>	<b>79,520</b>	<b>114,143</b>	<b>34,623</b>
12.1	Civilian personnel benefits	26,961	28,781	41,566	12,785
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	330	639	1,015	376
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	8,126	7,588	10,465	2,877
23.2	Rental payments to others	113	8	13	5
23.3	Communications, utilities, and miscellaneous charges	67	78	284	206
24.0	Printing and reproduction	7	15	31	16
25.1	Advisory and assistance services	101	98	98	0
25.2	Other services from non-Federal sources	2,236	2,843	3,566	723
25.3	Other goods and services from Federal sources 1/	21,109	18,774	26,555	7,781
25.4	Operation and maintenance of facilities	9	34	64	30
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	70	58	661	603
26.0	Supplies and materials	629	597	925	328
31.0	Equipment	126	54	255	201
42.0	Insurance claims and indemnities	1	1	1	0
	<b>Total</b>	<b>139,919</b>	<b>139,088</b>	<b>199,642</b>	<b>60,554</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	18,191	18,774	26,555	7,781
	Services by Other Government Departments	2,918	0	0	0

# LEGAL SERVICES

## CHANGES IN FY 2024

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$3,611
Personnel benefits	2,117
Federal Employees' Compensation Act (FECA)	0
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	1,194
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** **\$6,922**

**Net Program** **\$53,632**

**Direct FTE** **203**

	Estimate	FTE
<b>Base</b>	<b>\$146,010</b>	<b>542</b>
<b>Program Increase</b>	<b>\$53,632</b>	<b>203</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## INTERNATIONAL LABOR SERVICES

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>106,125</b>	<b>116,125</b>	<b>130,525</b>	<b>14,400</b>
FTE	127	138	152	14

NOTE: FY 2022 reflects actual FTE. Authorized FTE for FY 2022 was 130.

### **Introduction**

The Bureau of International Labor Affairs (ILAB) safeguards dignity at work, both at home and abroad, by strengthening global labor standards and their implementation; enforcing labor commitments among trading partners; combating discrimination and 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, and DOL’s Strategic Objective 2.4 to strengthen labor rights, improve working conditions, promote racial and gender equity, and empower workers around the world.

ILAB positions the United States as a leader on international labor rights by demonstrating the U.S. commitment to work with governments, workers, unions and other civil society organizations, the private sector, and other actors to achieve its mission.

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 rights or 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), G20, G7, 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 reports 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 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.

## INTERNATIONAL LABOR SERVICES

These efforts are made actionable by the implementation of ILAB’s Agency Management Plan (AMP), which includes the following themes for FY 2023: Implementing the President’s Trade Agenda, Elevating Labor Diplomacy, Worker Protection, DOL as a Model Workplace, and Data as a Strategic Asset.

### Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2019	\$86,125	114
2020	\$96,125	108
2021	\$96,125	122
2022	\$106,125	130
2023	\$116,125	138

### FY 2024

The FY 2024 request for ILAB is \$130,525,000 and 152 FTE. The requested funding reflects a \$14,400,000 increase over the FY 2023 enacted level, and includes additional resources for the following:

- 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, provide labor expertise in the negotiation of the Indo Pacific Economic Framework (IPEF), and negotiate strong labor rights commitments across IPEF;
- to expand mapping of key segments of complex supply chains to trace components or inputs made with forced or child labor through to finished products, as required by the 2018 Trafficking Victims Protection Reauthorization Act (TVPRA) related to the *List of Goods Produced by Child Labor or Forced Labor* (TVPRA List);
- to support the hiring, placement and maintenance of labor attaché posts to expand ILAB’s international presence as it monitors and enforces commitments made by trading partners; and
- to absorb inflationary increases in personnel and operating costs.

### 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; negotiation of new commitments to high-standard labor obligations in trade and economic frameworks; and strong, enforceable labor obligations that promote workers’ rights under existing trade agreements to ensure workers around the world benefit from trade. The agenda also commits the United States to review trade agreements and to take decisive action to combat exploitative labor conditions, including forced labor and child labor, among trade partners.

## INTERNATIONAL LABOR SERVICES

To realize these goals ILAB will focus on strong enforcement combined with rigorous research and reporting and engagement with trade unions and worker advocates. ILAB's technical assistance projects will strengthen respect for and adherence to labor rights, especially the right of freedom of association and effective recognition of the right to collective bargaining, and will improve worker voice and working conditions in trade partner countries.

The Administration and Congress are increasingly focused on the impact of labor rights abuses on supply chain security and resilience, and the role of trade in promoting human rights and access to remedy in global supply chains. 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 2023 appropriation provides at least \$30,175,000 for programs to combat exploitative child labor internationally, and at least \$30,175,000 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. ILAB is requesting an increase in funding 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 funding will also support the promotion of the administration's trade and labor policies, monitoring of labor conditions, and oversight and evaluation of technical assistance projects.

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

The 2018 TVPRA expanded ILAB's reporting mandate to include, "to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor." To fulfill this mandate, ILAB must map key segments of complex supply chains to trace components or inputs made with forced or child labor through to finished products, resulting in a significantly expanded list of tainted goods, with potential to add more. The 2018 TVPRA authorized \$5 million annually from 2018-2021 to implement this expanded reporting mandate, but Congress never appropriated the funding. As a result, current staffing levels are insufficient to meet the extensive research and technical expertise required to fully implement this mandate. ILAB is requesting additional funding, including resources to conduct complex and sensitive in-country investigative research studies, and to respond to demands for increased interagency and international engagement in supply chain tracing on forced labor, child labor, and human trafficking.

## INTERNATIONAL LABOR SERVICES

The full implementation of this mandate will directly support the Biden Administration's Executive Order on American supply chains, the President's trade and climate agendas, and the administration's foreign policy and human rights priorities by combatting forced labor, including with respect to China, protecting and empowering workers, and improving information on vital supply chains.

### 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 internationally recognized labor rights, including those pertaining to the right to freedom of association and collective bargaining, wages, hours of work and overtime, workplace safety, non-discrimination, and the prohibition of child and forced labor and human trafficking. Labor attachés enhance the effectiveness of ILAB's targeted technical assistance, which helps ensure local labor law and practice align with internationally recognized labor standards. In FY 2024 ILAB will sustain ten labor attaché positions and look to further expand 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). Ongoing USMCA funding supports labor attachés based in Mexico.

To support the work of ILAB's labor attachés, The Department of Labor (DOL) is requesting to increase the Secretary's Reception and Representation appropriation by \$5,000, with the intent of setting aside this amount for ILAB engagement with international stakeholders. Representational activities are an essential tool to support relationship building and information gathering by attachés overseas and ILAB staff in Washington. Unlike most other officials in U.S. embassies, DOL attachés do not have access to representational funding, often leading them to forgo opportunities to advance U.S. interests.

### 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 engagements with Colombia, the Dominican Republic, Panama, Peru, and Chile to support greater compliance with FTAs. As with cases arising under the USMCA, ILAB will consider 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.

## INTERNATIONAL LABOR SERVICES

ILAB will also conduct monitoring and enforcement of compliance with the labor provisions of trade preference programs 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 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 elevating how worker-centered trade can benefit women workers, including their ability to collectively organize and bargain.

### Expanding Commitments to High Standard Labor Obligations

ILAB will continue to negotiate strong, enforceable, and clear labor provisions in any trade agreements, trade initiatives, and economic agreements negotiated or renegotiated in FY 2024 to protect the rights and livelihoods of American workers, including by securing commitments to meet high labor standards, advance resilient and secure supply chains by protecting labor rights, and address the suppression of wages and workers' rights in other countries. ILAB will provide labor expertise in the negotiation of the Indo Pacific Economic Framework (IPEF) and negotiate strong labor rights commitments across IPEF Pillar I (Trade), Pillar II (Supply Chains), Pillar III (Clean Economy), and Pillar IV (Fair Economy). ILAB will negotiate high standard labor obligations under the Taiwan Initiative, Kenya Initiative, and the Americas Partnership for Economic Prosperity (APEP). As applicable, ILAB will 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 and encourage increased attention to social protection, wages, and sustainable development in key sectors in their engagement with multilateral development banks. These efforts will be bolstered by targeted technical cooperation, research and evaluation 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 2024, ILAB will continue to use its leadership and expertise on international labor issues to advance U.S. labor and employment priorities. ILAB will represent the U.S. Government's interests and policies in international fora, such as the International Labor Organization (ILO), world Health Organization (WHO), G20, G7, Organization for Economic Cooperation and Development (OECD), Asia-Pacific Economic Cooperation (APEC), and International Association of Labor Inspection (IALI). ILAB will ensure U.S. priorities are reflected in 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. To inform the work and engagement with these

## INTERNATIONAL LABOR SERVICES

organizations, ILAB will produce research products and data on priority engagement countries and will monitor and report on international labor and economic trends in the United States and relevant countries and regions. Economic research and reporting will incorporate equity analysis and focus on the cross-cutting themes of youth, women and minority populations.

ILAB will also enhance its leadership at the G20 Occupational Safety and Health (OSH) Network, IALI, and the WHO Health in the World of Work (H-WoW) Network to support the adoption of ILO's OSH instruments by countries. ILAB will implement plans developed under the M-POWER initiative to advance workplace democracy and support trade union rights in the global economy. ILAB will continue to pursue 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 in other countries relevant to ILAB's work.

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

ILAB will continue to be a global leader in support of efforts to eliminate child labor, forced labor, and human trafficking. ILAB's flagship reports on child labor and forced labor abuses, expanded policy engagement, and direct support for targeted action through its international technical assistance and cooperation programming will address root causes of child labor and forced labor, including issues of racial and gender equity. ILAB will look for opportunities to partner with like-minded governments to accelerate global action to eliminate child labor and forced labor, building upon momentum from the Fifth Global Conference on the Elimination of Child Labor and in support of Alliance 8.7, a global initiative to support achievement of Sustainable Development Goal (SDG) 8 and Target 8.7 on the eradication of child labor, forced labor, human trafficking, and modern-day slavery.

ILAB efforts will continue to focus on accountability in supply chains, promotion of worker voice and empowerment, social protection, and responsible public procurement to address child labor and forced labor. ILAB will also continue to manage, monitor, and evaluate a diverse portfolio of projects to combat child and forced labor around the world. Finally, ILAB will develop new tools, disseminate good practices, and partner with other U.S. government agencies to advance our goals of protecting children and adults from exploitative labor and promoting decent work opportunities.

### **FY 2023**

#### 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; negotiation of new commitments to high-standard labor obligations in trade and economic frameworks; and strong, enforceable labor obligations that promote workers' rights under existing trade agreements to ensure workers around the world benefit from trade. The agenda also commits the United States to review trade agreements and to take decisive action to



## INTERNATIONAL LABOR SERVICES

combat exploitative labor conditions, including forced labor and child labor, among trade partners.

To realize these goals ILAB will focus on strong enforcement combined with rigorous research and reporting and engagement with trade unions and worker advocates. Our technical assistance projects will strengthen respect for and adherence to labor rights, especially the right of freedom of association and effective recognition of the right to collective bargaining, and will improve worker voice and working conditions in trade partner countries.

The administration and Congress are increasingly focused on the impact of labor rights abuses on supply chain security and resilience, and the role of trade in promoting human rights and access to remedy in global supply chains. 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 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.

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

The 2018 TVPRA expanded ILAB's reporting mandate to include, "to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor." To fulfil this mandate, ILAB must map key segments of complex supply chains to trace components or inputs made with forced or child labor through to finished products, resulting in a significantly expanded list of tainted goods, with potential to add more. The 2018 TVPRA authorized \$5 million annually from 2018-2021 to implement this expanded reporting mandate, but Congress never appropriated the funding. As a result, current staffing levels are insufficient to meet the extensive research and technical expertise required to fully implement this mandate. ILAB is requesting additional funding, including resources to conduct complex and sensitive in-country investigative research studies, and respond to demands for increased interagency and international engagement in supply chain tracing on forced labor, child labor, and human trafficking.

The full implementation of this mandate will directly support the Biden Administration's Executive Order on American supply chains, the President's trade and climate agendas, and the administration's foreign policy and human rights priorities by combatting forced labor, including with respect to China, protecting and empowering workers, and improving information on vital supply chains.

## 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 and stakeholders uphold internationally recognized labor standards, 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 and human trafficking. 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. In FY 2023, ILAB will deploy labor attachés to Tijuana, Mexico, Guatemala City, Guatemala and Dhaka, Bangladesh to address longstanding and flagrant labor violations.

The Northern Central American countries of El Salvador, Guatemala and Honduras critical to the implementation of the administration's strategies on addressing root causes of migration and supporting collaborative migration frameworks. ILAB's Guatemala labor attaché will 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. Labor and employment are key issues in both strategies, which also recognize that labor considerations are critical to the success of other pillars, such as economic prosperity. ILAB's labor attaché in Guatemala will 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 a senior advisor to embassy leadership, ILAB's labor attaché will 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 will include monitoring and reporting on compliance with the labor chapter of the Central America- Dominican Republic Free Trade Agreement (CAFTA-DR), violence against labor leaders, labor migration, and labor market trends. The sustained presence of the labor attaché will create a channel for strengthening the work of the U.S. government domestically and internationally with respect to migration issues in Northern Central America. Ongoing USMCA funding supports labor attachés based in Mexico.

### 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

## INTERNATIONAL LABOR SERVICES

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, the Dominican Republic, Panama, Peru, and Chile to support greater compliance with FTAs. As with cases arising under the 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 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 that will go beyond trade engagement to establish and strengthen relationships African ministries, supported where possible with technical assistance.

### Expanding Commitments to High Standard Labor Obligations

ILAB will continue to negotiate strong, enforceable, and clear labor provisions in any trade agreements, trade initiatives, and economic agreements, negotiated or renegotiated in FY 2023 to ensure American workers' equities are protected, including by securing commitments to meet high labor standards, advance resilient and secure supply chains by protecting labor rights, and address the suppression of wages and workers' rights in other countries to the detriment of U.S. workers. ILAB will provide labor expertise in the negotiation of the Indo Pacific Economic Framework (IPEF) and negotiate strong labor rights commitments across IPEF Pillar I (Trade), Pillar II (Supply Chains), Pillar III (Clean Economy), and Pillar IV (Fair Economy). ILAB will work with USTR to develop draft negotiating text that includes high standard labor obligations under the Taiwan Initiative, Kenya Initiative, and the Americas Partnership for Economic Prosperity, and support the negotiation of those obligations. 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, research and evaluation to strengthen labor law enforcement and compliance with the labor requirements of U.S. trade agreements and preference programs.

## INTERNATIONAL LABOR SERVICES

### 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 represent the U.S. Government's interests and policies in international fora, such as the International Labor Organization (ILO), world Health Organization (WHO), G20, G7, Organization for Economic Cooperation and Development (OECD), Asia-Pacific Economic Cooperation (APEC), and International Association of Labor Inspection (IALI). ILAB will ensure U.S. priorities are reflected in 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. To inform the work and engagement with these organizations, ILAB will produce research products and data on priority countries and will monitor and report on international labor and economic trends in the United States and relevant countries and regions. Economic research and reporting will incorporate equity analysis and focus on the cross-cutting themes of youth, women and minority populations.

ILAB will also enhance its leadership at the G20 Occupational Safety and Health (OSH) Network, IALI, and the WHO Health in the World of Work (H-WoW) Network to support the adoption of ILO's OSH instruments by countries. ILAB will implement plans developed under the M-POWER initiative to advance workplace democracy and support trade union rights in the global economy. ILAB will continue to pursue 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 in other countries relevant to ILAB's work.

### 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 momentum from the Fifth Global Conference on the Elimination of Child Labor and in support of Alliance 8.7, a global initiative to support achievement of Sustainable Development Goal 8 and Target 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. 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 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, U.S. Agency for International Development, U.S. Trade

## INTERNATIONAL LABOR SERVICES

Representative (USTR), and Department of Homeland Security (DHS), 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**

ILAB represented the U.S. government and promoted U.S. labor and employment priorities at the ILO, G20, G7, and in bilateral engagements. ILAB focused on efforts that made 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 FY 2022 the Administration took decisive actions to combat exploitative labor conditions, including forced labor and child labor, among trade partners. The Administration pledged to consider new ways to address the suppression of wages and workers' rights in other countries to the detriment of U.S. workers. The United States reviewed trade agreements and enforced labor provisions to protect worker rights, negotiated new commitments to high standard labor obligations, and engaged 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. ILAB focused on strong enforcement, conducted research and reporting, engaged 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.

### **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.

## INTERNATIONAL LABOR SERVICES

ILAB worked to implement the new TVPRA mandate, including by conducting mix-method studies to experiment with possible methodologies to trace a variety of different types of supply chains, and piloting the more promising methodologies through tracing two or three selected goods tainted with forced labor at the original site of production/mining. These activities prepared ILAB to be ready for a rapid ramp up of future mandated supply chain tracing efforts. In addition, ILAB supported 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 reviewed, monitored and enforced 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 focused on increased monitoring and engagement with CAFTA-DR countries. In addition, ILAB increased existing Western Hemisphere engagements with Colombia, Panama, Peru, and Chile to support greater compliance with FTAs and continued labor engagement with other FTA countries including Korea, Bahrain, and Jordan. As with cases arising under the USMCA ILAB considered, and pursued where necessary, enforcement actions when labor commitments in Free Trade Agreements (FTAs) have not been satisfied.

ILAB conducted 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 led the interagency to the conclusion that Mauritania's efforts on hereditary slavery had not yet met the benchmarks set by the interagency for reinstatement of AGOA. ILAB sought 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 served as the principal liaison with U.S. trading partners for the administration of FTA labor chapters, including labor subcommittees and labor cooperation mechanisms. ILAB negotiated strong, enforceable, and clear labor provisions in trade agreements negotiated or renegotiated in FY 2022 to ensure American workers' equities are protected. ILAB continued to analyze the effects of how trade affects employment, wages, and working conditions of workers in the United States, and expanded our focus to the distributional effects of trade by gender, race, and ethnicity.

ILAB negotiated strong commitments to negotiate labor provisions in forthcoming trade agreements, trade initiatives, and economic agreements to ensure American workers' equities are protected, including by developing approaches that meet high labor standards, advance resilient and secure supply chains by protecting labor rights, and address the suppression of wages and workers' rights in other countries to the detriment of U.S. workers. ILAB supported the negotiation of Ministerial Statements under the Indo Pacific Economic Framework (IPEF) that set the stage for strong labor rights commitments across IPEF Pillar I (Trade), Pillar II (Supply Chains), Pillar III (Clean Economy), and Pillar IV (Fair Economy). In FY 2022, ILAB

## INTERNATIONAL LABOR SERVICES

participated in engagement with Kenyan partners in the lead up to the first round of the Kenyan Strategic Trade International Partnership.

ILAB worked with interagency partners, as well as workers and businesses, to improve compliance with labor standards. ILAB engaged with trade partners to achieve multilateral commitments to increase transparency and accountability in global supply chains. ILAB provided 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 also evaluated programs to identify emerging good practices and lessons learned for ongoing and future technical assistance programming.

### Improving Global Working Conditions and Promoting Inclusive, Equitable Economic Growth

ILAB represented 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 ensured U.S. priorities were reflected in the international organizations' policies and programs and advocated for making OSH a fundamental right and principle at work. ILAB conducted dialogue and informational exchanges with foreign governments to shape policies and enable senior DOL officials to share U.S. practices, policies, and programs, and learn about these efforts in other countries, particularly in the areas of workforce development, social protection, and equity. ILAB promoted 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 policy work in the DOL, ILAB regularly furnished 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 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 continued to be a global leader in support of efforts to eliminate child labor, forced labor, and human trafficking around the world. ILAB pursued 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 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. For example, in February 2022, ILAB's Reducing Incidence of Child labor and Harmful Conditions of Work in Economic Strengthening Initiatives) (RICHS) project launched a set of 19 new tools

## INTERNATIONAL LABOR SERVICES

to mitigate the risk of child labor occurring as an unintended result of women's economic empowerment initiatives.

In keeping with the Biden-Harris Administration efforts to re-engage with the international community, ILAB looked 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 also supported and promoted full participation by civil society and workers in the Fifth Global Conference on Child Labor, including producing an action-oriented and time-bound outcome document.

ILAB efforts focused on accountability in supply chains, promotion of worker voice and empowerment, and social protection to address child labor and forced labor. ILAB updated 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 also expanded 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 sought 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 also continued 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 publicly featured the many tools, resources, research products, and lessons learned developed through these and previous technical assistance programming in the ILAB Knowledge Portal, launched in September 2022 on [dol.gov](https://dol.gov). The Portal houses 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 continued to 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 DHS, to advance the goals of protecting children and adults from exploitative labor and promoting decent work opportunities. ILAB continued 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.



# INTERNATIONAL LABOR SERVICES

## Workload and Performance Narrative

In support of its FY 2024 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 2023, ILAB will maintain performance measures relating to 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 2024, 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, Bangladesh, Guatemala, Geneva, and other strategically important 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 exclusive, but often mutually enforcing. 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 ability to achieve its goals. For example, while ILAB may provide direct technical assistance to a country in drafting, adopting, and implementing a new labor code, its effective enforcement ultimately depends on the country's legislators, enforcement officials, and political leadership, and not solely on ILAB's efforts.

## INTERNATIONAL LABOR SERVICES

While much of ILAB's efforts rely on 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 2024 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 2024, ILAB will develop and oversee expanded technical assistance programming in support of the US-Mexico-Canada Agreement (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 2023, ILAB will expand its monitoring and enforcement work in Mexico under the USMCA, including the continued use of the Rapid Response Mechanism to expedite enforcement of labor rights at particular facilities that fail to comply with domestic laws. ILAB will also continue to 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 continue to develop 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 includes those countries featured in the annual *Findings on the Worst Forms of Child Labor*, the biennial TVPRA List, and the periodic EO 13126 List. While the precise number of countries included in the three reports fluctuates depending on Generalized System of Preferences (GSP) status in a given year, ILAB monitored 154 countries in FY 2022.

## INTERNATIONAL LABOR SERVICES

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
11.1	Full-time permanent	16,785	18,248	21,833	3,585
11.3	Other than full-time permanent	225	30	30	0
11.5	Other personnel compensation	824	441	441	0
11.9	<b>Total personnel compensation</b>	<b>17,834</b>	<b>18,719</b>	<b>22,304</b>	<b>3,585</b>
12.1	Civilian personnel benefits	6,184	6,353	6,784	431
21.0	Travel and transportation of persons	687	1,700	1,700	0
22.0	Transportation of things	38	36	36	0
23.1	Rental payments to GSA	1,129	1,412	1,412	0
23.3	Communications, utilities, and miscellaneous charges	38	1	1	0
24.0	Printing and reproduction	18	11	11	0
25.1	Advisory and assistance services	4,629	500	500	0
25.2	Other services from non-Federal sources	354	243	3,134	2,891
25.3	Other goods and services from Federal sources 1/	7,557	5,330	6,523	1,193
25.4	Operation and maintenance of facilities	0	0	0	0
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	70	95	95	0
31.0	Equipment	70	0	0	0
41.0	Grants, subsidies, and contributions	67,517	81,725	88,025	6,300
	<b>Total</b>	<b>106,125</b>	<b>116,125</b>	<b>130,525</b>	<b>14,400</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	4,722	3,814	4,157	343
	DHS Services	30	530	530	0
	Services by DOL Agencies	657	5	5	0
	Services by Other Government Departments	2,093	861	1,711	850

# INTERNATIONAL LABOR SERVICES

## CHANGES IN FY 2024

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$785
Personnel benefits	423
Federal Employees' Compensation Act (FECA)	8
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	343
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0
Grants, subsidies, and contributions	0

**Built-Ins Subtotal** **\$1,559**

**Net Program** **\$12,841**

**Direct FTE** **14**

	Estimate	FTE
<b>Base</b>	<b>\$117,684</b>	<b>138</b>
<b>Program Increase</b>	<b>\$12,841</b>	<b>14</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## ADMINISTRATION AND MANAGEMENT

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>29,858</b>	<b>30,804</b>	<b>63,148</b>	<b>32,344</b>
FTE	94	102	102	0

NOTE: FY 2022 reflects actual FTE. Authorized FTE for FY 2022 was 102.

### **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.

# ADMINISTRATION AND MANAGEMENT

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2019	\$28,450	106
2020	\$29,004	99
2021	\$29,004	102
2022	\$29,858	102
2023	\$30,804	102

## FY 2024

The FY 2024 request for OASAM is \$63,148,000 and 102 FTE. The request includes the following program increases:

- **Climate Change Executive Order Investment: Electric Vehicles:** The Department requests \$18,000,000 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.
- **Future of Work:** The Department requests \$13,007,000 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.

These requests emphasize OASAM's priorities to implement the climate action plan and support Future of Work implementation activities. OASAM will also continue to support the Department in advancing equity, evidence-based decision-making, and enabling the Department to perform its mission.

## FY 2023

The FY 2023 budget for OASAM is \$30,804,000 and 102 FTE. OASAM's priorities are to advance equity, inform evidence-based decision-making, and enable the Department to perform its mission.

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.

## **ADMINISTRATION AND MANAGEMENT**

### **FY 2022**

The FY 2022 budget for OASAM is \$29,858,000 and 101 FTE. In FY 2022, OASAM provided the administrative support to implement the Secretary's vision of supporting workers morning, noon, and night. With 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

## ADMINISTRATION AND MANAGEMENT

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
11.1	Full-time permanent	14,810	15,878	16,564	686
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	134	737	737	0
11.8	Special personal services payments	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>14,944</b>	<b>16,615</b>	<b>17,301</b>	<b>686</b>
12.1	Civilian personnel benefits	5,397	6,037	6,370	333
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	29	0	0	0
22.0	Transportation of things	0	0	0	0
23.1	Rental payments to GSA	1,448	872	872	0
23.3	Communications, utilities, and miscellaneous charges	13	31	31	0
24.0	Printing and reproduction	2	13	13	0
25.1	Advisory and assistance services	391	1,020	14,027	13,007
25.2	Other services from non-Federal sources	267	197	197	0
25.3	Other goods and services from Federal sources 1/	7,162	5,759	6,077	318
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	23	2	2	0
26.0	Supplies and materials	151	258	258	0
31.0	Equipment	31	0	18,000	18,000
	<b>Total</b>	<b>29,858</b>	<b>30,804</b>	<b>63,148</b>	<b>32,344</b>
	1/Other goods and services from Federal sources				
	Services by Other Government Departments	808	0	0	0
	Working Capital Fund	6,354	4,882	5,200	318
	DHS Services	0	17	17	0
	GSA Services	0	152	152	0



# ADMINISTRATION AND MANAGEMENT

## CHANGES IN FY 2024

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$686
Personnel benefits	369
Federal Employees' Compensation Act (FECA)	-36
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	318
Other Federal sources (Census Bureau)	0
Other Federal sources (DHS Charges)	0
Other goods and services from Federal sources	0
Research & Development Contracts	0
Operation and maintenance of facilities	0
Operation and maintenance of equipment	0
Supplies and materials	0
Equipment	0

**Built-Ins Subtotal** **\$1,337**

**Net Program** **\$31,007**

**Direct FTE** **0**

	Estimate	FTE
<b>Base</b>	<b>\$32,141</b>	<b>102</b>
<b>Program Increase</b>	<b>\$31,007</b>	<b>0</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



# ADJUDICATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>63,598</b>	<b>65,192</b>	<b>78,283</b>	<b>13,091</b>
FTE	239	267	296	29

NOTE: FY 2022 reflects actual FTE. Authorized FTE for FY 2022 was 249.

## **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). As agencies that adjudicate cases, OALJ and the Adjudicatory Boards will continue to generate decisions which are fair and impartial and based on the law.

## **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, FY 2022 and projected for FY 2023 and 2024 is the most important new challenge for the Office of Administrative Law Judges (OALJ) and the Benefits Review Board (BRB).

## ADJUDICATION

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.

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 Adjudication activity at the Department of Labor is part of the Department's overarching Worker Protection effort.

*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 under the Black Lung Benefits Act and the Longshore and Harbor Workers' Compensation Act, and the Defense Base Act (LS/LDA). The BRB reviews and determines hundreds of appeals each year, makes legal interpretations, and establishes legal precedents that set standards for the entire nation.

The BRB has authority to resolve appeals under these statutes, filed by any party-in-interest. Virtually all new appeals to BRB come from the Office of Administrative Law Judges (OALJ), consequently BRB Black Lung (BL) case production is directly related to OALJ BL production.

## ADJUDICATION

Historically, 35% of OALJ BL decisions and 5-7% of OALJ LS/LDA decisions are appealed to BRB. The BRB reviews the decisions of administrative law judges 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's decisions are appealed to the federal circuit courts, and more than 85 percent of these are affirmed. By statute, the BRB consists of five members appointed by the Secretary of Labor, one of whom is designated as Chair and Chief Administrative Appeals Judge.

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

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**<sup>2</sup>

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2019	\$35,000	157
2020	\$35,000	141
2021	\$35,000	240
2022	\$36,000	249
2023	\$37,000	151

### **FY 2024**

The FY 2024 Budget for Adjudication Activity is \$78,283,000 and 296 FTE. This funding level includes two program General Fund increases of \$5,836,000 and 29 FTE for increased processing of cases and appeals; two Black Lung Trust Fund requests totaling \$3,262,000 (includes sequestration restoration) discussed below; as well as \$2,473,000 General Funds and \$944,000 Black Lung Trust Funds for inflationary increases in pay and benefits.

For the first program increase, the Office of Administrative Law Judges (OALJ) as well as the Administrative Review Board (ARB), the Benefits Review Board (BRB), and the Employees'

---

<sup>2</sup> Includes General only.

## ADJUDICATION

Compensation Appeals Board (ECAB) (collectively, the Boards), seek \$1,558,000 in funding from the Black Lung Disability Trust Fund for the operations and maintenance of a new court management information technology system. Currently, OALJ and the Boards use outdated, antiquated, and unstable systems to manage the 10,000 cases involving over 70 statutes that these organizations handle each year. Importantly, from the perspective of the public, these matters involve back pay owed to individuals working on federal construction and service contracts, disability claims involving compensation and medical benefits for coal miners and longshoremen, the final level of review of federal workers compensation cases, and compensation owed to whistleblowers. The timely processing of these matters is vital to these individuals.

In recent years, OALJ and the Boards separately realized the need for new, more modern court management systems. Recognizing the possible economies of scale, OALJ, the Boards, and the DOL's Office of the Chief Information Officer collaborated to commit \$12 million to acquire and configure a Software as a Service system for use by OALJ and the Boards. The Department of Labor's unobligated balance transfer authority is being utilized for these acquisition and configuration costs. The system is expected to be operational in FY 2024. OALJ and the Boards now seek funding in this program increase for the operations and maintenance of this new system. (The unobligated balance transfer funds are not available for the operations and maintenance costs.) The successful launch of this new information technology system will be a paramount priority of OALJ and the Boards; after funding onboard staff and other non-negotiable items (e.g., rent), OALJ and the Boards will make every effort to ensure this new court management system has all necessary funding. Without funding for the operations and maintenance, OALJ and the Boards would be forced to choose between two unacceptable alternatives—either reduce staffing to afford these costs or revert to paper-based records and not implement the new court management system.

For the second program increase, OALJ and the Boards seek \$5,836,000 and 29 FTE to increase the processing of cases for workload production increases. This performance increase is composed of two parts:

- *Defense Base Act (DBA) Workload:* The Budget includes an additional \$3,215,000 and 16 FTE in General funds 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 as outlined by each agency below.
- *Processing of Adjudication Workload:* The Budget also includes \$2,621,000 and 13 FTE in General Funds for the processing of Adjudication workload in activities, as outlined under each agency below.

### **Administrative Law Judges**

The Office of Administrative Law Judges (OALJ) for FY 2024 is requesting a General Fund increase of \$4,395,000 and 22 FTE and a Black Lung Trust Fund increase for operations and maintenance of a new court management information technology system as discussed above of \$1,021,000, along with a Black Lung Trust Fund increase for mandatory workload of \$1,117,000.

## ADJUDICATION

In FY 2020, the Office of Administrative Law Judges (OALJ) received 2,586 Defense Base Act (DBA) cases, in FY 2021 OALJ received 6,025 cases and for FY 2022, OALJ received 5,163 cases. For FY 2023, the agency has already received at the end of Q1, over 1,245 cases and will exceed its projection of 5,000 DBA cases to be received for FY 2023. The consequences of docketing significantly more DBA cases than the number of cases OALJ can adjudicate based on existing resources, has created a FY 2022 backlog of 7,003 pending cases equating to a 41-months DBA case pendency. At the end of FY 2023 the backlog is projected to be over 9,000 cases. With the additional resources being requested for FY 2024, OALJ can move the projected 11,600 pending cases with a backlog pendency rate of 52-months down to 10,000 pending cases with a backlog pendency rate of 32-months and continuing to decline into subsequent years

The requested funding increase from General Funds will allow OALJ to increase DBA Case adjudications affecting projected pendency rate and slowing it down from 41-months in FY 2023 to 32-months in FY 24. Without this increase, the pendency will be 52-months at the end of FY 2024.

The additional FY 2024 General Fund request for Adjudication workload will address the increase of production workloads in the program areas of Immigration and Longshore for the agency. In Temporary Labor Certification cases, OALJ adjudicates these cases 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. In FY 2018, OALJ started receiving over 300 cases per fiscal year, for FY 2020 received 488 cases, for FY 2021 received 521 cases and in FY 2022 received 382 cases. The requested funds will allow OALJ to address the increasing number of Temporary Labor Certification cases and meet the adjudicatory deadlines. In addition, Longshore will benefit from the additional resources to continue reducing pending cases and remain current.

### **Adjudicatory Boards**

At this request level, the Boards will focus on maximizing productivity and drafting high-quality and timely decisions. Given the expected deployment of a new court management system (explained above), in FY 2024, the Boards also will focus on successfully deploying the new system while ensuring that there is no disruption to persons electronically filing appeals with the Boards. Also, this request includes staffing increases for the Boards, and, assuming the requested funding, the Boards will seek to hire qualified individuals as quickly as possible to assist in timely adjudicating claims. The increased staffing levels will lead to higher levels of output. But, given the delays in hiring due to the budget cycle and the need to integrate the new employees, the full impact on performance of additional staff would be seen in FY 2025.

ARB'S FY 2024 requested level budget is \$4,630,000 in General Funds to support 16 FTE (this is a total increase of \$589,000; \$286,000 for a workload increase and \$303,000 for inflationary pay and benefits increases and WCF built-ins). Given the increase for workload, ARB projects to increase the number of closed cases as well as to improve the case processing time. ARB projects to receive 65 new appeals, has a target to close 70 appeals with an average, case, processing time of 11.5 months, and 45 appeals pending at the end of the FY 2024.

BRB'S FY 2024 requested level budget is \$3,978,000 in General Funds (a total increase of

## ADJUDICATION

\$948,000; workload increases of \$634,000 to support 3 FTE and \$314,000 for inflationary pay and benefits increases and WCF built-ins) as well as \$11,167,000 in Black Lung Funds (an increase of \$325,000 for inflationary pay and benefits increases; \$537,000 for the operations and maintenance of a new court management system as well as \$587,000 for sequestration restoration). With this increase in General Funds, BRB projects that it will be able to increase the number of closed cases. For FY 2024, BRB projects that new LS/LDA appeals received will remain constant at approximately 115 but will be able to increase the number of closed appeals from 115 to 125 due to new, additional staff. This, in turn, will reduce the number of pending appeals from 100 to 90. Regarding BL cases, BRB expects to again receive 495 new BL appeals and again close 528 appeals. This will reduce the number of pending BL appeals at the end of FY 2024 to 582.

ECAB's FY 2024 requested level budget is \$8,435,000 in General Funds (a total increase of \$1,076,000; \$521,000 for a workload increase and \$555,000 for inflationary pay and benefits increases and WCF built-ins). At this requested level, ECAB projects to again receive 1,900 new appeals, while increasing its number of closed appeals to 2,000 and improving its average case processing time to 9.5 months.

### **FY 2023**

The revised enacted funding level for the Adjudication activity is \$65,192,000 and 267 FTE.

#### **Administrative Law Judges**

The Office of Administrative Law Judges (OALJ) is projected to receive 8,250 cases during FY 2023 and disposing of 6,125 cases. This will result in 2,188 Black Lung pending cases with a 22-month backlog; 1,597 Longshore pending cases with a 16-month backlog; 9,303 Defense Base Act pending cases with a 41-month backlog; 226 Immigration pending cases with an 11-month backlog; 46 Traditional Immigration pending cases with a 2-month backlog; and 478 Traditional cases pending with a 13-month backlog.

#### **Adjudicatory Boards**

The FY 2023 funding levels provided to the Boards basically allow for a current services budget in FY 2023 as compared to FY 2022. The increased funding will be used to pay for the inflationary increases in pay and benefits for the Boards' staff. The Boards have been and will continue to fill existing staffing vacancies as well as to recruit for backfills that will develop due to attrition. By the end of FY 2023, it is expected that ARB, BRB, and ECAB will each have a full complement of judges—five for each Board. As always, the Boards will, of course, seek to maximize efficiency in all operations and aim to timely adjudicate all appeals. However, it will be extremely challenging to have significant improvements in workload and performance given a basically flat funding level.

In FY 2023, ARB projects to receive 65 cases, close 65 cases, and have an average case processing time of 12.0 months. BRB projects that its LS/LDA caseload, in FY 2023, will include 115 new cases, 115 closed appeals, and an average case processing time of 11.5 months. BRB projects that its BL workload will include 495 new appeals, 528 closed appeals, and a case processing time of 14.5 months. ECAB projects its FY 2023 workload to include 1,900 new



## ADJUDICATION

appeals, 1,900 closed appeals, and a case processing time of 10.0 months.

### **FY 2022**

The enacted funding level for the Adjudication activity was \$63,598,000 and 249 FTE.

#### **Administrative Law Judges**

The Office of Administrative Law Judges (OALJ) received 8,561 cases during FY 2022 and disposed of 7,644 cases. This resulted in 2,288 Black Lung pending cases with a 22-month backlog; 1,497 Longshore pending cases with a 13-month backlog; 7,003 Defense Base Act pending cases with a 22-month backlog; 326 Immigration pending cases with a 13-month backlog; 46 Traditional Immigration pending cases with a 1-month backlog; and 553 Traditional cases pending with a 15-month backlog.

#### **Adjudicatory Boards**

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

In FY 2022, ARB received 67 appeals, closed 75 appeals, and improved its case processing time to 10.2 months. In FY 2022, BRB received 439 Black Lung appeals, increased the number of closed Black Lung matters to 441, and had a case processing time of 16.4 months. In FY 2022, BRB's LS/LDA workload saw 93 new appeals, 61 closed appeals, and a case processing time of 12.3 months. In FY 2022, ECAB received 1,389 appeals, closed 1,535 cases and had an average case processing time of 10.0 months.

## ADJUDICATION

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>				
	<b>FY 2022 Revised Enacted</b>		<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Adjudication</b>				
<b>Administrative Law Judges</b>				
<b>Strategic Goal ALL - All Strategic Goals</b>				
<b>Strategic Objective ALL.1 - All Strategic Objectives</b>				
ALJ-BL-01	OALJ BLACK LUNG New Cases:		1,100[p]	1,100[p]
	1,250[p]	1,103		
ALJ-BL-02	OALJ BLACK LUNG Dispositions:		1,200	1,200
	1,400	1,238		
ALJ-BL-03	OALJ BLACK LUNG Pending Cases:		2,188[p]	2,088[p]
	2,273[p]	2,288		
ALJ-BL-04	OALJ BLACK LUNG Pending Months:		22	21
	19	22		
ALJ-IM-01	OALJ IMMIGRATION New Cases:		150[p]	150[p]
	100[p]	215		
ALJ-IM-02	OALJ IMMIGRATION Dispositions:		250	250
	250	312		
ALJ-IM-03	OALJ IMMIGRATION Pending Cases:		226[p]	126[p]
	273[p]	326		
ALJ-IM-04	OALJ IMMIGRATION Pending Months:		11	6
	13	13		

## ADJUDICATION

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2022 Revised Enacted</b>		<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
ALJ-TI-01	OALJ TRADITIONAL IMMIGRATION New Cases:	675[p]	382	350[p]	425[p]
ALJ-TI-02	OALJ TRADITIONAL IMMIGRATION Dispositions:	500	391	350	450
ALJ-TI-03	OALJ TRADITIONAL IMMIGRATION Pending Cases:	230[p]	46	46[p]	21[p]
ALJ-TI-04	OALJ TRADITIONAL IMMIGRATION Pending Months:	6	1	2	1
ALJ-T-01	OALJ TRADITIONAL New Cases:	425[p]	356	350[p]	350[p]
ALJ-T-02	OALJ TRADITIONAL Dispositions:	425	453	425	425
ALJ-T-03	OALJ TRADITIONAL Pending Cases:	650[p]	553	478[p]	403[p]
ALJ-T-04	OALJ TRADITIONAL Pending Months:	18	15	13	11
ALJ-LS-01	OALJ LONGSHORE New Cases:	1,400[p]	1,342	1,300[p]	1,300[p]
ALJ-LS-02	OALJ LONGSHORE Dispositions:	1,250	1,342	1,200	1,250

## ADJUDICATION

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2022 Revised Enacted</b>		<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
ALJ-LS-03	OALJ LONGSHORE Pending Cases:	1,647[p]	1,497	1,597[p]	1,647[p]
ALJ-LS-04	OALJ LONGSHORE Pending Months:	16	13	16	16
ALJ-LDA-01	OALJ DEFENSE BASE ACT New Cases:	6,000[p]	5,163	5,000[p]	5,000[p]
ALJ-LDA-02	OALJ DEFENSE BASE ACT Dispositions:	2,100	3,908	2,700	3,900
ALJ-LDA-03	OALJ DEFENSE BASE ACT Pending Cases:	9,648[p]	7,003	9,303[p]	10,403[p]
ALJ-LDA-04	OALJ DEFENSE BASE ACT Pending Months:	55	22	41	32
<b>Employees' Compensation Appeals Board</b>					
<b>Strategic Goal ALL - All Strategic Goals</b>					
<b>Strategic Objective ALL.1 - All Strategic Objectives</b>					
ECAB-01	New Appeals	1,900[p]	1,389	1,900[p]	1,900[p]
ECAB-02	Closed Appeals	1,900	1,535	1,900	2,000
ECAB-03	Pending Appeals	1,435	1,287	1,435	1,335

## ADJUDICATION

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2022 Revised Enacted</b>		<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
ECAB- 05	Average Case Processing Time	10.00	10.00	10.00	9.50
<b>Adjudication General Fund</b>					
<b>Strategic Goal ALL - All Strategic Goals</b>					
<b>Strategic Objective ALL.1 - All Strategic Objectives</b>					
BRB- LS/LDA- 01	New Appeals	115[p]	93	115[p]	115[p]
BRB- LS/LDA- 02	Closed Appeals	75	61	115	125
BRB- LS/LDA- 03	Pending Appeals	106	100	100	90
BRB- LS/LDA- 05	Average Case Processing Time	13.00	12.30	11.50	11.50
BRB- LS/LDA- 12	Affirmance Rate	85.00%	71.00%	85.00%	85.00%

## ADJUDICATION

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
	<b>FY 2022 Revised Enacted</b>		<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>	
<b>Administrative Review Board</b>					
<b>Strategic Goal ALL - All Strategic Goals</b>					
<b>Strategic Objective ALL.1 - All Strategic Objectives</b>					
ARB-01	New Appeals	72[p]	67	65[p]	65[p]
ARB-02	Closed Appeals	90	75	65	70
ARB-03	Pending Appeals	33	45	50	45
ARB-05	Average Case Processing Time	12.00	10.20	12.00	11.50
<b>Adjudication Black Lung Fund</b>					
<b>Strategic Goal ALL - All Strategic Goals</b>					
<b>Strategic Objective ALL.1 - All Strategic Objectives</b>					
BRB- BL-01	New Appeals	460[p]	439	495[p]	495[p]
BRB- BL-02	Closed Appeals	460	441	528	528
BRB- BL-03	Pending Appeals	618	648	615	582
BRB- BL-05	Average Case Processing Time	15.00	16.40	14.50	14.50

# ADJUDICATION

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>				
	<b>FY 2022 Revised Enacted</b>		<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
BRB- Affirmance Rate BL-12	85.00%	84.00%	85.00%	85.00%

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

# ADJUDICATION

## Workload and Performance Narrative

### Administrative Law Judges

The FY 2024 Black Lung Trust Funds request level will enable OALJ to continue reducing the Black Lung program area pending cases in FY 2023 from 2,188 to 2,088 cases in FY 2024. This equates to a pendency of 22-months.

The FY 2024 General Funds request level will enable OALJ to increase the adjudication of Defense Base Act (DB) cases and reduce the projected backlog without additional funding from almost 4.5 years to under 3 years. At the end of FY 2023, Defense Base Act cases pending are projected to total over 9,000 cases resulting in a 41-months pendency and projected to rise to a 52-month pendency without additional funding.

At the FY 2024 request level, OALJ projects to receive around 425 Traditional Immigration cases during FY 2024 and it will allow OALJ to dispose of 450 cases resulting in 21 pending cases and a 1-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 226 cases at the end of FY 2023 to 126 projected pending cases at the end of FY 2024. During FY 2024, OALJ projects to dispose of 1,250 Longshore cases and expects 1,300 new cases to end with a 16-month backlog. The Traditional mix of cases is projected at 425 case dispositions with a reduced 11-month pendency.

### Adjudicatory Boards

Workload estimates for all three Adjudicatory Boards are based on other persons filing appeals. 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.

Regarding ARB's workload and performance, ARB projects 65 new appeals to be filed in FY 2024. Based on an assumption of increased staff, ARB projects that its output will improve slightly in FY 2024. The ARB closed appeal target is 70 appeals at the request level. Also, ARB projects end of FY 2024 pending appeals to be 45. The average case processing time target is 11.5 months based on an assessment of recent workload trends as well as the integration of anticipated staff in FY 2024. For FY 2023, based on recent workload trends and available FY 2023 funding, ARB projects 65 new appeals, 65 closed appeals, and 50 pending appeals at the end of FY 2023.

Regarding BRB's workload and performance, for FY 2023, BRB projects new Black Lung (BL) appeals filed to modestly increase to 495 based on OALJ's projected production. Historically,



## ADJUDICATION

approximately 35% of OALJ BL decisions are appealed to BRB. Currently, for FY 2023, BRB expects its closed BL appeals to increase to 528 (compared to 441 in FY 2022), resulting in end of FY 2023 pending BL appeals decreasing to 615 with an average case processing time of 14.5 months. This improvement in FY 2023 is due to filling staffing vacancies in BRB. Also, for FY 2023, BRB projects new Longshore and Defense Base Act (LS/LDA) appeals filed to be 115 in FY 2023, which is close to the average over the past few years. BRB expects its LS/LDA closed appeals to increase to 115, which is a notable increase from the 61 closed appeals in FY 2022. For FY 2023, BRB projects average case processing time to be 11.5 months.

Looking to BRB's FY 2024 expected workload and performance, BRB will strive to adjudicate its appeals within target timeframes for disposition and increase its closed appeals due to the projected increase in its staff in FY 2024. The new staff will likely not be at full production, however, until FY 2025. Specifically, BRB projects new BL appeals filed to be 495 in FY 2024, which is the same level as FY 2023. BRB also expects its closed BL appeals target to be 528, resulting in end of FY 2024 pending BL appeals decreasing to 582 with an average case processing time remaining consistent at 14.5 months. Based on receiving the full increased requested funding in FY 2024 for BRB's LS/LDA division providing for new, additional staff and OALJ's projected increase in its LS/LDA determinations, BRB projects closed LS/LDA appeals to increase to 125 in FY 2024. New appeals are expected to remain consistent at 115. This will result in a decrease to the number of pending appeals at the end of FY 2024 to 90.

Regarding ECAB's workload and performance, ECAB expects new appeals filed to be 1,900 in FY 2024. Based on an assumption of increased staff, ECAB closed appeals target is 2,000 appeals at the request level with an average case processing time target of 9.5 months. The ECAB projects end of FY 2024 pending appeals to be 1,335. For FY 2023, ECAB projects 1,900 new appeals, 1,900 closed appeals, and 1,335 appeals pending at the end of FY 2023.

## ADJUDICATION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
11.1	Full-time permanent	35,125	33,684	39,854	6,170
11.3	Other than full-time permanent	434	291	291	0
11.5	Other personnel compensation	726	575	575	0
11.9	<b>Total personnel compensation</b>	<b>36,285</b>	<b>34,550</b>	<b>40,720</b>	<b>6,170</b>
12.1	Civilian personnel benefits	10,521	12,141	15,226	3,085
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	278	347	347	0
22.0	Transportation of things	500	0	0	0
23.0	Rent, Communications, and Utilities	0	0	0	0
23.1	Rental payments to GSA	4,348	4,198	4,198	0
23.2	Rental payments to others	9	3	3	0
23.3	Communications, utilities, and miscellaneous charges	176	54	54	0
24.0	Printing and reproduction	37	11	11	0
25.1	Advisory and assistance services	499	1,285	1,285	0
25.2	Other services from non-Federal sources	3,311	4,113	6,251	2,138
25.3	Other goods and services from Federal sources 1/	6,776	7,942	8,516	574
25.4	Operation and maintenance of facilities	0	2	589	587
25.5	Research and development contracts	0	0	0	0
25.7	Operation and maintenance of equipment	681	111	648	537
26.0	Supplies and materials	92	335	335	0
31.0	Equipment	85	100	100	0
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>63,598</b>	<b>65,192</b>	<b>78,283</b>	<b>13,091</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	5,770	4,829	5,403	574
	DHS Services	0	2,226	2,226	0
	Services by DOL Agencies	0	204	204	0
	Services by Other Government Departments	1,006	0	0	0

# ADJUDICATION

## CHANGES IN FY 2024

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$2,202
Personnel benefits	1,215
One day less of Pay	0
Federal Employees' Compensation Act (FECA)	2
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	574
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** **\$3,993**

**Net Program** **\$9,098**

**Direct FTE** **29**

	Estimate	FTE
<b>Base</b>	<b>\$69,185</b>	<b>267</b>
<b>Program Increase</b>	<b>\$9,098</b>	<b>29</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## WOMEN'S BUREAU

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>18,000</b>	<b>23,000</b>	<b>32,426</b>	<b>9,426</b>
FTE	45	52	55	3

NOTE: FY 2022 reflects actual FTE. Authorized FTE for FY 2022 was 50.

### **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 WB 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 WB deploys its research, statistics, advocacy and grantmaking capabilities to advise the Secretary, the Administration, and sister DOL agencies on policy, programmatic and regulatory issues with implications for working women. The WB develops research and informs 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, and outreach and advocacy capacities to initiate and influence program implementation and spending within and across the DOL, including through innovative grant programs, as well as inter-governmental collaboration and state and federal legislation to achieve better workforce outcomes and economic security for women and their families.

While employment rates among women across racial and ethnic groups have largely rebounded from the economic impacts of the COVID-19 pandemic, disparities remain, with Black women continuing to experience higher unemployment rates than their white counterparts. Not surprisingly, motherhood and age of children has further complicated employment behaviors during the pandemic and is correlated with greater detachment from the workforce than for fathers. Among parents, women of color again suffered greater declines in employment than other demographic groups over the course of the pandemic.

As the data make clear, gender and racial employment, wage and wealth gaps predated and were exacerbated by the pandemic. Employment and earnings disruptions experienced during the pandemic stand to exacerbate longstanding structural inequities that will continue to have intergenerational impact unless we actively disrupt perpetual cycles of inequity and inequality. The WB will continue to deploy strategies that aim to shift outdated norms and advance gender equality that is long overdue.

# WOMEN'S BUREAU

## Five-Year Budget Activity History

<u>Fiscal Year</u>	<u>Funding</u> (Dollars in Thousands)	<u>FTE</u>
2019	\$13,750	43
2020	\$14,050	38
2021	\$15,050	38
2022	\$18,000	50
2023	\$23,000	52

## FY 2024

At the FY 2024 request level of \$32,426,000 and 55 FTE's, the Women's Bureau (WB) will focus its resources on addressing underlying inequities driven by occupational segregation and the lack of a care infrastructure, and by addressing other key workplace and discrimination protections, all of which have a disproportionate negative impact on women, especially women of color.

In FY 2024, the WB will build on the work started in FY 2022 and FY 2023 and expand the depth of its research, reach of its stakeholder engagement, contracts, and impact of its grants for historically underrepresented communities, including but not limited to women of color, women with disabilities, formerly incarcerated women, immigrant women, transgender workers, and women in rural communities. Namely, we will revive the agency's paid leave grants program, investing approximately \$10 million in funding and technical assistance to support states and localities implementing, expanding, and revising paid leave programs for residents and workers in recipient locations, including technical assistance in effective utilization of the Department's Worker PLUS microsimulation model. We will also commission the next round of data collection to update the National Database of Childcare Prices, as well as continuing 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 continue to experience the recovery unequally and advocate for rising tide strategies that lift all boats. In addition, the WB is committed to taking meaningful steps towards recruiting, hiring, and developing a more diverse workforce; establishing and maintaining a welcoming, inclusive and equitable work environment for all; showing no tolerance for any form of discrimination and/or harassment; and addressing inequity in our workplace identified by WB employees.

WB's priorities are squarely aligned with those of the Biden-Harris Administration and with the Secretary's priorities, including investing and valuing the Nation's care economy; building a modern, inclusive workforce; and supporting worker empowerment. More specifically, WB contributes to the FY 2022-2026 DOL Strategic Plan through Strategic Goal 1: Build Opportunity and Equity for All, and 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. WB's set of themes and strategies align with DOL's strategic objective, and support WB Performance Goal 1.1: Promote policies and support programs focused on improving women's employment and economic outcomes. At the same time, the 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

## WOMEN'S BUREAU

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 WB supports the President's EO 13985 and EO 14091 and advances racial gender equity and support for underserved communities throughout our grant process and by conducting research and using our data and policy analysis to continue to shine a light on the problems affecting working women and in particular women of color. The President's EO 14020, establishing the White House Gender Policy Council and the National Strategy on Gender Equity and Equality gets to the heart of the work of the WB.

The WB advances the President's agenda and the Secretary's priorities through its research, policy analysis, grant-making, and education and outreach which include:

- 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 jobs, with a particular emphasis on the construction, manufacturing, energy, transportation, and technology industries on the receiving end of historic public investment;
- Supporting the most marginalized workers in accessing potential new paid leave rights on the job, and greater access to child and elder care supports to the extent they are included in the appropriations. 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 accrue to 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; and
- 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.

### **Engaging with Underserved Communities to Advance Equity:**

The workplace remains deeply segregated by industry and occupation, by gender and by race and ethnicity. Societal barriers remain entrenched and present the largest obstacle for movement of women and women of color into nontraditional industries and occupations. These barriers exist at multiple points within industry and government. Women have successfully increased their levels of higher education, expanding their movement into more professional fields and management occupations, yet certain industries and occupations remain predominately male. The Infrastructure Investment and Jobs Act's, CHIPS and Science Act's and Inflation Reduction Act's significant public investment in the energy, transportation, technology, and construction industries presents an opportunity to increase women's access to and retention in pipelines to good-paying jobs. The WB will work to increase the recruitment and retention of women in these fields by working to scale quality pre-apprenticeship and apprenticeship programs and other equitable workforce development strategies through two primary means:

1. Implementing the FY 2024 round of WANTO grants.

## WOMEN'S BUREAU

2. Delivering technical assistance to DOL sub-agencies, including ETA's Office of Apprenticeship, and other federal, state, and local government partners, through the department's Good Jobs Initiative, to apply best practices from WANTO to their workforce development and investment strategies.

WB's programs, 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 and the like. Equity for women, people of color, immigrant women, women with disabilities, formerly incarcerated women, and people who identify as LGBTQ is the reason the WB was created. The WB will continue to refine its work in these areas to ensure that we are fully inclusive of these underserved populations. The 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.

### GRANTS

#### **Paid Leave**

Many workers still today are unable to take leave to care for themselves or family members. The pandemic was a stark reminder of how widespread this problem is, forcing employees to make untenable choices between family care and family economic support obligations. In FY 2024, the WB will revive its paid leave grants program, investing approximately \$10 million in grant funding and technical assistance to states and localities to develop, expand, or refine paid leave programs, including separate technical assistance support in assimilating Worker PLUS modeling into analytical work.

Studies show that paid leave programs enhance job retention and keep workers on their career path. This is good for businesses, as well as the workers and ultimately the economy. It is important that we continue to research these programs and provide technical assistance to states who are moving in this direction.

#### **Women in Apprenticeship and Non-Traditional Occupations (WANTO)**

The pandemic intensified challenges women already faced, among them a gender and racial wage gap driven in large part by a *deeply* segregated workforce where too many well-paying jobs are still considered "non-traditional" for women. And where systemic racism and sexism has meant that women's work – especially caring for our children and our elderly and disabled – is vastly underpaid and undervalued. While women's labor force participation has rebounded considerably since the onset of the pandemic, adult women's employment rate is still 1.6 percent below pre-pandemic levels, representing 1.1 million employed adult women, and as of January 2023, the unemployment rates of Black women remained almost twice that of their white counterparts.

Creating and expanding promising career pathways for women, particularly women of color, is necessary for a full and equitable recovery and serves as a bedrock for sustained economic prosperity.



## **WOMEN'S BUREAU**

In this moment of historic public investments in built and transportation infrastructure, manufacturing, clean energy, technology and many other related industries, the WB will leverage our proven WANTO-funded pre-apprenticeship training and Registered Apprenticeship retention models across the nation, so that more women can enter and succeed in high-quality jobs in a variety of in-demand, nontraditional occupations while, separately, building local capacity to embed workforce equity principles and practices into project implementation.

The Women's Bureau supports the Office of Apprenticeship's plans to expand Registered Apprenticeship to one million apprenticeship opportunities annually within ten years while driving the Administration's priority of advancing racial and gender equity and support for underserved communities. The WB will provide subject matter expertise and technical assistance as OA places intentional focus on increasing the number of apprentices from historically underrepresented groups, including people of color and women; diversifying the industry sectors involved; and building better alignment between RA and workforce, higher education, and K-12 systems through youth apprenticeship models.

### **Fostering Access, Rights and Equity (FARE)**

FY 2024 programming will build on the first three years of grant funding, implementing what will be year two of a refined set of FARE goals and strategies focused on ensuring vulnerable women workers understand the protections and rights available to them to prevent and address incidents of gender-based violence and harassment in the world of work. These efforts directly support implementation of priorities outlined in the administration's first National Action Plan to Address Gender-Based Violence, stemming from EO 14020.

Broadly speaking, the primary purpose of FARE is to provide crucial outreach, education, and improved access and take up of benefits among vulnerable and marginalized workers, including women, in female-dominated sectors hard-hit by the pandemic, e.g. care workers, health workers, restaurant, hospitality, retail and service workers, and also "gig" industries. Even before the pandemic, many women workers were unable to assert their employment rights and or access all available benefits, a number of which were changing in real time as Congress passed multiple rounds of pandemic-related legislation. Research has shown that targeted education and outreach – especially when it comes from trusted messengers and community-based organizations with close connections to these workers - can greatly improve women workers' benefit take-up rates.

### **RESEARCH & CONTRACTS**

WB's research and data and statistics are objective, trusted sources of quantitative and qualitative research and information. The WB will continue to be a leading voice for working women in advocating to: Eliminate the persistent gender wage gap; reduce caregiving penalties for women and low-paid workers; eliminate gender-based discrimination in the workplace; and use data as a Strategic Asset. WB has been recognized as a leader in DOL in the presentation and disaggregation of data. WB's website is host to a comprehensive set of data and statistics, providing both tables and charts, as well as a collection of interactive data visualizations showcasing women's employment and earnings across key demographic and economic characteristics. The Data and Statistics website is one of the most visited sites for the WB, driving about half of its web traffic.

## WOMEN'S BUREAU

Specific research areas include:

- **American Time Use Survey Access to Leave and Job Flexibilities Module:** During FY 2024, BLS will administer the respondent survey necessary to collect data for the Access to Leave and Job Flexibilities module commissioned by the WB.
- **Next Round Data Collection for the National Database of Childcare Prices:** In FY 2024, the WB will fully execute a contract and associated scope of work to update the National Database of Childcare Prices. This round of data collection will solicit price data on various types of childcare for every county in the nation for the years 2019, 2020 and 2021, providing an important snapshot and point of reference measuring the impact of the pandemic on the industry and cost.
- **Older Women Workers Research Portfolio:** In line with the designation of older women workers as one of four pillars of the department's official Gender Equity Action Plan, as well as our own focus on this important, and sometimes under-studied, group of workers, the WB will continue to expand its repository of research products related to older women workers and their economic and employment security or lack thereof. Planned briefs and data visualizations for 2024 could include analysis of the pay gap across ages by race/ethnicity, highlighting major cumulative factors affecting pay gap, as well as more holistic analysis of measures of women's economic security in old age, including poverty risk, Social Security reliance, wage earning, perceptions of financial security and others.

### **Building the Federal Workforce**

WB has spent the past year rebuilding its workforce, specifically in the regional offices and the policy and programs division that had been decimated by retirements and attrition unaddressed in the last Administration. WB will continue to build and strengthen our workforce and implement activities in support of the Department's Diversity, Equity, Inclusion, and Accessibility (DEIA) Plan. To that end, the WB will increase its recruitment and outreach to underserved communities. This includes outreach to HBCUs and other Minority Serving Institutions. In addition, each National and Regional Office hiring manager will take steps to establish a network of local professional organizations dedicated to the advancement of minorities, individuals in underserved communities, and people with disabilities, to include local affiliates of national organizations. WB will also work with staff already onboard to ensure that they are maximizing all opportunities for training and career development.

### **FY 2023**

For FY 2023, WB has identified a set of themes and strategies that align with the department's strategic objective, and support WB Performance Goal 1.1: Promote policies and support programs focused on improving women's employment and economic outcomes.

To achieve priority goals, the WB will focus its research, policy analysis, grant-making, and education and outreach on the following major activities this year:

- Conducting coordinated and sustained outreach and technical assistance to harness the capabilities of the National Database of Childcare Prices to empower researchers,

## WOMEN'S BUREAU

advocates, policymakers and others to utilize this first-of-its-kind tool to better understand the variation in childcare prices across local jurisdictions and the types of policy prescriptions with the best prospects for reducing cost burden on parents while supporting fair wages for the childcare workforce.

- Establishing technical assistance centers to enable workforce intermediaries, practitioners and grassroots advocates in a variety of states and localities to build capacity and mount effective campaigns to ensure equitable gender and racial representation in the construction, manufacturing, clean energy, transportation, and technology jobs created by historic public investments realized by the Bipartisan Infrastructure Law, CHIPS and Science Act, and the Inflation Reduction Act legislation. Early organizing of incipient state and local industrial and built infrastructure investments in occupations and industries characterized by good-paying jobs with opportunities for advancement has the power to effect material shifts in gender occupational segregation in targeted industries and erode the resulting negative impact to wages and wealth accumulation of women and women of color disproportionately concentrated in low-wage employment.
- Funding the Women in Apprenticeship and Non-Traditional Occupations (WANTO) grant program at an all-time high water mark of \$5 million and supporting a concomitant record high number of grantees;
- Supporting the most marginalized workers in understanding their rights and protections against gender-based violence and harassment in the world of work;
- Developing and disseminating new research and data analysis on workforce trends, composition and challenges among older women workers, to include employment patterns over the life course and implications for economic security in old age; and
- Leading on developing an outreach and retention plan that will create pathways for justice impacted people to enter and advance in employment through DOL's Southeast Hiring Initiative; a multi-agency collaboration created to highlight and promote federal job opportunities to marginalized communities throughout the southeast. The plan will include hosting listening sessions with justice-impacted individuals, training justice-impacted people on how to develop a federal resume and navigate USAJOBS, encouraging agencies to designate entry level development positions for justice-impacted people and providing mentoring and coaching to new DOL employees who have a record.

## GRANTS

WB's programs, 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, and 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 contracts, and impact of its grants for historically underrepresented communities, including, but not limited to, women of color, women with disabilities, formerly incarcerated women, immigrant women, transgender workers, and rural women. We will advocate for targeted interventions that support the most marginalized, while

## WOMEN'S BUREAU

simultaneously deploying an influence strategy to scale these interventions into rising tide strategies that lift *all* boats.

The WB plans to execute two major grant programs:

1. The Women in Apprenticeship and Non-Traditional Occupations (WANTO) program's sole focus is to bring women into pre-apprenticeship and apprenticeship programs, and as noted earlier, the WB will make historic levels of investment in the program this year, awarding \$5 million in grants
2. The Fostering Access, Rights and Equity (FARE) grant. 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 – are fully aware of their rights and protections against gender-based violence in the world of work.

### 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 data analysis team, updated annually and made publicly available on the WB'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.**

In FY 2023, the WB will fund planning and preparation activities and work in coordination with BLS to be ready to field another round of the American Time Use Survey Leave and Job Flexibilities Module in 2024. As in the last round, the sampling frame will ensure adequate sample sizes for disaggregated data across gender, racial and ethnic domains to capture sub-group disparities that may exist.

- **National Database of Childcare Prices.**

In preparation for a 2024 contract to conduct the next round of data collection, the Bureau's Quantitative Research Branch will develop the required descriptive documentation to submit as part of the Paperwork Reduction Act evaluation process.

- **Women Building Infrastructure Initiative Expansion.**

The WB intends to expand on a highly successful 2022 pilot project that supported teams in 11 jurisdictions to work cooperatively to develop and implement workforce equity plans for incipient large-scale, publicly-funded built infrastructure projects.

## WOMEN'S BUREAU

- **Comprehensive Paid Leave Modeling for Individuals and States.**

In FY 2023, the WB will contract for comprehensive microsimulation modeling combining paid leave with other public benefits to approximate resulting measures of family economic well-being, as well as estimating state costs and cost-benefit analysis of a broader national paid family and medical leave program.

- **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 WB 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. This year, that work will expand on a burgeoning research portfolio on older women workers, focusing for the next year on trends, composition and challenges associated with this population of workers.

### **FY 2022**

At the FY 2022 appropriated budget of \$18,000,000 and 50 FTEs, the WB played 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. WB focused on addressing equity in wages and working conditions; disrupting occupational segregation for working women; addressing discrimination in the workplace; ensuring equity in access to benefits and awareness of rights; and increasing access to paid leave and affordable child care, giving particular attention to marginalized sub-groups of working women, including women of color, older women and other disadvantaged populations.

Through a combination of grants, programming, stakeholder engagement activities, communications products, and sustained participation in intra- and inter-agency equity initiatives, WB provided leadership to bring greater gender and racial equity to the workforce, and recommended policy interventions that promote more equitable labor force participation for all women, while also addressing inequities exacerbated by occupational segregation and the lack of workplace and discrimination protections. The Bureau capitalized on historic infrastructure and related public investments to seed equity principles and practices in nascent funding streams and projects. Through the Good Jobs Initiative, WB advised federal agencies on effective strategies for incentivizing the recruitment and retention of women in these jobs, through competitive and formula grant funds.

In our effort to help move women into pathways to good jobs, WB continued to collaborate with ETA on the WANTO grant program, awarding \$3.4 million in new grants to increase women's participation in apprenticeship programs and nontraditional occupations. WB also provided financial support for a leading community-based organization well versed in equity implementation in the construction industry to deliver technical assistance in 11 states.

WB worked to ensure that women know their rights and understand how to lead conversations with their employers to call attention to toxic behavior and challenge unlawful employment practices. To extend WB's education and outreach efforts among communities with barriers to employment and strengthen WB's relationships with community-based organizations, WB's

## WOMEN'S BUREAU

FARE grant program awarded approximately \$2 million to six non-profit organizations that connect women workers to services, benefits, and legal assistance. Over the course of the last two years, WB has also been collaborating with the international community to end gender-based violence and harassment in the world of work and ensure survivors' voices are represented in solutions.

In addition to its grant programs, the WB synthesized 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, ethnicity, and other demographic variables whenever possible. This included a quarterly evaluation on the effect of COVID-19 on mothers' employment, as well as comprehensive monthly employment situation analysis disaggregated by gender, race, and ethnicity. WB released two new data interactives on existing employment and earnings disparities for women that allow for additional disaggregation by sex and race, and that will be used by OFCCP during compliance audits. WB also produced a report that included 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. The report also discussed policy interventions that promote more equitable labor force participation for all women, including assessing progress that has been made.

In FY 2022, WB undertook several projects to document the need for a more robust care infrastructure. WB funded updated research on the effects of child, disabled, and adult caregiving on women's employment, earnings, savings, and retirement including projections of lifetime costs, the impact of Covid-19, and the policy implications of these effects. In partnership with the Chief Evaluation Office and the Office of Personnel Management, WB developed a multi-year paid leave research and evaluation portfolio to answer critical questions surrounding the implementation and effects of the Federal Employee Paid Leave Act, and to support ongoing management of the program.

WB also published the National Database of Childcare Prices, the only federal data source that provides county level childcare prices and developed a brief and two new interactive maps to show childcare prices and childcare prices as a share of family income at the county level. The data show that in nearly every county, childcare prices were high relative to family income, pricing families out of paid childcare. Higher childcare prices are especially detrimental to maternal employment as mothers' employment drops in areas with more expensive childcare, even in places where women's wages are higher.

The WB also continued its work advocating for pay equity, including drafting the commemorative presidential proclamation.

With increased staffing, the WB was able to connect with more stakeholders around the country to provide technical assistance, outreach, and educational engagement to internal and external stakeholders alike in areas that are of concern to working women. The WB hosted webinars on 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.

## WOMEN'S BUREAU

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>				
	<b>FY 2022 Revised Enacted</b>		<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>
	<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Women's Bureau</b>				
<b>Strategic Goal 1 - Build Opportunity and Equity for All</b>				
<b>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.</b>				
1-WB-PRO-01	Number of policy & research deliverables		40	42
9-WB-PREOE-01	Number of Policy and Research Education and Outreach Engagements		200	205
3-WB-POC-01	Number of Public Outreach Communications		80	85

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

# WOMEN'S BUREAU

## Workload and Performance Narrative

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, WB will implement performance measures for the following:

Number of Policy and Research Deliverables (PRD): 40

Number of Policy and Research Education & Outreach Engagements (PREOE): 200

Number of Public Outreach Communications (POC): 80

In FY24, WB will produce 42 PRDs, 205 PREOEs and 85 POCs. Despite material distinctions in the two funding levels, the performance measures fluctuate only nominally because most of the funding variance will be allocated to an increased number of grant awards and commensurate increased staffing demands to administer, metrics not directly reflected in these figures.

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

1. Eliminating the persistent gender wage gap by
  - Increasing the recruitment and retention of women, including underrepresented and marginalized women workers, in high-quality jobs;
2. Build the case for better wages and labor standards in female-dominated sectors, specifically the care sectors Reducing caregiving penalties for women and low paid workers by
  - Expanding access to paid leave;
  - Expanding access to child, elder, and 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
  - Implementing activities in support of the Department's Diversity, Equity, Inclusion, and Accessibility (DEIA) Plan; Promoting staff career development; Engaging employees in building a model workplace;
  - Implementing annual hiring plan;
5. Using data as a strategic asset by advancing
  - Data governance
  - Data talent
  - Data use and equity focus
  - Data access



## WOMEN'S BUREAU

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 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

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
11.1	Full-time permanent	5,997	6,747	8,110	1,363
11.3	Other than full-time permanent	128	98	98	0
11.5	Other personnel compensation	120	125	125	0
11.9	<b>Total personnel compensation</b>	<b>6,245</b>	<b>6,970</b>	<b>8,333</b>	<b>1,363</b>
12.1	Civilian personnel benefits	2,166	2,390	2,814	424
21.0	Travel and transportation of persons	75	300	300	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	750	651	651	0
23.2	Rental payments to others	0	0	0	0
23.3	Communications, utilities, and miscellaneous charges	180	4	4	0
24.0	Printing and reproduction	0	6	6	0
25.1	Advisory and assistance services	121	1,071	1,071	0
25.2	Other services from non-Federal sources	461	91	91	0
25.3	Other goods and services from Federal sources 1/	2,546	3,457	3,596	139
25.4	Operation and maintenance of facilities	153	0	0	0
25.5	Research and development contracts	182	0	0	0
25.7	Operation and maintenance of equipment	0	0	0	0
26.0	Supplies and materials	21	50	50	0
31.0	Equipment	268	10	10	0
41.0	Grants, subsidies, and contributions	4,832	8,000	15,500	7,500
42.0	Insurance claims and indemnities	0	0	0	0
	<b>Total</b>	<b>18,000</b>	<b>23,000</b>	<b>32,426</b>	<b>9,426</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	1,872	2,764	2,903	139
	DHS Services	183	0	0	0
	Services by DOL Agencies	18	0	0	0
	Services by Other Government Departments	471	693	693	0

# WOMEN'S BUREAU

## CHANGES IN FY 2024

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$302
Personnel benefits	162
Federal Employees' Compensation Act (FECA)	-38
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	139
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** **\$565**

**Net Program** **\$8,861**

**Direct FTE** **3**

	Estimate	FTE
<b>Base</b>	<b>\$23,565</b>	<b>52</b>
<b>Program Increase</b>	<b>\$8,861</b>	<b>3</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## CIVIL RIGHTS

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>7,086</b>	<b>7,586</b>	<b>11,911</b>	<b>4,325</b>
FTE	27	28	44	16

NOTE: FY 2022 reflects actual FTE. Authorized FTE for FY 2022 was 32.

### **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 hearings and 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 Equal Employment Opportunity (EEO) matters, and provides training and technical assistance to DOL managers, supervisors, and employees about internal EEO rights and responsibilities. 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 these programs. OIE also plays a leadership role to support the Department’s compliance with recent Executive Orders related to Diversity, Equity, Inclusion, and Accessibility (DEIA).

CRC’s Office of External Enforcement (OEE) assesses, investigates, and/or adjudicates complaints alleging discrimination and/or violations of equal opportunity requirements by recipients of financial assistance under Title I of the Workforce Innovation and Opportunity Act (WIOA); One-Stop partners listed in Section 121 of WIOA that offer programs or activities through the public workforce development system; for disability-related matters only, State and local governments and other public entities operating programs and activities related to labor and the workforce, regardless of whether they receive federal financial assistance; and any recipients

## CIVIL RIGHTS

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 required nondiscrimination plans (NDPs); 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 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. OEE plays a leadership role to support the Department's implementation of this Executive Order as well as other Administration initiatives such as that on Gender-based Violence and compliance with the Supreme Court's Bostock decision. Of note, CRC leads the Department's initiative to ensure meaningful language access to information and services for persons with limited English proficiency (LEP) in furtherance of Equity initiatives.

CRC also manages the Reasonable Accommodation Resource Center (RARC) to support the Department's compliance with its obligation to provide appropriate accommodations for employees and applicants with disabilities. These efforts are funded through the Department's Working Capital Fund although CRC (through its DM budget) provides direction and other oversight including management and administrative functions. Additionally, RARC is responsible for developing and implementing Departmental policies on reasonable accommodation for employees and applicants with disabilities to ensure they reflect the law, and that employees and applicants are aware of these programs.

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2019	\$6,880	32
2020	\$6,880	30
2021	\$6,880	32
2022	\$7,086	32
2023	\$7,586	28

### **FY 2024**

For FY 2024, the Civil Rights Center (CRC) is requesting a total of \$11,591,000 and 44 FTE. This funds an increase of \$4,000,000 and 16 FTE for the Office of External Enforcement (OEE).

## CIVIL RIGHTS

Funding at the request level will extend the reach and breadth of the complaint investigation, compliance review, enforcement, and monitoring functions of OEE, which investigates and adjudicates discrimination complaints arising in the Nation's workforce development system, including Unemployment Insurance (UI).

This increase in capacity is critical to supporting OEE's mission in an environment where there is a heightened awareness of the importance of civil rights protections. In promoting the advancement of such antidiscrimination protections, OEE emphasizes conciliation/settlement agreements that provide appropriate remedies in cases in which systemic violations of the law have been found. For example, 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. The requested increase in staff and funding for FY 2024 is critical to increasing the capacity for such monitoring. Similarly, in FYs 2020 - 2022, the number of complaints filed with CRC increased significantly<sup>[1]</sup> and often required more complex analysis to assess multiple jurisdictional bases and frame the parameters of investigations. This wave of complaints that occurred during the pandemic has, at a minimum, resulted in a significant amount of investigative, resolution, and post-settlement work that now needs additional staff in order to be completed in a timely manner.

In addition to complaint investigations, OEE has the regulatory authority to conduct compliance reviews of covered entities in order to determine their conformance with the nondiscrimination and equal opportunity regulations it enforces. By design, compliance reviews often focus on addressing structural discrimination such as language access for individuals with Limited English Proficiency (LEP) or accessibility for 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 were highlighted and 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 language 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, in FY 2024, CRC will strengthen the compliance and policy team by reconstituting CRC's Office of Compliance and Policy (OCAP) and will hire and

## CIVIL RIGHTS

train new staff dedicated to working on these issues in an expansive and strategic way. These additional staff are critical. Due to budget constraints, CRC suspended OCAP in 2018 and folded its functions under OEE. CRC currently has only 1.5 FTEs dedicated to compliance and related enforcement efforts, and 1 half-time staff working on policy issues. OCAP cannot satisfy its responsibilities without additional staff to fulfill its mission, including the detailed review of State Governor's (and other Executive's) Nondiscrimination Plans (NDPs) that are required under the WIOA regulations, and importantly set out the State's assurances for complying with the nondiscrimination and equal opportunity requirements of the regulations. These NDPs, in general, are frequently hundreds of pages in length, and must be reviewed and evaluated in conjunction with specific regulatory requirements. Compliance assistance must then be given to States to assure that programs and activities will operate to guarantee adherence to nondiscrimination and equal opportunity standards. It is also anticipated that OCAP will continue to receive an increasing number of requests for technical assistance and training sessions for recipients (including State Workforce Agencies) on the nondiscrimination and equal opportunity regulations that CRC enforces.

At the requested level of funding, in FY 2024, OIE will continue the work at implementing changes to the DLMS on Harassing Conduct, including expanding training and tools for bystander intervention, trauma-informed investigative protocols, and microaggressions. A roll-out of the expanded training offerings is planned for FY 2024. The goal of the trainings will be to educate and refine the skills of DOL Managers/Supervisors, and push DOL further as a model employer. OIE shall also study and aim to pilot barrier analysis within specific DOL agencies.

### **FY 2023**

At the FY 2023 Omnibus level of \$7,568,000 and 28 FTE, CRC will be able to begin to 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 include additional and more efficient complaint investigations and compliance reviews. The latter goal will be accelerated by beginning to reconstitute the Office of Compliance and Policy with a GS-15 Chief and a Technical Advisor. An increase in staff will also contribute to increased capacity for policy development and review, particularly in conjunction with other DOL agencies such as ETA and ODEP, as well as the broader ability to undertake compliance responsibilities such as reviewing NDPs in detail and conducting more complex compliance reviews, as discussed above.

In FY 2023, OIE will continue to support the Department's compliance with recent Executive Orders related to Diversity, Equity, Inclusion, and Accessibility (DEIA). OIE will also continue to rollout the revised DLMS on Harassing Conduct Policy (HCP), including the following initiatives aligned with the DLMS: Bystander Intervention, Microaggression, and Trauma-Informed investigative protocol; complete updates to the New Employee Orientation (NEO) and No FEAR Act training programs; and complete the initial round of trainings across the Department on the revised DLMS. In FY 2023, OIE will also develop LearningLink trainings, desk-aids, and other critical tools to refine the skills of DOL employees on Bystander Intervention and Microaggressions.



## CIVIL RIGHTS

### **FY 2022**

At the FY 2022 enacted level of \$7,086,000 and 28 FTE, CRC was able to maintain its core functions. These functions included 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.

In FY 2022, OEE completed 13 investigations; conducted 4 compliance reviews; resolved 14 cases; and reviewed 14 Non-Discrimination Plans. Additionally, OEE published a Notice of Interpretation and drafted an NPRM (still in clearance) to update the WIOA Section 188 regulations to reflect the U.S. Supreme Court's decision in Bostock.

In FY 2022, OIE successfully completed 99% of EEO Counseling sessions within regulatory timeframes; conducted 34 training sessions on EEO and Reasonable Accommodations; and issued 100% of Investigative Reports and Final Agency Decisions within regulatory timeframes. Moreover, in FY 2022, OIE updated documents to reflect the Supreme Court's Bostock decision, which confirmed that sexual orientation and gender identity discrimination are forms of sex discrimination, as well as to capture the spirit and commitments of the E.O. on DEIA.

## CIVIL RIGHTS

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2022 Revised Enacted</b>		<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
<b>Civil Rights</b>					
<b>Strategic Goal 5 - A Department Grounded in Innovation, Evidence, and Employee Engagement</b>					
<b>Strategic Objective CRC M.3 - DOL as a model workplace</b>					
<b>Internal Enforcement</b>					
OASAM- DM-CRC- 01	Internal Enforcement: Percent of EEO Counseling Sessions Completed within Regulatory Timeframes	96.5%	99.5%	95.0%	96.5%
OASAM- DM-CRC- 02	Internal Enforcement: Percent of Formal EEO Investigations Issued within Regulatory Timeframes	92%	100%	90%	92%
OASAM- DM-CRC- 03	Internal Enforcement: Percent of Final Agency Decisions (FADs) Issued on Formal EEO Complaints within Regulatory Timeframes	92%	100%	90%	93%
OASAM- DM-CRC- 07	Internal Enforcement: Number of EEO and RA Training Sessions Provided	25[p]	34	32[p]	35[p]
<b>External Enforcement</b>					
OASAM- DM-CRC- 12	External Enforcement: Number of External Investigations Completed	12	13	16	32

## CIVIL RIGHTS

<b>WORKLOAD AND PERFORMANCE SUMMARY</b>					
		<b>FY 2022 Revised Enacted</b>		<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>
		<b>Target</b>	<b>Result</b>	<b>Target</b>	<b>Target</b>
OASAM- DM-CRC- 13	External Enforcement: Number of External Compliance Reviews Conducted	4	4	4	8
OASAM- DM-CRC- 14	External Enforcement: Number of Case Resolutions (Determinations and Conciliation/Settlement Agreements)	14	14	16	24
OASAM- DM-CRC- 18	External Enforcement: Number of Non Discrimination Plans Reviewed	[base]	19	[base]	TBD

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

# CIVIL RIGHTS

## Workload and Performance Narrative

### 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. The Department takes seriously its aim to be a model employer for the Nation. The EEO program has been consistently high-performing on EEOC's benchmarks and strives to pilot emerging practices to promote the realization of EEO effectively and efficiently. CRC will focus on Alternative Dispute Resolution (ADR) and training that targets pertinent trends, while reinforcing DOL's commitment to EEO and a harassment-free work environment.

In FY 2022, OIE fully implemented a new Complaints Tracking and Recording System (CTRS) database. In FY 2022, CRC staff and Workplace Equality Compliance Office Managers underwent training on the new CTRS. Staff are currently working with OCIO to ensure that CRC 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.

In FY 2022, OIE finalized the revised the Department of Labor's Manual Series on Harassing Conduct (or "HC Policy"). As part of the revised HC Policy, in FY 2022, OIE sought vendors to provide training on bystander intervention, trauma-informed investigative protocols, and microaggressions. OIE continues to also provide comprehensive training to ensure that DOL employees, managers, supervisors, and other interested parties receive consistent information on the Department's EEO program and anti-harassment policy, while being made aware of the benefits of resolving matters at an early stage. In FY 2022, OIE also implemented requirements of the Elijah Cummings Federal Employee Antidiscrimination Act of 2020, including the development of an electronic tracking database and creating a link to a webpage on DOL's website to a location identifying cases in which a finding of discrimination is made. Furthermore, to advance the goals of the Executive Order on Diversity, Equity, Inclusion and Accessibility, in FY 2023, OIE will design and develop the aforementioned training on bystander intervention, trauma-informed investigative protocols, and microaggressions to provide employees with the tools to better respond to and prevent harassment, as well as to revise training curriculum across EEO/EO topics (including that for the No FEAR Act).

In FY 2022, OIE completed 99 percent of EEO counseling sessions, issued 100 percent of Final Agency Decisions (FADs), and finalized 100 percent of investigations within regulatory timeframes. In FY 2023, OIE commits to completing 95 percent of EEO counseling sessions, issuing 90 percent of FADs, and finalizing 90 percent of investigations within regulatory timeframes. In FY 2024, OIE commits to completing 96.5 percent of EEO counseling sessions, issuing 93 percent of FADs, and finalizing 92 percent of investigations within regulatory timeframes. Additionally, for FY 2022, OIE completed 34 trainings for DOL employees and commits to 32 in FY 2023, and 35 in FY 2024.

### Office of External Enforcement (OEE)

As explained in the introduction, OEE currently has dual responsibilities – handling discrimination complaints as well compliance and policy work. All of these responsibilities

## CIVIL RIGHTS

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. 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, 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 review of a state's program such as Unemployment Insurance to ensure compliance with the nondiscrimination provisions of WIOA and similar federal antidiscrimination laws). In FYs 2021 and 2022, OEE completed 4 compliance reviews. In FY 2023, with planned hiring, CRC will reconstitute a separate Office of Compliance and Policy (OCAP) in order to re-prioritize this work in an expansive and strategic way. These additional staff are critical. CRC currently has 1.5 FTEs dedicated to compliance and related enforcement efforts, and 1 half-time staff working on policy issues. As CRC expects that it will take time to hire and train new staff, CRC projects completing 4 compliance reviews in FY 2023. However, in FY 2024, CRC anticipates that the number of compliance reviews completed would rise to 8, as additional staff are hired and those that were hired in FY 2023 would be expected to perform at their full performance level.

In addition, in FY 2022, OEE became responsible for updating DOL's WIOA Section 188 regulations with respect to the U.S. Supreme Court decision in *Bostock v. Clayton County*, with a draft NPRM currently in process. 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, many case resolutions focus on correcting systemic 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 also started tracking the number of Non-Discrimination Plans reviewed. Due to the reconstitution of OCAP, CRC should have increased capacity for reviewing NDPs and is baselining this measure in FY 2023. FY 2022 and FY 2023 Results will inform the development of the FY 2024 target. OEE resolved 14 cases and completed 13 investigations; in 2023, it is anticipated that these numbers would increase slightly to 16 cases resolved and 16 investigations completed, as new staff hired in FYs 2022 and 2023 are trained on external investigative processes. In FY 2024, when it is anticipated that these staff would be working to their full performance level and new staff are hired, OEE projects that it will complete 32 investigations and resolve 24 cases. Additionally, in FY 2024, OEE will work to develop new measures of timeliness and quality for its investigative processes and measures that more fully capture its complaint processing procedures. OEE projects that when all staff are onboarded, their results on key performance indicators in FY 2025 will increase significantly, as it takes approximately 9 months to train staff (and see associated impact of their hire on key performance indicators).

## CIVIL RIGHTS

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
11.1	Full-time permanent	3,789	3,727	6,701	2,974
11.3	Other than full-time permanent	24	115	115	0
11.5	Other personnel compensation	95	94	94	0
11.9	<b>Total personnel compensation</b>	<b>3,908</b>	<b>3,936</b>	<b>6,910</b>	<b>2,974</b>
12.1	Civilian personnel benefits	1,352	1,334	1,927	593
13.0	Benefits for former personnel	0	0	0	0
21.0	Travel and transportation of persons	0	25	525	500
23.1	Rental payments to GSA	403	408	408	0
23.3	Communications, utilities, and miscellaneous charges	9	4	4	0
24.0	Printing and reproduction	4	4	4	0
25.1	Advisory and assistance services	0	0	205	205
25.2	Other services from non-Federal sources	12	47	47	0
25.3	Other goods and services from Federal sources 1/	1,193	1,758	1,811	53
25.4	Operation and maintenance of facilities	0	0	0	0
25.7	Operation and maintenance of equipment	176	0	0	0
26.0	Supplies and materials	24	70	70	0
31.0	Equipment	5	0	0	0
42.0	Insurance claims and indemnities	0	0	0	0
51.1	Benefits	0	0	0	0
	<b>Total</b>	<b>7,086</b>	<b>7,586</b>	<b>11,911</b>	<b>4,325</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	529	655	708	53
	DHS Services	4	8	8	0
	Services by DOL Agencies	0	360	360	0
	HHS Services	10	10	10	0
	Services by Other Government Departments	650	725	725	0

# CIVIL RIGHTS

## CHANGES IN FY 2024

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$174
Personnel benefits	93
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	53
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** **\$320**

**Net Program** **\$4,005**

**Direct FTE** **16**

	Estimate	FTE
<b>Base</b>	<b>\$7,906</b>	<b>28</b>
<b>Program Increase</b>	<b>\$4,005</b>	<b>16</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>





## CHIEF FINANCIAL OFFICER

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>5,681</b>	<b>5,681</b>	<b>6,268</b>	<b>587</b>
FTE	18	18	20	2

NOTE: FY 2022 reflects actual FTE. Authorized FTE for FY 2022 was 18.

### **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>
2019	\$5,516	21
2020	\$5,516	17
2021	\$5,516	18
2022	\$5,681	18
2023	\$5,681	18

### FY 2024

The FY 2024 request for the Office of the Chief Financial Officer (OCFO) is \$6,268,000 and 20 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. OCFO will continue to provide managers and decision makers with the financial management tools needed to drive high-performance and accountability and expand its role as a resource and financial management expertise for all DOL agencies. Additional resources and associated workload and performance data are included in the Working Capital Fund.

### FY 2023

The FY 2023 request for the Office of the Chief Financial Officer (OCFO) is \$5,681,000 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 reviews.

### FY 2022

The FY 2022 enacted level for the Office of the Chief Financial Officer (OCFO) was \$5,681,000 and 18 FTE. The funds supported 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 were well documented, sufficiently tested, and properly assessed. Funding also provided resources for core financial management reviews.

## CHIEF FINANCIAL OFFICER

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
11.1	Full-time permanent	2,516	2,911	3,296	385
11.3	Other than full-time permanent	0	0	0	0
11.5	Other personnel compensation	117	109	109	0
11.9	<b>Total personnel compensation</b>	<b>2,633</b>	<b>3,020</b>	<b>3,405</b>	<b>385</b>
12.1	Civilian personnel benefits	909	1,062	1,217	155
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	398	375	375	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	190	150	150	0
25.2	Other services from non-Federal sources	725	418	418	0
25.3	Other goods and services from Federal sources 1/	814	631	678	47
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	12	25	25	0
31.0	Equipment	0	0	0	0
	<b>Total</b>	<b>5,681</b>	<b>5,681</b>	<b>6,268</b>	<b>587</b>
	1/Other goods and services from Federal sources				
	Working Capital Fund	753	585	632	47
	DHS Services	48	8	8	0
	Services by DOL Agencies	0	23	23	0
	GSA Services	0	15	15	0
	Services by Other Government Departments	13	0	0	0

# CHIEF FINANCIAL OFFICER

## CHANGES IN FY 2024

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Costs of pay adjustments	\$117
Personnel benefits	63
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	47
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** **\$227**

**Net Program** **\$360**

**Direct FTE** **2**

	Estimate	FTE
<b>Base</b>	<b>\$5,908</b>	<b>18</b>
<b>Program Increase</b>	<b>\$360</b>	<b>2</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>

## DEPARTMENTAL PROGRAM EVALUATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>8,421</b>	<b>8,281</b>	<b>11,540</b>	<b>3,259</b>
FTE	12	15	17	2

### **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>
2019	\$8,040	8
2020	\$8,040	9
2021	\$8,040	10
2022	\$8,281	12
2023	\$8,281	15

### FY 2024

The FY 2024 request for Departmental Program Evaluation (DPE) is \$11,540,000 and 17 FTE. CEO will launch a significant number of rigorous evaluations, grants, contracts, and projects, addressing Administration priorities, and generating high-quality evidence that is relevant to program administration, policymaking, budget allocation, and strategic planning. The requested budget will enable CEO to continue to support, initiate and manage over 120 new and ongoing evidence building projects, and the initiation of new contracts and rigorous evaluations reflecting evolving and emerging priorities from DOL programs. The requested budget will support the production, publication, and dissemination of reports, public-use data sets, issue briefs, and evaluation studies.

### FY 2023

The FY 2023 enacted funds for DPE are \$8,281,000 and 15 FTE. In FY 2023, CEO will initiate rigorous experimental impact studies and other systematic analyses of programs and policies, to better understand the effectiveness, efficiency, and implementation of DOL investments. These funds also support CEO initiating and managing over 120 new and ongoing evidence building projects. CEO anticipates launching 14 new contracts, 10 new projects within existing contracts, 6 administrative data analysis projects, and a number of behavioral insights trials and systematic reviews of evidence for the Clearinghouse on Labor Evaluation and Research.

The findings from evaluations inform policy, management, and resource allocation decisions. 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 such as analysis of equity in DOL programs and establishing scientific integrity policy. Less than halfway through the year, CEO has already published findings, results, issue briefs, and reports from 11 major studies and continues to ensure that program-relevant evidence is made available to DOL programs and the public.

### FY 2022

The FY 2022 revised enacted funded DPE activity at \$8,421,000 and 12 FTE. CEO staff-initiated projects, including data analysis, high-priority evaluation activities, covering every DOL agency, and managed a portfolio of over 100 new and ongoing projects. CEO concluded 17 major evaluation projects and published numerous final reports, issue briefs, and findings

## **DEPARTMENTAL PROGRAM EVALUATION**

summaries. New studies launched during FY 2022 aligned with Administration and agency priorities and supported planned agency activities in FY 2023 and beyond.

## DEPARTMENTAL PROGRAM EVALUATION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
11.1	Full-time permanent	260	260	526	266
11.3	Other than full-time permanent	33	33	33	0
11.5	Other personnel compensation	0	0	0	0
11.9	<b>Total personnel compensation</b>	<b>293</b>	<b>293</b>	<b>559</b>	<b>266</b>
12.1	Civilian personnel benefits	90	90	173	83
24.0	Printing and reproduction	0	0	0	0
25.1	Advisory and assistance services	7,938	7,798	10,708	2,910
25.2	Other services from non-Federal sources	0	0	0	0
25.3	Other goods and services from Federal sources 1/	100	100	100	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
	<b>Total</b>	<b>8,421</b>	<b>8,281</b>	<b>11,540</b>	<b>3,259</b>
	1/Other goods and services from Federal sources				
	Services by Other Government Departments	100	100	100	0



# DEPARTMENTAL PROGRAM EVALUATION

## CHANGES IN FY 2024

(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** **\$3,259**

**Direct FTE** **2**

	Estimate	FTE
<b>Base</b>	<b>\$8,281</b>	<b>15</b>
<b>Program Increase</b>	<b>\$3,259</b>	<b>2</b>
<b>Program Decrease</b>	<b>\$0</b>	<b>0</b>



## GSA TECHNOLOGY TRANSFORMATION

<b>BUDGET AUTHORITY BEFORE THE COMMITTEE</b>				
(Dollars in Thousands)				
	<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
<b>Activity Appropriation</b>	<b>0</b>	<b>0</b>	<b>4,182</b>	<b>4,182</b>
FTE	0	0	0	0

### **Introduction**

The Budget includes \$4,182,000 for agency contributions to the General Services Administration (GSA) in support of a new Technology Transformation Services reimbursable program, which includes agency reimbursements of the costs of GSA’s Federal Risk and Authorization Management Program and targeted support for High Impact Service Provider and Life Experience teams. These Administration priorities are well-suited for a reimbursable model as they provide direct benefits to agencies that are, in most cases, required to use the programs through statute and OMB policy.

### **Five-Year Budget Activity History**

<b><u>Fiscal Year</u></b>	<b><u>Funding</u></b> (Dollars in Thousands)	<b><u>FTE</u></b>
2023	\$0	0

### **FY 2024**

The new Technology Transformation Services reimbursable program will begin in FY 2024 and the Department will reimburse the costs to GSA through the Departmental Management appropriation.

## GSA TECHNOLOGY TRANSFORMATION

<b>BUDGET ACTIVITY BY OBJECT CLASS</b>					
(Dollars in Thousands)					
		<b>FY 2022 Revised Enacted</b>	<b>FY 2023 Revised Enacted</b>	<b>FY 2024 Request</b>	<b>Diff. FY24 Request / FY23 Revised Enacted</b>
25.1	Advisory and assistance services	0	0	4,182	4,182
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>4,182</b>	<b>4,182</b>

# GSA TECHNOLOGY TRANSFORMATION

## CHANGES IN FY 2024

(Dollars in Thousands)

### Activity Changes

#### Built-In

To Provide For:

Advisory and assistance services \$0

**Built-Ins Subtotal** \$0

**Net Program** \$4,182

**Direct FTE** 0

	Estimate	FTE
<b>Base</b>	\$0	0
<b>Program Increase</b>	\$4,182	0
<b>Program Decrease</b>	\$0	0