

**DEPARTMENTS OF LABOR, HEALTH AND
HUMAN SERVICES, AND EDUCATION, AND
RELATED AGENCIES APPROPRIATIONS FOR
FISCAL YEAR 2020**

THURSDAY, MAY 2, 2019

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:04 a.m. in room SD-124, Dirksen Senate Office Building, Hon. Roy Blunt (chairman) presiding.

Present: Senators Blunt, Alexander, Lankford, Murray, Durbin, Schatz, Baldwin, and Murphy.

DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

STATEMENT OF HON. R. ALEXANDER ACOSTA, SECRETARY

OPENING STATEMENT OF SENATOR ROY BLUNT

Senator BLUNT. The Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies will come to order.

I want to first of all thank you, Secretary Acosta, for appearing before the subcommittee today to discuss the department's budget that you submitted for 2020. The request is about in line with what you asked for last year and about 10 percent below what the committee decided you needed to operate last year. I think the budget includes a handful of what I would consider to be forward leaning and positive proposals; the funding of apprenticeships, veterans workforce training, and employer compliance assistance. However, I think we are going to want to discuss some of the cuts that are proposed.

Now if things are duplicative or ineffective, we hope you can help us make that case, because we do not want to have programs that are not doing what they should do. I know you have had to make difficult decisions and in fact, in previous budgets we have made difficult decisions, as this committee set sort of committee-wide different priorities than we might have had in the past.

However, as I said before, it is about the same proposal that you made a year ago and it is not where we wound up a year ago. I think we want to look at the \$703 million cut in the Job Corps program and hear what you have to say about that. We want to focus

on programs that start workforce training, the apprenticeship programs and we have strong ideas on that, as you do.

I know you and I were at the Carpenters' Joint Apprenticeship Training Facility in St. Louis earlier in the year. But you know what I noticed at that particular location was how many people had been out of high school about 10 years. Seemed to me there was a real significant number of 28 and 30-year-old people who had their own story of their lost decade of trying to figure out what they wanted to do.

I hope you can help us figure out how we can help you and high schools, particularly, figure out some of the better alternatives that are out there with registered apprenticeship programs. I think we currently are training about 1,300 apprenticeships, the carpentry trades for instance, and those programs, seem to be working.

The Budget requests further investment toward workforce programs that are responsive to the needs of people looking for work, including veterans and military spouses.

I just talked to our general assembly last week about the importance of transferring skills that military spouses bring to the next military assignment with them, but also looking at skills that veterans have achieved in the military and doing everything we can to be sure that those same skills are recognized as completely and quickly as possible, when people leave the military.

So, we are glad you are here, I will have a longer statement for the record. We do have a series of votes that began about 10:30 and at least for that first vote, I am going to go vote as Senator Alexander pitches in, and then I will get back as he goes to vote. And we will try to move as quickly as we can to get questions asked by members in the time they expected to be here.

[The statement follows:]

PREPARED STATEMENT OF SENATOR ROY BLUNT

Good morning. Thank you, Secretary Acosta, for appearing before the Subcommittee today to discuss the Department of Labor's fiscal year 2020 budget request. We look forward to your testimony.

The Department's budget request is \$10.9 billion, a reduction of \$1.2 billion or 10 percent, largely mirroring the last budget request. The budget includes a handful of positive, forward-leaning proposals, such as funding for apprenticeship, veterans' workforce training, and employer compliance assistance. However, the budget also cuts funding or eliminates programs the Administration says are duplicative or ineffective.

I agree that we should constantly evaluate programs and be willing to reduce or eliminate funding for programs that are ineffective and prioritize that funding elsewhere. We have made those difficult decisions in previous budgets and I know we have more we could do in that regard. However, as similar as this request is to previous ones, I expect the committee will have much the same reaction as it did to those, especially the unrealistic \$703 million cut in the Job Corps program.

Therefore, we should focus on the programs we can all agree on, which starts with workforce-training programs, particularly the apprenticeship program the Committee started 4 years ago. Mr. Secretary, when we were in Missouri together earlier this year, we met with apprentices at the Carpenter's Joint Apprenticeship training facility in St. Louis. This program is a DOL registered apprenticeship program, currently training 1,300 apprentices in carpentry trades. Each apprentice completes 4 to 4.5 years of training, working alongside contractors in the field, all while earning a wage. These apprentices not only earn family sustaining salaries upon completion—averaging \$75,000 a year—but they are also free of student debt when they complete the program. The apprenticeship program has received strong bipartisan support and I look forward to hearing more about how the Department is deploying these funds.

Second, the budget requests further investment toward workforce programs that are responsive to the needs of Americans looking for jobs, including our veterans and military spouses. Veterans have skills and experiences that are an asset to employers, but finding the right job opportunity can be a major challenge as they transition from active duty to civilian life. Companies like Winning Technologies in St. Louis, are setting the standard for their veterans hiring and retention practices, conducting outreach at Scott Air Force Base to recruit separating military service members. More than 30 percent of Winning Technologies' workforce are veterans and they are a recipient of DOL's HIRE Vets Medallion award. I am a strong advocate for reducing barriers to employment and, particularly focused on the need to increase across-State licensing, which can be challenging for military spouses who move every 2 to 3 years. I appreciate that the budget includes resources to address these workforce challenges, especially for our military families.

We also must be certain to target workforce training to regions particularly hard hit. In fiscal year 2018, the committee started a rural workforce initiative focused in the Delta and Appalachian regions where unemployment rates are higher than the national average. We have now appropriated \$60 million for this initiative and I am pleased the budget includes another \$30 million in fiscal year 2020 to help individuals who have lost their jobs learn new skills and meet the workforce demands of the 21st Century. However, I am disappointed that not a dollar of fiscal year 2018 funds have been awarded even though you have had the funding for well over a year. This delay is hurting a population that needs these targeted resources to recover. I expect the Department to move forward with obligating these dollars and the fiscal year 2019 funding immediately.

The Department of Labor serves an important role in the functioning of our overall economy through the workforce programs you oversee. By most every major indicator, the U.S. economy is thriving. We have had more than 100 months of job growth and the unemployment rate is holding steady around 3.8 percent. Everyone benefits from a strong and growing economy—when jobs are created, employment is sustained, and Americans' wages increase. While the nature of work is changing in the 21st Century, there are greater opportunities today for Americans to climb the economic ladder and earn family-sustaining wages. I look forward to hearing how the Department's budget proposal will continue to support high-quality training and employment programs.

Mr. Secretary, I look forward to hearing your testimony today and appreciate your work on these important issues. Thank you.

Senator BLUNT. So, Senator Murray, again, glad to be here with you today and want to recognize you for your opening statement.

STATEMENT OF SENATOR PATTY MURRAY

Senator MURRAY. Thank you very much Chairman Blunt.

Mr. Secretary, as you know I have voiced my concern since you were first nominated, that as head of our Labor Department you would continue a long track record you have of serving special interests instead of workers and families. And I have to say at every turn you have managed to prove that concern was well-founded, especially with this budget proposal.

This budget weakens the department's role in holding employers responsible for providing safe and healthy workplaces, and ensuring people get the pay that they earned and benefits they are entitled to under our labor laws. It takes us backwards by failing to support workers in developing the skills they need to advance and makes it harder for us to move forward on tackling many of the other challenges families and workers are facing, including a childcare crisis, a retirement crisis, and the epidemic of workplace assault and harassment. At every turn this budget moves us further away from those very important goals.

Mr. Secretary, an important mission of your department is to make sure workers return home safely after each shift. Yet the Occupational Safety and Health Administration has dramatically re-

duced inspections, especially in areas that pose the greatest hazards to workers and require more resources to conduct those.

The department's overtime proposal will leave millions of workers without protections and cost those workers more than \$1 billion over a decade. And despite the scourge of wage theft across the country, the department is making it harder for workers to hold their employers accountable when their wages are stolen.

Mr. Secretary your budget fails to protect workers jobs, careers, and opportunities to prepare them for the future. Instead of increasing investments in successful workforce training models for our rapidly changing economy, this budget proposes more than \$1 billion in cuts to the department's employment and training programs.

I am also deeply concerned about the Trump administration's efforts to undermine the highly effective and broadly supported Registered Apprenticeship Program.

Mr. Secretary, I have to ask why is the department so insistent on slashing this budget and undermining its very own mission?

I am hopeful Mr. Chairman, that working together we will reject the harmful proposals and pass again a timely and responsible LHHS Appropriations bill that does invest in workers and families in our future.

And finally, Mr. Secretary, I just have to say before we get started, I do continue to have very serious concerns about the plea deal that you helped negotiate for Jeffrey Epstein for the horrific abuses he committed. That sweetheart deal and the way that it came about raises a lot of questions, and it really is unacceptable that we still do not have answers.

Thank you, Mr. Chairman.

Senator BLUNT. Thank you Senator Murray.

Secretary, in 2018, the committee started a rural—Oh, I am sorry. Your opening statement. Please proceed.

SUMMARY STATEMENT OF HON. R. ALEXANDER ACOSTA

Secretary ACOSTA. Mr. Chairman thank you, and Ranking Member Murray thank you for the invitation to appear. And I will try to make my opening statement brief in light of the votes.

Let me just touch on a few points and you know, the question of the budget and enforcement and wage theft were raised, and then, so a few points I would like to make first with respect to the budget.

The budget for the enforcement agencies, MSHA (Mine Safety and Health Administration), OSHA (Occupational Safety and Health Administration), Wage and Hour and others are all the same as the President's budget for assisted 2019 enacted, is the same or higher for enforcement. And I think that is important to note because we have aggressively enforced the laws and that is something we take very seriously. So, if we go through the various parts, our EBSA, the Employee Benefits Security Administration, we covered more than \$1.16 billion in enforcement actions and obtained 142 criminal indictments. That recovers a 70 percent increase over the prior year.

If we look at MSHA, MSHA fulfilled its statutory mission of inspecting each underground mine four times per year, each surface

mine two times per year. And although the fatalities are still too high, we had the second lowest number of fatalities ever in the calendar year, and the lowest number in the fiscal year.

OSHA, the number of inspections is actually up. And we have conducted more than 32,000 inspections in each of the last 2 fiscal years, which is more than the prior years. In addition, we had 26,300 compliance assistance visits, which resulted in a number of improvements to the workplace and estimated savings of over a billion dollars to the various workplaces that improved safety and thereby prevented fatalities. Fatalities overall again are too high but are down in the most recent year.

If we look at the Wage and Hour Division. The Wage and Hour Division recovered more than \$304 million in back wages, and that is the highest recovery ever in the history of the Wage and Hour Division.

So, I say this because I know that there are disagreements as to the budget, and we are going to disagree on issues, but I think in terms of the record of the department, particularly in enforcement, the record is quite strong.

Thank you and I yield the remaining time.

[The statement follows:]

PREPARED STATEMENT OF R. ALEXANDER ACOSTA

Chairman Blunt, Ranking Member Murray, and Members of the Subcommittee, thank you for the invitation to testify today. I am pleased to appear before this Subcommittee and to represent President Trump and the hardworking men and women of the Department of Labor in reporting to you the progress of our work on behalf of all Americans, and to outline the Administration's vision for the Department of Labor in fiscal year 2020 and beyond.

The President has put forth a responsible and well-reasoned budget for fiscal year 2020 that reflects Administration priorities to support the American workforce. Indeed, although the budget reflects a 10 percent decrease over fiscal year 2019, the budget proposes greater investment in programs that work, eliminates programs that do not, and generally bolsters opportunities for working Americans through commonsense reforms. The budget reflects a continued focus on comprehensive compliance assistance for those seeking help to comply with the law paired with vigorous, fair, and effective enforcement against those who violate the law and reflects our priority of putting American workers first, including ensuring that labor protections in trade agreements are enforced to prevent unfair competition. As the information below shows, the Department of Labor has proven its ability to do more with less and to maximize the value of taxpayer dollars. The budget balances fiscal responsibility, sound management, and focus on priorities.

OVERVIEW

The dedication, ingenuity, and innovation of our American workforce—the greatest workforce in the world—is unparalleled. No one does it better than the hardworking men and women of our Nation who farm, mine, make, build, transport, innovate, design, create, provide services, and engage with other Americans to make our lives healthier, safer, easier, and more productive.

The President's vision for America and the American workforce is straightforward: to empower our economy to each day create jobs, more jobs, and even more jobs that are safe and family sustaining. The Department is hard at work to keep Americans safe in the workplace; prevent discriminatory employment practices; safeguard retirement savings; increase employment opportunities for all Americans; level the playing field for working Americans through fair trade; collect, analyze, and disseminate essential economic information; promote private-sector union democracy and financial integrity; protect the interest of workers, and their families, who are injured or become ill on the job; and ensure workers are paid what they are owed—in full and on time. The Department is also working diligently to identify and eliminate regulations that unnecessarily eliminate jobs, hinder job creation, or impose costs that outweigh the benefits.

The first 2 years of the Trump Administration were marked by remarkable growth for our economy, increased opportunity for the American workforce, and a renewed confidence exemplified by investment in our Nation by job creators. In part due to a commonsense approach to deregulation, I am pleased to report on just a few notable milestones:

- In fiscal year 2018, according to the Office of Management and Budget, the U.S. Department of Labor’s deregulatory efforts totaled \$3.28 billion in present value cost savings;
- Since January 2017, the American economy has created 5.1 million jobs, 3.2 million of those new jobs have been created since the President signed the Tax Cuts and Jobs Act;
- At the time this testimony was prepared, there were 7.1 million job openings, over one million more than the 6.2 million job seekers in the United States—American job creators are looking to hire;
- In 2018, average hourly earnings increased 3.3 percent, the largest increase in average hourly earnings since 2009; and importantly, wage growth for the lowest decile earners was at approximately 6.5 percent;
- Unemployment remains near its all-time low, and the increase in the labor force participation rate may indicate that Americans who were previously discouraged are rejoining the American workforce; and
- Even as employment substantially increased over the last 2 years, the numbers and rates of fatal injuries and nonfatal injuries and illnesses in the workplace declined in 2017.

While these statistics document the country’s success, during my travels throughout our Nation over the past 21 months, it is clear that Main Street, not just Wall Street—from Indiana to California, Alaska to Florida—is deriving significant benefit from the economic growth. More Americans are working today than ever before. They are safer in the workplace. They are earning more. They have more opportunities for growth and advancement. The future of the American workforce and the American economy look bright, and the Department looks forward to working with Congress to continue that growth and opportunity.

Removing Roadblocks to Job Creation Through Regulatory Reform

The Department administers and enforces more than 180 Federal laws. These laws and the regulations that implement these laws cover more than 150 million workers and retirees, and 10 million employers. Consistent with the President’s priorities, the Department has worked to identify regulations that unnecessarily eliminate jobs, inhibit job creation, or impose costs that exceed benefits—and reform or eliminate them.

Our approach to regulatory reform is simple, we adhere to two core principles: respect for the individual and respect for the rule of law. The Department’s rulemaking is carried out in a deliberative manner guided by fidelity to the law. Public participation in the rulemaking process through notice and comment is vital. It ensures all Americans have an opportunity to express their views before a rule is promulgated or changed.

As mentioned above, the Office of Management and Budget estimates the regulatory impact of the Department’s fiscal year 2018 regulatory reform efforts to reflect \$3.28 billion in present value cost savings to the economy. Put simply, this means the Department significantly decreased the compliance burden on Americans.

In addition to these actions, we expanded access to affordable quality healthcare coverage options through Association Health Plans and rescinded the “Persuader Agreements” rule, which the American Bar Association and others believed inappropriately impinged on attorney-client confidentiality.

Our deregulatory actions have continued this fiscal year with two recent final actions: one ensuring continued safety of crane operations while reducing paperwork burdens and the other removing the electronic collection of certain information about workplace injuries that raised worker privacy concerns and that is unnecessary for the Occupational Safety and Health Administration’s (OSHA) electronic data collection requirements. We have also issued deregulatory proposals in the last few weeks on overtime thresholds for Fair Labor Standards Act exemptions and what goes into the regular rate of pay for overtime, in addition to a proposal that addresses concerns about joint employment liability so that workers and their employers, especially small businesses like franchisees, have definitive guidance on their rights and responsibilities. There are a number of other items that should be proposed shortly, including a proposal to ensure Americans and especially our military veterans have the broadest possible networks available when they need a doctor.

Demanding Better Results Through Greater Accountability

Accountability to the American taxpayer is a priority at the Department as we design new programs and evaluate existing ones. We are focused on refining our efforts in a manner that respects principles of Federalism, and best serves the American people. Where Departmental efforts and programs are working, we are looking for ways to improve them and learn from them, where Departmental programs are not working, we are looking for ways to make them work or consider whether we should refocus our efforts elsewhere.

One example I have often mentioned is the difficulty of gauging the success of Federal programs when measuring inputs like dollars spent and program participants instead of outcomes like the career attainment rates of program graduates. In fiscal year 2018, the Department redesigned the way we measure the success and efficacy of the Job Corps program. We announced that the Office of Job Corps would reform the Outcome Measurement System to focus on student performance and long-term outcomes over inputs such as dollars spent and outputs such as number of students served. More specifically, the weights given to credential attainment have been reduced from about half, to 35 percent in Program Year (PY) 2018 and 20 percent in PY 2019. New metrics that focus on initial placement, placement wage, and placement quality (job training match and apprenticeships, military, and full-time placements) are now an additional 30 percent of the report card for both program years, and long-term placement and placement wage after 6 months and 12 months account for the final 35 percent and 50 percent in PY 2018 and PY 2019.

The Department also looks closely at opportunities to eliminate duplication to bring greater efficiency to our work and allocation of resources. One such example is in the Mine Safety and Health Administration (MSHA). During fiscal year 2018, MSHA leadership examined the capacity and utilization of its field inspectors and discovered that there was significant overlap between the duties performed by metal/non-metal mine inspectors and coal mine inspectors, but different training and an imbalance in capacity relative to the actual utilization of inspectors. As a result, MSHA leadership developed a plan to cross-train mine inspectors and reallocate resources. The Department expects that this will result in significant savings to MSHA in fiscal year 2019 with no impact on the health and safety of American miners.

Finally, beginning in fiscal year 2018 and continuing on into fiscal year 2019, the Department is working to reduce the number of improper payments made through the State-run Unemployment Insurance (UI) Program. The President's fiscal year 2020 budget request includes \$126 million in additional resources to address improper payments made through the State-run UI program and improve interstate communication to reduce such payments. The UI program is important to those Americans who need a helping hand during unemployment, and individuals that abuse the system may place added strain on these resources. The Department is committed to reining in improper payments in the UI program.

Returning Flexibility to the States

The Department recognizes that the workforce development needs of Alaska, New York, Arizona, and Vermont differ widely. The Department has made it a priority to work with States to help them customize their workforce programs. An example is the exercise of the Secretary's waiver authority under the Workforce Innovation and Opportunity Act (WIOA) to grant flexibility where possible. To date, the Department has granted 67 waivers to 28 States and territories to better tailor approaches to the needs and opportunities present in their States and communities.

Providing States greater flexibility to administer programs efficiently and effectively is one way to better serve the individualized needs of Americans in various States and localities. To that end, the President's fiscal year 2020 Budget proposes broader waiver authority for the core WIOA programs, allowing the Department to trust our Nation's governors with the responsibility of how best to operate their workforce systems.

Bringing Clarity to Employers and Employees

After meeting with many American job creators, one of the things most important to them that affects working Americans is stability and understanding how an agency interprets its statutes and regulations. Clarity and consistency in agency interpretations allow the regulated public to comply with the law in a way that is not unduly burdensome or costly and ensure a level playing field.

One of the ways the Department can best do that is by answering specific questions from the regulated community and making those answers known publicly. Accordingly, in June 2017, the Department's Wage and Hour Division (WHD) announced it was resuming its longstanding practice of issuing opinion letters. Opinion

letters are official, written opinions provided by the Department that address the application of statutes and regulations in specific circumstances presented by an employer, employee, or other entity. The letters were previously a Department practice for more than 70 years and specifically allowed in statute, until the practice was discontinued in 2010.

In fiscal year 2018, WHD reissued 18 previously withdrawn opinion letters and has issued 14 new opinion letters. These are now more readily available to the public on the WHD website via a searchable tool. Among other areas, one of the more recent opinion letters addressed a longstanding question as to whether organ donors can avail themselves of the Family and Medical Leave Act. Thanks to this opinion letter, it is now clear that they can. Following on this success, the Office of Federal Contract Compliance Programs (OFCCP) also recently announced the institution of an opinion letter program.

EXPANDING ACCESS TO HIGH-QUALITY HEALTH AND RETIREMENT COVERAGE FOR AMERICANS

On June 21, 2018, the Department published a final regulation expanding the ability of employers to participate in Association Health Plans (AHPs).¹ The rule allows employers, including self-employed individuals and sole proprietors, to band together to offer group health coverage to their employees. AHPs provide more affordable, high-quality healthcare coverage choices to consumers, while maintaining important consumer protections to safeguard against discrimination on the basis of the perceived health of a company's workforce and individuals' pre-existing conditions. To date, more than 30 major organizations in 14 States have set up, or announced their intent to set up, AHPs to offer quality, affordable healthcare coverage options to their members' employees.

Building on this momentum, on August 31, 2018, President Trump signed Executive Order 13847 on Strengthening Retirement Security in America. Recognizing that all Americans deserve access to retirement savings opportunities, President Trump instructed the Department to examine opportunities to expand access to workplace retirement plan options and increase retirement security for all Americans.

On October 23, 2018, the Department proposed a regulation clarifying the circumstances under which a group or association of employers, or a professional employer organization (PEO) can act as an employer and sponsor workplace retirement plans under the Employee Retirement Income Security Act (ERISA). If published as a final rule, this regulation has the potential to expand Americans' access to affordable, quality retirement savings options.

The Department is currently reviewing the public comments to the proposed regulation submitted before the comment period closed on December 24, 2018.

Expanding Career Opportunities in America Through Reskilling, Upskilling, and Apprenticeships

In fiscal year 2018, President Trump established the National Council for the American Worker and charged it with developing a national strategy to prepare Americans for careers in high-demand industries. As part of the work of the National Council for the American Worker, more than 200 companies, associations, and labor organizations have pledged to provide enhanced career opportunities by expanding programs that educate, train, and reskill American workers from high school age to near retirement. As of the time of this writing, these organizations have pledged to create 7,452,470 new opportunities for Americans.

The Department is continuing to promote increased adoption of the apprenticeship model as a pathway to good, family-sustaining jobs for all Americans. Since January 2017, nearly 500,000 new apprentices have taken the first steps toward lifelong careers.

In May 2018, the President's Task Force on Apprenticeship Expansion—comprised of governors, and leaders from companies, trade and industry groups, unions, educational institutions, workforce advocates, and nonprofit organizations—transmitted its final report to the President outlining its recommendations on how to best expand high-quality apprenticeship programs across industries.

On July 27, 2018, the Department adopted the overwhelming majority of the Task Force's recommendations through Training and Employment Notice 3-18 (TEN), providing a framework for industry recognized apprenticeships (IRAPs) to form

¹On March 28, 2019, the U.S. District Court for the District of Columbia entered an order that vacated certain provisions of the final rule. We disagree with the Court's ruling and are considering all available options to defend the legal viability of the provisions ruled upon by the Court.

alongside the more traditional registered apprenticeship program. The TEN sets out, at a high level, the policies and procedures that certifiers will be expected to have in place to establish standards, establish certification intervals, evaluate and certify programs focused on outcomes and process, report results, and maintain records.

Also last year, the Department launched the first-ever sector-based apprenticeship grant funding opportunity to invest \$150 million to expand apprenticeships in those in-demand industry sectors most often filled by individuals on H-1B visas, such as information technology, healthcare, and advanced manufacturing. This grant funding opportunity introduced an innovative approach: a 35 percent private-sector match requirement. This brings the total investment to \$202.5 million, \$57.7 million coming from the private sector. As a result of this private sector match requirement, educators have a greater incentive to join with industry to ensure curricula address the needs of our ever-changing workplace, investing in the latest technologies and techniques, and providing more in-demand opportunities for Americans.

In fiscal year 2020, the Department's budget includes \$160 million to continue our expansion of apprenticeship programs, along with a proposal to increase H-1B fee revenues to fund additional apprenticeship activities.

Helping our Heroes and their Spouses Find Good, Family Sustaining Careers

Through the Veterans' Employment and Training Service (VETS), the Department helps America's veterans succeed in civilian careers when they conclude their military service and protects their employment rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). The Department also helps eligible spouses of military service members navigate State licensing requirements and find meaningful employment, and advocates for the elimination or temporary suspension of occupational licensing requirements for military spouses. In 2018, thanks to a growing economy and VETS' efforts, the overall veteran unemployment rate dropped to 3.5 percent, an 18-year low, and the lowest annual unemployment rate for veterans since 2000.

The Department is currently engaged with the Departments of Defense and Veterans' Affairs to improve the Transition Assistance Program (TAP) as part of the National Defense Authorization Act for fiscal year 2019 (NDAA). NDAA directs these agencies to establish at least three pathways for transitioning service members, and the Department will alter the delivery of employment related workshops in fiscal year 2020 to align with the new legislative requirements. The Department will also enhance the quality of employment support services for transitioning service members, with a focus on improved outcomes. Additionally, the Department is also developing components of TAP for military spouses as they transition from base to base or to civilian life when their active duty spouse leaves the military.

Finally, the Department is committed to recognizing the many American job creators that employ veterans. In 2018, the Department implemented the Honoring Investments in Recruiting and Employing American Military Veterans (HIRE Vets) Act program 1 year earlier than the statute contemplated through a demonstration program. On November 8, 2018, the Department recognized 239 employers that employ and offer growth opportunities to our Nation's veterans. Collectively, these 239 employers hired more than 8,350 veterans.

Bringing Americans with Disabilities into the Workforce

The Department, through the Office of Disability Employment Policy (ODEP), provides Americans with disabilities with opportunities to join and succeed in the workforce. ODEP develops policy recommendations and offers tools and technical assistance to American job creators so they can hire and retain employees with disabilities.

In fiscal year 2018, ODEP expanded its Stay at Work/Return to Work (SAW/RTW) initiative to support early intervention pilot projects and research initiatives, work with States to promote effective SAW/RTW policies, and address the need for early intervention for young people with disabilities to transition to gainful employment. In September 2018, DOL awarded nearly \$19 million in grant awards to eight State workforce agencies for the Retaining Employment and Talent After Injury/Illness Network (RETAIN). Jointly funded and developed by ODEP, the Department's Employment and Training Administration (ETA), and the Social Security Administration (SSA), the primary goal of RETAIN demonstration projects is to help Americans who are injured or ill remain in or return to the workforce, through early coordination of healthcare services and employment-related supports and services.

ODEP also connects employers and skilled workers with disabilities through its technical assistance centers, such as the Job Accommodation Network (JAN) and the Employer Assistance and Resource Network on Disability Inclusion (EARN), and

partnerships such as the Partnership on Employment and Accessible Technology (PEAT) which provides a free tool for employers to optimize online job applications and outreach efforts.

In fiscal year 2018, JAN provided technical assistance to more than 42,000 employers, individuals with disabilities, and service providers, and conducted more than 107 trainings. EARN provided technical assistance to more than 5,000 employers and ODEP's Public Service Announcements supporting its efforts aired approximately 32,000 times on more than 650 television stations nationwide.

Helping Americans Reenter the Workforce After Incarceration

When Americans who commit crimes have paid their debt to society and leave prison, it is important to find ways to reintroduce those individuals into society and the workforce. Simply put, individuals that have made mistakes in life and paid their debts to society deserve the opportunity to find good, safe, family sustaining careers and become contributing members of society. Long-term success at lowering recidivism rates requires that we offer Americans a second chance to pursue paths to opportunity. These concepts were part of the bipartisan First Step Act passed last year.

In fiscal year 2018, to address this important issue, the Department awarded Reentry Projects grants to 43 nonprofits and local and State governments focusing on two major groups: young adults (ages 18 to 24) who have been involved in the juvenile or adult justice system and adults (ages 25 and older) formerly incarcerated in the adult criminal justice system. These grants offer communities the chance to deploy evidence-based, comprehensive strategies to facilitate the reintegration of ex-offenders into the workforce. In fiscal year 2019, the Department will award an additional \$83 million in Reentry Projects grants.

The Department is also engaging with the Bureau of Prisons to develop apprenticeship programs. These programs seek to offer skills instruction and develop credentials that address the geographical issue associated with prison-based programs—Federal inmates are often incarcerated in one State, transferred, and released in another. As part of this new apprenticeship program, education and training in more than 120 skilled trades will be offered.

Also, to address the stigma that employers associate with formerly incarcerated individuals, the Department is expanding its Federal Bonding Program which provides employers with access to \$5,000–\$25,000 of fidelity bond coverage for the first 6 months of employment for formerly incarcerated individuals.

Protecting Working Americans by Confronting Visa Fraud and Abuse

Companies that commit visa fraud, and abuse the temporary worker system hurt working Americans and American job creators that play by the rules. These bad actors cut costs by not providing legally required wages and working conditions and, in some instances, foreign workers' lives are at stake.

In June 2017, I directed the Department to confront non-immigrant visa program fraud and abuse, including making criminal referrals to the Office of the Inspector General (OIG). The Department also made changes to the H-1B application forms to ensure greater transparency and better protect American workers from employers seeking to misuse the program.

In fiscal year 2018, the Department concluded 649 non-immigrant visa program cases and found violations in 553 of those cases. In fiscal year 2018, the Department issued 37 debarments in the H-2A, H-2B, and PERM visa programs—precluding those employers from obtaining visas or doing work with the Department—a 61 percent increase over fiscal year 2017. In total, Department has recovered almost \$11.6 million in back wages on behalf of 6,061 non-immigrant visa employees in fiscal year 2018 and issued almost \$4.2 million in civil money penalties—under 27 percent of dollars recovered. By way of comparison, in fiscal year 2016, the Department concluded only 526 non-immigrant visa cases, and recovered only \$7.8 million in back wages for 5,161 employees. At the same time, the Department assessed approximately \$4.8 million in civil money penalties—nearly 38 percent of dollars recovered.

Leveling the Playing Field for Working Americans Through Fair Trade

U.S. labor laws guarantee that working Americans be paid a minimum wage and overtime, that workplaces abide by health and safety standards, and restrict child labor. U.S. free trade agreements and preference programs require our trade partners to adopt, maintain, and effectively enforce labor laws addressing similar areas of protection. When trading partners fall short of their labor standards responsibilities under trade agreements, they create an uneven playing field that can hurt working Americans. The Budget strategically focuses efforts to make U.S. trade agreements fair for U.S. workers by monitoring and enforcing the labor provisions of free trade agreements and trade preference programs, combatting the reprehens-

sible use of child labor and forced labor abroad, and providing technical assistance to countries seeking to improve labor standards.

In addition to the Department's direct work on international labor issues, the Department also provides detailed research products and tools that help foreign governments and employers improve compliance with international child labor and forced labor standards. On September 20, 2018, the Department released its 17th annual child labor report, *Findings on the Worst Forms of Child Labor*, representing the most comprehensive research product to date on the state of child labor in 132 countries worldwide. Simultaneously, the Department released an updated version of its *Comply Chain* app, which is designed to help businesses identify and root out abusive child labor and forced labor from global supply chains. *Comply Chain* is now also available in Spanish and French.

Women's Bureau

The Department's Women's Bureau assists in the development of policies and initiatives that promote the interests of the more than 74 million women in the United States labor force. Women's Bureau collaborates with Department program agencies and other Federal partners to provide policy guidance, including on initiatives such as apprenticeships, military spouses, and occupational licensing, to better support the needs of women and their families.

Women's Bureau is holding listening sessions across the country with military spouses in an effort to design a TAP specific to military spouses, 92 percent of whom are women. The Department leveraged its work with military spouses to aid efforts to redesign the workforce reentry components of TAP, focusing on assisting military spouses.

Women's Bureau is also holding nationwide events and listening sessions—several of which were attended by Advisor to the President Ivanka Trump—to discuss the challenges, best practices, and potential solutions to help all working families access affordable, quality child care.

Finally, the Department is conducting data analysis to better understand the impact of the opioid crisis on women in the labor force. This includes identifying and correcting the lack of information related to the opioid epidemic's effect on women in the labor force, relative to the existing research on its impact on men in the labor force. Building on this effort, the Department piloted a reemployment program grant in Maryland for women impacted by the opioid epidemic.

The Budget focuses the Bureau's work on high priority areas like childcare, military spouses, entrepreneurship, and paid leave while eliminating unnecessary regional offices and eliminating grants.

A STRATEGY OF VIGOROUS ENFORCEMENT COUPLED WITH COMPLIANCE ASSISTANCE

The vast majority of employers are responsible actors, fully committed to following worker protection laws and to providing good, safe jobs for their employees. There are, however, those that fail to comply with their legal obligations. In those instances, the Department enforces our Nation's laws that protect working Americans—and does so vigorously. By way of example, in fiscal year 2018 the WHD's work resulted in a record \$304 million in back wages recovered for more than 265,000 workers across America. Fully enforcing the law levels the playing field for the majority of American job creators who play by the rules and supports the Nation's most important asset—working Americans.

As a parallel to enforcement, there is significant value in compliance assistance programs that help working Americans and American job creators understand their rights and responsibilities under the law. Cooperation between the private sector and government can yield strong results at a quicker pace and lower cost than adversarial enforcement actions. Parties acting in good faith should have the help of the government to do so and should not be penalized for proactively requesting assistance.

In August 2018, the Department launched the Office of Compliance Initiatives (OCI) to bring together agencies' compliance assistance efforts into a single, concerted program. The office, led by a career employee team, will help working Americans and American job creators understand their rights and responsibilities under the law and has launched the websites employer.gov and worker.gov to provide plain language guidance.

The Department's fiscal year 2020 budget request includes additional resources for this office, as well as funding increases for every worker protection agency.

Employee Benefits Security Administration

EBSA helps ensure the security of the retirement, health, and other workplace related benefits of almost all American workers who have private-sector employer-

sponsored plans. EBSA's enforcement authority extends to an estimated 694,000 private retirement plans, 2.2 million health plans, and similar numbers of other welfare benefit plans which together hold \$9.5 trillion in assets. These plans provide critical benefits to America's workers, retirees, and their families.

In safeguarding and clearly delineating fiduciaries' responsibilities on behalf of participants, on April 23, 2018, EBSA issued a Field Assistance Bulletin (FAB) laying out the Department's position that fiduciaries may not sacrifice investment returns, or assume greater risk, in order to promote collateral social goals, and must exercise care before incurring significant expenses to fund advocacy in the proxy voting space.

In fiscal year 2018, EBSA recovered more than \$1.16 billion in enforcement actions—a 70 percent increase over fiscal year 2017—and EBSA's criminal program resulted in 142 indictments. A large portion of this increase is attributable to EBSA's Terminated Vested Participants Program, which recovered over \$807 million in benefit payments for participants and beneficiaries in defined benefit plans. During the same time period, EBSA's Benefits Advisors recovered an additional \$443.2 million on behalf of participants and beneficiaries through informal dispute resolution, assisting 170,909 Americans.

The President's fiscal year 2020 budget request for EBSA stands at \$193.5 million, a nearly 7 percent increase from the fiscal year 2019 revised enacted budget, and includes additional enforcement resources of \$10.0 million and 45 FTE that will focus on investigating self-insured AHPs and self-insured Multiple Employer Welfare Arrangements.

Mine Safety and Health Administration

MSHA's enforcement strategy is grounded in its mandate to inspect all active mines in the United States and its territories regularly. MSHA's enforcement mandate is essential to protect miners and advance a culture of safety and health in the mining industry.

In support of its mission, MSHA also provides grants and compliance assistance to the mining community. In fiscal year 2018, MSHA's annual Training Resources Applied to Mining (TRAM) conference drew more than 300 mining stakeholders to learn about training techniques, new technology, and best practices in mining. The MSHA Academy provided 443 course days of compliance assistance training to the mining community. Educational Field and Small Mine Services, with support from Educational Policy Development personnel, provided 69,186 hours of additional compliance assistance in the field.

In fiscal year 2018, MSHA fulfilled its statutory mandate to inspect all underground mines four times per year and all surface mines twice per year which, combined with non-mandatory inspections, helped foster a more safe mining industry. Notably, the mining industry overall experienced the lowest number of fatalities in fiscal year 2018. The Department remains focused on reducing the numbers of mining injuries and fatalities even more, because our goal must be zero mining deaths.

The President's fiscal year 2020 Budget request for MSHA stands at \$376 million, an increase over the fiscal year 2019 revised enacted budget, and proposes a new enforcement structure that combines the Coal Mine Safety and Health and Metal/Non-Metal Safety and Health budget activities. This consolidated budget activity will provide the flexibility to address industry changes and maximize the efficient use of MSHA's resources.

Occupational Safety and Health Administration

OSHA helps ensure that employers provide safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education, and assistance. OSHA also administers the whistleblower provisions of more than 20 whistleblower statutes. Compliance assistance and enforcement—driven by workplace inspections and investigations—play a vital role in OSHA's efforts to reduce workplace injuries, illnesses, and fatalities.

In fiscal year 2018, and in fiscal year 2017, OSHA conducted more than 32,000 inspections each year, exceeding the fiscal year 2016 number. These results are impressive particularly given that OSHA dedicated substantial resources in fiscal year 2018 to hiring and training new inspectors. In August 2017, OSHA was provided blanket approval to hire needed inspectors to carry out its important work. The result was the hiring of 76 new inspectors in fiscal year 2018. The timeframe for new inspectors that join the Department to be prepared to conduct inspections can vary between one to 3 years depending on their prior experience and complexity of the inspections they may carry out. During this time, these new hires do not generally conduct independent inspections. OSHA has been hard at work to onboard and train

new inspectors and expects to have a significant increase in inspectors in fiscal year 2019.

In fiscal year 2018, in addition, OSHA personnel made 26,362 compliance assistance visits covering more than 970,000 workers and ensuring that 135,021 hazards were identified/corrected. The estimated savings in injuries and costs prevented by this program exceed \$1.3 billion.

Late in 2018, the Bureau of Labor Statistics released the injury and fatality data for calendar year 2017. Even as employment substantially increased and less-experienced workers were onboarded, the numbers and rates of fatal injuries and nonfatal injuries and illnesses in the workplace declined. With 43 fewer workplace fatalities in 2017, reversing a 3 year upward trend, the fatality rate fell to 3.5 per 100,000 full-time equivalent workers. The incidence rate for private industry nonfatal cases fell to 2.8 per 100 full-time equivalent workers after employers reported 45,800 fewer cases. This overall decrease occurred against a backdrop of a substantial increase in fatalities due to unintentional overdose from nonmedical use of drugs or alcohol, which increased from 217 to 272 workplace fatalities nationwide.

The Department is committed to fostering an environment that promotes disclosure of dangerous work conditions and protects whistleblowers. OSHA's Whistleblower Program prevents retaliation against workers that report injuries, safety concerns, or engage in other protected activity. In fiscal year 2018, OSHA implemented internal measures, such as expedited case processing and streamlined case documentation requirements, to increase the efficiency of the Whistleblower Protection Program. fiscal year 2018 saw 9,387 new complaints under the program, a 9 percent increase over fiscal year 2017, and processed 9,308 complaints, an 8.4 percent increase over fiscal year 2017.

The President's fiscal year 2020 budget request for OSHA stands at \$557.5 million, a slight increase over the fiscal year 2019 revised enacted budget, and proposes additional funding for staff, including 30 additional Compliance Safety and Health Officers and five additional whistleblower investigators.

Office of Federal Contract Compliance Programs

OFCCP is tasked with ensuring that Federal contractors and subcontractors comply with their equal employment opportunity obligations.

OFCCP supports compliance through assistance tools, resources, and incentives. Indeed, in fiscal year 2018, OFCCP held 346 events to inform and educate the regulated community and handled 2,797 help desk requests via telephone calls and email. Also in fiscal year 2018, OFCCP issued its "Town Hall Action Plan" and "What Contractors Can Expect" to engage with the regulated community and demystify OFCCP's work. Specifically, the agency sought to develop the broad understanding that contractors and subcontractors seeking OFCCP's assistance with satisfying their nondiscrimination and equal employment opportunity obligations can expect clear, accurate, and professional interactions with OFCCP's staff.

In fiscal year 2018, the OFCCP conducted 812 compliance evaluations, entered into 168 conciliation agreements, and obtained over \$16 million in monetary remedies for more than 12,000 affected employees and applicants.

The President's fiscal year 2020 budget proposal for OFCCP stands at \$103.6 million, a slight increase from the fiscal year 2019 revised enacted budget, and includes funding for IT modernization efforts which is largely offset by gains obtained through operational efficiencies in OFCCP.

Office of Labor Management Standards

The Office of Labor Management Standards (OLMS) administers and enforces most of the provisions of the Labor-Management Reporting and Disclosure Act (LMRDA). The LMRDA promotes union democracy and financial integrity in private sector labor unions, and transparency for labor unions and their officials, employers, labor relations consultants, and surety companies through reporting and disclosure requirements. In fiscal year 2018, OLMS conducted 16,968 participant hours of compliance assistance instruction—the highest since fiscal year 2012.

The Department is also currently working on a new transparency regulatory proposal for union trust accounts so that union members can see where their money is going when it becomes part of a covered trust.

In fiscal year 2018, OLMS investigated 128 union elections after complaints of violations, supervised 28 rerun elections due to election violations, and conducted 223 criminal investigations which resulted in 73 convictions.

The President's fiscal year 2020 budget for OLMS stands at \$49.1 million, a 15.8 percent increase over the fiscal year 2019 revised enacted budget, and includes a proposed increase of \$4.2 million in staffing increases to support enforcement programs that ensure union transparency and financial integrity, both of which inure

to the benefit of the hardworking men and women that make up the membership of unions.

Office of Workers' Compensation Programs

The Office of Workers' Compensation Programs (OWCP) administers four major disability compensation programs covering more than two million Federal employees, and a significant number of private sector workers, which provide wage replacement benefits, medical treatment, vocational rehabilitation, and other benefits to certain working Americans, or their dependents, who experience work-related injuries or occupational disease.

Among those programs, OWCP oversees prescription benefits for injured Federal workers and is taking aggressive measures to control fraud. OWCP implemented measures in fiscal year 2018 to target and intercept abusive billing patterns, resulting in a \$5 million per month average savings in overall pharmaceutical spending.² These savings are in addition to the \$19 million per month average savings in overall pharmaceutical spending realized in fiscal year 2017 from addressing compounded drugs.³

In 2017, the President rightfully declared the opioid crisis a public health emergency. Opioids are affecting how job creators hire, how job holders work, and how job seekers find family-sustaining jobs. This crisis is far-reaching and touches far too many Americans. The Department is doing its part to combat the opioids crisis. OWCP has taken aggressive steps to prevent the over-prescribing of opioids for the approximately 200,000 Federal employees or dependent beneficiaries each year who receive workers compensation benefits. Specifically, OWCP issued prescription guidelines for medical providers, and will monitor billing patterns and multi-party networks of interest using predictive analytics and risk metrics.

OWCP is also updating its computer resources and acquiring a Pharmacy Benefit Manager to assist in these efforts. Since January 2017, OWCP has seen a significant drop in the number of claimants prescribed high-dose opioids, with a 59 percent drop in claimants prescribed a morphine-equivalent dose (MED) of 500 or more, and a 31 percent drop in claimants prescribed an MED of 90 or more as of the end of February 2019. Additionally, when comparing 20 months of data—January 2017 to August 2018 and the same time period in 2015 to 2016—there was a 24 percent drop in new opioid prescriptions and a 51 percent decline in new opioid prescriptions lasting more than 30 days.

The Department is resolute in its commitment to ensuring that injured Federal employees access opioids only with adequate medical supervision. OWCP now requires that the prescribing physician complete a medical evaluation and attest to the medical necessity of continued opioid treatment for all new opioid prescriptions that extend beyond an initial period of time, requires prior authorization and a letter of medical necessity for all new opioid prescriptions that extend beyond an initial grace period, and has imposed fill and re-fill prescription limits.

OWCP has also worked closely with the OIG to eliminate Federal Employees' Compensation Act (FECA) fraud. In cooperation with the OIG, OWCP created documents that facilitate interagency investigation and prosecution efforts by providing guidance to the government-wide OIG community on how to request FECA data and submit reports of investigation that implicate waste, fraud, and abuse. In fiscal year 2018, OWCP submitted 62 medical provider referrals to the OIG—covering more than 100 individual providers—for possible fraudulent medical billing. These referrals were due in large part to the establishment of OWCP's Program Integrity Unit housed in the Division of Federal Employees' Compensation.

The President's fiscal year 2020 request for OWCP's discretionary salaries and expenses amount stands at \$117.8 million, a slight increase over the fiscal year 2019 revised enacted budget.

Wage and Hour Division

WHD is tasked with ensuring compliance with, and enforcement of, many of the Nation's fundamental Federal labor laws, including minimum wage, overtime, and child labor laws. To accomplish its mission, WHD employs enforcement and compliance assistance strategies, along with evidence-based and data-driven approaches to allocate resources in a manner that maximizes its impact on behalf of workers in the United States.

² Comparing the 7 months following implementation of measures in 2018 (June 2018—December 2018) to the months prior in fiscal year 2018 (October 2017—May 2018).

³ Comparing the first 6 months of 2016 to the fiscal year 2017 months after the primary compounded drug control was implemented (November 2016—September 2017).

Fiscal year 2018 also saw record enforcement numbers from WHD resulting in the recovery of more than \$304 million in back wages for more than 265,000 workers across America. Enforcement is a critical part of WHD's overall strategy and is employed rigorously when compliance assistance, alone, is not enough. WHD's enforcement efforts are tailored to safeguard workers' rights and obtain due compensation for violations of the law.

In fiscal year 2018, WHD conducted a record 3,643 outreach events and presentations, providing valuable information and compliance assistance to participants across the United States. As part of this effort, WHD employs Community Outreach and Resource Planning Specialists (CORPS) in nearly all district offices nationwide. The CORPS have been successful in establishing partnerships with industry associations and employers to offer compliance assistance and educate stakeholders on labor standards.

In fiscal year 2018, WHD recovered more than \$304 million in back wages for more than 265,000 working Americans and other workers—more than any other year in the agency's history, and an average of \$1,147 per person.

The President's fiscal year 2020 budget request for WHD stands at \$232.6 million, a slight increase over the fiscal year 2019 revised enacted budget, and proposes additional funding for staff to modernize compliance assistance efforts.

Helping Americans Get Back to Work After Natural Disasters

This fiscal year, the states of Florida, Georgia, North Carolina, South Carolina, and territories of Northern Mariana Islands endured an active and destructive hurricane season. At the same time, Puerto Rico and the U.S. Virgin Islands continued their recovery from last year's storms. For a second year in a row, California suffered destructive wildfires.

The Department of Labor worked with Federal, State, and local agencies to provide much-needed support to those affected. The Department:

- provided more than \$100 million in grants to help affected States and territories assess their workforce needs;
- sent personnel and donated equipment to assist in recovery efforts; and
- oversaw Disaster Unemployment Assistance aid to those unemployed as a result of the hurricanes.

In addition to funding and direct support, the Department also worked to reduce barriers to rebuilding and aid efforts, and reduce the burdens on survivors by providing much-needed regulatory flexibility. The Department:

- temporarily waived certain retirement plan and group health plan requirements and deadlines;
- temporarily suspended select Federal contractor requirements, allowing businesses involved in hurricane relief the ability to prioritize recovery efforts;
- temporarily eased reporting and other regulatory burdens on labor organizations, labor relations consultants, and employers affected by the hurricanes; and
- provided other regulatory flexibility requested by individual States.

The Department continues to support the Federal Emergency Management Agency (FEMA) with hurricane and wild fire recovery efforts. In the wake of the 2017 and 2018 hurricanes, Department staff conducted more than 2,229 outreach activities, providing critical information and compliance assistance to more than 14,000 workers in affected areas; more than 2,276 safety and health interventions reaching more than 11,494 workers, of which more than 6,391 individuals were removed from hazards; and served more than 24,907 working Americans. The Department is also conducting investigations to ensure workers employed in recovery efforts are receiving the wages to which they are legally entitled and ensure a level playing field for law-abiding businesses.

The hardworking men and women of the Department also donated 13,659 hours, or more than 1,707 days, and more than \$47,000 in gift cards to their colleagues who suffered significant property damage or loss as a result; and more than 500 DOL employees volunteered to travel to affected areas to support the recovery efforts.

CONCLUSION

In closing, I hope my statement today makes clear the depth and breadth of the Department's accomplishments this past year. The Department is hard at work supporting Americans' efforts to find, and excel in good, safe, family-sustaining jobs.

We look forward to working with Congress on these important goals.

Senator BLUNT. Well thank you. I was obviously eager to get to our question time, and always, I am glad to hear your comments,

particularly the fact that those programs that have direct contact with workplace issues, that you have increased slightly the budget for those.

RURAL WORKFORCE INITIATIVE

I want to talk a little bit about the Rural Workforce Initiative that this committee started in 2018, fiscal year 2018, dealing with the Delta Regional Authority and the Appalachian Regional Commission, the unemployment rates and even in a good economy are still well higher than the national average.

We have now appropriated \$60 million for this initiative and you have asked for another \$30, but none of that money has yet been spent. At least I do not believe it has been spent. My sense is since you are asking for more money, these programs can work. What are you doing to get that money out the door now and see that they work?

Secretary ACOSTA. Mr. Chairman, thank you. Thank you for the question. I think we all agree that this is a good investment and that this, in fact, should go forward.

The way the appropriation was written, in the opinion of our attorneys created difficulty, as it was written. I think this committee intended the money to go to the regional commissions and have those commissions disperse it to individual entities within the region.

Our attorneys, however, said that based on the language we had to do the disbursement directly to the individual entities. We have entered into an MOU (memorandum of understanding) with the regional commissions where we are providing funds for the regional commissions to do technical assistance so that the individual entities can apply to us, with the assistance of those regional commissions. So, the individual entities will apply to us as our budget attorneys say they have to, but with the assistance of those regional commissions.

Going forward I hope that our staffs can work together, and my understanding is they are working together, to develop appropriate language so we do not have to face this next year. It is a technical issue.

Senator BLUNT. Then you would hope we could put that language in this next appropriating bill?

Secretary ACOSTA. Absolutely. I think everyone agrees on what this should look like. There is a technical legal issue that we are working around. We have issued the MOU and entered the MOU with both the Delta, and I apologize, I forget the other.

Senator BLUNT. Appalachian.

Secretary ACOSTA. With both the Delta and the Appalachian regional commissions so that we can disburse the money with their assistance, as they work with their local grantees.

JOB CORPS BUDGET

Senator BLUNT. Let's move to what I think was about a 40 percent proposed cut for Job Corps that is over \$700 million. Does that mean you are going to eliminate 40 percent of the locations in the country, or what do you expect to do with that?

Secretary ACOSTA. Mr. Chairman I think I mentioned to you when we spoke earlier this year, the debate over Job Corps is one that goes back several decades. This committee is going to determine the appropriate funding level for Job Corps as it did last year, and the year before that. We have concerns about the program, irrespective of funding level. We are proceeding based on those concerns with reforms to the program that we think may be helpful. So, we are using our pilot project authority working with governors that are interested too, to try different pilot projects in particular States.

So yesterday for example, I shared that that we are starting a Job Corps Scholars Pilot Program. It is small, it is only \$20 million, but we issued a request for proposal for community colleges to set up many job corps within those community colleges, cohorts of 40 students. They would receive funds that would cover tuition, that would cover housing, that would cover counseling services, and interestingly it would be at about half the cost per student, of a job corps center, because job corps centers depending on the particular center, sometimes \$30–\$40,000 per student, per year.

We are also working with, in Idaho for example, with the governor, the Job Corps Center is now being managed, or about to be managed, by their local community college. So, we are trying different approaches to see what works and what does not work, and we will proceed as this committee sees fit on the Job Corps program.

USDA-RUN JOB CORPS CENTERS

Senator BLUNT. Now there are a couple of USDA (United States Department of Agriculture) run Job Corps Centers in the country, I know we have one in Missouri. I have been told that they are no longer interested in running those programs.

Secretary ACOSTA. The USDA has indicated that they have concerns as to the effectiveness of those programs. And if they do withdraw, then we would look at program Job Corps Center by Job Corps Center and determine whether to close that center, whether to consolidate that center, or whether to convert that center into something different.

Senator BLUNT. And you are working with the States on that?

Secretary ACOSTA. We would be working with the USDA and the States, yes.

Senator BLUNT. Thank you.

Senator Murray.

Senator MURRAY. Thank you Mr. Chairman.

HUMAN TRAFFICKING

Before I ask about budget Mr. Secretary, I do need to ask you about when you served as U.S. Attorney and your office negotiated a “deal of a lifetime” for a serial sex abuser, Jeffrey Epstein, which allowed him to serve minimal jail time and avoid Federal prosecution for sex trafficking charges.

What I want to know is why the non-prosecution agreement you negotiated was not stronger? Why just 13 months in jail for—when those young girls were victims of what you described as a quote “very vile crimes?”

Secretary ACOSTA. So, Senator Murray first, let me point out that this started and was, a State matter. The district attorney received the information, the evidence from the police. The district attorney took this to a grand jury. The grand jury in the county recommended a single charge that would have resulted in no jail time; that would have resulted in no registration at all. And on that basis Epstein was arraigned in State court.

Now as Federal prosecutors we looked at this and we said, this is of concern. The way this is proceeding in State court, no jail time, no registration, is of concern to us. So, we weighed in and we said that a Federal prosecution and investigation could result, and would result, if the State did not negotiate something that was much stronger. And at the end of the day he entered a plea in State court that called for 18 months; that called for registration as a sex offender.

Senator MURRAY. 13 months.

Secretary ACOSTA. 18 months, Senator. The way that the State then allowed him to serve the sentence, it was reduced to 13, but it was 18.

Senator MURRAY. Well as you know he was a serial sex offender, and this, it does not feel that he was appropriately punished at all.

And earlier this year a Federal Florida judge said the non-prosecution agreement violated the law. So, let me ask you, would you join with me calling for a thorough, independent investigation by career ethics officials into whether non prosecution agreements violated Federal law or Department of Justice policies?

Secretary ACOSTA. Senator Murray, first let me say the Office of Professional Responsibility at the department is looking at this matter already.

Secondly, if I could point out, the Department of Justice at the time, had a policy in place that did not—where the Crime Victim Notification's Act of the CBRA did not apply to non-prosecution agreements, and in fact, there was an Office of Legal Counsel decision.

Senator MURRAY. Well, there is an investigation going on.

I want to get to the budget. Do you agree with me that the investigation should be released to all members of the Congress?

Secretary ACOSTA. Senator, I think that is a Department of Justice decision, they have protocols on that.

Senator MURRAY. What is your opinion?

Secretary ACOSTA. I think that this is a Department of Justice decision.

Senator MURRAY. So, you do not have an opinion on whether we should see it?

Secretary ACOSTA. Senator, I do not know what the protocols are at the Department of Justice. I think the Department of Justice has protocols, and that they should follow these protocols.

FEDERAL MINIMUM WAGE

Senator MURRAY. All right, well let me turn to the budget. Yesterday you testified before the House, Education and Labor Committee that, "We do not support a change to the Federal minimum wage at this time". You know the Federal minimum wage has not

been increased in a decade and low-wage workers now make less per hour than they did 50 years ago.

So, I would like you to clarify that statement. If workers do not deserve, a quote, at this time, then, when do they?

Secretary ACOSTA. Senator, the prior comments around that pointed out that 29 States have increased their State minimum wage above the Federal minimum wage. And within the remaining 21 States there are some localities that also may have increased the minimum wage above the Federal.

And so, part of this question, in fact the Washington Post had an editorial that pointed this out, should the 29 States that have raised the minimum wage above the Federal, impose their cost structures on the remaining 21 States? And so, the Post editorial, for example, pointed out that a one-size-fits-all approach does not work and does not work well.

Senator MURRAY. Well we have worked well under a Federal Minimum Wage Law that made sure that we did not have increasing disparities among workers. So, you and I are going to disagree on this.

APPRENTICESHIP PROGRAMS

I do want to ask about apprenticeships. The Registered Apprenticeship Program is really highly effective in providing workers with good paying jobs. It long has had a history a bipartisan support from this Congress, so I have to say I am very deeply concerned about your implementation of this program, and your efforts to create a duplicative lower quality apprenticeship program. You call it IRAPs (Industry Recognized Apprenticeship Programs).

Now despite your repeated public assurance that our appropriation can only legally fund the Registered program, earlier this year I learned that DOL (Department of Labor) spent \$20 million on a contract to quote, "Expand industry relevant apprenticeship programs that are recognized and/or registered". And it was not until we had a congressional inquiry months after the agreement was signed, DOL backtracked, acknowledging this would be illegal and inconsistent with the committee's direction.

I am also concerned by your failure to spend the fiscal year 2018 funding. We appropriated that more than a year ago with the majority of that \$145 million still unspent, despite a fast approaching expiration date.

And finally, I am very troubled at the department's clear intent to undermine the Registered Apprenticeship Program by proposing changes to its regulation to weaken fundamental labor standards and limit Federal oversight, over tens of millions of dollars of taxpayers. Oversight is our responsibility.

So I just, I only have a few seconds left, if you could just answer yes or no. Given the highly questionable nature of the \$20 million contract I just mentioned, I sent you a letter today requesting DOL provide all the contract documents related to this agreement. Will you respond to that in a timely and transparent manner?

Secretary ACOSTA. Senator, I disagree with the characterization of that contract, and yes, I will respond.

Senator MURRAY. Okay. Mr. Secretary given the White House's 2017 Executive Order and your proposed regulatory changes, is it

your position that DOL should be in the business of shifting tens of millions of dollars, of taxpayer dollars away from a proven Registered Apprenticeship Program to set up this unnecessary system with minimal Federal protections or oversights?

Secretary ACOSTA. Senator, again I disagree with the characterization, and we are not in the process of shifting dollars from registered to industry recognized apprenticeships.

Senator MURRAY. Okay. My time has expired, and we will follow-up with written questions.

Senator BLUNT. Thank you Senator, Senator Murray.

Senator Alexander.

Senator ALEXANDER. Thank you Mr. Chairman.

HUMAN TRAFFICKING

Mr. Secretary, welcome. Given the conversation that Senator Murray mentioned, let me ask you two questions about the plea agreement. At the time of the non-prosecution agreement that she mentioned, and you discussed, did the George W. Bush Justice Department, for whom you worked, approve the agreement as consistent with the Department of Justice policy?

Secretary ACOSTA. The agreement was reviewed in main justice as high up as the Deputy Attorney General, yes.

Senator ALEXANDER. Is the answer yes?

Secretary ACOSTA. Yes.

Senator ALEXANDER. By the Deputy Attorney General?

Secretary ACOSTA. By him or his staff, yes.

Senator ALEXANDER. And second, since then has the Department of Justice under President George W. Bush, President Obama, and President Trump continued to support your decision on the non-prosecution agreement as consistent with Department of Justice policy?

Secretary ACOSTA. Yes, Senator.

Senator ALEXANDER. So, the decision you made was consistent with the Department of Justice at that time and it was consistent with the Department of Justice policy under three administrations and what we have now is a judge who disagrees with three administrations Department of Justice policy. But that to me, does not reflect on your decision at all.

ASSOCIATION HEALTH PLANS

Let me go to Association Health Plans. Obamacare is a big problem in our country and such a big problem that almost all members of Congress would like to substitute something else for it. Republicans would like to replace it with policies that would give States more flexibility and individuals more choices and lower cost, and a large number of Democrats would like to replace it with Medicare for All, which would take away insurance on the job from 181 million Americans. So, there is broad agreement on both sides of the aisle that Obamacare does not work and is a problem. We just have different views about what to replace it with.

Now, perhaps the most extraordinary problem with Obamacare is in the individual market. Which Senator Murray and I worked on to try to reduce premiums, and in the end, there was not an agreement. But in Tennessee for example, you might make \$50-

\$60,000 if you are a farmer and be paying \$20,000 for your insurance. You do not get any Obamacare subsidy.

The best solution of that it seems to me, is your rule to reinstate Association Health Plans, which existed before Obamacare and which you reinstated in a fairly conservative way, and which basically give employees of smaller companies and some sole proprietors, the opportunity to buy the same sort of insurance that employees of big companies can buy with the same protections for such things as pre-existing condition.

Now, your reinstatement of Association Health Plans has been popular, but a judge has stopped it. What happens for example, to the Las Vegas employee whose company organized insurance under the Association Health Plan rule? Does that employee lose her insurance as a result of the court decision? And what are the prospects for expanding Association Health Plans as a way of reducing outrageously high insurance premiums?

In Tennessee since the start of Obamacare, individual insurance premiums are up more than 176 percent. So, what can you say about that?

Secretary ACOSTA. Senator, thank you. First let me point out is, you are correct, they have been popular.

The Washington Post ran two articles, one an article, one an editorial board member. These are the headlines: "Association health plans expanded under Trump looks promising so far", talking about how they are quality plans, and "Experts hated this Trump healthcare policy. So far, they are wrong". Those are from February 1st and 4th.

These first, let me say, are quality plans, the same plans offered by IBM and other major corporations. Now, about 30 associations around the Nation have set up these AHP's and they have thousands of individuals that are covered.

We issued earlier this week a nonenforcement policy with respect to Association Health Plans that said that those plans under the courts order, they cannot receive new clients, but they have an obligation to continue to provide coverage to existing clients under the current insurance contracts.

So those individuals in Las Vegas that are covered by the Las Vegas AHP should know that their insurance contract will continue through the end of that contract and renewals thereof.

Senator ALEXANDER. I am out of time, but is the decision by the District Court judge on appeal and when is that appeal going to be heard and when will it be decided?

Secretary ACOSTA. It is appealed, we do not have a date and so I do not know when it will be decided.

Senator ALEXANDER [presiding]. Thank you Mr. Secretary.

Senator Schatz.

Senator SCHATZ. Thank you Mr. Chairman, ranking member. Secretary, thank you for being here.

CHANGES TO FEDERAL MINIMUM WAGE

I want to follow up on Senator Murray's questioning about that minimum wage. Let us sort of set a baseline here. Do you believe that there should be a minimum wage?

Secretary ACOSTA. Senator I do believe there should be a minimum wage, yes.

Senator SCHATZ. A Federal minimum wage?

Secretary ACOSTA. Yes.

Senator SCHATZ. So, you think \$7.25 is the right number?

Secretary ACOSTA. Senator, I know that at least 29 States have increased—

Senator SCHATZ. Hold on, hold on. It is a very simple question. You are the Secretary of Labor. You said there should be a minimum wage, so we got that, \$7.25 is the current rate which annualizes to about \$15,000 a year. What do you think the right number is?

Secretary ACOSTA. \$7.25 is the current Federal minimum wage.

Senator SCHATZ. I got that.

Secretary ACOSTA. And I do not believe the Federal minimum wage should be changed at this time.

Senator SCHATZ. Because that is enough?

Secretary ACOSTA. There are different wage structures throughout the Nation.

Senator SCHATZ. Yes, I got all that. I mean, listen, we have 5 minutes; I am not trying to trap you, I just want to understand your thinking. Do you think \$15,000 a year is enough for the 88 percent of minimum wage workers who are over 20 years old?

Secretary ACOSTA. Senator—

Senator SCHATZ. It is yes or no. Do you think that is enough money for them?

Secretary ACOSTA. Senator, the number of individuals that are on minimum wage varies depending which data you use between about .5 percent to a little over 1 percent. One question that I think is very important is, how long individuals continue to receive minimum wage; is this viewed as an entry-level wage, a training wage, a wage that is paid temporarily.

Senator SCHATZ. Should I take that as a yes that it is enough as long as it is temporary?

Secretary ACOSTA. Senator, I think you should take that as a—this area is a little more complicated than yes or no questions.

Senator SCHATZ. But you have to set a number, right? So, I get that. I mean I understand the workforce I understand how wages work; I understand that some people who get a minimum wage, a job immediately ascend to a higher paying job. But I will say that if you start at \$7.25, you do not immediately go to \$15.25, you go from \$7.25 to \$9.25. Right? And then to \$11.25 if you are lucky, over many, many, many, many years.

So, it really very much matters what the base pay is because you are not going to double your pay from \$15,000 a year to \$20,000 a year.

So, the question for the Secretary of Labor is, what is the right number? And I understand that you are a former professor, but I am asking you what you think the right number is.

Secretary ACOSTA. And Senator, my response is at this time, I do not think that there should be change in the Federal minimum wage. I understand that localities may and are changing that, but if one was to look for example at the labor force participation rate of younger Americans, it has fallen dramatically. The unemploy-

ment rate among younger Americans is a challenge, and one question that we need to think about——

Senator SCHATZ. But what about the adults who make the minimum wage? And I guess that the question I have is if you make minimum wage, if you make \$15,000 a year, you are almost inevitably on a number of public subsidies. So, it seems to me that the Government is subsidizing the corporation's underpaying of the individual.

Can you address that problem? Because there is just no doubt if you are paying someone \$7.25, they are going to be on SNAP (Supplemental Nutrition Assistance Program) benefits, and any number of other Government paid taxpayer subsidized assistance. Which seems to me a crazy way to do these things, because if you just paid them enough, we could have the lower tax rate and a solid social safety net, but not one that required that we basically subsidize all the companies who were underpaying people.

Secretary ACOSTA. Senator, what you are referencing is, the "cliff effect", which is in essence the trade-off between Government benefits and wages, is something that I would be more than happy to talk, maybe after the hearing, at length about. Because I would much rather see individuals working and working with good wages, than being the recipient of Government benefits. I think it is better for the individual.

Senator SCHATZ. And so just—let's try it this way. Why not raise the minimum wage? Other than sort of, like ideology, let's presume I am a progressive and you are a conservative and we have our ideological reasons coming into this. If we took off our partisan hats, why not pay everybody \$10?

We have a robust economy, we have a housing shortage, we have healthcare costs that continue to outpace inflation, you have prescription drugs going through the roof, you have people across the country struggling, and yet GDP (gross domestic product) and productivity and the stock market are not quite all time highs, but are doing quite well. And we still want to pay people seven dollars an hour?

Secretary ACOSTA. Senator, I think I mentioned at my hearing yesterday, the overall wages are up, the highest, the fastest increase we have seen in more than a decade, but——

Senator SCHATZ. But what about people making seven bucks?

Secretary ACOSTA [continuing]. In particular, something that I think is very important is at the lowest decile last year, wages increased 6.5 percent, almost double, double the median, and that is a very, very good thing. And so, I think we share the desire to see wages go up at the lowest decile. The question is how do we go about doing that in a thoughtful way that does not generate a loss in jobs, particularly in lower cost areas of the Nation?

Senator SCHATZ. Thank you.

Senator ALEXANDER. Thank you Senator Schatz.

Senator Durbin.

WAGE GROWTH

Senator DURBIN. Thanks Mr. Secretary for being here. I am sorry I was at another hearing and unable to join you here.

But just to follow up on Senator Schatz's questions, when you are starting at \$7.25 an hour and there is a 6.5 percent increase, you realize that it does not have a very dramatic impact on your lifestyle. The cost of living is going up too, and I would agree with his premise that paying people a decent livable wage, not only gives them dignity in the work that they perform, but also may absolve us from some Government responsibilities that we assume for those who are on the margins in our economy.

Maybe someone here can remind me, Senator Schatz, or yourself, when was the last time we raised the minimum wage?

Secretary ACOSTA. I believe it was 2009.

Senator DURBIN. 10 years ago. So, 6 1/2 percent a year at 10 years, it should go up what, 60 percent let's say from where it is, at currently \$7.25. You start seeing the effect that we do not respond and let this thing languish, it just worsens the plight of many people.

CAREGIVERS

I would like to ask you to consider something which we have never discussed, but I hope all of us will discuss more and more. I really started focusing on an aspect of the work force, of which we better pay closer attention to, and I called them generically, caregivers.

Whether we are talking about daycare, and the desperate efforts of families to find safe quality, affordable daycare for that new infant and child, or the care for those who are disabled. The growing responsibility of individuals for caring for those later in life, many of whom are facing those serious health challenges. This segment of our population workforce is growing dramatically, at great sacrifice for many family members.

And I think we ought to be looking at it in more honest terms about how we are going to deal with it in the future, to make sure that the people who care for those grandchildren we love, or those grandparents we love, are treated like the professionals that they need to be to do their jobs well.

What is your response to that?

Secretary ACOSTA. Senator, first I agree that this is a growing segment of the population. That if we just look at our demographic's individuals, we are having more and more individuals retire. And as the retiree population increases this is going to become more of an issue.

I would very much welcome the opportunity to have a conversation. I think there is a push-pull here. We want to recognize the professionalism and the value of individuals that are caring for others, both formally and informally. At the same time, we want to make sure that we do not put in place regulations or rules that make it difficult for individuals to get the kind of care that they want or need.

So, I would welcome the opportunity to sit down and to have that conversation. There may be areas where there is room for agreement, and we can move forward.

CAREGIVER'S PROGRAM FOR DISABLED VETERANS

Senator DURBIN. Well I can give you an example. We have had a caregiver's program for disabled veterans for several years now. It is a bill that I picked up from then, Senator Hillary Clinton, and with the help of Danny Akaka and many others, it has become the law of the land. And over 20,000, I am not sure the exact number, but I think it is over 20,000 disabled veterans now have the help of caregivers.

There are three things we provide. The basic training they need, medical training so they can respond to that disabled vets needs. Respite care there is a period of time we can give them, 2 weeks of the year for example, for their own relaxation and vacation, and then in extreme circumstances, financial assistance as well, so that they can take care of veterans. Which I might add is a great savings to the Federal Government if they are at home taking care of the veteran as opposed to an institutional setting.

I think it is an interesting template for what I raised earlier. This spectrum of caregiving that is now growing dramatically in this country, that we ought to make sure that at least those three elements are part of any response to a caregiver's core or something like it.

I hope that we look at this more seriously. The desperate situations that people face with infants, as well as aging parents, really call on us to be more mindful of this in the future.

Secretary ACOSTA. Senator I have discretion over fees received from H-1B applications and we are directing those fees into three areas based on where the H-1Bs are being issued the most.

One of those areas is healthcare. Not for physicians, not at the, what I will call the more expensive end of healthcare, but the more every day part of healthcare and education for individuals entering the profession. So, there is a need both on the workforce education side, and also on making sure that there are appropriate communications between those that can offer the skills and those that need the skills.

Senator DURBIN. Thank you sir.

Secretary ACOSTA. Thank you.

Senator BLUNT [presiding]. Thank you Senator.

Senator Baldwin.

Senator BALDWIN. Thank you Mr. Chairman.

INDUSTRY RECOGNIZED APPRENTICESHIP PROGRAMS

Secretary Acosta, on July 27 of last year the Department of Labor issued the Creating Industry Recognized Apprenticeship Programs to expand opportunity in America, often nicknamed the IRAP programs. It outlines the process that will allow trade associations and other nongovernmental entities to self-certify apprenticeship programs.

In February of this year a number of my colleagues and I sent you a letter asking you to explain and show documentation for the department's rationale in the creation of the IRAP program. And recently I have had a number of compensations with Wisconsin stakeholders, who include business owners, and others who do not understand the departments move away from the registered ap-

apprenticeship system that they have used for years. They understand how to navigate the program, to comply with it, and it really has an 80-year track record of success in my home State of Wisconsin.

So, can you provide this committee with any specific evidence that the proposed IRAP program model is needed? And also, how are the proposed IRAPs consistent with the National Apprenticeship Act provisions that state quote "The Secretary of Labor is authorized and directed to formulate labor standards necessary to safeguard the welfare of apprentices". In short where are the protections for apprentices in the IRAP system?

Secretary ACOSTA. Senator, thank you for the question. First, let me dispel any notion that we are moving away from the Registered Apprenticeship Program, as this subcommittee and the full Senate and House appropriate dollars for Registered Apprenticeship Programs. Those dollars are dispersed to support Registered Apprenticeship Programs.

So, we are not moving away from the registered program. We are setting up a parallel system primarily for those industries where Registered Apprenticeship Programs are not used. As you pointed out, there is an 80-year track record of these programs; these programs work well. The chairman and I, the chairman mentioned earlier, visited one in Missouri and I visited apprenticeship programs around the Nation that worked quite well and that have good results.

We are not looking to take anything away from those, but there are industries that are not making use of that program and for those industries we are saying there is an alternative model, the industry recognized apprenticeship model.

Now you asked how it is consistent with the act, and one way to sort of conceptualize this is in the education space. The Department of Education delegates accreditation authority to, for example, the American Bar Association or other national associations, that then look at law schools for example, and say this law school meets the appropriate standards.

The concept of having third parties in essence, accredit and administer programs for particular industry, is not something that is new, but is something that is quite often used in the field of education, and workforce training is education.

Senator BALDWIN. Okay, I am going to cut you off there and I would like to continue this dialogue of how it is consistent with the act. But in terms of your statement and trying to reassure us that you are fully supportive still of registered apprenticeship, I wonder if you could explain why fiscal year 2018 and 2019 funds have not been released to support registered apprenticeship; and what the department plans are going forward to rectify this situation. What is the deadline to spend fiscal year 2018 funds appropriated for apprenticeship training?

Secretary ACOSTA. Senator, all the funds have been released with the exception of the funds that are going to the individual States. That particular portion of the funds is pending I believe at OMB (Office of Management and Budget) for final clearance and should be released fairly soon.

Again, we are not, we are not trying in any way shape or form—we believe in apprenticeship programs. We are not trying to move away from this.

Senator BALDWIN. Okay, we are going to be tracking that closely because obviously we have heard concerns.

INFRASTRUCTURE PACKAGE

On Tuesday the President agreed to begin work on a \$2 trillion infrastructure package. A few weeks ago, at the Building Trades Legislative Conference you said that infrastructure should, and will, include Davis-Bacon.

Do you believe the President will support your position on Davis-Bacon, and have you spoken with the President about including Davis-Bacon in the infrastructure packet?

Secretary ACOSTA. Senator this has been our position since last year's Senate hearing on infrastructure. Infrastructure will be bipartisan. That means infrastructure will include Davis-Bacon.

Senator BALDWIN. And has the President given you his commitment to include Davis-Bacon?

Secretary ACOSTA. The President has not given—I have not spoken with the President about this in particular, but the White House is aware of this position and understands that apprenticeship—I am sorry that the infrastructure will be bipartisan.

Senator BALDWIN. And will include Davis-Bacon.

Secretary ACOSTA. And will include Davis-Bacon.

Senator BALDWIN. All right. Thank you.

CAREER PATHWAYS FOR HIGH SCHOOL STUDENTS

Senator BLUNT. Thank you Senator Baldwin.

Mr. Secretary, I have four or five other things I would like to get on the record here before we make a determination about how we deal with the rest of this hearing.

What can you do, what can we do, to work with the Department of Education to create a better sense in high school of the variety of paths that people have? The variety of career paths they have, and I am certainly not opposed to the focus on associate degrees and bachelor's degrees and graduate work.

I think you and I have both seen a number of incidences now, where people get out of high school, they maybe do one semester of college and then kind of drift into various part-time things that do not really lead them where they eventually figure out they need to be going.

How can we get more information out there earlier?

Secretary ACOSTA. Mr. Chairman I think this is incredibly important. I think one thing that matters, it is difficult to do from the Senate, but it is really a local issue is, how do counselors and high schools get rewarded. Do they get recognized solely based on how many of their students go to college? Or do they get recognized based on whether the maximum number of their students find a path forward to success?

Because success can be very different things. Success can be a great welding job that can pay \$60, \$70, \$80,000. I read an article last week about oil riggers that are making almost \$200,000 a year; or success can be college. And that counselor is so critical early on.

Senator BLUNT. Well, I think that is right, in fact I told a group yesterday that maybe we ought to be evaluating high schools as opposed to how many people get into college, how many people 5 years after they are out of high school have a job that pays at least \$60,000 a year. And obviously there is a window there that is not quite as quick as you have enrolled in college and the next fall, but it is a measurable window, and would be a much greater indication probably of whether people were prepared to where they eventually may wind-up headed in life; airplane mechanics, welders, electricians, all of those things.

ELIMINATING EMPLOYMENT OBSTACLES FOR VETERANS AND MILITARY SPOUSES

And on that topic, let's start with veterans and military spouses. What can we do to further encourage States to accept credential skills? Somebody for instance, in the military has been driving a truck for 3 years, it would seem to me that getting a commercial truck driving license should not be an obstacle; or if they have been an electrician or doing some kind of medical assistance work. Those kinds of things. We need to do a better job I think, transitioning them into what is now a very tight workforce where people are looking for people. What can we do to encourage eliminating needless obstacles there?

Secretary ACOSTA. Mr. Chairman, I think you raise a very, very important point. Someone can be licensed to drive a truck in Falluja and literally not be licensed to drive a truck when they leave the military and come back to their home. States seem to have difficulty addressing this, these are often caught up in local issues and local politics.

I think it would behoove this Congress to look at how it can encourage, should I say, States to really look at these licensing issues, their barriers to entry. I think of one State where a license to install fire alarms cost more than a license to be a practicing lawyer.

And not only are they barriers to entry for individuals that are leaving the military and coming back home, but they are barriers for entry often for those who can least afford to pay these licenses.

This is a real, real issue depending on studies, Federal Reserve estimates 1.5 million Americans are broke and 3 million Americans are not working because of licensing issues. They just decided we are not going to pursue this license.

Senator BLUNT. Now some States, and Missouri is one of those, is getting pretty aggressive in this area on the topic of military spouses, who of course, the strength of the military families and military spouses getting credentialed quickly when they move as the person who is serving is transferred to a new base.

I think we had the first person sworn in immediately as a member of the Missouri Bar when one of the military spouses was sworn-in in January, and immediately was going to work as a lawyer. Something that in our State would not have happened before without substantial time being involved. And whether it is that or teaching, or healthcare provider, or whatever. I think that is another area that is fairly easy to open that door. Everybody understands why that door and the veteran's door should open.

But it also seems to me in this kind of economy, States should want to compete with each other to see who can make it the easiest for skilled people to move to your State, and frankly, I hope my State leads the way on that.

Secretary ACOSTA. Mr. Chairman, I have heard it said that we recruit an individual, but we retain a family in the military. Military spouses sacrifice a lot so that the service person can be in the military and defend us. And to ask them to choose between maintaining the integrity of the family unit, or their career I think, is just an inappropriate and wrong choice.

Military spouses—the military service person has to move on orders typically every 2 years. And the military spouse then has to decide, do I move, or do I keep my career. And to have to relicense every time someone moves and wait to get that license and go through that process, and pay those fees, and that bureaucracy, seems wrong.

So, some mechanism of recognition where if a spouse is temporarily in a State, that State recognizes the license in the home State, I think would be a wonderful idea, and something I am working with some governors to encourage States to adopt.

Senator BLUNT. I am glad to hear that. Senator Gillibrand and I worked on some legislation a couple of years ago where military families now have new capacity to either stay a little longer and have the family support where they are or leave a little earlier if they want to do that because of education or job. You know, if there is a month left in school, if there is a month left in a contract, if you need to get there a little earlier. I think that is working well.

But this is an area where I think letting military spouses use the skills they have as soon as you possibly can once they move, makes a big difference in whether people continue to serve. Retaining families is a good way to look at that.

H-2B VISAS

Let me ask a question about H-2B workers. Across the country and in Missouri in amusement parks, and hotels, and resorts, and tourism there is a particular need there. That number is much lower than the applications for those workers.

In fiscal year 2019 the Department of Homeland Security Bill included a provision to allow for as many as 69,000 additional visas with consultation with the Department of Labor. I think those visas are now going to be available, but I have not seen the rule yet. Does your department process that rule, and are you in the place to do that?

Secretary ACOSTA. Mr. Chairman, we have processed the rule I believe that OMB has concluded review, and I believe publication should commence—should occur, shortly.

Senator BLUNT. If you find out anything differently than that, let me know.

Senator Lankford.

Senator LANKFORD. Mr. Chairman thank you very much.

PROCEDURE FOR ISSUING SUBREGULATORY GUIDANCE

Secretary, thank you for being here in conversation, I am ping-ponging both between votes and two other committees, so if you

have already been asked this I apologize, but I wanted to be able to drill down on little bit.

The Inspector General had looked at some of the guidance that is been done specifically by OSHA and it asked about procedures in place and if those procedures are working. They found that OSHA did not have a lot of procedures in place for issuing guidance, and the procedures they did have in place only 80 percent of the time they did not follow it. That is an issue.

I am sure you have looked at this trying to be able to figure out where this goes from here, what is happening with just basic structural; when we put out guidance, how we can give some sort of certainty to companies that are out there. How they can get insight because they need a question answered. But do you still also need to know this could make consistent process, so some other company does not ask a question and they get hit.

Secretary ACOSTA. Senator thank you for the question. Let me break it down into a few parts. The Inspector General, in fact, did look at the use of guidance, subregulatory guidance, guidance that does not undergo APA rulemaking process as by OSHA. So, this goes to a broader issue within the Department of Labor that also goes to the Wage and Hour Division and others that used subregulatory guidance for example to issue new interpretations for Joint Employer, and many other issues that fundamentally changed the department's approach.

One of the problems with this is often this guidance is directives to the field and are not even published. So how is the employer to even know what is expected of them.

In other areas, because it is not formal public guidance, the public does not have input and often the public does not have the opportunity to challenge these new, they are not technically rules, but they have the effect of rules, in court.

And so, two things, first, we do not use subregulatory guidance in the same way. So, for example on the Joint Employer Rule, in the joint employer area we have chosen to go through full APA rulemaking, we believe that is the better approach. It allows the public input.

Second, we are in the process of looking internally at how we can develop a rule, and apologies that this sounds so bureaucratic, but it is almost a rule on how to issue rules.

Senator LANKFORD. Right. There is a process.

Secretary ACOSTA. Yes, a process only in Washington, but it is important, because we need to check our own ability in my opinion, to impose restrictions on the American public that they do not even know about, or restrictions that do not fully accord with the law.

So, we are developing our own internal mechanism that will look at all guidance documents and determine whether this is something that should appropriately be a guidance document, or whether this would require rulemaking.

Senator LANKFORD. Okay. That is going to be on all entities, that is not just an OSHA issue. Though the Inspector General is looking at OSHA, you are talking about broadening that out to everyone to make sure everyone follows basic process.

Secretary ACOSTA. That is right Senator. The Inspector General focused on OSHA, but I do not think that this is an issue that is

limited to OSHA, and I think that this should be not an OSHA matter, but a department wide approach.

Senator LANKFORD. So, can I ask a question, how does this get maintained long-term? This is a practice that you put in place. Ten years from now is that still a practice in place or is this something that we need to be able to speak to.

Secretary ACOSTA. Well, certainly Congress can speak to whether or not subregulatory guidance should be used. Apart from that, the rulemaking process itself could set out standards by which something is not given effect if it does not undergo the APA process.

JOINT EMPLOYER RULE

Senator LANKFORD. So, you mentioned the Joint Employer conversation going through the Administrative Procedures Act, and the journey through that. What is the status on that right now, and specifically what is your sense of how this will affect franchises?

Secretary ACOSTA. Senator that is currently pending public comment. A notice of proposed rulemaking was issued. And what this does is two things, first it provides clarity. The Federal Courts of Appeals had so many different tests, it was very difficult for particularly national franchises, to know what they could and could not do because it might vary by circuit.

So, what the interim rule does is it says, there is a plurality approach and the plurality approach is this. These are the factors that are considered. And we are proposing that these are the factors that be adopted, so that there is clarity, so that is predictability.

It is also important, I read an interesting article with respect to franchises and it pointed out that franchises want to provide technical assistance for example, on sexual harassment policy, but they are concerned that doing so would make them a Joint Employer.

This is important so that franchises can provide information to their franchisees on any number of issues that will help those franchisees operate, understanding that it is ultimately the franchisees choice whether to follow that are not.

Senator LANKFORD. Right. Ultimately the franchise—who owns the franchise itself, has also responsibility to be able to protect their own trademark, protect their own name, and protect some semblance of quality in the process. Though the franchisees out there, the owners, that local entity, that is their best step to be able to get into owning a business rather than working at a business.

So, whatever is done at this long process, I look forward to trying to protect the American dream. Quite frankly, as you have the opportunity to be able to do, allow people to move from “I work here” to “I own here”.

And that is through the franchise process often so, I appreciate and look forward to that being finalized.

ADDITIONAL COMMITTEE QUESTIONS

Senator BLUNT. Thank you Senator Lankford, thank you Secretary Acosta.

The record will stay open for one week for additional questions.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR ROY BLUNT

WORKFORCE OPPORTUNITY GRANTS FOR APPALACHIAN AND DELTA REGIONS—A

Question. The fiscal year 2018 and fiscal year 2019 LHHS bills each included \$30 million for a new dislocated worker training initiative to provide reemployment and training assistance to workers in rural areas of the country hit hardest by the recession and recovering more slowly. During the hearing, Secretary Acosta, you said that the fiscal year 2018 funding opportunity announcement is forthcoming for the new Workforce Opportunity for Rural Communities (WORC) grants for the DRA and ARC regions. The Committee looks forward to seeing the FOA and encourages the Department to ensure the fiscal year 2019 funds are obligated in a timely manner. You also said that transferring the funds directly to the DRA and ARC would have sped up the process for getting funds on the ground in these rural communities.

Aside from transferring the funds directly to the DRA and ARC, what else should the Committee consider to ensure these funds are expeditiously obligated in future years?

Answer. Earlier this year, ETA, DRA and ARC signed a Memorandum of Understanding (MOU), detailing our cooperative efforts and allowing for the transfer of technical assistance funds to support rural communities in the Appalachian and Delta regions. In developing the MOU and the initial funding opportunity announcement for the Workforce Opportunity for Rural Communities Grant Initiative, ETA, DRA, and ARC worked through a variety of questions that covered many foundational, logistical, and policy-related matters. Future funding opportunities will be more efficient as we build on these cooperative efforts. ETA, DRA, and ARC published the jointly drafted funding opportunity announcement on May 15, 2019, with a closing date of July 15, 2019.¹ The funding will be awarded to entities in these regions based on the appropriations language included in the fiscal year 2018 appropriation. ETA, DRA, and ARC are all actively publicizing the grant opportunity with stakeholders through email distribution lists, website updates, social media, and webinars for potential applicants and plan to award grants by September 30, 2019. In addition, utilizing funds transferred through the MOU, ARC and DRA are providing in-person technical assistance and pre-application workshops to potential applicants.

TRANSITION ASSISTANCE PROGRAM

Question. The fiscal year 2019 National Defense Authorization Act requires reforms to the Transition Assistance Program and the budget request includes funding to begin implementation of the TAP reforms, with plans to expand DOL's role in future years.

Please provide a detailed projection of the Department's long-term plan for implementation of these reforms and the range of resources that may be needed over the next 3 years to meet the Department's objectives?

Answer. Transitioning service members are invaluable to American communities, bringing technical skills and leadership traits that job creators need. The Transition Assistance Program (TAP) for separating and retiring service members and their spouses, provided under 10 U.S.C. 1144, helps to smooth the transition from active duty to civilian life. TAP is a cooperative effort among between the Department of Labor (the Department), the Department of Defense (DoD), the Department of Homeland Security, the Department of Veterans Affairs (VA), the Small Business Administration, and the Office of Personnel Management.

The Veterans' Employment and Training Service (VETS) estimates that approximately 150,000 transitioning service members will attend the Department's Employment Workshops this year. President Trump signed H.R. 5515, the John S. McCain National Defense Authorization Act (NDAA) for fiscal year 2019, (Public Law 115–232), into law on August 13, 2018 that included requirements to improve TAP.

In fiscal year 2019, the Department is laying the groundwork to implement fiscal year 2019 NDAA requirements with a focus on improving outcomes, including providing one day of required instruction on employment preparation and two days of

¹ [https://www.grants.gov/web/grants/search-grants.html?keywords=Workforce%20Opportunity%20for%20Rural%20Communities%20\(WORC\)%3A%20A%20Grant%20Initiative%20for%20the%20Appalachian%20and%20Delta](https://www.grants.gov/web/grants/search-grants.html?keywords=Workforce%20Opportunity%20for%20Rural%20Communities%20(WORC)%3A%20A%20Grant%20Initiative%20for%20the%20Appalachian%20and%20Delta).

elective instruction on vocational training and employment preparation. VETS is updating and reformatting curricula accordingly. Beginning on June 24, 2019, the Department, will pilot the NDAA curricula at selected military installations.

In fiscal year 2020, VETS will begin implementing required improvements, including career counseling, resume preparation, and job search assistance. These changes to TAP are designed to help transitioning service members make the best career choices available to them, taking into account individual skills and high-demand career fields. Better matching veterans to career opportunities prior to transition could reduce job turnover rates among recently-transitioned veterans. VETS receives data on transitioning service members from DoD. This growing database contains demographic information, highest education level achieved, military base geographic data, and a full list of all the courses each service member participated in during the transition process. This information, when matched with wage data, will allow the Department to better understand outcomes achieved.

The Department is also developing a course curriculum specific to the employment needs of military spouses who are transitioning with their service member. The course curriculum will continue the Department's efforts to address obstacles present in a military spouse's career such as the complexities presented by State licensing and credentialing requirements associated with relocations across State lines. As an example, last year, the Department developed a military spouse web portal where military spouses can efficiently search for specific points of contact, guidelines, and State laws on professional licensing, including information on how occupational licenses from one State can be recognized in another. While developing the new course curriculum, VETS will evaluate delivery options with DoD to determine the most effective and efficient format, likely hybrid models that allow face-to-face programming and digital delivery.

Over the next 3 years, VETS will continue to implement TAP improvements. The Administration will evaluate resources needs on an annual basis and provide estimates of that need in the VETS annual budget request.

H-2B VISA APPLICATION SURGES

Question. Across the country, H-2B workers play a vital role in the timber industry, hospitality, and landscaping. In Missouri, H-2B workers are employed throughout the State at amusement parks, in hotels, and resorts supporting our robust tourism industry. This Committee has provided resources to help the Department process labor certifications in a timely manner.

How have these resources been deployed to address the surge of H-2B applications?

Answer. The Department received a \$20 million transfer to reduce H-2A and H-2B processing delays with funding made available in fiscal year 2017 and fiscal year 2018. However, since this transfer, application volumes across labor certification programs in the H-2A and H-2B program have continued to rapidly spike. The Department used the funding made available under the transfer to temporarily increase staffing for H-2 case processing, modernize technology supporting electronic filing and processing of H-2 applications, and increase grants to State Workforce Agencies (SWAs) to fulfill State-level activities required in the H-2 programs (e.g., posting job orders to recruit U.S. workers).

In fiscal year 2017, the Department obligated \$6.56 million of the \$20 million transfer, with \$5.14 million dedicated to increase the Department's staffing in support of H-2 case processing and \$1.42 million to provide additional grants to SWAs.

In fiscal year 2018, the Department obligated the remaining \$13.44 million with funds allocated as follows: \$7.37 million to increase staffing in support of H-2 case processing; \$5.17 million to initiate development of a modernized information technology (IT) system to support electronic filing and processing of H-2 applications; and \$900,000 to maintain the legacy IT system and enhance program integrity until the new system could be launched.

For several years, the Department has requested the authority to collect and retain user fees to cover the full cost of operating Foreign Labor Certification programs. The ability to charge fees for these programs would give the Department a more reliable, workload-based source of funding that would eventually eliminate the need for congressional appropriations. In addition to helping the Department handle the workload and limit potential backlogs during peak times, a fee would also discourage illegitimate employers from abusing the system and potentially depriving American workers of job opportunities as well as appropriately allocating financial responsibility for the program to the entities that utilize and benefit from the program.

Question. What feedback has the Department received from stakeholders regarding efforts to prevent future surges of applications, such as the unprecedented volume of applications that crashed the iCERT system on January 1, 2019?

Answer. As a result of stakeholder comments and the most recent filing period, in which the Department experienced a service disruption due to the large volume of system user requests, the Department's Office of Foreign Labor Certification (OFLC) reassessed its procedures for processing H-2B applications. On February 26, 2019, the Department announced updates to its standard procedures for processing H-2B labor certification applications. Because of the intense competition for H-2B visas in recent years, in concert with the limited number of H-2B visas permitted by Congress on a semi-annual basis, the Department's technology and available staff resources have been challenged to handle the increasingly large volume of H-2B applications filed on January 1 of each year.

Pursuant to the new procedures, all H-2B applications filed on or after July 3, 2019, will be randomly ordered for processing based on the date of filing and the start date of work requested. Those applications filed during the first three calendar days of the regulatory time period for filing H-2B applications, and requesting the earliest start date of work permitted under the semi-annual visa allocation (i.e., October 1 or April 1), will be randomly ordered and assigned for processing. Once first actions are issued on this initial group of filings, OFLC will randomly assign for processing all other applications filed on a single calendar day.

As a result, the transition from a first-come, first-served basis to random ordering should devalue the motivation for applicants to submit their applications immediately after midnight on the first day of the filing period. These processing changes will create more fairness to all applicants when the difference in submission to the IT system could be only thousandths of a second, and accordingly, reduce the likelihood of a surge in filing.

IMPACTS OF 2015 IFR HOUSING POLICY

Question. The fiscal year 2019 Senate Report 115-289 directed the Department to provide a detailed report with an assessment of the impacts of the 2015 Interim Final Rule [IFR] housing policy in industries that require a mobile workforce. The Committee received the Department's report, however, the Department failed to provide any data regarding the impact of the policy.

Please provide an analysis of the economic impact of the housing policy on the affected employers and workers, by industry, including the costs incurred by employers as a result of the housing policy.

Answer. The Fair Labor Standards Act (FLSA) requires that wages be paid to employees, free and clear, and that employer deductions be reasonable. In accordance with the statute, deductions or costs incurred for facilities (including housing) that are primarily for the benefit or convenience of the employer are not considered reasonable under the FLSA and therefore may not be charged to the worker. The Department has long applied these FLSA principles to employers covered by the FLSA, including H-2B employers.

Accordingly, this longstanding position was set forth in the Department's 2012 H-2B rulemaking (2012 Rule), predating the 2015 Interim Final Rule (2015 Rule), and the Department responded to comments on this very issue.² The preamble to the 2015 Rule simply reiterated that lodging for workers in industries requiring a mobile workforce is primarily for the H-2B employer's benefit and convenience, and therefore cannot be charged to the workers either directly or indirectly, to the extent it would reduce the worker's pay below the offered wage.

As such, there was no change in policy in that the Department continued to apply longstanding FLSA principles in the 2015 Rule. Therefore, the Department did not quantify the economic impact on the H-2B program under the premise that no change created no impact.

The Department, through its national and local outreach and compliance assistance efforts, regularly hears from stakeholders regarding the impact of Department's policies on its operations. The Department will continue to assess whether there are any other impacts of its mobile housing policy through these efforts.

JOB CORPS CONSTRUCTION AND RENOVATION

Question. Earlier this year, the Employment and Training Administration stated that there is an estimated \$700 million in facilities maintenance projects at Job Corps centers. According to the fiscal year 2020 Congressional Budget Justification: "Job Corps will prioritize its CRA funds to address the most critical issues, includ-

² See 77 Fed. Reg. 10038, 10067 (Feb. 21, 2012).

ing leaking roofs that if not repaired result in facility damage and unhealthy living conditions; heating, ventilation, and air conditioning (HVAC) systems that no longer provide adequate air quality; emergency repairs that affect center operations; and environmental and Executive Order compliance matters.”

How does the Department prioritize CRA projects?

Answer. Facility surveys are conducted at each Job Corps center every 3 years to document the condition of the facilities, identify deficient conditions, and provide recommendations and cost estimates for correcting deficiencies. Each deficiency is classified based on its severity and its impact on the facility and the program, and categorized based on the affected building system.

Each deficiency is initially scored based on the classification, category, and building type (e.g., dormitory, education). Those deficiencies that receive a higher score have higher priority for repair. Deficiencies classified as Life Safety and Health are funded soon after the facility survey, while the remaining deficiencies and resulting projects become candidates for future funding.

Candidates for future funding are scored based on the operational impact, degree of degradation, impact to the building, remaining useful life, and programmatic impact. Deficiencies and projects are considered for funding to prioritize the safety of students and staff, address asset preservation, improve the facility condition index (FCI), and bring Job Corps facilities into compliance with program guidelines and overall Job Corps and Departmental priorities.

Question. Please provide a breakdown by center and project type of the \$700 million backlog of construction and renovation projects.

Answer.

JOB CORPS REPAIR BACKLOG BREAKDOWN BY PROJECT TYPE—AS OF MAY 14, 2019

Center	Electrical and Fire Alarm	Building Envelope	Interior Finishes	HVAC, Plumbing, and Mechanical	Other Rehab and Miscellaneous	Total Repair Backlog
ALASKA	\$505,207	\$1,254,693	\$372,229	\$827,596	\$483,214	\$3,442,938
ALBUQUERQUE	\$299,575	\$939,151	\$95,272	\$1,556,770	\$442,211	\$3,332,979
ANACONDA	\$376,856	\$736,953	\$1,187,741	\$582,668	\$1,652,584	\$4,536,802
ANGELL	\$1,402,110	\$242,305	\$15,938	\$592,722	\$988,983	\$3,242,059
ARECIBO	\$717,053	\$243,713	\$366,491	\$1,073,306	\$1,308,975	\$3,709,538
ATTERBURY	\$973,713	\$10,228,921	\$6,094,485	\$1,243,522	\$1,140,217	\$19,680,858
BAMBERG	\$977,587	\$261,297	\$292,024	\$591,790	\$2,988,455	\$5,111,154
BENJAMIN L. HOOKS	\$1,350,005	\$481,261	\$103,164	\$2,162,952	\$1,427,348	\$5,524,729
BLACKWELL	\$93,889	\$219,716	\$296,708	\$324,286	\$970,504	\$1,905,103
BLUE RIDGE	\$118,491	\$458,440	\$483,806	\$270,014	\$266,448	\$1,597,200
BOXELDER	\$781,050	\$619,430	\$228,594	\$403,227	\$1,490,988	\$3,523,288
BRUNSWICK	\$2,462,106	\$735,189	\$1,265,299	\$5,432,312	\$2,640,445	\$12,535,350
CARL D. PERKINS	\$207,484	\$96,896	\$7,436	\$976,418	\$913,701	\$2,201,936
CARVILLE	\$1,027,061	\$181,167	\$79,428	\$166,250	\$356,334	\$1,810,240
CASCADES	\$119,925	\$1,412,884	\$0	\$401,241	\$2,133,061	\$4,067,111
CASS	\$172,620	\$1,034,922	\$173,783	\$233,301	\$583,187	\$2,197,813
CASSADAGA	\$1,165,310	\$1,011,140	\$142,573	\$2,184,245	\$1,781,197	\$6,284,465
CENTENNIAL	\$27,746	\$2,214,739	\$492,788	\$370,379	\$92,376	\$3,198,027
CHARLESTON	\$97,356	\$764,096	\$64,617	\$1,233,686	\$471,159	\$2,630,914
CINCINNATI	\$7,117	\$42,579	\$49,647	\$527,750	\$7,741,649	\$8,368,741
CLEARFIELD	\$584,232	\$27,225,090	\$520,083	\$6,725,764	\$777,815	\$35,832,983
CLEVELAND	\$2,009	\$6,042	\$619	\$13,168	\$76,375	\$98,213
COLLBRAN	\$54,752	\$30,042	\$213,617	\$142,841	\$5,709,388	\$6,150,640
COLUMBIA BASIN	\$81,723	\$1,753,665	\$391,991	\$1,450,577	\$1,365,946	\$5,043,902
CURLEW	\$557,851	\$276,485	\$1,922,510	\$1,338,366	\$350,528	\$4,445,740
DAVID L. CARRASCO	\$204,177	\$156,272	\$405,999	\$511,044	\$88,092	\$1,365,585
DAYTON	\$2,144,277	\$1,656,731	\$1,333,410	\$1,941,567	\$8,349,008	\$15,424,993
DELAWARE VALLEY	\$307,957	\$2,724,002	\$574,329	\$132,824	\$5,827,567	\$9,566,679
DENISON	\$12,652	\$1,813,271	\$42,466	\$1,030,083	\$912,079	\$3,810,551
DETROIT	\$1,642	\$79,323	\$1,300	\$38,003	\$1,100,310	\$1,220,578
EARLE C. CLEMENTS	\$1,761,537	\$3,782,991	\$2,529,900	\$538,815	\$3,731,852	\$12,345,095
EDISON	\$2,338,661	\$184,887	\$3,430,921	\$6,980,784	\$6,131,187	\$19,066,440
EXCELSIOR SPRINGS	\$292,888	\$1,970,541	\$211,645	\$871,812	\$362,665	\$3,709,551

JOB CORPS REPAIR BACKLOG BREAKDOWN BY PROJECT TYPE—AS OF MAY 14, 2019—Continued

Center	Electrical and Fire Alarm	Building Envelope	Interior Finishes	HVAC, Plumbing, and Mechanical	Other Rehab and Miscellaneous	Total Repair Backlog
EXETER	\$18,680	\$18,235	\$37,134	\$103,279	\$0	\$177,328
FINCH-HENRY	\$51,390	\$107,483	\$96,702	\$253,472	\$2,366,617	\$2,875,664
FLATWOODS	\$779,556	\$410,876	\$1,337,632	\$1,068,830	\$244,311	\$3,841,204
FLINT HILLS	\$2,054,804	\$27,250	\$11,344	\$1,007,800	\$310,400	\$3,411,599
FLINT/GENESEE ..	\$250,739	\$29,982	\$736,405	\$2,044,369	\$1,116,644	\$4,178,139
FORT SIMCOE	\$195,077	\$46,376	\$7,800	\$629,685	\$45,864	\$924,802
FRED ACOSTA	\$205,086	\$1,726,960	\$156,648	\$610,351	\$1,636,513	\$4,335,558
FRENCHBURG	\$384,783	\$948,694	\$9,299	\$700,615	\$399,824	\$2,443,215
GADSDEN	\$441,115	\$1,133,859	\$133,643	\$94,222	\$229,958	\$2,032,798
GARY	\$609,488	\$2,744,704	\$1,451,923	\$4,184,037	\$14,231,175	\$23,221,327
GERALD R. FORD ..	\$9,957	\$113,920	\$0	\$43,999	\$214,733	\$382,609
GLENMONT	\$1,384,802	\$1,766,469	\$714,206	\$2,248,870	\$753,246	\$6,867,592
GRAFTON	\$1,053,737	\$3,693,675	\$136,805	\$10,862,412	\$3,153,902	\$18,900,531
GREAT ONYX	\$178,628	\$202,142	\$1,203,864	\$258,967	\$106,041	\$1,949,641
GULFPORT	\$789,113	\$2,595,386	\$1,421,977	\$8,340,931	\$748,222	\$13,895,629
GUTHRIE	\$1,244,747	\$411,497	\$255,866	\$994,633	\$618,857	\$3,525,600
HARPERS FERRY ..	\$296,666	\$751,737	\$70,306	\$247,909	\$2,754,417	\$4,121,035
HARTFORD	\$16,211	\$0	\$163,157	\$50,332	\$940,551	\$1,170,251
HAWAII	\$580,931	\$1,445,679	\$108,361	\$265,067	\$192,025	\$2,592,063
HAWAII/MAUI	\$519,124	\$676,853	\$552,111	\$113,195	\$451,593	\$2,312,876
HUBERT H HUMPHREY	\$488,751	\$1,109,703	\$16,687	\$3,022,337	\$1,348,301	\$5,985,779
INLAND EMPIRE ..	\$577,403	\$1,721,383	\$251,804	\$589,691	\$852,086	\$3,992,367
IROQUOIS	\$219,918	\$390,163	\$8,885	\$796,556	\$561,874	\$1,977,396
JACKSONVILLE ..	\$579,606	\$262,577	\$62,367	\$1,299,822	\$435,516	\$2,639,888
JACOBS CREEK ...	\$1,045,463	\$506,280	\$348,920	\$711,259	\$836,604	\$3,448,527
JOLIET	\$5,828,003	\$7,773,687	\$353,120	\$4,766,682	\$9,288,844	\$28,010,336
KEYSTONE	\$184,642	\$1,535,844	\$135,071	\$1,539,998	\$2,657,644	\$6,053,199
KICKING HORSE ..	\$440,682	\$153,922	\$21,330	\$455,517	\$741,072	\$1,812,522
KITTRELL	\$1,188,951	\$552,410	\$678,530	\$745,472	\$553,543	\$3,718,905
LAREDO	\$277,438	\$1,640,533	\$57,420	\$582,769	\$1,133,813	\$3,691,974
LITTLE ROCK	\$309,948	\$0	\$1,059	\$250,649	\$1,029,149	\$1,590,804
LONG BEACH	\$941,709	\$1,309,042	\$106,922	\$308,043	\$65,076	\$2,730,792
LORING	\$550,811	\$1,752,410	\$1,059,063	\$11,547,828	\$2,312,674	\$17,222,786
LOS ANGELES	\$259,538	\$36,063	\$14,219	\$664,224	\$391,917	\$1,365,960
LYNDON B. JOHNSON	\$435,177	\$526,542	\$284,416	\$468,125	\$315,788	\$2,030,049
MIAMI	\$197,762	\$473,301	\$42,582	\$677,004	\$474,367	\$1,865,016
MILWAUKEE	\$201	\$122	\$0	\$2,900	\$242	\$3,465
MINGO	\$388,490	\$349,781	\$686,433	\$499,874	\$1,204,577	\$3,129,155
MISSISSIPPI	\$1,196,785	\$1,399,786	\$207,410	\$2,449,507	\$279,073	\$5,532,560
MONTGOMERY	\$7,962	\$1,820,518	\$391,727	\$658,163	\$211,664	\$3,090,034
MUHLENBERG	\$259,720	\$545,456	\$1,333,441	\$84,702	\$2,046,072	\$4,269,390
NEW HAMPSHIRE ..	\$196,708	\$1,629,172	\$0	\$386,035	\$68,084	\$2,280,000
NEW HAVEN	\$32,207	\$141,756	\$437,210	\$606,771	\$313,959	\$1,531,903
NEW ORLEANS	\$35,149	\$23,796	\$1,579	\$22,120	\$29,933	\$112,577
NORTH TEXAS	\$2,869,337	\$2,993,026	\$256,396	\$633,113	\$1,248,097	\$7,999,970
NORTHLANDS	\$39,229	\$399,820	\$293,862	\$1,105,036	\$3,496,773	\$5,334,720
OCONALUFTEE	\$455,828	\$829,774	\$50,759	\$297,689	\$190,824	\$1,824,874
OLD DOMINION ...	\$64,296	\$3,586,475	\$253,810	\$275,823	\$231,878	\$4,412,281
ONEONTA	\$1,559,691	\$1,084,330	\$1,693,835	\$2,103,104	\$2,376,763	\$8,817,723
OTTUMWA	\$0	\$0	\$0	\$4,645	\$5,458	\$10,103
PAUL SIMON	\$183,963	\$136,914	\$48,856	\$899,642	\$206,792	\$1,476,166
PENOBSCOT	\$123,974	\$631,106	\$108,143	\$344,018	\$260,995	\$1,468,236
PHILADELPHIA	\$6,776	\$8,301	\$32,735	\$16,220	\$14,715	\$78,746
PHOENIX	\$590,472	\$2,771,873	\$510,281	\$429,704	\$533,552	\$4,835,882
PINE KNOT	\$52,263	\$260,516	\$216,289	\$1,012,482	\$1,138,158	\$2,679,707
PINE RIDGE	\$348,528	\$379,333	\$94,181	\$599,631	\$483,733	\$1,905,405
PINELLAS COUNTY ..	\$61,248	\$21,812	\$0	\$27,658	\$60,843	\$171,560
PITTSBURGH	\$256,448	\$1,403,877	\$661,790	\$9,535,700	\$958,794	\$12,816,609
POTOMAC	\$1,096,858	\$2,188,884	\$1,485,593	\$3,025,755	\$1,526,352	\$9,323,443
QUENTIN BURDICK	\$102,117	\$2,508,720	\$34,720	\$274,336	\$112,087	\$3,031,981

JOB CORPS REPAIR BACKLOG BREAKDOWN BY PROJECT TYPE—AS OF MAY 14, 2019—Continued

Center	Electrical and Fire Alarm	Building Envelope	Interior Finishes	HVAC, Plumbing, and Mechanical	Other Rehab and Miscellaneous	Total Repair Backlog
RAMEY	\$2,616	\$173,046	\$892,820	\$1,671,770	\$3,375,624	\$6,115,875
RED ROCK	\$313,753	\$785,433	\$316,917	\$2,866,358	\$2,154,073	\$6,436,534
ROSWELL	\$1,544,558	\$1,966,771	\$516,366	\$4,098,531	\$1,131,979	\$9,258,205
SACRAMENTO	\$479,918	\$2,407,551	\$22,367	\$569,073	\$356,732	\$3,835,641
SAN DIEGO	\$1,671,428	\$1,279,605	\$3,077,565	\$1,374,783	\$1,022,549	\$8,425,930
SAN JOSE	\$280,480	\$2,314,607	\$162,185	\$1,159,465	\$139,857	\$4,056,594
SARGENT						
SHRIVER	\$290,166	\$2,592,874	\$166,062	\$782,641	\$230,264	\$4,062,007
SCHENCK	\$521,477	\$411,901	\$359,924	\$2,023,464	\$452,089	\$3,768,854
SHREVEPORT	\$3,564,634	\$5,888,064	\$580,520	\$2,961,211	\$1,024,581	\$14,019,011
SIERRA NEVADA ..	\$226,635	\$551,463	\$68,281	\$2,951,308	\$2,227,334	\$6,025,020
SOUTH BRONX	\$1,328,741	\$959,613	\$846,261	\$10,387,119	\$4,401,634	\$17,923,367
SPRINGDALE	\$1,125,713	\$473,586	\$273,045	\$363,132	\$601,821	\$2,837,297
ST LOUIS	\$982,696	\$493,722	\$11,924,959	\$303,430	\$1,363,770	\$15,068,576
TALKING LEAVES	\$554,057	\$204,858	\$89,315	\$144,344	\$673,147	\$1,665,721
TIMBER LAKE	\$593,792	\$749,327	\$202,692	\$1,935,872	\$602,572	\$4,084,255
TONGUE POINT	\$361,156	\$724,251	\$12,020,144	\$2,941,892	\$628,280	\$16,675,723
TRAPPER CREEK	\$82,435	\$16,392	\$6,136	\$460,748	\$668,545	\$1,234,256
TREASURE ISLAND	\$1,213,377	\$2,293,261	\$5,740,365	\$1,656,315	\$16,273,694	\$27,177,013
TULSA	\$316,318	\$171,525	\$0	\$2,333,195	\$125,816	\$2,946,854
TURNER	\$4,385,492	\$3,360,190	\$628,117	\$6,712,792	\$6,334,748	\$21,421,340
WEBER BASIN	\$189,208	\$1,628,485	\$634,073	\$529,972	\$1,172,787	\$4,154,525
WESTOVER	\$1,543,339	\$5,090,633	\$320,108	\$2,339,452	\$9,742,914	\$19,036,445
WHITNEY M.						
YOUNG	\$137,543	\$356,501	\$315,163	\$1,148,088	\$506,864	\$2,464,158
WILMINGTON	\$996	\$1,477	\$0	\$259	\$10,498	\$13,230
WIND RIVER	\$45,749	\$9,447	\$3,334	\$16,018	\$1,107	\$75,655
WOLF CREEK	\$509,238	\$268,743	\$26,870	\$415,842	\$1,969,381	\$3,190,074
WOODLAND	\$493,440	\$237,362	\$618,740	\$126,987	\$3,259,511	\$4,736,041
WOODSTOCK	\$672,366	\$801,846	\$459,234	\$3,243,436	\$4,547,722	\$9,724,604
	\$79,575,023	\$164,920,154	\$84,580,918	\$191,549,404	\$200,653,027	\$714,847,251

JOB CORPS PROCUREMENT

Question. In response to a question for the record submitted in June 2017 regarding short-term contracts and the impact on staff turnover, the Department indicated it had reduced the backlog with intentions to address the remaining 13 contracts by June 2018.

What is the status of the procurement backlog?

Answer. The procurement backlog was completely eliminated in 2018.

Question. Since June 2017, how many short-term contracts have been awarded, including bridge contracts, sole sources awards, or indefinite delivery/indefinite quantity (IDIQ) contingency awards? Please provide the number of each type of contract.

Answer. Since June 2017, ETA has awarded six short-term IDIQ Task Orders and 14 short-term sole source/bridge contracts for Job Corps center operations.

Question. What is the Department's rationale for the issuance of IDIQ contracts, as opposed to short-term noncompetitive bridge contracts?

Answer. The Department's goal is to compete with the Competition in Contracting Act of 1984 by maximizing competition to the fullest extent practicable. The Department has worked to minimize the use of short-term "noncompetitive" bridge contracts by competitively awarding 12 IDIQ contracts in late 2016 that could, in turn, be used to compete short-term task orders during exigency situations.

Question. Have IDIQ contracts ever been awarded at a lower funding level than the incumbent operator's contract and, if so, how does the Department ensure such funding reductions do not negatively impact student outcomes?

Answer. An Independent Government Cost Estimate is always developed for the short-term period of performance of any proposed task order. A competitive short-term task order (issued against the contractor's IDIQ contract) is then awarded to the offeror, whose proposal represents the best overall value to the government after considering all price/cost and non-price/cost related factors. Prior to award, offerors' cost proposals are evaluated to ensure that their proposed costs are realistic for the

work to be performed and do not present a risk to performance that would negatively impact student outcomes.

COMPLIANCE INITIATIVES

Question. The Department has launched several compliance-related initiatives, including the establishment of new websites and an Office of Compliance Initiatives.

How is the Department measuring the return on these investments and the economic impact?

Answer. The Office of Compliance Initiatives (OCI) is fulfilling its mission of collaborating and partnering with DOL agencies to protect the wages, safety and health, health benefits, retirement security, and union democracy for American workers. OCI's four strategic goals include (1) enhancing and expanding stakeholder outreach and engagement; (2) identifying and implementing innovative best practices to link with enforcement strategies; (3) fostering and institutionalizing a culture of compliance assistance as a complement to enforcement; and (4) conducting data analysis and developing behavioral insights to facilitate compliance. This effort builds upon and creates opportunities for the important compliance work DOL agencies have accomplished to date.

DOL agencies track a number of compliance assistance measures and outputs. OCI is coordinating with DOL agencies to refine their metrics to ensure the efficacy of DOL's compliance assistance activities.

Question. Since launching the compliance initiatives what have been the outcomes for workers, employers, and perhaps even the economy?

Answer. Since OCI launched in August 2018, DOL agencies have rolled out, expanded, or enhanced their compliance assistance offerings. These tools and resources run the gamut and include Office of Federal Contract Compliance Programs' (OFCCP) ombud³ service for external stakeholders to share concerns and provide feedback and recommendations to improve the administration of the agency, and Wage and Hour Division's animated videos to facilitate compliance with the Fair Labor Standards Act (FLSA). For example, Employer.gov and Worker.gov are new companion tools to DOL's existing Employment Laws Assistance for Workers and Small Businesses (elaws) Advisors tool. The three tools serve the needs of different types of users seeking assistance navigating various Federal employment laws. Collectively, Employer.gov and Worker.gov received over 140 thousand page views since OCI's inception. Elaws Advisors were viewed over six million times since OCI's launch.

A number of DOL agencies have introduced voluntary compliance programs designed to educate employers and workers about their obligations and rights under the laws DOL administers. For example, Wage and Hour Division's Payroll Audit Independent Determination (PAID) pilot program facilitates resolution of potential overtime and minimum wage violations under the FLSA. The primary goals of the PAID program are identifying and correcting non-compliant practices so employees receive 100 percent of their back wages due in a fraction of time of a typical investigation. To that end, the PAID program requires employers to review their pay practices, accept compliance assistance, and correct the practices that led to the errors. This is a win for employees, a win for employers, and a win for taxpayers.

Another example is the OFCCP's Voluntary Enterprise-wide Review Program (VERP). This program is designed to enable OFCCP to blend its compliance evaluation and compliance assistance activities to work with high-performing contractors toward a mutual goal of sustained, enterprise-wide compliance, outside of OFCCP's neutral establishment-based scheduling process. VERP will provide meaningful cost-saving compliance incentives to Federal contractor participants and a path for companies who are close to excellence but want individualized compliance assistance from OFCCP to reach the top level. This will allow DOL to focus its enforcement resources on willful violators and other bad actors. VERP is in development consistent with the VERP Directive issued on February 13, 2019.

WHD and OFCCP will evaluate the effectiveness of these pilot programs, including their impact on enforcement activity, before determining next steps, including whether any changes to the programs are warranted.

YOUTHBUILD

Question. The YouthBuild program has more than 200 sites in 46 States, and the program experiences strong bipartisan support. The fiscal year 2020 budget request notes YouthBuild program's pre-apprenticeship component and efforts to expand

³ <https://www.dol.gov/ofccp/regs/compliance/directives/Dir2018-09-ESQA508c.pdf>.

training to include locally in-demand industries, known as the Construction Plus model.

To better understand this trend, please provide data for 2016, 2017, and 2018 outlining how many grant applications were submitted to the Department, the percentage of applications for Construction Plus models, and the percentage of awards granted for Construction Plus models. Please also include the percentage of rural applicants and awardees for 2016, 2017, and 2018.

Answer. YouthBuild applicants responded positively to the Department's focus on local in-demand industries. For the fiscal year 2018 YouthBuild competition, the Department reviewed 204 applications. Of those applications, 158 applications (78 percent) were Construction Plus models. Of the 81 awards in 2018, 65 applications (80 percent) were Construction Plus models. A total of 38 applications received in fiscal year 2018 were from rural applicants, which resulted in 21 rural awards (26 percent of all YouthBuild awards). The Department reviewed 173 applications in 2016 and 186 applications in 2017. Additional information regarding fiscal year 2016 and fiscal year 2017 applicants will take additional time to gather and report. The Department would be happy to follow up with your staff later this summer with that information.

QUESTIONS SUBMITTED BY SENATOR CINDY HYDE-SMITH

WORKFORCE OPPORTUNITY GRANTS FOR APPALACHIAN AND DELTA REGIONS

Question. It is important we continue to make investments in our workforce by supporting special skills training for individuals to fill vacant jobs in rural communities. I am pleased that Congress has provided funding to assist with career and training services for our rural workforce. I understand the Department has been working closely with Delta Regional Authority and Appalachian Regional Commission to develop a grant program around this initiative.

Please provide the Committee an update on these efforts. What is the Department doing to boost community engagement and awareness of this grant program?

Answer. The Department's Employment and Training Administration (ETA) continues to work collaboratively with the Delta Regional Authority (DRA) and Appalachian Regional Commission (ARC) to develop funding opportunities for entities in these regions. ETA, ARC, and DRA signed a Memorandum of Understanding (MOU) detailing our cooperative efforts and allowing for the transfer of technical assistance funds to support those efforts. The agencies published a jointly-drafted Funding Opportunity Announcement titled, "Workforce Opportunity for Rural Communities (WORC): A Grant Initiative for the Appalachian and Delta Regions" on May 15, 2019, with a closing date of July 15, 2019, and plan to award grants by September 30, 2019.⁴ The funding is required to be awarded to entities in these regions based on the appropriations language included in the fiscal year 2018 appropriation. ETA, DRA and ARC are all actively publicizing the grant opportunity with stakeholders through email distribution lists, website updates, social media, and webinars for potential applicants and plan to award grants by September 30, 2019. In addition, with funds transferred to ARC and DRA through the MOU, ARC and DRA are providing in-person technical assistance and pre-application workshops to potential applicants.

GULFPORT JOB CORP CENTER

Question. The Department has been working to rebuild the Gulfport Job Corps Center for many, many years. The rebuilding of this Center was important to my predecessor, and I will continue to work toward its completion to benefit my constituents in South Mississippi. I commend the Department for prioritizing this project in recent years and appreciate the monthly progress updates. I understand the Department has been working on the design phase since September 2018, and the design completion date is expected in April 2020.

Please explain to the Committee why the design phase is so lengthy.

Answer. The design phase for a project of this magnitude and technical complexity can typically take 1 year. However, the design phase for this project was extended to approximately 18 months due to the historic preservation process and the resulting Memorandum of Agreement (MOA) signed by the Department and the Advisory Council on Historic Preservation, to which the City of Gulfport is an invited signa-

⁴ [https://www.grants.gov/web/grants/search-grants.html?keywords=Workforce%20Opportunity%20for%20Rural%20Communities%20\(WORC\)%20A%20Grant%20Initiative%20for%20the%20Appalachian%20and%20Delta](https://www.grants.gov/web/grants/search-grants.html?keywords=Workforce%20Opportunity%20for%20Rural%20Communities%20(WORC)%20A%20Grant%20Initiative%20for%20the%20Appalachian%20and%20Delta).

tory. Significant public review and involvement is required by the MOA at two major design phases, and the periods of time allowed for public comment and potential implementation for resulting modifications to the design is approximately four to 6 months. These additional review periods account for the difference in time between the typical design period and the design period for this project.

Question. How long do you expect the construction phase will be? Should my constituents expect a prolonged construction process?

Answer. The construction phase is expected to take approximately 19 months. Technical complications related to temporarily supporting the existing façade during demolition and then permanently attaching the façade to the new buildings lengthen the typical construction period by at least 6 months.

H-2A AND H-2B VISA FILING SYSTEMS

Question. The H-2A and H-2B seasonal worker programs are vital for the success of many American farmers and business owners. My constituents rely on the timely processing of seasonal worker applications. Failure to fill the positions often result in shortened seasons, cancelled contracts, and even closed businesses. Over a number of years, the Appropriations Committee has invested significant funding to upgrade the Department's processing system. However, the filing system experienced technical issues this January during peak filing season.

What is the Department doing to correct ongoing technical issues and ensure the timely processing of applications?

Answer. Under the leadership of the Office of the Chief Information Officer, the Department is well underway with efforts to implement a new electronic filing and case management system that will replace the legacy iCERT System. This modernized solution—the Foreign Labor Application Gateway System (FLAG)—leverages proven enterprise, cloud-based technology that can quickly scale up or down to meet peak filing demands. Both the H-2A and H-2B programs have been a primary focus in the rollout of the FLAG System (<https://flag.dol.gov>), which will foster efficiencies in the processing of employer applications and create a streamlined user experience. In addition, the Department is working to upgrade and eliminate legacy technology infrastructure by modernizing functions that currently rely on outdated technologies to create processing efficiencies, reduce maintenance costs, and minimize security risks. In June 2019, the Department implemented the FLAG System for employers seeking temporary labor certification to employ H-2B workers beginning in fiscal year 2020, with further staggered rollouts for other temporary programs, including H-2A, through the end of calendar year 2019.

Furthermore, the Department has taken rapid action on occasions where technical issues have been encountered, such as in January 2019. On January 1, 2019, the volume of users who accessed the system to file an H-2B temporary labor certification was thirty times the number of users that accessed the system on January 1, 2018, overwhelming the system and triggering a multi-day service disruption in the iCERT system. In response to the system disruption, the Department immediately assembled a team to expeditiously restore service. Once service was restored on January 7, 2019, the Department processed all applications based on the date and time received into the system, in accordance with H-2B processing procedures in effect at that time, as announced on June 1, 2018. The Department's goal is to issue H-2B temporary labor certifications covering enough jobs to fill the semi-annual cap as efficiently as possible. Despite the delays caused by the technical issues and service disruption, the Department was still able to issue certifications for enough worker positions to fill the second half of the fiscal year 2019 visa cap by February 12, which represents a 9-day reduction in processing time over the same mark for fiscal year 2018. As a result, employers received certifications with ample time to complete the remainder of the H-2B visa process and have their H-2B workers available on their requested start date of need.

Question. What can Congress and the Department do to facilitate a less complex and more efficient and effective seasonal worker system?

Answer. Congress can best facilitate a more efficient and effective system by supporting the Administration's two legislative proposals in the fiscal year 2020 Budget, which would establish cost-based fees for employers filing Foreign Labor Certification (FLC) applications and increase the existing American Competitiveness and Workforce Improvement Act (ACWIA) fee collected by the Department of Homeland Security for H-1B applications. These proposals would link the supply of FLC case processing resources to the demand for labor certifications, reduce the risk of processing delays, enhance fraud protection, and eventually eliminate the need for FLC appropriations.

WATER INDUSTRY REGISTERED APPRENTICESHIP PROGRAMS—B

Question. Water and wastewater utilities are important to the economic development and health of our rural communities. With the current workforce nearing retirement, skilled workers are vital to maintaining our water infrastructure, especially in rural areas. I have heard from constituents who are concerned with the lack of skilled labor to meet the needs of the industry.

What is the Department doing to support industry Registered Apprenticeship Programs (RAPs) that support this water utilities need, especially in rural areas?

Answer. The Department is committed to expanding apprenticeship opportunities across a broad range of sectors and occupations, particularly in those industries where a shortage of skilled workers threatens the long-term safety and economic growth of rural communities. Over the next decade, the water sector is expected to lose between 30 to 50 percent⁵ of its workforce to retirement. The establishment and growth of quality apprenticeship programs in the water and wastewater utilities industries can provide an effective workforce strategy for addressing the emerging skills gap in these critical fields.

Through its National Guideline Standards of apprenticeship, the Department has assisted stakeholders and industry associations in developing nationally-recognized education and training standards for specific water utility occupations. On November 14, 2017, at a signing ceremony at the Department's headquarters in Washington, D.C., the National Rural Water Association (NRWA) formally announced an apprenticeship program for rural water utilities (the "WaterPro Apprenticeship Program") with the Department's Office of Apprenticeship (OA). Bulletin 2017-47 publicized the WaterPro apprenticeship program, which establishes a set of National Guideline Standards of apprenticeship that are tailored to the specific occupational requirements of water systems operations specialists and wastewater system operations specialists. As a leading provider of training for rural water and wastewater systems, NRWA is currently collaborating with State and local leaders to accelerate the development of RAPs covering these critical occupations.

At present, a total of 17 NRWA state affiliates have successful RAPs that conform to these NRWA National Guideline Standards, and registration applications from NRWA affiliates in 12 additional states are currently in process. Nationally, 140 active apprentices are enrolled in the NRWA-sponsored apprenticeship program. Local NRWA-affiliated program sponsors include Pentair, Inc. (based in Aurora, Illinois) and the West Virginia American Water Joint Apprenticeship and Training Committee (based in Charleston, West Virginia). The groundbreaking NRWA RAPs directly address the concerns raised by GAO Report 18-102 (January 2018) about the current and growing nationwide shortage of well-trained drinking water and wastewater management professionals. For more information concerning the NRWA national apprenticeship program, please visit the following links:

—<https://nrwa.org/initiatives/apprenticeship-program>

—<https://nrwa.org/2017/11/nrwa-partners-with-department-of-labor-on-apprenticeship-program/>

In the fall of 2018, the U.S. Department of Agriculture (USDA) awarded a \$6 million grant to the NRWA for further development of its national apprenticeship program. With this new funding from USDA, NRWA will have additional means to help States develop RAPs for water and wastewater system operations specialists.

In addition, in May 2019, the Department released a funding opportunity through the Apprenticeship Expansion and Modernization Fund to support the development of innovative tools and strategies that, while relatively untested, hold promise to transform Registered Apprenticeship and support the expansion of RAPs throughout the Nation. This opportunity allows applicants to propose innovative projects that best meet the specific challenges and needs in their area, their industry, or the local population. Vendor proposals are in development and may include projects that support workforce development in rural areas.

QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

MOST HAZARDOUS WORKPLACE HAZARDS

Question. You highlighted in your testimony the 32,000 inspections conducted by OSHA. However, you failed to acknowledge that within this level OSHA has shifted its enforcement priorities away from those that OSHA acknowledges are "resource-

⁵ GAO Report 18-102, "Water and Wastewater Workforce: Recruiting Approaches Helped Industry Hire Operators, but Additional EPA Guidance Could Help Identify Future Needs," January 2018, p. 17.

intensive enforcement activity . . . focused on some of the most hazardous work place hazards.” Ergonomics is one of those hazards, yet such inspections have dropped by almost 70 percent over the past 2 years, even though musculoskeletal disorders are a leading work-related illness reported by the Bureau of Labor Statistics.

Why has OSHA reduced inspections of the most hazardous workplace hazards?

Answer. Ergonomic inspections are primarily based on complaints, and vary from year to year. While the number of ergonomic related inspections has declined over the last 5 years, OSHA believes that number will increase as a result of its Site Specific Targeting Program (SST), which was launched in the first quarter of fiscal year 2018. Under SST, OSHA uses employer provided injury and illness data to direct enforcement resources to those workplaces with the highest rates of injury and illness. With more than one third of the non-fatal incidents reported by the Bureau of Labor Statistics related to ergonomics, OSHA expects the SST to find more ergonomic violations.

FEDERAL ENFORCEMENT STAFFING LEVELS

Question. Mr. Secretary, OSHA’s Federal Enforcement staffing level is down by 191, or 13 percent, since 2016. I understand some hiring actions are in process, but OSHA needs to do more to get its staffing up and quickly. Please provide an update on OSHA’s actions to hire, train, and deploy compliance safety and health officers.

What is OSHA’s plan for maintaining its enforcement workforce and ensuring that vacancies are filled in a timely way?

Answer. The Occupational Safety and Health Administration (OSHA) has taken several steps to increase its Federal Enforcement staffing levels. Beginning in 2017, the agency received approval to fill all funded Compliance Safety and Health Officers (CSHO) positions. All vacancies are being recruited for, and OSHA is in the process of on-boarding the inspectors. The agency begins the recruitment process as soon as a vacancy occurs, or an upcoming retirement is announced. OSHA advertises and recruits individuals to fill all current vacancies, and the new inspectors then begin the on-boarding process. The recruitment and on-boarding process can take from three to 6 months, which includes the time necessary for advertisement, application, screening and interviews, and completing the required clearance of applicants under consideration, such as security and CSHO physicals. OSHA has also begun recruiting for a larger number of positions than available vacancies to ensure there is a continuous pool of CSHO applicants for selection when future vacancies occur.

WORKPLACE VIOLENCE

Question. It’s been more than 3 years since the Government Accountability Office (GAO) made recommendations that would help reduce the risk of workplace violence for approximately 15 million healthcare workers in the United States. I, along with Representatives Bobby Scott, Joe Courtney and Frederica Wilson, requested GAO undertake this work. I am concerned about the pace of OSHA’s actions to implement these recommendations. OSHA updated its voluntary guidelines on preventing workplace violence in healthcare and social services and its enforcement procedures for addressing workplace violence under OSHA’s general duty clause. However, OSHA has yet to issue its report that will help compliance officers develop citations in workplace violence cases. And, it is still considering information from its December 2016 Request for Information (RFI).

When will OSHA implement this report?

Answer. On January 10, 2017, the Occupational Safety and Health Administration (OSHA) issued the enforcement directive “Enforcement Procedures and Scheduling for Occupational Exposure to Workplace Violence.” This directive provides detailed guidance and procedures for compliance officers when conducting inspections and issuing citations related to workplace violence.

Question. When will OSHA act on the information it has received from the RFI?

Answer. OSHA is in the process of analyzing the information it has gathered from petitioners for a standard, participants of the stakeholder meeting, comments received in response to its Request for Information (RFI), and experts. OSHA will use this information to develop regulatory alternatives and cost and benefit analyses required to initiate the SBREFA process in Fall 2019. The enforcement directive can be found at <https://www.osha.gov/enforcement/directives/cpl-02-01-058>.

Question. When will OSHA convene a SBREFA panel so that it can finally issue a workplace violence standard, and what is delaying that process?

Answer. There is not a delay. OSHA is in the process of analyzing the information it has gathered from petitioners for a standard, participants of the stakeholder

meeting, comments received in response to the RFI, and experts. OSHA will use this information to develop regulatory alternatives and cost and benefit analyses required to initiate the small business review process required by the Small Business Regulatory Enforcement Fairness Act (SBREFA). OSHA anticipates initiating the SBREFA process in Fall 2019.

Question. For each of the past 5 years, how many citations under the General Duty clause has OSHA issued related to workplace violence in healthcare settings?

Answer. The following table provides the number of citations under the General Duty clause for workplace violence by fiscal year:

2014	2015	2016	2017	2018
4	6	7	9	5

Question. Additionally, what is the Department doing more generally to address harassment and violence in workplaces across the Nation?

Answer. OSHA regional and area office staff provide guidance to employers and employees concerning workplace violence. Each region has a workplace violence coordinator who can respond to questions concerning workplace violence and provide guidance to employers on developing policies and procedures to protect workers from violence. Similarly, these workplace violence coordinators support area office staff who respond to employee and employer questions about workplace safety. Employee training concerning workplace violence has been provided through Susan Harwood training grants, and those training materials are available on the OSHA website. In addition, workplace violence prevention is a current topic in the fiscal year 2019 Susan Harwood Grants funding opportunity announcement.

HIGHEST-IMPACT AND HIGHEST-RISK WORKPLACES

Question. The OSHA Congressional Budget Justification states that OSHA plans to begin “shifting the focus to the highest-impact and most complex inspections at the highest-risk workplaces.”

Please describe in more detail these plans, including how OSHA will identify the highest-impact and highest-risk workplaces.

Answer. The Occupational Safety and Health Administration (OSHA) is revising its enforcement weighting system. The updated system will include a greater emphasis on the impact of inspections, rather than the current system’s emphasis on the resources expended in an inspection. With this revision, OSHA can emphasize inspections that are not resource intensive, but save more lives and reduce exposure to hazards. These inspections include those addressing fall and trenching hazards.

Question. Further, what additional steps will OSHA take to publicize and promote its inspection findings and citations so that the regulated community understand that OSHA will vigorously enforce employer obligations under the Occupational Safety and Health Act?

Answer. OSHA makes use of a variety of tools to disseminate information on inspection findings, citations, and the importance of enforcement. OSHA’s website has several resources that provide enforcement information, including data on annual inspection activity; a map of enforcement cases with initial penalties of \$40,000 or more, and a search tool that allows users to access OSHA inspection data by establishment name, North American Industry Classification System code, or inspection number. The agency also maintains a webpage that provides data on work-related fatalities that occurred under Federal OSHA and State Plan jurisdiction. The page is updated regularly, as data become available. Additionally, any page on the OSHA website can be auto-translated into Spanish with the simple click of a button.

Information about enforcement cases and programs is also shared through OSHA’s twice-monthly QuickTakes newsletter, which reaches more than 257,000 subscribers; the agency’s Twitter feed; and a trade media email list through which news releases are distributed. The importance of strong, fair, and full enforcement is also shared in speeches and presentations by OSHA leadership and staff to a wide variety of audiences.

OSHA continuously looks for opportunities to improve its website and outreach tools, and make information—including enforcement information—more accessible, understandable, and usable.

OSHA REPORTING

Question. Last year’s Committee report instructed “OSHA to resume timely and public reporting on its website of fatalities that occur at workplaces, regardless if a citation is issued.” This directive has not been followed.

Why is OSHA not in compliance?

Answer. The Occupational Safety and Health Administration (OSHA) is in compliance with this directive. Since October 2017, OSHA has published on its website a list of all inspections initiated in response to a workplace fatality that occurred on or after January 1, 2017. The list includes all fatality inspections under Federal OSHA or State Plan jurisdiction regardless of whether citations were issued. The list can be reached from anywhere on the agency's website through the "Fatality Reports" link under the main "Data" menu. The fatality reports page is updated approximately every two weeks to allow OSHA staff time to manually review each fatality report description and ensure that it does not include personally identifiable information. In order to provide the most accurate information possible about the hazards related to a fatality, inspection data is added to the fatality reports page after OSHA concludes the inspection.

Question. Why is OSHA opposed to recognizing those workers that have been killed on the job and the impact unsafe working conditions have on individuals and families?

Answer. OSHA takes every workplace fatality seriously. As a result, the agency maintains a dedicated page on its website listing all inspections that were conducted in response to a workplace fatality that occurred on or after January 1, 2017. The list includes a description of the hazard that led to each fatality, as well as an indicator of whether OSHA issued any citations related to the fatality. OSHA believes this publicly available data source is an important tool to better understand the impact that workplace hazards can have on individuals and their families. The hyperlink to the fatality data is: https://www.osha.gov/dep/fatcat/dep_fatcat.html.

IMPROVING TIMELINESS AND ACCURACY OF PREVAILING WAGE RATES

Question. I am glad that you have stated clearly your support for the application of Davis Bacon wage protections to any infrastructure package that Congress considers. As you are aware, the Department of Labor Inspector General issued a report in March of this year that found the "Wage and Hour Division needs better strategies to improve the timeliness and accuracy of prevailing wage rates" and made eight recommendations to improve the overall quality and accuracy of prevailing wage rates.

Please describe planned actions and associated timelines to address each of the report's recommendations.

Answer. The Wage and Hour Division (WHD) submitted a comprehensive response to the Department of Labor Office of Inspector General (OIG) report and its eight specific recommendations. In that response, WHD generally agreed with OIG's recommendations and committed to numerous actions that are intended to effectively and efficiently implement OIG's recommended improvements to the Davis-Bacon Act wage determinations program. WHD subsequently submitted its official 60-day response to OIG's final report on May 31, 2019. The response included detailed information regarding WHD's planned actions and associated timelines to address each of the report's eight recommendations. WHD has already taken some steps to address OIG's recommendations. Further, WHD is convening a cross-functional task force to reassess comprehensively WHD's wage determination process and to determine the best way to implement each of OIG's recommendations.

PAYROLL AUDIT INDEPENDENT DETERMINATION (PAID) PILOT PROGRAM

Question. Mr. Secretary, as you are aware, I am concerned that the Wage and Hour Division's Payroll Audit Independent Determination (PAID) pilot program is nothing more than amnesty for employers engaged in wage theft. In response to a question I asked last year about your evaluation of the PAID pilot program, it was stated that "At the end of the pilot period, WHD will review lessons learned . . . and use a balanced approach in assessing all aspects of this pilot phase of the program, including quantitative and qualitative measures, as well as feedback from employees, employers, and WHD staff."

Given that PAID was announced as an approximately six month program, that was subsequently extended for another 6 months, please provide the reasons for the subsequent extension, lessons learned, the data and information collected from the qualitative and quantitative measures, and feedback from employees, employers and WHD staff that are informing current and future implementation of this pilot program.

Answer. The Wage and Hour Division's (WHD) Payroll Audit Independent Determination (PAID) pilot program facilitates resolution of potential overtime and minimum wage violations under the Fair Labor Standards Act (FLSA). The primary goals of the PAID program are identifying and correcting non-compliant practices

so employees receive 100 percent of their back wages due in a fraction of time of a typical investigation. To that end, the PAID program requires employers to review their pay practices, accept compliance assistance, and correct the practices that led to the errors. This is a win for employees, a win for employers, and a win for taxpayers.

The Occupational Safety and Health Administration's Voluntary Protection Program and the Employee Benefits Security Administration's Voluntary Fiduciary Correction Program are similar to PAID. These long-standing programs encourage correction of possible violations of the law and expand worker protection.

Questions regarding program outcomes will be addressed in a report in response to S. Rept. 115–289—language which accompanied the Senate Appropriations Committee-passed version of Labor, Health and Human Services, Education, and Related Agencies Appropriation Act, 2019. The language directed the Wage and Hour Division (WHD) to submit a report to the Committee no later than 12 months after the date of the act detailing the outcomes of the PAID pilot program.

Until that report becomes available, early testimonials from employees and employers alike indicate that the results are overwhelmingly positive. The program's goal is to get back wages into the hands of employees more quickly, and that is what has been happening. Providing this platform for well-intentioned employers to resolve violations frees the Division to commit more resources to investigating the more egregious, willful violators, affecting even more employees and bringing those violators into compliance moving forward. Under this program, the Department expects more employers to proactively conduct audits that otherwise may not occur. As a result, more employees will be paid the back wages they have rightfully earned.

At the conclusion of the pilot phase in September 2018, most PAID cases remained open, but cases with back wages due appeared to require fewer investigator hours than full investigations. Since then, WHD has worked to implement PAID consistent with existing protocols and procedures for compliance actions, which has allowed district offices to incorporate the program into enforcement and compliance assistance tools already in place. WHD has continued collecting and assessing administrative enforcement data throughout the program's implementation and will be addressed in a report in response to S. Rept. 115–289, no later than 12 months after the date of the Act.

MODERNIZED COMPLIANCE ASSISTANCE

Question. The budget proposal for the Wage and Hour Division includes an increase of 7 FTE and \$1,068,000 “to implement modernized compliance assistance that will enable the agency to develop and deliver employer-focused resources and tools.”

Please describe the assistance, associated staffing levels, and budgetary resources you are providing to workers on recognizing when and how they are being victimized by their employers?

Answer. The Wage and Hour Division (WHD) uses a multi-pronged approach to meet its mission of promoting and achieving compliance: investigations in high-violation industries, engagement and education of private and public stakeholders, and the use of communications tools and compliance assistance. In addition, WHD takes an evidence-based approach to ensure that it prioritizes providing compliance assistance and using enforcement resources in areas where the agency is most likely to uncover violations. This process, informed by data, research, and evaluation, allows the agency to make the most of its limited resources. WHD set a record in fiscal year 2018 recovering \$304 million for workers, as well as setting a record in fiscal year 2018 with more than 3,600 outreach events. WHD staff are generalists and focus on the multi-pronged approach to achieving compliance with the laws we enforce.

WHD continues to conduct extensive outreach to employee organizations, and that outreach focuses not only on workers' rights, but also on explaining how to get in touch, confidentially with the Department if they have questions, or if they want to file a complaint. Our website offers clear information on how to reach us, as well as on how to file a complaint. Our compliance assistance materials include a wide range of plain language materials explaining worker's rights, and WHD publishes hundreds of press releases each year identifying employers found in violation through our investigations. Those press releases explain the nature of the violations so that employees of other employers may recognize if the same practices are affecting them, and reach out to WHD for confidential assistance.

WHD CONTINUOUS BUSINESS PROCESS IMPROVEMENTS

Question. The Wage and Hour Division budget also refers to learning from other government enforcement agencies that will be leveraged to design a system that will support continuous business process improvements at the Division.

Please describe the evidence and learning that support these changes and the specific plans and investments needed for the agency to implement this transformation.

Answer. The Wage and Hour Division's (WHD) existing applications are nearly 20 years old. They are difficult and costly to maintain. As a result, WHD is leveraging the Department's Case Management Platform, an Appian-based Business Process Management System to modernize its suite of applications. This system provides the flexibility to adapt quickly to policy and process changes that naturally evolve over time. These investments in technology and capacity-building will sustain the agency's strong performance results and is expected to have an outsized impact on long-term organizational effectiveness and efficiency.

Additionally, this year, WHD spearheaded an effort to stand up an Appian Business Users Forum to facilitate sharing of information and best practices across agencies. WHD will continue to collaborate across agencies to ensure success of the program. The agency is working closely with the Department's Chief Information Office to modernization efforts to promote, reuse, and leverage lessons learned from other Appian development efforts.

In modernizing its suite of applications, WHD will decouple legacy data structures from programmatically siloed software and allow for the establishment of an enterprise data management and analytics platform. The resulting technical architecture will enable WHD to manage data as a valuable, strategic business asset, thereby evolving the treatment of data as just administrative outputs. A dynamic, user-centric system is expected to significantly increase operational efficiencies, reduce costs, and allow for greater innovation in meeting the mission. Investigators and programmatic staff can dedicate more time towards higher value work while agency leadership can focus resources where data and evidence show WHD can have the greatest impact.

WOMEN'S BUREAU BUDGET CUTS

Question. I am greatly concerned about the significant reduction of \$10.225 million for the Women's Bureau. This would cause the number of policy and research deliverables to fall from 16 in fiscal year 2018 to 7 under the fiscal year 2020 budget request. It would slash by 60 percent the number of staff working at the Women's bureau. This would diminish the bureau's work on the full range of issues facing women seeking entry to the workforce and in addressing other challenges of working women, such as equal pay for equal work.

Don't you agree that we should be creating greater opportunities for women?

Answer. Women are nearly fifty percent of the workforce and the President's fiscal year 2020 budget and previous budget requests reflect the importance of women in the workforce.

The Women's Bureau serves an important role at the Department of Labor, promoting and advancing the interests of working women by convening stakeholders, advising on policy change, and starting conversations around topics that are critical to women, their families, and our Nation's prosperity. Success for the Women's Bureau is achieved when the issues it champions move beyond the Bureau, because that means the problems and opportunities identified through its work are being addressed.

Next year, the Women's Bureau will celebrate its Centennial year, which provides an opportunity to reflect on how far women have come over the past 100 years. Over the past century, the Women's Bureau has successfully advocated for workplace safety standards, family leave benefits, and pay equality protections.

The Women's Bureau has recently taken a number of actions to advance women's workplace policies and influence the current state of women in the workforce. Since the beginning of 2017, the Women's Bureau has:

- Partnered with the Department of Health and Human Services to help increase working families' access to affordable, quality child care;
- Worked with the Small Business Administration (SBA) and the Treasury Department to grow opportunities for women in entrepreneurship;
- Coordinated with the Employment and Training Administration (ETA) to increase opportunities for women to access and thrive in apprenticeship programs;
- Joined the Veterans' Employment and Training Service (VETS), the Department of Defense, and others to address employment opportunities and reducing occupational licensing barriers for military spouses, 92 percent of whom are women; and

—Supported the Trump Administration’s commitment to address the opioid crisis with a focus on helping women who have been impacted by the opioid crisis.

None of these efforts will be negatively affected by the fiscal year 2020 budget. Instead, the Department will more effectively support and advance the mission of the Women’s Bureau by focusing the Bureau’s resources on conducting research and collaborating with agencies and departments across the government. In the coming year, the Women’s Bureau will collaborate with ETA and VETS to support grant work on State licensing and promoting employment for military spouses; with the White House to identify innovative solutions to childcare; and with SBA to expand opportunities for women to thrive in entrepreneurship.

As mentioned previously, the Women’s Bureau provides research and analysis on the issues of interest to working women. Following a request by members of the Senate, the Women’s Bureau commissioned a study, which is still in the early stages of analysis, to produce an independent, more precise and current estimate of the gender wage gap. The commissioned work will update a study on the gender wage gap issued by the Department in 2009. The 2009 study, which was funded by the Department and produced by the CONSAD Research Corporation, systematically reviewed then-available research on gender differentials in earnings and used data from the Current Population Survey to identify factors (including education, occupation, industry, work experience, and career interruptions) that contributed to the gender wage gap.

In addition to the CONSAD update research study, the Women’s Bureau is partnering with the Census Bureau to link administrative and survey data to produce a more precise and current estimate of the gender wage gap. The study will include an in-depth examination of variables such as industry, occupation, education and work experience that contribute to the gender wage gap. Findings from both projects are expected by the end of the 2019 calendar year.

While recognizing that many factors go into determining wages, data-driven information concerning the wage gap provides a baseline for women planning careers to learn about prospective occupations, and as a comparison point for women already in the labor force to evaluate their wages. The Women’s Bureau has an interactive visualization tool available on the Women’s Bureau website, which shows average wages for women and men in more than 300 occupations.

ETA also supports programs to provide workforce development services for female workers. For example, the Women’s Bureau is collaborating with the Office of Apprenticeship (OA) to recruit and retain women in pre-apprenticeship and apprenticeship programs as potential pathways for women to non-traditional occupations that may have higher average salaries. Through WIOA, ETA supports programs that provide workforce development services for individuals with barriers to employment, including over two million women workers in Program Year 2017. In addition, WIOA emphasizes providing services and placing women in non-traditional occupations, such as apprenticeships, that may have higher average salaries.

Question. Won’t this diminished workforce and the significant reduction of policy and research deliverables mean fewer opportunities for women?

Answer. Please see the response to the prior question.

ILAB BUDGET CUTS

Question. Mr. Secretary, in the foreword to your Department’s 2018 List of Goods Produced by Child Labor or Forced Labor, you wrote: “these reports show us that we need to accelerate progress toward ending child labor, forced labor, human trafficking, and modern slavery. This is vital if we are to make trade fair for all.”

How will you accelerate progress on these critical issues when your budget proposes a 79 percent reduction for the key agency of the Department involved in this work?

Answer. With these resources ILAB will continue to pursue the Administration’s priority of combatting child labor, forced labor, human trafficking, modern slavery, and other important humanitarian issues. United States trading partners receive an unfair subsidy when they fail to comply with their trade-related labor commitments, including not doing enough to prevent and address cases of forced labor and child labor. This puts workers and businesses in the United States at a competitive disadvantage. ILAB will use its expertise to address these issues and ensure that U.S. workers and businesses are able to compete on a fair global playing field.

ILAB will continue to monitor and enforce the labor provisions of free trade agreements and trade preference programs. The Department’s approach will include prioritizing proactive monitoring of labor conditions in key countries; reviewing trade complaints; using ILAB experts to provide targeted direct technical support

to trading partners to improve laws and enforcement; and aggressively engaging with trade partners that are deemed to be out of compliance.

ILAB will provide direct technical support to our trading partners to improve laws and enforcement and will use its existing technical assistance portfolio to combat forced labor and child labor and improve labor enforcement and working conditions around the world. At the same time, we are asking our trading partners to invest more of their own resources to enforce their labor laws and fund initiatives to combat child labor, forced labor, and modern slavery. ILAB will also increase its impact by strengthening partnerships with other U.S. government agencies, such as the Office of the U.S. Trade Representative, the Department of State, and Department of Homeland Security, as well as with private sector stakeholders to prevent the importation of goods made with forced labor and child labor and make trade more fair for workers and businesses in the United States.

DOL'S WORK WITH THE DEPARTMENT OF EDUCATION

Question. The Department of Education budget includes \$60 million to support State efforts to create pre-apprenticeship programs that increase the number of adults who are able to meet the basic entrance requirements of apprenticeship programs.

What plans does the Department have to work with the Department of Education on this program?

Answer. The Department of Labor is working with the Department of Education and plans to release a Training and Employment Guidance Letter that will define a pre-apprenticeship program, describe the pre-apprenticeship program pathways that may connect to apprenticeship programs, and ensure alignment with current Workforce Innovation and Opportunity Act (WIOA) guidance. This upcoming guidance will help inform the Department of Education on how pre-apprenticeship programs could serve as a pathway to apprenticeships.

Question. Is it the Department of Labor's understanding that the purpose of such pre-apprenticeship programs is to enable participants to qualify for and participate in existing registered apprenticeship programs?

Answer. In addition to defining a pre-apprenticeship program, describing the pre-apprenticeship program pathways that may connect to apprenticeship programs, and ensuring alignment with current Workforce Innovation and Opportunity Act (WIOA) guidance, the above-mentioned Training and Employment Guidance Letter will also explain how quality pre-apprenticeship programs can play a valuable role in providing work-based learning to prepare adults for an entry-level Registered Apprenticeship Program.

Question. If not, why would this initiative ignore the existing infrastructure around such high-quality registered apprenticeship programs and instead propose pathways into duplicative, lower quality programs?

Answer. The Department strongly encourages the development of pre-apprenticeship programs to better prepare individual to enter apprenticeship programs that lead to skilled jobs that pay family-sustaining wages.

While alignment of pre-apprenticeship programs to Registered Apprenticeship Programs remains a best practice, advancement to employment opportunities and other advanced training opportunities that result in portable, industry-recognized credentials are also viable pathways, particularly in fields where apprenticeships are still emerging (including, IT, cyber security, financial services, healthcare and manufacturing).

Accordingly, the Department is considering actions to update guidance in order to expand pre-apprentices' opportunities to gain a foothold in the successful apprenticeship model.

MSHA'S COMBINED ENFORCEMENT BUDGET ACTIVITY

Question. The budget request for the Mine Safety and Health Administration (MSHA) proposes a single enforcement budget activity, combining Coal Mine Safety and Health with Metal and Nonmetal Mine Safety and Health.

Please explain the basis for the Department's determination that such a consolidation is needed and would bolster, rather than diminish, MSHA's ability to enforce the Mine Safety and Health Act. Please also describe how the enforcement consolidation will be implemented, monitored, and evaluated in ensuring that inspections at different types of mines will consistently adhere to MSHA policies and procedures. The Congressional Budget Justification also states that "The merger will consist of two program areas, while still accommodating situations unique to certain types of mines." Please elaborate on MSHA's thinking about the merger and such accommodations.

Answer. The Mine Safety and Health Administration’s (MSHA) “One MSHA” initiative began by creating the unified position of Administrator, Mine Safety & Health over all of Enforcement. MSHA then evaluated all mines for distance from MSHA offices, and identified 90 mines where it made sense to train a coal inspector to inspect a metal/nonmetal mine, or vice versa. The Mine Academy in Beckley, WV established and revised our curriculum, with input from the National Council of Field Labor Locals (NCFLL). MSHA provided up to 56 hours of classroom training for those inspectors, plus up to 24 hours on-the-job training with a seasoned inspector or manager.

During the 6 months beginning last October, inspectors for those 90 mines spent 41 percent less time driving than previously. This saves taxpayer dollars on vehicles, fuel, food and lodging. But ultimately this is about more effectively achieving MSHA’s core mission: instead of spending time driving in a car, our inspectors can spend more time on site interacting with miners and observing safety conditions.

Based on the success of phase one, starting July 1st MSHA will add 117 more mines. Understand that MSHA will retain specialists in their current roles to cover specific mining conditions, such as ventilation experts inspecting underground coal mines prone to hazardous conditions like combustible coal dust and methane inundation.

In keeping MSHA’s promise to House and Senate Appropriations Committees, MSHA’s Office of Accountability will audit crossover mine inspections to ensure that enforcement personnel adhered to MSHA’s policies and procedures.

DOL’S CHIEF EVALUATION OFFICE

Question. Earlier this year, the President signed into law a bill I co-wrote with former Speaker Paul Ryan called the “Foundations for Evidence-Based Policy-making Act of 2018” (Public Law 115–435).

Given the Department of Labor already has in place a Chief Evaluation Officer and produces a regular evaluation plan—please describe any changes to that position or process that will occur following enactment of Public Law 115–435?

Answer. As noted in the question, the Department has in place already several key provisions of the new legislation. Per Section 101(a) of Title 1, the Department’s Chief Evaluation Officer position is a career official with demonstrated methodological and subject-matter expertise. This office is staffed with highly-skilled evaluation professionals who ensure robust and meaningful coordination with the Department’s evaluation program. The Department has an evaluation policy and learning agenda/annual evaluation plan, which ground evaluation in a broader portfolio of evidence-building that includes analytical, statistical, and research activities.

These key foundational practices will be augmented by updates to the Department’s evaluation plan and planning process to ensure full compliance with the law. The following are key updates to the current planning process: to demarcate the “significant” studies in the evaluation portfolio and their anticipated research questions, to describe the key information collections and acquisitions, and to align the plan with any other requirements as specified in yet-to-be-released guidance. The Department will also modify the planning process timeline to align with the reporting cycle of its performance plan.

Question. In addition, please describe the steps the Department is taking to prioritize implementation of the bill’s other key provisions, including those related to tapping senior leaders to fulfill the law’s goals (e.g., the Chief Data Officer and the Statistical Officer—in addition to the Chief Evaluation Officer), improving coordination of data within the Department, and ultimately improving accessibility of Labor data?

Answer. On March 12, 2019, a Secretary’s Order^{6,7} was signed, creating a Chief Data Officer (CDO) and the Department of Labor’s Data Board in the Office of the Assistant Secretary for Policy. The Data Board, led by the CDO, will serve as the Department’s enterprise oversight body for the development of coordinated Department-wide positions on data strategy, data management, standards management, and implementation of the data responsibilities under the new legislation.

Question. The Department did not include a request for additional resources to support implementation; how does the Department intend to ensure the capacity exists to implement this new law?

Answer. Given that the Department has existing infrastructure and resources to leverage for implementation, the current priority is on adapting established roles and processes. Additionally, the Department will use the interim evidence capacity

⁶<https://www.Federalregister.gov/d/2019-05720> (signed 03/12/2019, published 03/26/2019).

⁷<https://www.dol.gov/newsroom/releases/osec/osec20190313>, published 03/13/2019.

assessment planning process to strategically assess, align, and potentially augment internal assets to ensure full implementation of the new law.

Question. What is the Department's timeline for designating the senior leaders?

Answer. Public Law 115-435 requires the Department designate the evaluation, data, and statistical officer within 180 days of enactment. The Department has named an acting CDO who is organizing the newly formalized data board and developing plans and structures to implement the legislation and Secretary's Order. The Department is working to designate a Statistical Officer by the end of fiscal year 2019.

Question. Finally, how does the Department see the interagency Chief Data Officer Council and the Advisory Committee on Data for Evidence Building as helping to improve the sharing of and access to data for purposes of evidence building?

Answer. The Department sees these interagency committees as critical for advancing evidence building, particularly in an era of limited budgets and the need for rapid insights. The interagency committees identified by the statute could fill an important gap in identifying efficient, streamlined, and cost-effective solutions for data sharing to answer mission critical questions.

DOL'S POLICIES AND RATIONALES

Question. Secretary Acosta, you have repeatedly criticized the use of sub-regulatory guidance by the Department and other administrative agencies as using "administrative fiat" to make significant policy changes. You have said that any change in substantive law should be made by Congress or through notice and comment rulemaking. At the hearing, you reiterated this Administration's position that full rulemaking is the better approach, and stated that the Department is developing its own internal mechanism to decide whether something is appropriate as a guidance document or as a rulemaking.

Please provide a detailed explanation for this new internal mechanism, including a statement of the Department's official policy and rationale for developing and implementing the policy.

Answer. The Department of Labor believes that the best practice is generally to use the Administrative Procedure Act's (APA) prescribed rulemaking process, allowing for the American public's input and ability to access and challenge new policies or interpretations of the law. The Department is concerned that in the past, sub-regulatory guidance has been issued, without notice and comment, with the purpose or effect of binding outside parties. The Department is also concerned that American workers and employers may not know when an agency issues sub-regulatory guidance, which could expose them to potential enforcement actions under requirements about which they may not be aware. At the same time, sub-regulatory guidance can, in certain limited fact-specific circumstances, serve as a useful tool for conveying the Department's interpretation of the law to the regulated community or for educating American employers and workers about rights and obligations that flow from the law.

The Department is committed to ensuring that the APA's rulemaking requirements are consistently followed, while utilizing sub-regulatory guidance judiciously and where appropriate under the law. The Department is working on developing a standard internal mechanism to appropriately assess guidance to determine whether it should go through a rulemaking or be issued as guidance.

JOB CORPS FUNDING

Question. I am deeply concerned by your proposal to gut funding for the Job Corps—our Nation's flagship youth employment program, which has had strong bipartisan support for more than half a century. Despite your proposed cuts, the Appropriations Committee has protected funding for the program with the expectation that it would continue to offer the same number of training opportunities. Yet several centers have closed and overall training slots are declining. I understand that you are proceeding with amendments to the USDA-DOL agreement, which could equate to closing 20 percent of Job Corps centers, without congressional approval.

The Department has stated its intention to "unwind" the agreement between USDA and Job Corps that allows for the operation of CCCs. Have the Departments begun this process? Please provide a copy of the current agreement, the updated agreement, and the current budget of the USDA Forest Service Job Corps. Please also provide a fulsome explanation of the Department's legal authority for transferring operation of the CCCs from USDA to DOL, and for closing the CCCs without congressional approval.

Answer. On May 24, 2019, the Department of Agriculture (USDA) announced that it was withdrawing from operating Job Corps Civilian Conservation Centers (CCCs)

and transferring operations of those centers to DOL. As a result, DOL reviewed the portfolio of CCCs and proposed deactivation of nine CCCs and its intent to enter into procurement or partnership as to the remaining 15 centers. USDA has reconsidered and no longer intends to transfer these centers to DOL. Therefore, DOL announced on June 24, 2019, that it is withdrawing its previously published Federal Register notice proposing the deactivation of nine CCCs.

The Department will provide a copy of the Interagency Agreement, executed in 2008, by the Department and the USDA to the Committee.

Question. What are your plans for the 24 currently operating Job Corps Civilian Conservation Centers, including the three in my home State of Washington, and those training slots?

Answer. The USDA will continue to operate the 24 Job Corps CCCs, including the three in your home State of Washington. DOL, working with USDA, will explore ways to improve the performance of the CCCs and results they achieve for the students. There are no plans to reduce student training slots at the CCCs.

Question. If they close, will the training slots that Congress has funded be shifted to other Job Corps centers?

Answer. The 24 CCCs will remain open and operated by the USDA Forest Service. The Federal Register Notice proposing deactivation of nine CCCs was withdrawn. There are no plans to reduce student training slots at these CCCs.

Question. If they close, please explain how the Department will handle students enrolled at those centers. Will they be transferred to another Center, or will they be separated from the Job Corps program altogether?

Answer. The Federal Register Notice proposing to deactivate nine CCCs has been withdrawn. As a result, given these CCCs are not closing, there is no need to transfer or reassign students.

Question. If they close, what will happen to the USDA Forest Service employees who operate and staff the centers?

Answer. Given USDA no longer intends to transfer the 24 CCCs to DOL, USDA's Forest Service employees will continue to serve students enrolled at these locations.

Question. If they close, how will DOL or USDA address the loss of Forest Service Job Corps camp crews who are trained to assist during national emergencies, including those caused by wildfires, floods, hurricanes, and tornadoes?

Answer. We expect that USDA Forest Service will continue to support activities in response to national emergencies. It is important to note that community service assistance in national emergencies is an important aspect of the Job Corps experience. Annually, Job Corps students are engaged in a wide range of these kinds of volunteer activities across the country.

Question. Will you attempt to enable private operators to run them? What land-use permitting and additional costs will be required of private operators to run these facilities on Federal lands?

Answer. As a result of the USDA decision, a land-use permit will not be necessary.

USE OF JOB CORP CENTERS TO SHELTER MIGRANTS

Question. Has the Department considered—or engaged with the Department of Homeland Security, any other Federal agency, or any private entity regarding—using Job Corps Center facilities to house or shelter migrants?

Answer. The Department has had an agreement with the Department of Health and Human Services (HHS), which allows HHS to use a former Job Corps facility in Homestead, Florida, for their Administration for Children and Families' Unaccompanied Youth program.

JOB CORPS STAFFING LEVELS

Question. Job Corps operational slots have steadily declined since the start of this Administration despite Congress having provided stable funding levels. Job Corps' on-board strength remains around 80 percent compared to a historical average in the high 90s, even during economic expansions.

Given Job Corps' low on-board strength, how much, if any, surplus operational funding does ETA anticipate Job Corps having in PY 2018 and PY 2019?

Answer. The Department does not anticipate any surplus operational funding in Program Year (PY) 2018 or PY 2019.

Job Corps recently increased its oversight and accountability over the implementation and adequacy of required Outreach and Public Education Plans created by outreach and admissions providers. These plans include, among other elements, outreach strategies to achieve and maintain center capacity; plans to ensure coordination of efforts between contractors and centers; and a description of the public edu-

cation and outreach methods that the contractor will develop. By increasing accountability, the Job Corps program has increased overall enrollment during the past year. Job Corps continues to monitor follow-up activities associated with potential applicants expressing interest in the program by conducting weekly teleconferences with outreach and admissions providers to review potential applicant and new applicant information in detail.

Currently, Job Corps is using a digital media campaign to increase Job Corps' On-Board Strength (OBS) at many of its largest centers. This campaign includes using a digital outreach strategy for each of the targeted centers and requires frequent coordination among regional Job Corps staff, a media consultant, outreach and admissions providers, and center operators. Regular meetings are used to review and analyze OBS-related data, identify and resolve barriers to increasing student enrollment and retention, and provide feedback on center-specific media outreach.

Job Corps is transitioning stand-alone outreach and admissions activities into center operations contracts. By consolidating these activities into the center operations contract, Job Corps center operators assume a more direct responsibility for ensuring that their centers are operating at full capacity.

Before the end of the year, Job Corps will finalize its new methodology for creating the Geographic Assignment Plan (GAP). This new plan, referred to as the National Enrollee Assignment Plan (NEAP), will apply a standard formula to all Job Corps centers to determine the number of new students each center must enroll to maintain full capacity. Historically, Job Corps used a fixed national average of students it anticipated would leave the program each year to help calculate the arrival goals for each admissions provider. The new NEAP approach utilizes center-specific separation rates to set contract arrival goals. Centers with higher separation rates will have higher arrival goals in order to align with actual recruitment needs. These revised goals will be included in each admissions provider's contract to ensure that Job Corps centers are closer to full capacity.

As part of its new NEAP strategy, Job Corps is reestablishing its defined recruitment areas so that they align with each State's Local Workforce Development Areas (LWDA). As a result of aligning recruitment efforts with LWDA's, Job Corps' outreach and admissions providers will have the opportunity to work in collaboration with partners in the workforce system, including receiving and providing referrals for individuals who express interest in the Job Corps program or are in need of other workforce development assistance.

Finally, in 2019, Job Corps plans to launch a new student enrollment services system to identify and minimize delays and bottlenecks in the enrollment and center assignment processes. The new system will also improve the quality of career counseling provided, resulting in better matching of enrollee interests and/or aptitudes with a skills instruction program. The net results should be improved enrollments, student arrivals, and retention.

Each month, approximately 18,000 youth express some interest in Job Corps' education and skills instruction program. This interest is primarily expressed through Job Corps' website. Prospective applicant information is provided directly to outreach and admissions contractors for follow-up. To capitalize on this interest and increase enrollment in the program, Job Corps is currently developing a new student enrollment services system, which will include a new information technology (IT) platform.

The IT upgrades in the new enrollment services system will be designed to ensure that the eligible at-risk youth in the enrollment pipeline are promptly processed and enrolled. The new enrollment services system will seek to leverage technology to improve efficiencies in the system by monitoring the processing of applicants, and quickly resolving delays and bottlenecks, which will reduce application processing times. Job Corps' expanded use of technology will also create greater transparency by making application and enrollment data available in real time to those involved in the outreach, admissions, and center assignment processes. These changes will also provide tech-savvy youth easy access to Job Corps' application and a better user experience during the enrollment process. Finally, the new enrollment services system will provide meaningful career counseling during the admissions process. This will allow Job Corps to better manage enrollee expectations and better match enrollee interests and aptitudes with a skills instruction program. All of these efforts will support improved student recruitment and retention, resulting in full utilization of Job Corps centers.

Question. What will this funding be redirected towards?

Answer. The Department does not anticipate any surplus operational funding in Program Year (PY) 2018 or fiscal year 2019.

Question. Please provide a detailed spend plan for the PY 2018 operational funds.

Answer. Below is the PY 2018 Job Corps Operational Funds Spend Plan.

PY 2018 OPERATIONAL FUNDS SPEND PLAN

Contractor Operated Job Corps Centers	\$1,152,040,482.82
Regional Grant Demonstration Projects	\$17,336,914.00
USDA Transfer	\$145,810,489.00
National Administrative Support and Contracts	\$286,345,558.52
TOTAL SPEND PLAN:	\$1,601,533,444.34
TOTAL APPROPRIATION:	\$1,603,325,000.00
TOTAL PLANNED REMAINING BALANCE:	\$1,791,555.66

JOB CORPS FINANCIAL REPORTING

Question. The OIG has stated that ETA has recently allowed Job Corps funding to expire.

WIOA requires ETA to submit periodic financial reports; have these plans been submitted?

Answer. Pursuant to section 161(a) of the Workforce Innovation and Opportunity Act, the Department submitted three such reports to Congress: first and second quarters of Program Year (PY) 2014 (July 1, 2014 to December 31, 2014), third and fourth quarters of PY 2014 (January 1, 2015 to June 30, 2015), and the first and second quarters of PY 2015 (July 1, 2015 to December 31, 2015). No additional reports were provided due to the following reasons:

—The OIG recommendations referenced in section 161(a)(1)(A) were closed out as of March 24, 2015.

—There has not been a budgetary shortfall as referenced in section 161(a)(1)(B).

—There has not been any instances of contract expenditures in excess of the amounts provided for under the contract as referenced in section 161(a)(1)(C).

Question. What controls do you have in place to ensure that all the funding Congress has appropriated for Job Corps is being spent on Job Corps' students and mission prior to expiration?

Answer. The Department is committed to using funds appropriated by Congress for the Job Corps program effectively and efficiently. Job Corps currently incrementally funds 98 contract centers all with varying contract periods, which requires additional monitoring and oversight to account for the status of funds. The Department has improved financial controls to more timely account for spending and maximize the use of available funds. Several initiatives were recently implemented to strengthen financial controls of Job Corps funding:

—Job Corps established standard procedures to ensure timely and accurate monitoring of the status of funds. These procedures established new levels of detail in the current financial system of record, which has allowed Job Corps to monitor and report on current year obligations and expenditures in real-time across multiple fiscal, program and contract years.

—Job Corps validates unexpended funds on a quarterly basis to determine if funds are available.

—Job Corps' program officials meet regularly with financial and procurement staff to discuss the status of funds and to ensure any unobligated balances are being used to serve the program's mission.

JOB CORPS GEOGRAPHIC ASSIGNMENT PLAN

Question. The Workforce Innovation and Opportunity Act requires the Department to produce a geographic assignment plan for Job Corps every 2 years.

Please share the current geographic assignment plan.

Answer. Before the end of the year, Job Corps will finalize its new methodology for creating the Geographic Assignment Plan (GAP). This new plan, referred to as the National Enrollee Assignment Plan (NEAP), will be Job Corps' first comprehensive assignment plan and will replace the GAPs developed by each Job Corps Regional Office. The NEAP will apply a standard formula to all Job Corps centers to determine the number of new students each center must enroll to maintain full capacity. Historically, Job Corps used a fixed national average of students it anticipated would leave the program each year to help calculate the arrival goals for each admissions provider. The new NEAP approach utilizes center-specific separation rates to set contract arrival goals. Centers with higher separation rates will have higher arrival goals in order to align with actual recruitment needs. These revised

goals will be included in each admissions provider's contract to help ensure that Job Corps centers achieve and maintain full capacity.

As part of its new NEAP strategy, Job Corps is reestablishing its defined recruitment areas so that they align with each State's Local Workforce Development Areas (LWDA). As a result of aligning recruitment efforts with LWDAs, Job Corps' outreach and admissions providers will have the opportunity to work in collaboration with partners in the workforce system, including receiving and providing referrals for individuals who express interest in the Job Corps program or are in need of other workforce development assistance.

Once complete, additional information regarding the NEAP will be provided to the Committee.

JOB CORPS MARKETING

Question. How does DOL measure the efficacy and effectiveness of its national marketing efforts?

Answer. Job Corps continues to refine the measures used to determine whether its marketing is effective. Marketing is handled by a contract marketing firm and is primarily digital (i.e., online) in nature. Digital platforms used include Facebook, Google, Instagram, and YouTube. However, print materials are also widely distributed.

Currently, Job Corps initially measures the efficacy and effectiveness of its national marketing by tracking the number of people who indicate initial interest in the Job Corps program (i.e., prospects). Prospects come into the system for tracking purposes via the recruitment website or by telephone via 800-733-JOBS. Effectiveness is also measured by the number of landing page 'clicks' Job Corps advertisements generate, the number of online enrollment interest forms 'clicks' generated, the number of interest forms submitted and, when known, the number of applications submitted resulting from contact with one or more of our digital platforms. Job Corps has used focus groups and surveys to determine what advertising is most effective with its target audience. Accordingly, Job Corps develops its outreach in consideration of this information. Each month, approximately 18,000 youth express some interest in Job Corps' education and skills instruction program.

A comparison of the results of Job Corps' national marketing efforts from calendar year 2017 to 2018 shows a 36 percent increase in the number of individuals 'clicking' on the enrollment interest form and an increase in females expressing interest.

JOB CORPS CONSTRUCTION REHABILITATION PROJECTS

Question. WIOA requires the Department to annually submit a list of construction and rehabilitation projects at Job Corps centers.

Please provide a full accounting of the construction and rehabilitation projects for PY 2017 and 2018.

Answer. The Department's Construction, Rehabilitation and Acquisition resources are available for Federal obligation for 3 years. Resources appropriated for PY 2017 and PY 2018 are not fully obligated yet. In fiscal year 2018, the Department obligated \$70.4 million in Construction, Rehabilitation, and Acquisition funds. This included resources that were appropriated in fiscal year 2016, fiscal year 2017, fiscal year 2018, and fiscal year 2019.

In fiscal year 2017, the Department obligated \$123.5 million in Construction, Rehabilitation and Acquisition funds. This includes resources that were appropriated in fiscal year 2014, fiscal year 2015, fiscal year 2016, and fiscal year 2017.

See the embedded PDF file below for the amounts spent and types of construction and rehabilitation projects during fiscal years 2017 and 2018.

Sum of BALANCE Period of Availability	Managing Unit	Fiscal Year		Grand Total
		FY 2017	FY 2018	
14/17	100000	-	-	-
	ATLANTA	90,819.02	-	90,819.02
	BOSTON	35,985.00	-	35,985.00
	CHICAGO	91,468.22	-	91,468.22
	DALLAS	1.91	-	1.91
	NATIONAL OFFICE	13,392,533.50	-	13,392,533.50
	PHILADELPHIA	-	-	-
	SAN FRANCISCO	113,930.00	-	113,930.00
Total, 14/17		13,724,737.65	-	13,724,737.65
15/18	100000	-	-	-
	ATLANTA	1,544,946.00	-	1,544,946.00
	BOSTON	2,907,470.00	-	2,907,470.00
	CHICAGO	515,951.00	15.75	515,966.75
	DALLAS	615,703.32	-	615,703.32
	NATIONAL OFFICE	16,361,156.44	11,587,775.55	27,948,931.99
	PHILADELPHIA	1,339,912.00	-	1,339,912.00
	SAN FRANCISCO	3,669,670.00	-	3,669,670.00
Total, 15/18		26,954,808.76	11,587,791.30	38,542,600.06
16/19	100000	-	-	-
	ATLANTA	615,148.00	32,715.00	647,863.00
	BOSTON	1,001,724.00	-	1,001,724.00
	CHICAGO	660,116.00	-	660,116.00
	DALLAS	267,043.00	-	267,043.00
	NATIONAL OFFICE	66,129,763.39	-	66,129,763.39
	PHILADELPHIA	1,959,597.00	-	1,959,597.00
	SAN FRANCISCO	1,367,285.00	-	1,367,285.00
Total, 16/19		72,000,676.39	32,715.00	72,033,391.39
17/20	ATLANTA	413,360.00	3,435,011.76	3,848,371.76
	BOSTON	593,684.00	5,438,367.42	6,032,051.42
	CHICAGO	422,261.00	1,862,268.34	2,284,529.34
	DALLAS	668,469.00	5,587,558.50	6,256,027.50
	NATIONAL OFFICE	3,020,392.74	29,904,802.82	32,925,195.56
	PHILADELPHIA	88,679.00	5,782,761.49	5,871,440.49
	SAN FRANCISCO	479,054.00	2,386,603.39	2,865,657.39
Total, 17/20		5,685,899.74	54,397,373.72	60,083,273.46
Grand Total		118,366,122.54	66,017,880.02	184,384,002.56
USDA CRA Transfer		5,153,000.00	4,380,000.00	9,533,000.00
FY Total		123,519,122.54	70,397,880.02	193,917,002.56

FY 2017 Projects

Job Corps Center	Project
ALASKA	Repair roof
ALBUQUERQUE	Repair roof; install carbon monoxide detectors; repair and replace door hardware; repair fire suppression systems
ANACONDA	Repair shower bathroom; repair fire suppression system; repair electrical transformer
ANGELL	Repair building-wide heating/cooling controls; replace heat pump; repair gutters and downspouts
ARECIBO	Replace water softeners; repair walk-in freezer; repair fire alarm system; replace backup generator
ATTERBURY	Repair fire detection, alarm and suppression systems; upgrade emergency egress lighting and signage
BAMBERG	Replace water heaters; repair/replace HVAC system and components; replace cafeteria doors
BARRANQUITAS	Repair/replace lightning protection system and electrical lines from Hurricane Irma
BENJAMIN L. HOOKS	Install component for sewage management system; repair/replace HVAC system and components
BLACKWELL	Replace cafeteria dishwasher; replace water circulating pump; replace boiler
BLUE RIDGE	Repair roof; Repair/replace HVAC system and components
BOXELDER	Repair water supply and sewage system components; repair HVAC system component
BRUNSWICK	Repair/replace HVAC system components; install kitchen fire suppression system; repair areas affected by fire and fire suppression systems
CARL D. PERKINS	Install workshop dust collector; repair/replace HVAC systems and components; install carbon monoxide detectors; install fall protection guards
CARVILLE	Repair roofs; repair/replace HVAC systems and components; replace dental equipment; replace water line piping; construct staff parking lot
CASCADES	Upgrade IT and Health trade facilities; repair/replace fire detection, alarm and suppression systems; replace kitchen grease interceptor; install ventilation systems
CASS	Install smoke detectors
CASSADAGA	Install water supply system components; Install emergency egress signage; replace and seal electrical pull box; repair fire alarm system components
CENTENNIAL	Replace carpeting; install fall-prevention for attic floor and wall openings; replace water softening systems; install plumbing fixtures; install carbon monoxide and smoke detectors
CHARLESTON	Upgrade fire alarm system components; repair/replace HVAC and dust collection system components; upgrade exit signage; repair doors; replace backflow preventers
CINCINNATI	Repair roof; replace kitchen oven
CLEARFIELD	Repair/replace HVAC system and components
CLEVELAND	Install guard-railing for roof opening; repair dishwasher component; repair asphalt pavement; repair waterline piping and water tower
COLBRAN	Repair roof; repair/replace HVAC system components; repair fire protection system components
COLUMBIA BASIN	Repair underground water piping; repair dental trade compressor
CURLEW	Replace washers and dryers; replace shower water valves
DAVID L. CARRASCO	Replace/upgrade HVAC system components; upgrade emergency egress lighting; repair roofs; repair/install fire protection and carbon monoxide detection systems

FY 2017 Projects

Job Corps Center	Project
DAYTON	Repair chain link fence; repair/replace various electrical systems; correct building structural issues; upgrade/repair emergency lighting and signage
DELAWARE VALLEY	Upgrades/repairs to stairways, handrails mad doors; repair access roads/bridges; install carbon monoxide and fire protection systems; inspect/repair stone wall and structural components
DENISON	Exterminate bed bugs; conduct lead paint assessment; install exit signage; repair/replace HVAC system; repair electrical systems
DETROIT	Inspect/repair fire protection system; install carbon monoxide alarms; upgrade exit signage and emergency lighting; demolish safety-hazardous masonry chimney
EARLE C. CLEMENTS	Repair roofs and roof components; rebuild pool building; repair roadway
EDISON	Repair buildings' deteriorated areas; replace egress door; repair fire alarm system
EXCELSIOR SPRINGS	Correct major structural and ancillary issues at four buildings; replace dishwashing machine; replace water heater; restore water damaged areas
EXETER	Repair/replace HVAC system and components; replace dishwasher; replace water flow meter
FINCH-HENRY	Repair/replace HVAC system and components; repair fire alarm system
FLATWOODS	Repair fire alarm control panel in two buildings
FLINT HILLS	Repair HVAC system components
FLINT/GENESEE	Repair HVAC system component; Replace water supply tempering valve; install smoke detectors
FORT SIMCOE	Repair/replace HVAC system and components; repair roof
FRED ACOSTA	Install clothes dryers; enhanced security to prevent potential contraband on Center
FRENCHBURG	Repair/install doors; install emergency lighting and signage; Repair/upgrade various electrical systems; repair/test fire protection systems and components
GADSDEN	Install security cameras, repair emergency egress doors and lighting; replace kitchen equipment; upgrade fire protection system and exit signage
GAINESVILLE	Conduct industrial hygienist assessment
GARY	Repair roofs; replace dental trade equipment; Repair/relocate HVAC system components; install fall protection guards; upgrade exit signage and lighting; repair fire protection systems
GERALD R. FORD	Install carbon monoxide detectors; install security cameras; replace steam generator; upgrade/repair emergency egress lighting and signage; replace water piping and water heaters
GLENMONT	Repair/replace HVAC systems and components; Upgrade fire protection systems; replace leaking water pipes; Replace power cables; repair roofs
GRAFTON	Replace gutters and downspouts; Replace HVAC system components; remediate mold-exposed areas; Replace structural steel; repair elevated walkway, tunnel and roadway
GREAT ONYX	Repair subfloor to walk-in cooler
GULFPORT	Repair HVAC system components; install emergency eye-wash station; upgrades to guardhouse; upgrade fire protection system; install smoke detectors

FY 2017 Projects

Job Corps Center	Project
GUTHRIE	Upgrade/replace HVAC system components; replace cafeteria dishwasher; repair fire protection systems; install carbon monoxide detectors; upgrade electrical systems
HARPERS FERRY	Replace water heater
HARTFORD	Repair concrete pavement; Repair/replace HVAC system components
HAWAII	Cleanup site wide after mudslides; replace kitchen oven; upgrade emergency egress lighting and signage; replace location of light fixtures; upgrade fire protection system components
HAWAII/MAUI	Upgrade fire alarm system components; Repair/replace HVAC system components; replace emergency exit signage and lighting; upgrades to electrical systems
HOMESTEAD	Replace HVAC system components
HUBERT H HUMPHREY	Install bathroom floor drains; upgrade fire protection system
INLAND EMPIRE	Replace HVAC system components; replace sewer main piping; install smoke detectors
IROQUOIS	Replace roof; replace kitchen oven; replace fire protection system components; replace doors; replace emergency generator
JACKSONVILLE	Upgrade mass-notification system; repair fire protection system components; Repair water supply system components
JACOBS CREEK	Upgrade HVAC system components; upgrade waste water treatment plant; replace doors and exit lighting/signs; repair/replace various electrical systems and components; upgrade fire protection systems
JOLIET	Treat affected areas for asbestos; replace dishwasher; repair/replace HVAC system components; repair fire protection system; repair walk-in cooler
KEYSTONE	Treat affected areas for asbestos; repair/replace HVAC systems and components; replace roof; repair walk-in freezer; replace electrical systems
KICKING HORSE	Repair/replace fire protection system; replace electric heater
KITRELL	Repair/replace fire protection systems; Install emergency egress lighting; replace door locks; Install dental trade equipment; replace backup generator; repair sanitary pipe leaks
LAREDO	HVAC replacement; security camera installation; light pole installation
LITTLE ROCK	Hot water heater replacement; roof repairs; HVAC repairs
LONG BEACH	Demolition of Building 12; HVAC repairs
LORING	Underground fuel tank repairs; roof repairs; HVAC repairs
LOS ANGELES	Renovation of classroom space; HVAC repairs
LYNDON B. JOHNSON	Makeup air installation for welding; fire alarm and sprinkler repairs; emergency egress signage; roof replacement
MIAMI	Hurricane cleanup; walk-in cooler replacement
MILWAUKEE	Geothermal HVAC repair
MINGO	HVAC repair; deck and stair installation
MISSISSIPPI	Mobile welding trailer; door hardware upgrades; electrical distribution upgrades; fire alarm upgrades
MONTGOMERY	HVAC replacement and addition
MUHLBERG	Water main upgrades; water heater replacement

FY 2017 Projects

Job Corps Center	Project
MULTIPLE CENTERS	Purchase of renewable energy credits
NEW HAMPSHIRE	Water heater replacement
NEW HAVEN	Exit door repair and upgrade; water heater replacement; mold mitigation
NEW ORLEANS	Electric receptacle installation
NORTH TEXAS	Fire alarm and sprinkler installation; mold mitigation; HVAC system replacement
NORTHLANDS	Electrical equipment replacement; roof repair; egress door upgrades; dental equipment compressor installation
OCNALUFEE	Fire rated ceiling installation; fire alarm upgrades; electric panel board upgrades; grounding upgrades
OLD DOMINION	Roofing replacement; HVAC replacement; stair tread replacement
ONEONTA	Door and hardware replacement; mold mitigation; emergency egress upgrades; AC installation
OTTUMWA	Fire damage repairs; smoke detector installation; exit signage installation
PAUL SIMON	HVAC replacement; gym flooring replacement; laundry exhaust system replacement
PENOBSCOT	Backflow preventer installation; emergency egress improvements; heating system upgrades; hot water pump replacement
PHILADELPHIA	Kitchen exhaust repair
PHOENIX	Carpet replacement; laundry equipment replacement; water line repair; HVAC replacement
PINE KNOT	Roof repair; HVAC replacement; water main repair; window repair
PINE RIDGE	Roof replacement; safety improvements including eyewash, fire alarms, fire wall repair
PINELLAS COUNTY	Water softener replacement
POTOMAC	Fence installation; demolition of steel structural elements; electrical upgrades; fire alarm upgrades; roof replacement
QUENTIN BURDICK	Hot water system installation; fire protection system repair; garbage disposal replacement
RAMEY	AC installation; fire alarm panel installation
RED ROCK	Walkway repairs; grounding repairs; exit signage installation; steam distribution pipe repairs
ROSWELL	Fire alarm replacement; window repairs; door repair for emergency egress; wall penetration sealing
SACRAMENTO	Fence repair and installation; door lockset installation; exit signage; roof hatch replacement
SAN DIEGO	Roof replacement; emergency egress lighting installation; dental equipment; exterior wall repair
SAN JOSE	Portable radio replacement; automated external defibrillator purchase
SARGENT SHRIVER	HVAC replacement; electric service extension; heat exchanger repair; hot water tank installation
SHREVEPORT	Mobile welding trailer purchase; HVAC repairs; flooring repairs;
SIERRA NEVADA	Fire alarm upgrades; emergency egress lighting; sewer repairs; guards for rooftop units
SOUTH BRONX	HVAC repairs; kitchen hood extinguishing system; mold mitigation; safety improvements
SPRINGDALE	Septic tank replacement; roof repair; stair landing repair; drain pipe repair
ST LOUIS	Boiler replacement; mold mitigation; domestic water line repair;
TALKING LEAVES	Hot water tank replacement; boiler replacement; water supply piping repair
TIMBER LAKE	Dishwasher replacement; emergency lighting; fire alarm upgrades; explosion proof electrical equipment
TONGUE POINT	Training Boat repairs; sewage lift station repair

FY 2017 Projects

Job Corps Center	Project
TRAPPER CREEK	HVAC repair
TREASURE ISLAND	Kitchen equipment repairs; freezer replacement;
TULSA	HVAC replacement; shower pan repair; lighting replacement; safety improvements
TURNER	HVAC rental; stoves and dishwasher replacement; cafeteria piping repair; mold mitigation
WEBER BASIN	Dishwasher replacement; water main repair; wood deck repair; HVAC replacement
WESTOVER	HVAC repairs; emergency egress repairs; fire alarm system; guardrails; water heater replacement
WHITNEY M. YOUNG	Water heater replacement
WILMINGTON	HVAC replacement
WIND RIVER	Snow guards; mold removal
WOLF CREEK	Roofing replacement; carbon monoxide alarms; exit signs; fire alarm systems; water treatment plant filters
WOODLAND	Water main repair; cooling tower replacement; water heater replacement
	Structural repairs to Building 4; door improvements; safety upgrades; toilet room finishes; HVAC replacement; kitchen exhaust
WOODSTOCK	installation

FY 2018 Projects

Job Corps Center	Project
ALASKA	Upgrade fire suppression and fire alarm systems; add carbon monoxide alarms; replace cafeteria dishwasher
ALBUQUERQUE	Repair boiler piping; repair fire alarm system; plumbing repairs; repair failed dormitory water valve
ANACONDA	Shower room repairs; repair fire alarm panels; repair UV water treatment system; replace ageing electrical disconnect
ARECIBO	Repair multiple hurricane damaged buildings; repair/sanitize water tanks; replace fire alarm panel; replace electrical transformer
ATTERBURY	Replace domestic water boiler; replace kitchen tilt skillet; repair/repair floor joists; install site security fence
BAMBERG	Repair/replace HVAC systems and components; replace cafeteria kitchen appliances
BENJAMIN L. HOOKS	Upgrade kitchen hood fire suppression system; repair kitchen HVAC system; replace water heater
BLACKWELL	Replace sewage system sand filters; replace boiler
BLUE RIDGE	Repair electrical panelboards; provide freeze protection for building sprinkler system; improve egress lighting; repair exhaust system
BOXELDER	Replace roof
BRUNSWICK	Install campus security gate; improve security camera coverage; Replace/repair HVAC system; repair multiple life safety issues
CARL D. PERKINS	Replace dryer exhaust vents; repair/replace fire sprinkler heads; replace water heater; repair HVAC system
	Replace/replace HVAC systems; replace doors; replace roof; correct various Life Safety deficiencies; replace dormitory bedroom furniture
CARVILLE	
CASCADES	Replace roof; correct various Life Safety deficiencies
CASS	Replace roof
CASSADAGA	Replace fire alarm system; repair roads; repair roof safety railings; replace deteriorated sidewalks
CENTENNIAL	Repair HVAC system; install attic safety fall protection
CHARLESTON	Repair fire alarm panel; repair fire sprinkler system; replace egress doors, recreation building
CINCINNATI	Identify fire and life safety code issues; repair leaking drain pipe
	Install carbon monoxide alarms; repair water damaged walls; improve egress lighting and exit signage; repair fire alarm systems
CLEARFIELD	
CLEVELAND	Replace water heater; replace dental vacuum pump
COLLBRAN	Repair fire protection system; replace water softener system; improve lighting
COLUMBIA BASIN	Repair kitchen hood fire suppression system
CURLEW	Replace doors; repair flooring; replace water heaters
DAYTON	Replace/replace HVAC systems; replace cafeteria kitchen oven; replace overhead door; repair electrical system
DELAWARE VALLEY	Repair HVAC systems; repair kitchen walk-in freezer; repair fire alarm system; repair entry doors; replace flooring; repair parapet and balcony
DENISON	Replace water heater; replace cafeteria kitchen steamer; repair parking lot; replace maintenance building roof

FY 2018 Projects

Job Corps Center	Project
DETROIT	Repair domestic hot water system; repair water damaged interiors; replace cafeteria ice maker; repair fire suppression system
EARLE C. CLEMENTS	Replace roof; repair/replace HVAC system; repair roads
EDISON	Replace backflow preventer; install carbon monoxide alarms; replace door hardware; improve egress lighting; replace fire alarm panels
EXCELSIOR SPRINGS	Repair/replace roofs; repair/replace HVAC system; repair security camera system; repair fire alarm system; repair interior finishes
EXETER	Replace doors; repair HVAC system; repair fire alarm system; replace cafeteria kitchen ice machine
FINCH-HENRY	Replace HVAC system; install carbon monoxide alarms; repair/upgrade electrical and lighting systems; repair fire alarm system; repair pavements
FLATWOODS	Replace sewage system pumps
FLINT HILLS	Repair/replace HVAC system; replace cafeteria kitchen appliances; correct fire alarm and other life safety deficiencies
FLINT/GENESEE	Replace security gate; improve walkway lighting; repair HVAC equipment; replace cafeteria kitchen garbage disposal
FORT SIMCOE	Repair electrical systems; replace water heater; repair kitchen hood exhaust fan
FRENCHBURG	Replace domestic water heater; replace cafeteria kitchen garbage disposal
GADSDEN	Replace tornado damaged canopy; repair/replace HVAC system
GAINESVILLE	Install soil cap to mitigate contamination issue
GARY	Replace moldy drywall; repair perimeter fence; repair fire sprinkler system; repair fire alarm systems; replace water heater; replace ductwork
GERALD R. FORD	Repair failed drain pipe
GLENMONT	Replace boilers; replace sewage system pumps; improve egress lighting; repair HVAC systems; repair parking lots
GRAFTON	Repair flood damage; replace backflow preventers; repair culinary arts kitchen fire suppression system; repair egress doors; replace failed chillers
GREAT ONYX	Replace roof; repair light fixtures; replace/repair HVAC systems; repair electrical panel
GULFPORT	Awarded design contract for redevelopment project; replace cafeteria kitchen range and food warmer; replace failed cafeteria HVAC unit
GUTHRIE	Improve fire hydrant coverage; replace security gate; provide security metal detector; replace failed cafeteria convection oven
HARTFORD	Replace domestic water heater
HAWAII	Replace domestic water heater
HAWAII/MAUI	Replace fire alarm system; replace cafeteria kitchen ice machine
HUBERT H HUMPHREY	Replace fire alarm system; repair electrical system; repair deteriorated roofs, buildings 1 and 8

FY 2018 Projects

Job Corps Center	Project
INLAND EMPIRE	Replace gymnasium roof and rooftop HVAC unit; replace boiler; repair termite damage; replace kitchen griddle and waste disposal; repair stairs
IROQUOIS	Repair fire sprinkler system; Replace/repair HVAC system; replace doors; repair sewage lift system; improve site lighting; replace exterior EIFS wall
JACKSONVILLE	Roofs and deck replacement due to hurricane damage; replace security fence; replace pond aeration pump
JACOBS CREEK	Repair waste water treatment plant; repair sewage system water infiltration; remove bat guano
JOLIET	Repair electrical system; replace interior/exterior doors abate asbestos in crawl space; replace water heater; replace/repair fire systems
KEYSTONE	Replace roofs; replace doors; replace backflow preventers; repair/replace HVAC and plumbing system; repair fire alarm system; inspect utility poles
KICKING HORSE	Replace roofs; repair water pipe; improve egress lighting and signage; improve fire alarm system coverage
KITTRELL	Replace HVAC system; replace entry and exit doors; replace cafeteria kitchen walk-in freezer; replace failed sewage pumps
LITTLE ROCK	Replace furnace; replace electrical breaker; improve egress lighting; improve roof ladder safety; replace failed fire alarm control panel
LONG BEACH	Replace HVAC system; Renovate bathrooms; replace roof; repair sewer line
LORING	Repair HVAC system; improve egress lighting; repair vocational roofs, repair community center HVAC
LOS ANGELES	Repair elevator; repair HVAC systems; improve handicapped accessibility
LYNDON B. JOHNSON	Replace sewer collection system; replace carpet; repair service road
MIAMI	Repair fire alarm system; improve egress lighting; replace roof; add carbon monoxide alarms; repair HVAC system; replace deteriorated dorm furniture
MINGO	Replace HVAC system
MISSISSIPPI	Renovate welding shop; repair HVAC system; repair water main; repair electrical system; replace water heaters; install classroom data ports
MONTGOMERY	Repair HVAC systems, repair broken transformer ground electrode; correct bathroom sewer drains; replace/repair HVAC system
MUHLENBERG	Repair water main; replace/repair HVAC systems; repair fire alarm system; replace doors
NATIONAL JOB CORPS	Procure new classroom furniture nationwide for TABE 11-12 upgrade
NEW HAMPSHIRE	Repair/replace doors; clean and treat cedar siding; replace water tanks; repair emergency generator
NEW HAVEN	Replace/repair HVAC system; repair dormitory fire alarm system
NEW ORLEANS	Repair HVAC chiller
NORTH TEXAS	Replace/repair HVAC system; repair roof trusses; replace water heater
NORTHLANDS	Replace/repair HVAC systems; replace kitchen cafeteria dishwasher; repair sewer pipe; replace water heater; repair interior finishes
OCONALUFTEE	Replace roofs; repair roof trusses; repair siding; remediate dorm interiors; remove asbestos in Dormitory E
OLD DOMINION	Replace/repair HVAC system and boiler; replace floor tiles; replace cafeteria kitchen skillet and

FY 2018 Projects

Job Corps Center	Project
ONEONTA	Replace doors; repair cafeteria interior finishes; repair brick exterior; replace cafeteria kitchen dishwasher
PAUL SIMON	Repair/replace HVAC system; add carbon monoxide detectors; repair fire alarm system; improve egress lighting
PENOBSCOT	Replace/repair boiler; improve lighting; repair roof and storm drains; replace dormitory heating water valve
PHOENIX	Replace/repair multiple HVAC systems throughout center; repair water damaged interiors; install security cameras
PINE KNOT	Install backflow preventers; repair/replace HVAC systems; renovate fire damaged warehouse; improve egress signage
PINE RIDGE	Replace backflow preventers; replace cafeteria kitchen steamer; replace water heaters; improve fire truck access
PINELLAS COUNTY	Replace failed cafeteria walk-in freezer compressor
PITTSBURGH	Replace HVAC system; repair water main
POTOMAC	Replace backflow preventers; replace doors; abate asbestos; repair HVAC; perform structural analysis; replace water valve; correct soil drainage issue
QUENTIN BURDICK	Repair side walks; replace carpet; replace cafeteria kitchen appliances; repair fire alarm system; improve egress lighting
RAMEY	Renovate campus to accommodate additional trades as a result of hurricane damage to Puerto Rico centers
RED ROCK	Resolve HVAC unit and controls issues; repair emergency generator; water damage cleanup; replace failed emergency backup generator
ROSWELL	Replace fuel-fired heaters in showers with code-compliant units
SACRAMENTO	Resolve fire egress issues; repair Child Development Center roof; remove fire-damaged eucalyptus trees; provide supplemental cooling to classrooms
SAN DIEGO	Replace failed boilers; mechanical work for welding trade vocation expansion
SAN JOSE	Install natural gas seismic shutoff valve; replace failed boiler; repair emergency lighting
SARGENT SHRIVER	Install security fencing; resolve kitchen ventilation; repair fire alarm systems; replace floor tile in recreation building
SCHENCK	Replace failed HVAC system
SHREVEPORT	Upgrade electrical panelboards; install security fence; resolve multiple code deficiencies
SIERRA NEVADA	Replace failed underground cafeteria sewer pipe
SOUTH BRONX	Repair failed elevator; replace failed rooftop HVAC unit; replace kitchen hood exhaust system
SPRINGDALE	Repair failed kitchen equipment and exhaust hood; repair sewer pipe
ST LOUIS	Replace failed HVAC rooftop unit; repair leaking water main pipe
TALKING LEAVES	Replace failed roof; resolve multiple code compliance issues
TIMBER LAKE	Repair leaking roof; repair HVAC system; repair dining hall kitchen exhaust fire suppression system
TONGUE POINT	Repair classroom HVAC; install roof fall protection; repair fire alarm systems and emergency lighting
TRAPPER CREEK	Replace wastewater treatment system sand filter beds and potable water purifier system

FY 2018 Projects

Job Corps Center	Project
TREASURE ISLAND	Repair/replace deficient fire alarm and suppression systems; resolve various code deficiencies; replace boiler emergency shut-off switches
TULSA	Repair shower leaks; replace water heater; install carbon monoxide alarms; replace security cameras; replace failed kitchen air conditioning unit
TURNER	Hurricane damage repair; replace shower floors; replace failed HVAC units; replace fire alarm panels/devices; provide vocational air conditioning
WEBER BASIN	Replace failed bridge (main entry point to center); replace dining hall flooring; mitigate various life safety issues throughout the center
WESTOVER	Replace fitness center flooring
WHITNEY M. YOUNG	Replace failed water heaters; install backflow prevention devices
WIND RIVER	Install security camera; smoke detectors for security room; install snow guards
WOLF CREEK	Upgrade energy controls; replace wastewater treatment plant equipment
WOODLAND	Repair men's restroom; repair cooling tower piping; repair underground pipe; repair water main breaks on center
WOODSTOCK	Upgrade restrooms; replace ceiling tiles; replace/repair boiler; repair underground pipe

JOB CORPS CENTER STATUSES

Question. What is the status of the Kicking Horse Job Corps Center in Montana?

Answer. In March 2019, CSKT, as the lessor of the property on which the Kicking Horse Job Corps Center (KHJCC) operates, invoked its right to cancel the land-use lease with the Department. At the time of the lease termination notice, KHJCC and the Department were engaged in discussion about the center's performance and the Department's options in light of that performance. Cancellation of the land-use lease by CSKT requires the Department to vacate the premises within 180 days of the notice, which will effectively end Job Corps center operations at that location. ETA, in consultation with legal counsel, is currently considering options for the appropriate path forward for the KHJCC.

Question. What is the status of the Centennial Job Corps Civilian Conservation Center in Idaho?

Answer. In May 2019, the Centennial Job Corps Center began transitioning into a demonstration project operated by the State of Idaho. The State of Idaho began to occupy the Centennial center in July 2019. All Centennial Job Corps students either completed their training prior to the transition beginning or were transferred to other Job Corps centers nearby that also offer the students' trades.

Question. When do you anticipate the Arecibo Job Corps Center in Puerto Rico will be reopened?

Answer. The Arecibo Job Corps Center in Garrochales, Puerto Rico, was damaged by Hurricane Maria in September 2017. Rehabilitation of the center was initiated in June 2018, and the center is anticipated to reopen by February 2020.

Question. When do you anticipate the Atlanta Job Corps Center will be reopened?

Answer. On June 22, 2017, the Department awarded a contract to 4K Global-ACC Joint Venture, LLC (4K Global), to construct a new Job Corps center in South Fulton, an incorporated area near Atlanta, Georgia. The new center will be built to accommodate 472 students, primarily from the Atlanta area. Early during the course of construction, the Department identified serious concerns regarding 4K Global's performance, and it communicated those concerns to 4K Global in accordance with the contract's terms and conditions. The construction concerns are being addressed through an agreement between the Department and 4K Global. This agreement established increased quality assurance measures, including requiring third party inspections of some of the construction work previously completed. The Department reached an agreement with the third-party inspector, that is, the U.S. Army Corps of Engineers, on July 18, 2019. The contractor, 4K Global cannot resume construction in some areas until the inspector deems the prior work sound. The impact of the delays and inspections on the completion date is undetermined.

Question. What is the status of the reconstruction of the Gulfport Job Corps Center?

Answer. The Department remains committed to, and continues to prioritize, the construction of the Gulfport Job Corps Center. The Department also continues to submit the required 30-day update reports to Congress and to stakeholders on the progress of the Gulfport center construction. As recently reported, the Architect/Engineering (A/E) firm, Eley Guild Hardy Architects, submitted the schematic design for the Gulfport Job Corps Center Redevelopment Project to DOL, as scheduled, on March 22, 2019. The Department reviewed and accepted various Value Engineering (VE) changes to the schematic design. The VE discussions have focused on alternatives for materials and other project elements to identify opportunities for cost savings, which has thus far identified approximately \$5 million in cost-saving design changes, all of which have been evaluated with respect to both cost and quality, and deemed appropriate for implementation. The Department will memorialize these changes in a document to be sent to the A/E firm. Subsequent to preparation of changes to the schematic design documents by the A/E firm, the Department will schedule a public meeting.

The revised statement of work for a consultant to conduct the Historic American Building Survey (HABS), interview the high school alumni, and design the lobby exhibit was posted on the FedBizOpps web site (www.fbo.gov) on March 19, 2019. The deadline for offers was May 1, 2019. DOL received and reviewed seven proposals, and held a reconciliation meeting with its selection team to discuss the proposals and continue with the selection process. The design phase is scheduled to conclude in April 2020. The construction phase is estimated to take an additional 19 months.

QUESTIONS SUBMITTED BY SENATOR RICHARD J. DURBIN

JOB TRAINING SERVICES FOR AT-RISK YOUTH

Question. Chicago has experienced a heartbreaking wave of gun violence—in many cases, the areas in the city with the highest unemployment rates are the same as those with the highest rates of violence. I've spoken with you several times about the importance of Federal support for programs that help reduce violence and create economic opportunity in areas like Chicago, where youth disconnection is extremely chronic and concentrated. In the Chicago metro area, more than 24 percent of Black youth and more than 11 percent of Latino youth ages 16–24 both out of school and out of work. I am very concerned that this Administration has repeatedly spoken of eliminating certain workforce development programs. This year's budget proposes a 10 percent decrease in funding for the Department of Labor overall. Federal programs play a role in creating economic opportunity for youth, and we should be working to build up these programs, not reduce and eliminate them.

Do you agree that Federal funding plays a critical role in creating job training and employment opportunities for at-risk youth in underserved communities? If yes, how do you justify consistently requesting cuts to programs that help train at-risk youth and other vulnerable populations?

Answer. Federal funding plays a critical role in creating employment opportunities for at-risk youth in underserved communities, but Federal investment alone is not sufficient. The fiscal year 2020 Budget requests the same level as the fiscal year 2019 enacted level for the Workforce Innovation and Opportunity Act (WIOA) Youth

formula program, which serves primarily out-of-school youth. The Department also serves at-risk youth under Reentry Employment Opportunities, YouthBuild, and Job Corps. YouthBuild currently has five active grants within the Chicago metropolitan area that provide training, through a pre-apprenticeship model, for in-demand industries, including construction, information technology, healthcare, and logistics. In Chicago, the Reentry Employment Opportunities (REO) program has one project that focuses on serving at-risk and offender youth. Further, the fiscal year 2020 Budget prioritizes evidence-based strategies, such as apprenticeship, which serve youth in Chicago and throughout the U.S.

Question. In Chicago, Community Based Organizations have developed training programs that offer a combination of job skills training, wage-paid work, and support services such as counseling for at-risk youth. What steps has your Department taken to support organizations that provide these types of transitional jobs services?

Answer. The WIOA formula youth program is designed specifically to provide all three of these activities for youth, and requires local areas to spend a minimum of 20 percent of their youth funds on work experience, which is one of the program's ten elements. Older youth can also be served through the WIOA Adult program, where local areas can use up to 10 percent of funds to support transitional work experience. In addition, YouthBuild awards grants to community-based organizations and requires hands-on work experience in a real-world employer setting for all industry training provided, while providing supportive services, and stipends and wages. The WIOA Youth program, REO program, and Job Corps also engage employers to provide these meaningful work experience opportunities for at-risk youth. The Department works with industry groups, companies, non-profit organizations, unions, and joint labor-management organizations to develop workforce development programs, such as pre-apprenticeship, apprenticeship, and career pathways that allow young people to earn and learn simultaneously, leading to family-sustaining jobs.

The Department provides support to States to administer the Work Opportunity Tax Credit (WOTC) and the Federal Bonding Program (FPB). WOTC provides a tax credit to employers that hire formerly-incarcerated youth and young adults. FPB just launched a demonstration project to expand the use of Federal bonds across the country through the use of bonds to employers that hire formerly-incarcerated individuals, including youth and young adults.

WOMEN'S BUREAU BUDGET CUTS

Question. From Alzheimer's disease, to the chronic care needs of an aging parent, or the emotional or physical health need of a child, tens of millions of Americans are pressed into service to care for their loved ones. The average family caregiver spends \$7,000 of their own money every year to provide care to loved ones, with an average commitment of 24 hours per week. And millions more serve as professional home care aides, child care workers, and early childhood educators—providing important forms of care for Americans from birth to death. More needs to be done to support our Nation's caregivers and recognize the heroic job that they perform every day. More than 60 percent of caregivers are women, and the Women's Bureau plays an important role in improving workplace practices for women who currently lack adequate flexibility, benefits, and supports such as equal pay, paid family leave, and childcare. I am very concerned that the fiscal year 2020 budget request would cut funding for the Women's Bureau by 74 percent.

Even without these budget cuts, the Federal Government is dedicating far too few resources to policies that meet the challenges faced by the caregiving workforce. Did you approve the proposed cuts to the Women's Bureau budget?

Answer. Women are nearly fifty percent of the workforce and the President's fiscal year 2020 budget and previous budget requests reflect the importance of women in the workforce.

The Women's Bureau serves an important role at the Department of Labor, promoting and advancing the interests of working women by convening stakeholders, advising on policy change, and starting conversations around topics that are critical to women, their families, and our Nation's prosperity. Success for the Women's Bureau is achieved when the issues it champions move beyond the Bureau, because that means the problems and opportunities identified through its work are being addressed.

Next year, the Women's Bureau will celebrate its Centennial year, which provides an opportunity to reflect on how far women have come over the past 100 years. Over the past century, the Women's Bureau has successfully advocated for workplace safety standards, family leave benefits, and pay equality protections.

The Women's Bureau has recently taken a number of actions to advance women's workplace policies and influence the current state of women in the workforce. Since the beginning of 2017, the Women's Bureau has:

- Partnered with the Department of Health and Human Services to help increase working families' access to affordable, quality child care;
- Worked with the Small Business Administration (SBA) and the Treasury Department to grow opportunities for women in entrepreneurship;
- Coordinated with the Employment and Training Administration (ETA) to increase opportunities for women to access and thrive in apprenticeship programs;
- Joined the Veterans' Employment and Training Service (VETS), the Department of Defense, and others to address employment opportunities and reducing occupational licensing barriers for military spouses, 92 percent of whom are women; and
- Supported the Trump Administration's commitment to address the opioid crisis with a focus on helping women who have been impacted by the opioid crisis.

None of these efforts will be negatively affected by the fiscal year 2020 budget. Instead, the Department will more effectively support and advance the mission of the Women's Bureau by focusing the Bureau's resources on conducting research and collaborating with agencies and departments across the government. In the coming year, the Women's Bureau will collaborate with ETA and VETS to support grant work on State licensing and promoting employment for military spouses; with the White House to identify innovative solutions to childcare; and with SBA to expand opportunities for women to thrive in entrepreneurship.

As mentioned previously, the Women's Bureau provides research and analysis on the issues of interest to working women. Following a request by members of the Senate, the Women's Bureau commissioned a study, which is still in the early stages of analysis, to produce an independent, more precise and current estimate of the gender wage gap. The commissioned work will update a study on the gender wage gap issued by the Department in 2009. The 2009 study, which was funded by the Department and produced by the CONSAD Research Corporation, systematically reviewed then-available research on gender differentials in earnings and used data from the Current Population Survey to identify factors (including education, occupation, industry, work experience, and career interruptions) that contributed to the gender wage gap.

In addition to the CONSAD update research study, the Women's Bureau is partnering with the Census Bureau to link administrative and survey data to produce a more precise and current estimate of the gender wage gap. The study will include an in-depth examination of variables such as industry, occupation, education and work experience that contribute to the gender wage gap. Findings from both projects are expected by the end of the 2019 calendar year.

While recognizing that many factors go into determining wages, data-driven information concerning the wage gap provides a baseline for women planning careers to learn about prospective occupations, and as a comparison point for women already in the labor force to evaluate their wages. The Women's Bureau has an interactive visualization tool available on the Women's Bureau website, which shows average wages for women and men in more than 300 occupations.

ETA also supports programs to provide workforce development services for female workers. For example, the Women's Bureau is collaborating with the Office of Apprenticeship (OA) to recruit and retain women in pre-apprenticeship and apprenticeship programs as potential pathways for women to non-traditional occupations that may have higher average salaries. Through WIOA, ETA supports programs that provide workforce development services for individuals with barriers to employment, including over two million women workers in Program Year 2017. In addition, WIOA emphasizes providing services and placing women in non-traditional occupations, such as apprenticeships, that may have higher average salaries.

Question. How do cuts to the Women's Bureau help improve working conditions and opportunities for employment for women, especially our Nation's caregiving workforce?

Answer. Please see the response to the prior question.

ADDRESSING THE IMPACT OF AUTOMATION

Question. In your testimony, you note that the "dedication, ingenuity, and innovation of our American workforce . . . is unparalleled". I agree. And that is why I'm committed to finding ways the Federal Government can be an engaged partner in providing American workers with the tools they need to upskill and prepare for jobs of the future. A 2017 study from Ball State University estimated that between 50 and 60 percent of jobs in my home State of Illinois could be at risk of becoming

automated. And low-income workers and women are at greater risk of being impacted by these changes in the nature of work.

Has the Department taken steps to better understand the impact of automation—and best retraining practices—on specific populations such as women, minorities, or low-income workers?

Answer. The Department is actively taking steps to better understand the impact of automation on the American workforce. Specifically, the Department is exploring additional ways to use existing or new data collection efforts to identify and track the workforce effects of advanced technologies. In fiscal year 2020, the Department's Bureau of Labor Statistics (BLS) plans to complete several relevant work products, including: a literature review that summarizes and synthesizes economic theory on the interaction between labor and capital in the workplace and how this is affected by new technologies; an analysis that identifies how the key constructs are currently captured by domestic and international statistical agencies and ways to supplement the data that BLS currently collects; and a final report that recommends data collection options to fill those gaps as well as methodologies for leveraging existing BLS data to the fullest extent. Once finalized, BLS plans to report this work to Congress as well as make information publicly available on the DOL website. Through this comprehensive approach, BLS will be able to fully consider the complex nature of how technology might interact with labor from both an economic measurement and survey methodology perspective.

The Department's Employment and Training Administration (ETA) will also leverage the work of BLS in considering whether and how to adjust the Occupational Information Network (O*NET) survey or products. O*NET will continue to provide information to the general public and researchers through the O*NET database and supporting websites, which offer a variety of occupational characteristics and requirements data. For example, the tasks and detailed work activities of occupations listed on O*NET have been used to assess the impact of automation. O*NET also updates the tools and technology skills of occupations more frequently—twice yearly—than the entire occupation profile.

Question. Is the Department coordinating with other Federal agencies, especially other agencies that support job training efforts, to comprehensively address the potential workforce effects of advanced technologies?

Answer. The Department is working with the White House's Office of Science and Technology Policy, which is supporting the Administration's efforts to help Americans adjust to economic changes, including those stemming from automation. BLS has already begun exploring the potential impact of advanced technologies and is coordinating with the Census Bureau on research activities in this area. The Department is also supporting the Department of Commerce's Network for Manufacturing Innovation Program (Manufacturing USA), which includes work on advanced robotics, by proactively sharing informational resources, websites, and other information developed by BLS.

Further, the Department has and continues to collaborate with the Department of Transportation (DOT) to assess economic changes in the trucking industry. In the Consolidated Appropriations Act of 2018 (Public Law 115–141), Congress provided funding to DOT to conduct a comprehensive analysis of the impact of Advanced Driver Assist Systems and Highly Automated Vehicles technologies on drivers and operators of commercial motor vehicle, including the potential for any labor displacement. Further, the Department and DOT organized multiple stakeholder outreach events with industry, labor, technologists, and users in order to gather and share information regarding the potential effects of the adoption of advanced technologies. The Department and DOT held a stakeholder meeting on March 20, 2019, and plan to hold another one in calendar year 2019. The Department and DOT anticipate the comprehensive analysis and recommendations to address potential displacement will be available in summer 2019.

INCREASING ENROLLMENT IN JOB CORPS CENTERS

Question. According to data from the Aspen Institute, there are approximately 4.6 million disconnected youth in America—youth ages 16–24 who do not have a job and are not in school. Youth of color, youth with disabilities, youth living in poverty and young mothers are more likely to be part of this group. Given the number of youth in need of high quality job training, there is no reason a program like Job Corps should be underenrolled. I find it concerning that the Department of Labor has not undertaken significant proactive measures, including increasing the number of Admissions Counselors, using effective marketing strategies that target youth on social media and more effectively leveraging its Centers and operators, in order to better reach youth. It is my understanding, for instance, that media outreach has been

highly restricted for months, including banning positive newspaper and television interviews with staff and students, limiting Job Corps Centers' ability to gain positive press that can lead to enrollment.

What proactive steps is the Department now undertaking to ensure Job Corps Centers are fully enrolled in the near term?

Answer. Job Corps recently increased its oversight and accountability over the implementation and adequacy of required Outreach and Public Education Plans created by outreach and admissions providers. These plans include, among other elements, outreach strategies to achieve and maintain center capacity; plans to ensure coordination of efforts between contractors and centers; and a description of the public education and outreach methods that the contractor will develop. By increasing accountability, the Job Corps program has increased enrollment during the past year. Job Corps continues to monitor follow-up activities associated with potential applicants expressing interest in the program by conducting weekly teleconferences with outreach and admissions providers to review potential applicant and new applicant information in detail.

Currently, Job Corps is using a digital media campaign to increase Job Corps' On-Board-Strength (OBS) at many of its largest centers. This campaign includes using a digital outreach strategy for each of the targeted centers and requires frequent coordination among regional Job Corps staff, a media consultant, outreach and admissions providers, and center operators. Regular meetings are used to review and analyze OBS-related data, identify and resolve barriers to increasing student enrollment and retention, and provide feedback on center-specific media outreach.

Job Corps is transitioning stand-alone outreach and admissions activities into center operations contracts. By consolidating these activities into the center operations contract, Job Corps center operators assume a more direct responsibility for ensuring that their centers are operating at full capacity.

Before the end of the year, Job Corps will finalize its new methodology for creating the Geographic Assignment Plan (GAP). This new plan, referred to as the National Enrollee Assignment Plan (NEAP), will apply a standard formula to all Job Corps centers to determine the number of new students each center must enroll to maintain full capacity. Historically, Job Corps used a fixed national average of students it anticipated would leave the program each year to help calculate the arrival goals for each admissions provider. The new NEAP approach utilizes center-specific separation rates to set contract arrival goals. Centers with higher separation rates will have higher arrival goals in order to align with actual recruitment needs. These revised goals will be included in each admissions provider's contract to ensure that Job Corps centers are closer to full capacity.

As part of its new NEAP strategy, Job Corps is reestablishing its defined recruitment areas so that they align with each State's Local Workforce Development Areas (LWDA). As a result of aligning recruitment efforts with LWDA's, Job Corps' outreach and admissions providers will have the opportunity to work in collaboration with partners in the workforce system, including receiving and providing referrals for individuals who express interest in the Job Corps program or are in need of other workforce development assistance.

Finally, in 2019, Job Corps plans to launch a new student enrollment services system to identify and minimize delays and bottlenecks in the enrollment and center assignment processes. The new system will also improve the career counseling that occurs resulting in better matching of enrollee interests and/or aptitudes with a skills instruction program. The net results should be improved enrollments and student arrivals, and retention.

Each month, approximately 18,000 youth express some interest in Job Corps' education and skills instruction program. This interest is primarily expressed through Job Corps' website. Prospective applicant information is provided directly to outreach and admissions contractors for follow-up. To capitalize on this interest and increase enrollment in the program, Job Corps is currently developing a new student enrollment services system and a new information technology (IT) platform will be developed accordingly.

The IT upgrades in the new enrollment services system will be designed to ensure that the eligible at-risk youth in the enrollment pipeline are promptly processed and enrolled. The new enrollment services system will seek to leverage technology to improve efficiencies in the system by monitoring the processing of applicants, and quickly resolving delays and bottlenecks, which will reduce application processing times. Job Corps' expanded use of technology will also create greater transparency by making application and enrollment data available in real time to those involved in the outreach, admissions, and center assignment processes. These changes will also provide tech-savvy youth easy access to Job Corps' application and a better user experience during the enrollment process. Finally, the new enrollment services sys-

tem will provide meaningful career counseling during the admissions process. This will allow Job Corps to better manage enrollee expectations and better match enrollee interests and aptitudes with a skills instruction program. All of these efforts will support student recruitment and retention, as well as result in full utilization of Job Corps centers.

WATER INDUSTRY REGISTERED APPRENTICESHIP PROGRAMS

Question. The Illinois rural water utilities industry must fill open positions left behind by the aging water industry workforce. According to the Bureau of Labor Statistics, it is expected that employment in Drinking Water and Wastewater Treatment Plant System Operations will decline by 3 percent between 2016 and 2026. The water and wastewater utilities industry is in need of a pipeline of skilled workers to help ensure clean and safe water for the public and to maintain the water infrastructure necessary to keep service areas economically viable. This is especially important in rural America, where 92 percent of systems serve communities of 10,000 or less. Water and wastewater utilities are the backbone of economic development. It is crucial that this industry not fall behind because of a lack of qualified employees.

Has the Department considered prioritizing funding for water industry registered apprenticeship programs? If so, how does the Department plan to use Federal funds to enhance water industry apprenticeship programs?

Answer. On May 3, 2019, the Department announced apprenticeship expansion funding to States via Training and Employment Guidance Letter 17-18. Through an allotment process, the funding is available to all States, and allows the flexibility for efforts targeted in rural areas. States, in coordination with industry partners, are encouraged to identify the most pressing workforce areas where apprenticeship expansion strategies will make the greatest impact. More specifically, funds are to be aligned with sectors identified as priorities in the Workforce Innovation and Opportunity Act (WIOA) and in broader economic development plans. In order for investments to be successful, industry must be a key driver.

To provide support for industry, States, and other key stakeholders, the Department developed National Guideline Standards of Apprenticeship with the National Rural Water Association (NRWA) for water utility jobs and will continue to support the industry's need for any future apprenticeship program expansion.

In the fall of 2018, the U.S. Department of Agriculture (USDA) awarded a \$6 million grant to the NRWA for further development of its national apprenticeship program. With this new funding from USDA, NRWA will have additional means to help States develop Registered Apprenticeship Programs (RAPs) for water and wastewater system operations specialists.

In addition, in May 2019, the Department released a funding opportunity through the Apprenticeship Expansion and Modernization Fund to support the development of innovative tools and strategies that, while relatively untested, hold promise to transform Registered Apprenticeship and support the expansion of RAPs throughout the Nation. This opportunity allows applicants to propose innovative projects that best meet the specific challenges and needs in their area, their industry, or the local population. Vendor proposals are in development and may include projects that support workforce development in rural areas.

Question. Has the Department consulted with stakeholders and rural communities to address staffing issues within the water and waste water utilities industry?

Answer. The Department is committed to expanding apprenticeship opportunities across a broad range of sectors and occupations, particularly in those industries where a shortage of skilled workers threatens the long-term safety and economic growth of rural communities. Over the next decade, the water sector is expected to lose between 30 to 50 percent⁸ of its workforce to retirement. The establishment and growth of quality apprenticeship programs in the water and wastewater utilities industries can provide an effective workforce strategy for addressing the emerging skills gap in these critical fields.

Through its National Guidelines Standards of apprenticeship, the Department has assisted stakeholders and industry associations in developing nationally-recognized education and training standards for specific water utility occupations. On November 14, 2017, at a signing ceremony at the Department's headquarters in Washington, D.C., the National Rural Water Association (NRWA) formally announced an apprenticeship program for rural water utilities (the "WaterPro Apprenticeship Pro-

⁸GAO Report 18-102, "Water and Wastewater Workforce: Recruiting Approaches Helped Industry Hire Operators, but Additional EPA Guidance Could Help Identify Future Needs," January 2018, p. 17.

gram”) with the Department’s Office of Apprenticeship (OA). Bulletin 2017–47 publicized the WaterPro apprenticeship program, which establishes a set of National Guideline Standards of apprenticeship that are tailored to the specific occupational requirements of water system operations specialists and wastewater system operations specialists. As a leading provider of training for rural water and wastewater systems, NRWA is currently collaborating with State and local leaders to accelerate the development of RAPs covering these critical occupations.

At present, a total of 17 NRWA State affiliates have successful RAPs that conform to these NRWA National Guideline Standards, and registration applications from NRWA affiliates in 12 additional States are currently in process. Nationally, 140 active apprentices are enrolled in the NRWA-sponsored apprenticeship program. Local NRWA-affiliated program sponsors include Pentair, Inc. (based in Aurora, Illinois) and the West Virginia American Water Joint Apprenticeship and Training Committee (based in Charleston, West Virginia). The groundbreaking NRWA RAPs directly address the concerns raised by GAO Report 18–102 (January 2018) about the current and growing nationwide shortage of well-trained drinking water and wastewater management professionals. For more information concerning the NRWA national apprenticeship program, please visit the following links:

—<https://nrwa.org/initiatives/apprenticeship-program>

—<https://nrwa.org/2017/11/nrwa-partners-with-department-of-labor-on-apprenticeship-program/>

In the fall of 2018, the U.S. Department of Agriculture (USDA) awarded a \$6 million grant to the NRWA for further development of its national apprenticeship program. With this new funding from USDA, NRWA will have additional means to help States develop RAPs for water and wastewater system operations specialists.

The Department recently attended the NRWA annual meeting in Fort Worth, Texas and met with key stake holders attending the conference in our efforts to promote to the industry the benefits to the apprenticeship system. This included open discussion with various stakeholders on what they as an industry see as their biggest challenges and how the apprenticeship system can work to help eliminate those issues. Departmental staff members across the country continue to meet with local employers to assist in getting their individual programs registered.

QUESTIONS SUBMITTED BY SENATOR JACK REED

ADDRESSING THE IMPACT OF AUTOMATION

Question. The fiscal year 2018 Omnibus provided funding for the Department of Transportation to conduct a study with the Department of Labor to better understand the consequences of automation for middle-class workers, whose jobs involve driving. The study is now overdue.

When will it be submitted? What steps does the Department plan to take to address potential displacement in driving-related occupations?

Answer. The Department has and continues to collaborate with the Department of Transportation (DOT) to assess economic changes in the trucking industry. In the Consolidated Appropriations Act of 2018 (Public Law 115–141), Congress provided funding to DOT to conduct a comprehensive analysis of the impact of Advanced Driver Assist Systems and Highly Automated Vehicles technologies on drivers and operators of commercial motor vehicle, including the potential for any labor displacement. Further, the Department and DOT organized multiple stakeholder outreach events with industry, labor, technologists, and users in order to gather and share information regarding the potential effects of the adoption of advanced technologies. The Department and DOT held a stakeholder meeting on March 20, 2019, and plan to hold another one in calendar year 2019. The Department and DOT anticipate the comprehensive analysis and recommendations to address potential displacement will be available in summer 2019.

In a March 7, 2019, report “Automated Trucking: Federal Agencies Should Take Additional Steps to Prepare for Potential Workforce Effects,” the Government Accountability Office recommended that: “The Secretary of Labor should consult with the Secretary of Transportation to share information with key stakeholders on the potential effects of automated trucking on the workforce as the technology evolves. These stakeholders could include representatives of other relevant Federal agencies, technology developers, the trucking industry, organizations that represent truck drivers, truck driver training schools, State workforce agencies, and local workforce development boards.”

Question. What specific outreach is the Department making to industry and labor organization stakeholders on this issue? How will the Department sustain its outreach?

Answer. The Government Accountability Office (GAO) extensively reviewed the Department's outreach, and summarized some of those efforts in its March 7, 2019, report. As noted by GAO, the Department and DOT organized multiple stakeholder outreach events with industry, labor, technologists, and users in order to gather and share information regarding the potential effects of the adoption of advanced technologies. Building on these efforts, the Department and DOT held a stakeholder meeting on March 20, 2019, which included multiple industry and labor organizations, and plan to hold another one in calendar year 2019.

GAO also noted in the same report that it does "not have information to identify the number of long-haul truck drivers, whose jobs may be the most likely to be affected by automation. Specifically, the occupational code DOL uses to classify heavy and tractor-trailer truck drivers captures drivers who operate any type of heavy truck. Along with long-haul drivers, this code includes other drivers whose jobs may be harder to automate, such as tow truck operators."

Question. What steps is the Department taking to develop data that will better identify and track occupations that will be affected by automation?

Answer. The Department is actively taking steps to better understand the impact of automation on the American workforce. Specifically, the Department is exploring additional ways to use existing or new data collection efforts to identify and track the workforce effects of advanced technologies. In fiscal year 2020, the Department's Bureau of Labor Statistics (BLS) plans to complete several relevant work products, including: a literature review that summarizes and synthesizes economic theory on the interaction between labor and capital in the workplace and how this is affected by new technologies; an analysis that identifies how the key constructs are currently captured by domestic and international statistical agencies and ways to supplement the data that BLS currently collects; and a final report that recommends data collection options to fill those gaps as well as methodologies for leveraging existing BLS data to the fullest extent. Once finalized, BLS plans to report this work to Congress as well as make information publicly available on the DOL website. Through this comprehensive approach, BLS will be able to fully consider the complex nature of how technology might interact with labor from both an economic measurement and survey methodology perspective.

The Department's Employment and Training Administration (ETA) will also leverage the work of BLS in considering whether and how to adjust the Occupational Information Network (O*NET) survey or products. O*NET will continue to provide information to the general public and researchers through the O*NET database and supporting websites, which offer a variety of occupational characteristics and requirements data. For example, the tasks and detailed work activities of occupations listed on O*NET have been used to assess the impact of automation. O*NET also updates the tools and technology skills of occupations more frequently—twice yearly—than the entire occupation profile.

Question. Has the Department reviewed this report and what steps is it taking to address the issues raised in this report in its policies and programs?

Answer. The Department is aware of the report, which was published on April 25, 2019. The Department will take information provided by interested stakeholders, such as the OECD, into consideration as it continues to support the Administration's efforts to help Americans adjust to economic changes, including those stemming from automation.

JOB CORP PILOT PROGRAMS

Question. Please provide a list of all stakeholders that the Department consulted in developing the proposal for pilot programs.

Answer. The Job Corps Job ChalleNge Demonstration Project will serve Job Corps eligible youth, providing them access to a high school diploma or equivalency as well as skills instruction. The Department engaged the Department of Defense, National Guard Bureau and others in the Department of Defense, and State officials about collaborating to serve at-risk youth through the National Guard in the various States interested in participating in such a Job ChalleNge demonstration project.

The Department has engaged governors and other State officials by exploring their interest in participating in a State-operated Job Corps demonstration project. A State-operated Job Corps program involves engagement of State officials who have expressed interest in alternative approaches to serving Job Corps eligible youth. The demonstrations, such as the Idaho JOBCorps project at the Centennial Job Corps Center, explore whether providing flexibility to States to develop and im-

plement customized, State-based approaches to serving Job Corps eligible students is an effective model. Once fully operational, the Idaho demonstration project will serve more students than the number served by the center when it was operated as a traditional Job Corps center. Moreover, the majority of these students will be from the State of Idaho.

In addition, in May, the Department announced the Job Corps Scholars Program, designed to serve Job Corps eligible youth by providing extensive counseling and employment related services through existing educational institutions rather than a traditional Job Corps center facility. In addition to engaging the Department of Education about the program, Job Corps sought public comments through a Notice of Intent in order to engage as many stakeholders as possible. The comment period closed on July 3, and DOL is now in the process of reviewing the comments, after which we will make any necessary revisions and publish the funding opportunity announcement and begin accepting grant applications.

Question. How will the pilot program serve Job Corps-eligible students who do not have a high school diploma?

Answer. Per WIOA, Job Corps has a wide range of eligibility criteria which include individuals with one or more of the below criteria, in addition to meeting the basic age requirement and being low income (unless a veteran has military income from the 6-month period prior to applying to Job Corps that makes them not low income). These include:

- Basic skills deficient;
- A school dropout;
- A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e—2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, an individual in foster care, or an individual who was in foster care and has aged out of the foster care system;
- A parent; or
- An individual who requires additional education, career and technical education or training, or workforce preparation skills to be able to obtain and retain employment that leads to economic self-sufficiency.

For the most recently completed program year, June 30, 2018, nearly 40 percent of Job Corps' students had a high school diploma or equivalency when they entered the program. The Idaho JOBCorps Program, a State-operated demonstration project at the Centennial Job Corps Center Job Corps, will also serve Job Corps eligible youth without a high school diploma or equivalency. Through their Basic Skills Education program, the College of Western Idaho offers services for those seeking a GED certificate.

The Job Corps Scholars Program demonstration requires each Job Corps eligible students participating in the program to meet the admissions requirements of his or her participating community college or university. In some cases, that may mean already having a high school diploma. However, in other cases, admission may be based on an entrance exam. Students completing the Job Corps Scholars Program may seek employment upon completing the program, pursue an associate or 4-year college degree, or join the military.

The Job ChalleNge program, proposed as a demonstration project, will serve students without high school diplomas because it requires the recruitment of Job Corps eligible youth from among the participants of the National Guard Youth ChalleNge program. Youth ChalleNge is a program for 16 to 18 year olds who failed to complete traditional high school. Job ChalleNge places these young adults on the path to employment through occupational skills training, educational credentialing, counseling, and job placement.

Question. How will the projects serve the full age-range of Jobs Corps-eligible students?

Answer. Job Corps' statutory age eligibility is not less than age 16 and not more than age 24 on the date of enrollment. The Idaho JOBCorps program and the Job Corps Scholars program will serve the full age range of Job Corps eligible youth. The National Guard Youth ChalleNge program serves individuals 16 to 18 years old who have not completed high school graduation requirements. It is anticipated that the age of most Job ChalleNge participants will be 17 to 19 years old.

Question. Will the pilot programs have to comply with all Job Corps policies and requirements?

Answer. Under Section 156(a) of the Workforce Innovation and Opportunity Act (WIOA), the Secretary may carry out experimental, research, or demonstration projects relating to the Job Corps program. The Secretary may waive any provisions that would prevent the Department from carrying out the projects if the Department informs the Committee on Education and the Workforce of the House of Rep-

representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. This notice must be in writing, and provided no less than 90 days in advance of issuing any waiver.

The Department announced and provided the required waiver notifications for the State-Operated Job Corps Demonstration Projects and the National Guard Job ChalleNge Demonstration Projects in December 2018. To provide the flexibility necessary to deliver skills instruction and education services to Job Corps eligible youth in a new and innovative manner, the Department waived provisions of WIOA for these demonstration projects while retaining the statutory provisions associated with program eligibility and the youth performance indicators. However, for the Job ChalleNge Project, the Department also waived two of the six youth performance indicators. The two youth measures waived were measureable skill gains and effectiveness in serving employers. Given the age of the participants and training received in the Youth ChalleNge program, these two youth measures were not well tailored to the population served.

In May 2019, the Department announced and provided the required waiver notification for the Job Corps Scholars Program, a new demonstration project to provide at-risk youth with job skills instruction, educational opportunities, and individualized employment counseling. With this demonstration, the Department is retaining the statutory provisions associated with Job Corps program eligibility and the six youth performance indicators. The Department is currently seeking public comments on the Job Corps Scholars model on [grants.gov](https://www.grants.gov).

JOB CORP STAFFING AND ENROLLMENT

Question. What steps is the Department taking to ensure that outreach and enrollment activities are effective in reaching potential students and families?

Answer. Job Corps recently increased its oversight and accountability over the implementation and adequacy of required Outreach and Public Education Plans created by outreach and admissions providers. These plans include, among other elements, outreach strategies to achieve and maintain center capacity; plans to ensure coordination of efforts between contractors and centers; and a description of the public education and outreach methods that the contractor will develop. By increasing accountability, the Job Corps program has increased enrollment during the past year. Job Corps continues to monitor follow-up activities associated with potential applicants expressing interest in the program by conducting weekly teleconferences with outreach and admissions providers to review potential applicant and new applicant information in detail.

Currently, Job Corps is using a digital media campaign to increase Job Corps' On-Board Strength (OBS) at many of its largest centers. This campaign includes using a digital outreach strategy for each of the targeted centers and requires frequent coordination among regional Job Corps staff, a media consultant, outreach and admissions providers, and center operators. Regular meetings are used to review and analyze OBS-related data, identify and resolve barriers to increasing student enrollment and retention, and provide feedback on center-specific media outreach.

Job Corps is transitioning stand-alone outreach and admissions activities into center operations contracts. By consolidating these activities into the center operations contract, Job Corps center operators assume a more direct responsibility for ensuring that their centers are operating at full capacity.

Before the end of the year, Job Corps will finalize its new methodology for creating the Geographic Assignment Plan (GAP). This new plan, referred to as the National Enrollee Assignment Plan (NEAP), will apply a standard formula to all Job Corps centers to determine the number of new students each center must enroll to maintain full capacity. Historically, Job Corps used a fixed national average of students it anticipated would leave the program each year to help calculate the arrival goals for each admissions provider. The new NEAP approach utilizes center-specific separation rates to set contract arrival goals. Centers with higher separation rates will have higher arrival goals in order to align with actual recruitment needs. These revised goals will be included in each admissions provider's contract to ensure that Job Corps centers are closer to full capacity.

As part of its new NEAP strategy, Job Corps is reestablishing its defined recruitment areas so that they align with each State's Local Workforce Development Areas (LWDA). As a result of aligning recruitment efforts with LWDA, Job Corps' outreach and admissions providers will have the opportunity to work in collaboration with partners in the workforce system, including receiving and providing referrals for individuals who express interest in the Job Corps program or are in need of other workforce development assistance.

Finally, in 2019, Job Corps plans to launch a new student enrollment services system to identify and minimize delays and bottlenecks in the enrollment and center assignment processes. The new system will also improve the quality of career counseling provided, resulting in better matching of enrollee interests and/or aptitudes with a skills instruction program. The net results should be improved enrollments, student arrivals, and retention.

Each month, approximately 18,000 youth express some interest in Job Corps' education and skills instruction program. This interest is primarily expressed through Job Corps' website. Prospective applicant information is provided directly to outreach and admissions contractors for follow-up. To capitalize on this interest and increase enrollment in the program, Job Corps is currently developing a new student enrollment services system, which will include a new information technology (IT) platform.

The IT upgrades in the new enrollment services system will be designed to ensure that the eligible at-risk youth in the enrollment pipeline are promptly processed and enrolled. The new enrollment services system will seek to leverage technology to improve efficiencies in the system by monitoring the processing of applicants, and quickly resolving delays and bottlenecks, which will reduce application processing times. Job Corps' expanded use of technology will also create greater transparency by making application and enrollment data available in real time to those involved in the outreach, admissions, and center assignment processes. These changes will also provide tech-savvy youth easy access to Job Corps' application and a better user experience during the enrollment process. Finally, the new enrollment services system will provide meaningful career counseling during the admissions process. This will allow Job Corps to better manage enrollee expectations and better match enrollee interests and aptitudes with a skills instruction program. All of these efforts will support improved student recruitment and retention, resulting in full utilization of Job Corps centers.

Question. How will the Department ensure that all Job Corps Centers are operating at full on-board strength?

Answer. Please see the response to the prior question.

PROFESSIONAL DEVELOPMENT AND TRAINING FOR JOB CORP STAFF

Question. What are the areas of greatest need for professional development and staff training at Job Corps Centers?

Answer. Pursuant to contract terms, each Job Corps center operator is responsible for hiring and retaining qualified personnel to provide the services required by the contract. As such, individual center operators can best answer the need for professional development and staff training.

Question. What resources are available under current contracts to provide professional development and staff training?

Answer. It is the operator's responsibility to provide and pay for staff training. Job Corps supplements the training provided by center operators by providing training specific to the operation of Job Corps centers. Job Corps has provided both in-person and web-based training to center staff, generally at no cost to center operators. For example, as the Department implements the transition to firm fixed price contracting, training costs will be incorporated into the contractor's bid. This gives contractors more flexibility and responsibility for knowing and/or projecting training needs and cost.

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

JOB CORPS PROGRAMS

Question. In my conversations with Granite Staters all across New Hampshire, I often hear about the workforce challenges facing our State and the importance of investing in programs that equip the next generation with the necessary tools to succeed in our evolving economy.

That is why I have advocated for the Job Corps program since my time as Governor. And I was proud that a center finally came to New Hampshire in 2015. The Center, which is located in Manchester, serves 350 students annually. In the current program year, the Manchester Center has placed over 85 percent of its graduates in full-time jobs or advanced education.

The Center serves individuals like Manny Lopez, who arrived at New Hampshire Job Corps with the goal of achieving his Advanced Manufacturing Associates Degree. After working closely with the Center, Manny was encouraged to apply to Manchester Community College's Robotics program, where he participated in a Ro-

botics Challenge hosted by DEKA Research, a technology company founded by the highly-successful innovator, Dean Kamen, based in Manchester. To no surprise, Manny was on the winning team! After his graduation from New Hampshire Job Corps, Manny applied for a coveted position at DEKA research. Just two weeks later, Manny was offered a full-time, well-paid and highly-competitive position with the company.

This story is one of many. That is why I am disappointed to see that similar to last year's budget request, the President is again proposing to cut funding for the Job Corps program by more than \$700 million.

Has the Department fully considered the success of the Job Corps program in preparing students to enter 21st century occupations when advocating for these significant funding cuts?

Answer. The Department of Labor is committed to helping young individuals from disadvantaged backgrounds receive high-quality vocational and academic instruction opportunities. The Department has concerns about the program, irrespective of the funding level, and is proceeding based on those concerns with reforms to the program that we believe will improve outcomes for youth and make the program more effective and efficient. For example, the Department is using its pilot project authority to work with governors who are interested in establishing pilot projects throughout the United States. As our demonstration projects mature, we will assess them to determine whether they will offer more effective models for serving at-risk youth as compared to the Department's traditional Job Corps program model. The Department will also determine whether these alternate approaches are more cost effective than the traditional program model. The Department will consider scaling efficiencies identified by demonstration projects in order to improve the delivery of Job Corps services.

Overall, the Department is conducting a center by center programmatic assessment of performance, surveying physical facilities, assessing programmatic sustainability, and considering the workforce development needs in each State and area served by a Job Corps center. Using this deliberate approach, the Department will determine how to allocate the program's fiscal year 2020 resources, including whether to close some centers. It is the Department's expectation that through concentration of Job Corps activities in a more limited set of higher performing centers, we will provide Job Corps participants with higher quality services that lead to better outcomes. The Department always prioritizes the needs of current Job Corps participants when deactivating or consolidating a center, allowing them to complete their Job Corps training either at their current center or at a higher performing center. Further, the Department will maintain as many student slots as possible by increasing Job Corps capacity at remaining centers. This approach maximizes the impact of Job Corps' appropriation, allowing us to continue to serve at risk youth from all fifty States and territories without compromising program effectiveness.

Question. Despite attempts from the Administration to weaken the Job Corps program, what steps is the Department currently taking to utilize the funds appropriated by Congress to prioritize the program and help it reach its maximum student capacity?

Answer. Job Corps recently increased its oversight and accountability over the implementation and adequacy of required Outreach and Public Education Plans created by outreach and admissions providers. These plans include, among other elements, outreach strategies to achieve and maintain center capacity; plans to ensure coordination of efforts between contractors and centers; and a description of the public education and outreach methods that the contractor will develop. By increasing accountability, the Job Corps program has increased enrollment during the past year. Job Corps continues to monitor follow-up activities associated with potential applicants expressing interest in the program by conducting weekly teleconferences with outreach and admissions providers to review potential applicant and new applicant information in detail.

Currently, Job Corps is using a digital media campaign to increase Job Corps' On-Board-Strength (OBS) at many of its largest centers. This campaign includes using a digital outreach strategy for each of the targeted centers and requires frequent coordination among regional Job Corps staff, a media consultant, outreach and admissions providers, and center operators. Regular meetings are used to review and analyze OBS-related data, identify and resolve barriers to increasing student enrollment and retention, and provide feedback on center-specific media outreach.

Job Corps is transitioning stand-alone outreach and admissions activities into center operations contracts. By consolidating these activities into the center operations contract, Job Corps center operators assume a more direct responsibility for ensuring that their centers are operating at full capacity.

Before the end of the year, Job Corps will finalize its new methodology for creating the Geographic Assignment Plan (GAP). This new plan, referred to as the National Enrollee Assignment Plan (NEAP), will apply a standard formula to all Job Corps centers to determine the number of new students each center must enroll to maintain full capacity. Historically, Job Corps used a fixed national average of students it anticipated would leave the program each year to help calculate the arrival goals for each admissions provider. The new NEAP approach utilizes center-specific separation rates to set contract arrival goals. Centers with higher separation rates will have higher arrival goals in order to align with actual recruitment needs. These revised goals will be included in each admissions provider's contract to ensure that Job Corps centers are closer to full capacity.

As part of its new NEAP strategy, Job Corps is reestablishing its defined recruitment areas so that they align with each state's Local Workforce Development Areas (LWDA). As a result of aligning recruitment efforts with LWDAs, Job Corps' outreach and admissions providers will have the opportunity to work in collaboration with partners in the workforce system, including receiving and providing referrals for individuals who express interest in the Job Corps program or are in need of other workforce development assistance.

Finally, in 2019, Job Corps plans to launch a new student enrollment services system to identify and minimize delays and bottlenecks in the enrollment and center assignment processes. The new system will also improve the quality of career counseling provided, resulting in better matching of enrollee interests and/or aptitudes with a skills instruction program. The net results should be improved enrollments, student arrivals, and retention.

Each month, approximately 18,000 youth express some interest in Job Corps' education and skills instruction program. This interest is primarily expressed through Job Corps' website. Prospective applicant information is provided directly to outreach and admissions contractors for follow-up. To capitalize on this interest and increase enrollment in the program, Job Corps is currently developing a new student enrollment services system, which will include a new information technology (IT) platform.

The IT upgrades in the new enrollment services system will be designed to ensure that the eligible at-risk youth in the enrollment pipeline are promptly processed and enrolled. The new enrollment services system will seek to leverage technology to improve efficiencies in the system by monitoring the processing of applicants, and quickly resolving delays and bottlenecks, which will reduce application processing times. Job Corps' expanded use of technology will also create greater transparency by making application and enrollment data available in real time to those involved in the outreach, admissions, and center assignment processes. These changes will also provide tech-savvy youth easy access to Job Corps' application and a better user experience during the enrollment process. Finally, the new enrollment services system will provide meaningful career counseling during the admissions process. This will allow Job Corps to better manage enrollee expectations and better match enrollee interests and aptitudes with a skills instruction program. All of these efforts will support improved student recruitment and retention, resulting in full utilization of Job Corps centers.

WORKFORCE INNOVATION AND OPPORTUNITY ACT

Question. The widening skills gap has made it harder for employers to find qualified, skilled workers to fill job openings. I often hear from business leaders in New Hampshire who have job openings and would like to expand, but they can't find enough employees with the right qualifications. I also hear from unemployed workers who need help getting the necessary training to compete in this evolving job market.

That is why I have consistently advocated for additional resources for State job training programs funded through the bipartisan Workforce Innovation and Opportunity Act (WIOA). In New Hampshire and across the country, these important programs prepare individuals for work and help them improve their prospects in the labor market. However, these programs have been starved for investment and are still funded below authorized levels. Since 2001, WIOA funding has been cut by 40 percent. These cuts mean fewer businesses are served and fewer workers earn the skills they need to enter good jobs.

In years past, the Administration has proposed drastic cuts to these programs and while I am pleased that the President's budget request for this upcoming fiscal year does not follow-suit, I believe that more needs to be done to meet the needs of both workers and businesses.

Can you speak to the important role that Labor Department programs, like those authorized under the Workforce Innovation and Opportunity Act, play in improving employment rates and economic output in my State and many others?

Answer. The Department is committed to investing in programs that work for our job seekers and businesses, including some of those authorized by the Workforce Innovation and Opportunity Act (WIOA). The fiscal year 2020 Budget prioritizes evidence-based strategies, such as apprenticeship, which improve employment outcomes and economic output, and proposes eliminating programs that are ineffective, unproven, or duplicative. The fiscal year 2020 Budget also proposes additional flexibility in the WIOA programs to ensure that State and local governments are empowered to make decisions that best suit their States and meet the needs of local employers and job seekers.

WIOA establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of States and local areas in achieving positive outcomes for individuals served by the workforce development and education systems' six core programs. States collect performance information and report on participant characteristics, services received, and outcomes achieved for the following measures: employment in the 2nd quarter after exit; employment in the 4th quarter after exit; median earnings of program completers in the 2nd quarter after exit; and credential attainment rate, which are outcome measures; measurable skill gains, which is a progress measure; and the effectiveness in serving employers.

The WIOA programs operate on a Program Year (PY) basis (July 1–June 30). PY 2018 (July 1, 2018–June 30, 2019) is the third year State grantees will have reported performance information under the WIOA performance accountability provisions; the PY 2018 performance information will be reported in October 2019. WIOA annual report summaries are available at www.doleta.gov/performance/results.

Question. What additional steps is the Department taking to ensure that State agencies, local areas and business have the resources they need to address workforce needs?

Answer. The Department is committed to working with States and local governments to ensure the American workforce is the greatest in the world. The fiscal year 2020 Budget prioritizes investments in effective programs that help to align workforce development efforts with market demands. States and local areas know their communities best and are best positioned to develop services and strategies for these workers to help them be able to find a job and continue participating in the workforce. The Department will continue to work with States to identify and reduce barriers to provide maximum flexibility to the States so States can ensure the best services to our Nation's job seekers and businesses.

QUESTIONS SUBMITTED BY SENATOR BRIAN SCHATZ

WOMEN'S BUREAU BUDGET CUTS

Question. This administration has claimed to support proposals that empower working women, such as paid family leave. Yet, the fiscal year 2020 budget calls for a 73 percent decrease in funding for the Women's Bureau at the Department of Labor.

Why does the budget cut funding for the Women's Bureau by nearly 75 percent, and how does this cut reflect on the administration's commitment to working women?

Answer. Women are nearly fifty percent of the workforce and the President's fiscal year 2020 budget and previous budget requests reflect the importance of women in the workforce.

The Women's Bureau serves an important role at the Department of Labor, promoting and advancing the interests of working women by convening stakeholders, advising on policy change, and starting conversations around topics that are critical to women, their families, and our Nation's prosperity. Success for the Women's Bureau is achieved when the issues it champions move beyond the Bureau, because that means the problems and opportunities identified through its work are being addressed.

Next year, the Women's Bureau will celebrate its Centennial year, which provides an opportunity to reflect on how far women have come over the past 100 years. Over the past century, the Women's Bureau has successfully advocated for workplace safety standards, family leave benefits, and pay equality protections.

The Women's Bureau has recently taken a number of actions to advance women's workplace policies and influence the current state of women in the workforce. Since the beginning of 2017, the Women's Bureau has:

- Partnered with the Department of Health and Human Services to help increase working families' access to affordable, quality child care;
- Worked with the Small Business Administration (SBA) and the Treasury Department to grow opportunities for women in entrepreneurship;
- Coordinated with the Employment and Training Administration (ETA) to increase opportunities for women to access and thrive in apprenticeship programs;
- Joined the Veterans' Employment and Training Service (VETS), the Department of Defense, and others to address employment opportunities and reducing occupational licensing barriers for military spouses, 92 percent of whom are women; and
- Supported the Trump Administration's commitment to address the opioid crisis with a focus on helping women who have been impacted by the opioid crisis.

None of these efforts will be negatively affected by the fiscal year 2020 budget. Instead, the Department will more effectively support and advance the mission of the Women's Bureau by focusing the Bureau's resources on conducting research and collaborating with agencies and departments across the government. In the coming year, the Women's Bureau will collaborate with ETA and VETS to support grant work on State licensing and promoting employment for military spouses; with the White House to identify innovative solutions to childcare; and with SBA to expand opportunities for women to thrive in entrepreneurship.

As mentioned previously, the Women's Bureau provides research and analysis on the issues of interest to working women. Following a request by members of the Senate, the Women's Bureau commissioned a study, which is still in the early stages of analysis, to produce an independent, more precise and current estimate of the gender wage gap. The commissioned work will update a study on the gender wage gap issued by the Department in 2009. The 2009 study, which was funded by the Department and produced by the CONSAD Research Corporation, systematically reviewed then-available research on gender differentials in earnings and used data from the Current Population Survey to identify factors (including education, occupation, industry, work experience, and career interruptions) that contributed to the gender wage gap.

In addition to the CONSAD update research study, the Women's Bureau is partnering with the Census Bureau to link administrative and survey data to produce a more precise and current estimate of the gender wage gap. The study will include an in-depth examination of variables such as industry, occupation, education and work experience that contribute to the gender wage gap. Findings from both projects are expected by the end of the 2019 calendar year.

While recognizing that many factors go into determining wages, data-driven information concerning the wage gap provides a baseline for women planning careers to learn about prospective occupations, and as a comparison point for women already in the labor force to evaluate their wages. The Women's Bureau has an interactive visualization tool available on the Women's Bureau website, which shows average wages for women and men in more than 300 occupations.

ETA also supports programs to provide workforce development services for female workers. For example, the Women's Bureau is collaborating with the Office of Apprenticeship (OA) to recruit and retain women in pre-apprenticeship and apprenticeship programs as potential pathways for women to non-traditional occupations that may have higher average salaries. Through WIOA, ETA supports programs that provide workforce development services for individuals with barriers to employment, including over two million women workers in Program Year 2017. In addition, WIOA emphasizes providing services and placing women in non-traditional occupations, such as apprenticeships, that may have higher average salaries.

Question. Given the proposed increase in the Office of Labor-Management Standards, why choose to invest in a program aimed at tearing down the labor movement rather than one focused on empowering women in the workplace?

Answer. The Department's budget proposes additional investments in all worker protection agencies including for Federal enforcement by the Occupational Safety and Health Administration and for the Wage and Hour Division (WHD). In fiscal year 2018, WHD recovered a record \$304,000,000 in back wages owed to more than 1,300,000 workers.

Question. What role does the Department see for the Women's Bureau with a budget of \$3,525,000?

Answer. Please see the response to the prior question.

WORKER SAFETY AND HEALTH TRAINING PROGRAMS

Question. Each day in this country, 275 workers die due to job related injuries and illnesses, and nearly 10,000 workers are injured on the job. Yet, the President's

budget cuts key worker safety and health training programs, the number of inspectors at OSHA are at their lowest levels ever, and 400 more people died on the job in 2017 than compared to the average year under the last administration. In addition, the use of quick inspections under this administration has increased while inspections for high-penalty cases are down 50 percent from 2016.

What is the Department doing to rectify this situation and to protect American workers?

Answer. The Occupational Safety and Health Administration's (OSHA) balanced approach to inspect and provide compliance assistance has made workplaces safer. Injury and illness rates decreased to 2.8 cases per 100 workers in 2017, the latest year of data available. This equates to nearly 45,800 fewer injury and illness cases in 2017 as compared to 2016. Workplace fatalities have also declined with 3.5 fatalities per 100,000 full-time equivalent (FTE) workers in 2017, as compared to 3.6 per 100,000 FTE in 2016—resulting in 43 fewer fatalities in 2017. OSHA aggressively targets high hazard industries and activities through enforcement actions as well as compliance assistance activities.

OSHA has taken several steps to increase its Federal Enforcement staffing levels. The agency is seeking to fill all funded Compliance Safety and Health Officers (CSHO) positions. All vacancies are being recruited for, and OSHA is in the process of on-boarding the inspectors. The agency begins the recruitment process as soon as a vacancy occurs, or an upcoming retirement is announced. OSHA advertises and recruits individuals to fill all current vacancies and the new inspectors then begin the on-boarding process. The recruitment and on-boarding process can take from three to 6 months, which includes the time necessary for advertisement, application, screening and interviews, and completing the required clearance of applicants under consideration, such as security and CSHO physicals. OSHA has also begun recruiting for a larger number of positions than available vacancies to ensure there is a continuous pool of CSHO applicants for selection when future vacancies occur.

OSHA bases its programmed inspection targeting, i.e., emphasis programs, on available inspection data and injury and illness data from the Bureau of Labor Statistics. Additional data may be available at the local level, as well. OSHA analyzes this data to identify industries and processes with the most serious injuries and illnesses. Two examples of national initiatives to address these hazards are the National Safety Stand-Down to Prevent Falls and the Agency Priority Goal (APG) to prevent fatal incidents in trenches. Both are based on data showing high fatal incident rates in the construction industry. The Fall Stand-Down is the largest compliance assistance effort conducted by OSHA. More than one million employees participate in these events each year across the country that focus on the importance of preventing employee deaths from falls. The APG for excavations and trenching was established in 2018 to address an increase in fatal injuries of workers in the construction sector. OSHA utilized targeted enforcement and consultation in a balanced manner to reduce these incidents. These initiatives demonstrate OSHA's two-pronged approach of enforcement and compliance assistance to target leading causes of injuries and fatalities to reduce injury, illness, and fatality rates.

OSHA has a variety of programs and tools available that provide training, outreach, and assistance to employers and employees. These include Alliances, Strategic Partnerships, On-site Consultation, and numerous targeted outreach events, such as the Fall Stand Down in Construction, which provide information on workplace safety and health to the public. The training programs include the Outreach Training Program, the OSHA Training Institute (OTI) Education Center Program, and OSHA's cooperative programs. Training and outreach programs delivered directly by the agency can more efficiently provide the same type of information to a broader audience than is delivered through the Harwood training grants.

OSHA's Outreach Training Program and OTI Education Centers are in full operation for fiscal year 2019 and the Administration continues its support of the programs in its fiscal year 2020 budget request. In fiscal year 2018, OSHA trained more than 1,000,000 workers and potential workers through the Outreach Training Program, which reaches at-risk worker populations, including individuals with limited English proficiency. In the same timeframe, the OTI Education Centers trained more than 55,000 workers through a nationwide network of OSHA-authorized training centers that educate participants on the recognition, prevention, and elimination of occupational hazards.

OSHA also offers training to workers through its Compliance Assistance Specialists located in various area offices across the country; through its use of both formal and informal alliances and partnerships with trade associations, labor organizations, and other groups; and through training provided by OSHA's On-Site Consultation Program in all 50 States and several U.S. Territories.

The President's fiscal year 2020 Budget for OSHA includes an overall request of \$557,533,000, an increase of \$300,000 for the agency from the fiscal year 2019 appropriation. Specifically, the Budget proposes additional resources for the following budget activities: \$3,780,000 for Federal Enforcement, \$1,124,000 for Whistleblower Programs, \$433,000 for Federal Compliance Assistance, and \$5,500,000 for Safety and Health Statistics.

Question. Given the effectiveness of the program, why did the Department choose to eliminate the Harwood Training Grants?

Answer. OSHA has a variety of programs and tools available that provide training, outreach, and assistance to employers and employees. These include Alliances, Strategic Partnerships, On-site Consultation, and numerous targeted outreach events, such as the Fall Stand Down in Construction, which provide information on workplace safety and health to the public. The training programs include the Outreach Training Program, the OSHA Training Institute (OTI) Education Center Program, and OSHA's cooperative programs. Training and outreach programs delivered directly by the agency can more efficiently provide the same type of information to a broader audience than is delivered through the Harwood training grants.

OSHA's Outreach Training Program and OTI Education Centers are in full operation for fiscal year 2019 and the Administration continues its support of the programs in its fiscal year 2020 budget request. In fiscal year 2018, OSHA trained more than 1,000,000 workers and potential workers through the Outreach Training Program, which reaches at-risk worker populations, including individuals with limited English proficiency. In the same timeframe, the OTI Education Centers trained more than 55,000 workers through a nationwide network of OSHA-authorized training centers that educate participants on the recognition, prevention, and elimination of occupational hazards.

OSHA also offers training to workers through its Compliance Assistance Specialists located in various area offices across the country; through its use of both formal and informal alliances and partnerships with trade associations, labor organizations, and other groups; and through training provided by OSHA's On-Site Consultation Program in all 50 States and several U.S. Territories.

Question. Why prioritize quick, random inspections over ones undertaken due to serious allegations or workplace injuries?

Answer. OSHA's priority system for conducting inspections is designed to provide the maximum feasible protection to working men and women. OSHA's Field Operation Manual (FOM), outlines those priorities in Chapter 2, Section IV as shown below:

Priority	Category
First	Imminent Danger
Second	Fatality/Catastrophe*
Third	Complaints/Referrals
Fourth	Programmed Inspections

*OSHA Area Offices determine the inspection priority of a catastrophe using the Memorandum entitled, "Interim Enforcement Procedures for New Reporting Requirements under 29 C.F.R. 1904.39", dated December 24, 2014, or unless superseded by future agency-approved correspondence.

The higher priority inspections are unprogrammed inspections, and tend to focus on specific areas or hazards, which does not always result in a comprehensive scope inspection. However, OSHA is required to respond to unprogrammed activity, which generally arises from serious workplace injuries/illnesses or allegations.

Question. How can you explain the decrease in inspections related to high-penalty cases, heat concerns, and workplace violence?

Answer. The Occupational Safety and Health Administration (OSHA) is revising its enforcement weighting system. The updated system will include a greater emphasis on the impact of inspections, rather than the current system's emphasis on the resources expended in an inspection. With this revision, OSHA can emphasize inspections that are not resource intensive, but save more lives and reduce exposure to hazards. These inspections include those addressing fall and trenching hazards.

Regarding the number of heat related inspections, OSHA conducted 81 in fiscal year 2015, 233 in fiscal year 2016, 106 in fiscal year 2017, and 130 in fiscal year 2018. Since the majority of these inspections are unprogrammed (i.e., complaints) the number of inspections will vary per year.

Regarding the number of workplace violence related inspections, OSHA conducted a total of 31 in fiscal year 2015, 72 in fiscal year 2016, 58 in fiscal year 2017 and 49 in fiscal year 2018.

LABOR ORGANIZATIONS

Question. The fiscal year 2020 budget includes cuts to many of the Department's programs, but one area that the administration seems keen to invest in is the auditing of labor organizations. This is emphasized by the fact that while the union membership rate in the private sector is 6.4 percent, the budget calls for larger increases in funding to police labor organizations than to police private companies alleged of wage and hour or workplace safety violations.

Can we expect to see the Department prioritizing the enforcement of labor organizations over that of private employers in the future?

Answer. The Department of Labor (the Department) is charged with protecting workers in all aspects of their employment and will continue to vigorously enforce the law. The Department has thus requested increases for all of the worker protection agencies. Worker protection includes ensuring that private sector and Federal unions operate democratically, transparently, and with financial integrity.

Enforcement of the Labor-Management Reporting and Disclosure Act (LMRDA) suffered disproportionate funding reductions over the past 10 years, despite the increase in union held assets from \$2,800,000,000 in 2008 to \$30,000,000,000 in 2018. These cuts greatly reduced the Office of Labor-Management Standards's (OLMS) enforcement presence, leaving at risk union workers' rights under the LMRDA, particularly with respect to financial integrity. In fiscal year 2008, OLMS had 191 investigators on board at the end of the year. By the end of fiscal year 2018, this number was at 103, a 46 percent reduction. The number of criminal investigations completed during this time period decreased by 43 percent (from 393 in 2008 to 223 in 2018). The number of audits completed during this time decreased by 73 percent (from 791 in 2008 to 215 in 2018).

The recent, modest increases in OLMS's appropriation were not adequate to keep pace with inflationary costs, further eroding the deterrent effect of a proactive audit and enforcement program. The LMRDA requires that union assets and receipts be used solely for union member benefits. However, the decrease in the number of investigators has limited OLMS's ability to investigate all cases of suspected fraud and it has not had the resources to audit union funds held at the international union level since 2010.

Question. How did the Department come to the conclusion that it was more worthwhile to restart the International Compliance Audit Program (I-CAP) rather than invest in workplace safety or wage and hour enforcement?

Answer. The Department's budget proposes additional investments in all worker protection agencies including for Federal enforcement by the Occupational Safety and Health Administration and for the Wage and Hour Division (WHD). In fiscal year 2018, WHD recovered a record \$304,000,000 in back wages owed to more than 1,300,000 workers.

The Department specifically proposes to restart the International Compliance Audit Program (I-CAP) because the financial environment of international unions is far more complex than that of local and intermediate unions and because international unions have a significantly higher level of assets, receipts, disbursements, etc. These important audits safeguard union members' assets held at the international level of union governance by detecting embezzlements and other criminal and civil violations of the law. From fiscal year 2004 through fiscal year 2010, OLMS completed 35 audits under I-CAP, completing approximately seven each year with a contingent of approximately 12 staff on board. These audits uncovered 304 reporting violations, 109 recordkeeping violations, 126 internal control weaknesses, and 22 bonding violations. They also uncovered criminal violations that resulted in indictments and convictions.

The inability of OLMS to audit international unions places their assets at risk. It provides union officers and others with the opportunity to commit fraud and embezzlement undetected, thus increasing financial risk to these international unions.

The funding increase requested for OLMS would not be directed solely to conducting I-CAP audits. The request also restores resources to OLMS' core enforcement, which budget reductions and inflation have eroded, and includes \$2,500,000 for the Department's worker protection information technology modernization efforts.

 QUESTIONS SUBMITTED BY SENATOR TAMMY BALDWIN

INDUSTRY-RECOGNIZED APPRENTICESHIP PROGRAMS

Question. On July 27th, 2018, the Department of Labor issued TEN 3-18: Creating Industry-Recognized Apprenticeship Programs to Expand Opportunity in

America, which outlines the process that will allow trade associations and other non-governmental entities to self-certify apprenticeship programs.

In February 2019 a number of my colleagues and I sent a letter to you asking you to explain and show written documentation for The Department's rationale for creation of the IRAP program. And, recently I have had a number of conversations with Wisconsin apprenticeship stakeholders, including business owners, who don't understand the Department's move away from the registered apprenticeship system they have used for years—a system they understand how to navigate and comply with, and has an 80 year track record of success.

Can you provide this committee any specific evidence that the proposed Industry Recognized Apprenticeship program model is needed?

Answer. The apprenticeship model, meaning earning while learning, has worked well in many American industries and the Department is working to open opportunities for apprenticeships to expand in new sectors of our economy. With 7.4 million open jobs and job creators searching for skilled job seekers, apprenticeship expansion will continue to close the skills gap and strengthen the greatest workforce in the world—the American workforce.

To this point, the Department and State Apprenticeship Agencies (SAAs) have primarily implemented the National Apprenticeship Act by registering individual apprenticeship programs and apprentices. However, while the registered apprenticeship model has been highly successful in preparing workers for jobs in the traditional trades, such as construction, this approach has not easily scaled in high-growth sectors such as advanced manufacturing, IT/cybersecurity, and healthcare. In addition, participation in Registered Apprenticeship Programs relative to the U.S. workforce overall lags behind corresponding participation in other leading economies.

Currently, registered apprenticeships provide occupational training to only approximately 0.3 percent of the American workforce. In contrast, other developed countries, such as Germany and Switzerland, have more successfully integrated apprenticeships into their education systems and workforces, leveraging the full potential of apprenticeship programs to lower unemployment rates and contribute to economic success.⁹ If apprenticeships are to accelerate and flourish in emerging and high-growth sectors, the United States will need to create a new pathway to apprenticeship development that better fits the needs of industry.

On June 15, 2017, President Trump signed Executive Order 13801 charging the Secretary of Labor to consider establishing guidelines or requirements that qualified entities should or must follow to ensure that apprenticeship programs they recognize meet quality standards. The Executive Order created a Task Force on Apprenticeship Expansion that included representatives of companies, labor, educational institutions, trade associations, and public officials and invited them to offer their recommendations on how to best expand the apprenticeship model in America. The Task Force recommendations were transmitted to the President on May 10, 2018, and the Department continues to take steps to effectuate the Executive Order.

On June 24, 2019, the Department issued a Notice of Proposed Rulemaking (NPRM) titled Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations. This proposed rule reflects key recommendations contained in the final report of the Task Force, which noted that the establishment of industry-recognized apprenticeships could provide high-quality apprenticeship programs and opportunities in a market-driven system.

Under the proposed rule, entities such as trade, industry, and employer groups or associations, educational institutions, State and local government entities, non-profit organizations, unions, or a consortium or partnership of these entities could become a Standards Recognition Entity (SRE) that sets standards for training, structure, and curricula for industry recognized apprenticeship programs (IRAPs) in relevant industries or occupational areas. The SREs would be recognized through the U.S. Department of Labor to ensure that its requirements are met, resulting in strong oversight of IRAPs. This is a similar relationship to the one that exists between the U.S. Department of Education and higher education accrediting bodies. The Department would ensure that SREs have the capacity and quality-assurance processes and procedures needed to monitor IRAPs and recognize that IRAPs are high quality. The Department's criteria for high-quality IRAPs include paid work, work-based learning, mentorship, education and instruction, industry-recognized credentials, safety and supervision, and adhering to equal employment opportunity obligations.

⁹Task Force on Apprenticeship Expansion, "Final Report to: The President of the United States," May 10, 2018, <https://www.dol.gov/apprenticeship/docs/task-force-apprenticeship-expansion-report.pdf>.

Question. How are proposed IRAPs consistent with the National Apprenticeship Act provision that states: “The Secretary of Labor is authorized and directed to formulate . . . labor standards necessary to safeguard the welfare of apprentices?”

Answer. As with all American workers, apprentices in IRAPs would enjoy the full range of workplace protections with respect to wages, occupational safety, and equal employment opportunity that are required by law. The welfare of apprentices is of the utmost importance to the Department and the NPRM contains several provisions to that effect, including protections requiring a safe working environment consistent with Federal, State, and local laws; payment of at least the applicable Federal, State, or local minimum wage; and equal employment opportunity protections, that will keep the workplace free from harassment, intimidation, and retaliation.

Specifically, in Section 29.22, “Responsibilities and Requirements of Standards Recognition Entities,” the Department addresses safety (§ 29.22(a)(4)(v)), wages (§ 29.22(a)(4)(vii)), and equal employment opportunity (§ 29.22(a)(4)(viii)). Under the proposed rule, the Department would also require that SREs have policies and procedures related to harassment, intimidation, and retaliation to facilitate IRAPs’ adherence to applicable law (§ 29.22(k)). The proposal allows SREs to recognize and maintain recognition of only those apprenticeship programs that conform to such requirements (§ 29.22(a)(4)).

The proposed rule would also require a SRE to validate IRAPs’ compliance with such requirements when it provides the Department with notice it has recognized an IRAP (§ 29.22(b)). Additionally, Section 29.26, “Complaints against Standards Recognition Entities” authorizes apprentices to submit a complaint to the Administrator of the Office of Apprenticeship should they believe a SRE has failed to comply with the requirements of the proposed rule.

This approach is fully consistent with the language of the National Apprenticeship Act of 1937, which charges the Secretary of Labor with “formulat[ing] and promot[ing] the furtherance of labor standards necessary to safeguard the welfare of apprentices.”

As this is an open rulemaking, if you have any additional questions or items for consideration, the Department encourages you to submit these as comments in the rulemaking record so that they may be addressed in any final rule.

Question. What protections are provided for apprentices in the IRAP System?

Answer. Please see the response to the prior question.

Question. Does the Department have any vision or plans on how to best support and expand the highly effective RA system?

Answer. Starting with the President’s Executive Order on Expanding Apprenticeships in America, the Administration has made clear that streamlining and expanding the Registered Apprenticeship Program is a priority. Moreover, the Secretary of Labor released a memorandum to Federal agencies in June 2017, asking “that each Agency head support the Administration’s apprenticeship initiative by removing obstacles to apprenticeship growth that may be present in current regulations or practices.” Subsequently, the Taskforce on Apprenticeship Expansion’s report to the President provided a clear indication that Registered Apprenticeship needs reform “to modernize the system and encourage greater employer and industry sector involvement.”

The Department has begun to take actions to streamline RAPs by revising its National Program Standards (NPS) approval criteria to enable more high-quality apprenticeship programs with national scope to qualify. Despite an increase in the number of apprenticeship programs with NPS recognition, these programs have often encountered additional, unnecessary layers of regulation. The Department clarified that sponsors that meet certain criteria to register NPS with the Department need not also register their programs on a State-by-State basis.

In response to the concerns expressed by many sponsors of RAPs that the paperwork for registration has been unduly burdensome to complete, the Department is actively taking steps to reduce and streamline the paperwork required of program sponsors for registration.

In addition to these efforts, the Department has continued to invest in RAPs through State grants, cooperative agreements, and contracts that expand Registered Apprenticeship opportunities. As a result, since January 2017, there are more than 526,000 new apprentices. These results represent a 20-year high mark for the Registered Apprenticeship System, increasing the number of active apprentices by 56 percent since 2013.

STATE APPRENTICESHIP COUNCIL ALLIANCE

Question. I have heard from apprenticeship stakeholders in my State that the Federal Advisory Committee on Apprenticeship has essentially disbanded. In its ab-

sence, and the move by this Administration away from the Registered Apprenticeship Program, 18 different State Apprenticeship Councils have created The State Apprenticeship Council Alliance (SACA). These State Apprenticeship Councils include members from North Carolina, Kansas, Kentucky, Maine, Minnesota, Nevada, Louisiana, Wisconsin and others.

(SACA States: Arizona, Connecticut, District of Columbia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Montana, Nevada, New Mexico, North Carolina, Ohio, Rhode Island, Vermont, & Wisconsin)

The purpose of SACA is to advocate for the national Registered Apprenticeship system, promote policies that support Registered Apprenticeship system and programs, and elevate the key leadership role of State Apprenticeship Councils.

Mr. Acosta, what is the current status of the Federal Advisory Committee on Apprenticeship and does the Department have plans to reconvene this committee?

Answer. The Executive Order on Expanding Apprenticeships in America directed the Secretary of Labor to establish a Task Force on Apprenticeship Expansion (Task Force), bringing together industry and workforce leaders to consider how to promote apprenticeships in sectors where they are insufficient. On May 10, 2018, the Task Force transmitted its final report to President Trump, which included 26 recommendations for expanding high-quality apprenticeships that lead to family-sustaining careers. Among other recommendations, the report included recommendations on modernizing RAPs and indicated that Industry-Recognized Apprenticeship Programs (IRAPs) could provide a new and flexible alternative to supplement—but not supplant—the Registered Apprenticeship Program. In response to the recommendations of the Task Force, the Department has issued a Notice of Proposed Rulemaking on IRAPs that will make such apprenticeships more flexible and responsive to market needs.

The Advisory Committee on Apprenticeship (ACA) is a discretionary committee under FACA and its charter expired on December 16, 2018. The Department continues to implement the recommendations from the Task Force and is committed to expanding the apprenticeship model, including into non-traditional industries in order to rapidly scale the number of apprenticeships in America.

Question. Will the Department commit to working with the State Apprenticeship Council Alliance to expand and promote apprenticeship training programs within their member States?

Answer. Absolutely. The Department would be happy to meet with the State Apprenticeship Council Alliance to explore how to work together to expand and promote apprenticeships in America and how to eliminate the bureaucratic hurdles at the State and local levels.

ELECTION OF BOARD OF DIRECTORS

Question. Secretary Acosta, in your message accompanying the Department's strategic plan, you note that "our Nation's greatest resource is the American workforce." That is why I have introduced legislation to require that American workers elect one-third of their board of directors. Research has shown that worker representation increases investment, lowers income inequality, and improves profitability.

Do you believe workers should have the opportunity to elect their own representatives to corporate boards?

Answer. The Department appreciates your interest in the important issue of corporate governance. The Administration has not taken a position on S. 915.

WORKPLACE VIOLENCE

Question. Workplace violence is a serious and growing problem that has reached epidemic proportions. Violence is now the third leading cause of workplace deaths. Healthcare and social service workers—nurses, nursing assistants and emergency response workers—suffer more than 70 percent of all work-related assaults. And, women face the greatest risks—two of every three workplace violence events are suffered by women.

In 2016, OSHA accepted a petition from unions for OSHA to develop a standard to protect healthcare and social service workers from workplace violence. But under the Trump administration, there's been virtually no action or progress on the workplace violence rule. The latest DOL regulatory agenda from last Fall stated that OSHA would start a small business review of a draft proposed workplace violence rule this March, after first saying the review would begin in January.

Does DOL consider Workplace Violence to be a serious safety and health problem and are you committed to develop and issue a workplace violence standard to protect healthcare and social service workers?

Answer. The Department clearly recognizes the importance of preventing workplace violence in all workplaces—including the healthcare and social assistance sectors—and it has a long history of commitment to protecting healthcare employees from work-related physical harm and threats of physical harm. The Department is committed to continuing to gather data to inform a potential standard to protect healthcare and social assistance workers.

Question. If so, what is DOL's schedule for issuing the workplace violence rule?

Answer. The Occupational Safety and Health Administration (OSHA) is in the process of analyzing the information it has gathered from petitioners for a standard, participants of the stakeholder meeting, comments received in response to its Request for Information, and experts. OSHA will use this information to develop regulatory alternatives and cost and benefit analyses required to initiate the small business review process required by the Small Business Regulatory Enforcement Fairness Act (SBREFA). OSHA anticipates initiating the SBREFA process in Fall 2019.

Question. When will DOL complete a small business review of the draft proposed rule?

Answer. OSHA anticipates initiating the SBREFA process in the fall of this year. OSHA expects to complete the small business review about 4 months after initiation.

Question. Can you give us a date when DOL plans to issue a final workplace violence standard?

Answer. The schedule for issuing proposed and final rules depends upon the input received and recommendations that arise from the SBREFA process, as well as the nature of comments received in response to issuing the proposed rule.

EMPLOYEE STOCK OWNERSHIP PLANS

Question. Employee Stock Ownership Plans provide an opportunity for workers to own a part of the very business they work for, and these empowering arrangements drive economic growth, create jobs, and provide meaningful retirement savings for the employee-owners. Congress has, on a bipartisan basis, gone to great lengths to encourage ESOPs, but the Department of Labor's overly aggressive enforcement tactics are putting employee ownership at risk. The Department has never issued guidance on key issues such as valuation and, instead, has elected to regulate through litigation. That is causing very real problems for employee-owned companies.

Do I have your commitment that you will take immediate steps to begin working with the ESOP community to provide guidance to the ESOP community and stop trying to regulate through litigation?

Answer. Employee Stock Ownership Plans (ESOPs) provide retirement benefits and give workers a direct stake in their companies. The Department fully supports this model. However, when ESOP fiduciaries allow an ESOP to overpay for employer stock, or sell employer stock at a discount, they endanger retirement benefits and undermine the Employee Retirement Income Security Act (ERISA). When this happens, the Department has an obligation to enforce the law.

The Department pursues corrective action through voluntary compliance and refers cases for litigation only when there are material and substantive violations that remain uncorrected. The Department processed 2,974 civil ESOP investigations from fiscal year 2003 to fiscal year 2018. During that same period, the Department filed litigation in just 69 ESOP cases. This translates to an average of four (4) lawsuits per year. Further, the number of investigations opened has dropped from an average of 188 cases per year between 2003 and 2017, to 18 last year.

The Department bases enforcement actions and lawsuits on well-established principles that are set forth in numerous published decisions. ERISA says that trustees must discharge their duties with prudence and undivided loyalty to the ESOP's participants. When relying on an appraiser to set the stock's fair market value, the trustees must (1) investigate the appraiser's qualifications; (2) provide the appraiser complete, current, and accurate information; and (3) make certain that reliance on the appraiser's opinion is reasonably justified under the circumstances. Reliance on the appraiser is justified when the fiduciary (i) reads the report and supporting documents; (ii) understands the report; (iii) identifies, questions, and tests the underlying assumptions; (iv) verifies that the conclusions are consistent with the data and analyses; (v) verifies that the appraisal is internally consistent and makes sense; and (vi) if necessary, obtains additional expert assistance to evaluate the transaction and appraisal.

Since 2015, the Department's ESOP litigation has returned more than \$69 million to ESOP plans, and, ultimately, participating employees and their families.

In addition to the principles established through case law, the Department has provided guidance to the ESOP community through well-publicized process agree-

ments. The Department has continually emphasized the importance of the fiduciary's process and the need for a prudent, critical, and thorough review of every ESOP transaction. As a result, the Department has entered into several additional process agreements in which the Department has reiterated its position. The Department makes these process agreements publicly available through its website, and they are also widely disseminated in the ESOP community.

The Department remains committed to assuring meaningful retirement savings for the participants of ESOPs, and will continue to work with the ESOP community to develop additional guidance where it is feasible and appropriate to do so.

LINE SPEED WAIVERS FOR POULTRY PLANTS

Question. According to OSHA, poultry workers are nearly twice as likely to suffer from serious injuries as other workers in private industry, and more than six times as likely to have a work-related illness. In 2014, the USDA Food Safety and Inspection Service published a new rule on poultry inspection. In that final rule, the USDA did not increase line speeds in poultry plants because of the potential to further endanger workers in an already dangerous industry. Within the rule DOL said that the agency needs to consider the impact on worker safety before increasing line speeds. I understand that 6 or 7 poultry plants have been granted waivers by the FSIS from this rule and allowed to increase line speeds with little to no public comment or consideration.

Did USDA request OSHA's input or ask your Department to conduct any evaluation, or gather any data from these 6–7 plants on worker safety prior to the waivers being issued?

Answer. The U.S. Department of Agriculture (USDA) did not request the Occupational Safety and Health Administration (OSHA) conduct any evaluations or collect data from poultry plants.

Question. Did USDA ask you to provide the OSHA records, or injury reports for the plants that were granted waivers?

Answer. USDA did not ask OSHA to provide records or injury reports for poultry processing.

SWINE SLAUGHTER SAFETY INSPECTION RULE

Question. Last spring, the USDA proposed a new swine slaughter inspection rule that would remove any caps on line speed in hog slaughter plants. There have been many concerns raised about this rule—including what an increase in line speeds means for workers in these plants. Meatpacking is one of the most dangerous industries, with worker injury rates more than two times the national average and illness rates more than 16 times. OSHA's own guidelines for the meatpacking industry makes it clear that due to the forceful nature of these jobs an increase in the pace of work in these plants will increase injuries.

Over 80,000 comments were received by USDA on this proposed rule, almost all opposed to the rule. In the rule, USDA states that the agency would need to conduct an evaluation of the impact of increased line speeds on worker safety, and the agency said they conducted such an evaluation—but did not put in the record for the public to view or comment on. Recently the agency said it is not USDA's problem if their rule increases worker injuries, because worker safety is under the jurisdiction of OSHA.

Please share with the committee any evaluation DOL did regarding worker safety and line speeds related to this proposed new swine slaughter inspection rule.

Answer. The Department did not conduct an independent evaluation of the impact of the proposed swine slaughter inspection rule on worker safety and health.

Question. Did DOL review the USDA evaluation of the impact on worker safety if line speed were increased in hog slaughter plants? Can you share with this committee any evaluation, or comments DOL made to USDA on such an evaluation?

Answer. The Department did provide comments to the Office of Management and Budget (OMB) on the U.S. Department of Agriculture's (USDA) Modernization of Swine Slaughter Inspection proposed rule, when, pursuant to Executive Order 12866, OMB's Office of Information and Regulatory Affairs (OIRA) was coordinating Executive Branch review of the draft regulation prior to publication in the Federal Register. The Department's comments were reflected in USDA's February 2018 Notice of Proposed Rulemaking.

The requested comment documents—which record the agencies' deliberative, pre-decisional exchange about the draft proposed rule—constitute part of the Executive Branch's deliberative process in the development of a regulatory action, and are not released outside of the Executive Branch.

Question. Do you think DOL has an obligation to raise serious worker safety concerns to USDA when the final rule comes to DOL for review?

Answer. The Department takes its obligation to ensure that employers provide safe and healthful workplaces very seriously.

Question. Do you think it is ok that USDA can increase line speeds and thereby increase injuries among the 90,000 hog slaughter workers without input from DOL?

Answer. The Department takes its obligation to ensure that employers provide safe and healthful workplaces very seriously.

OSHA INSPECTOR VACANCIES

Question. Since the beginning of the Trump administration, there has been a decrease in the number of OSHA inspectors from 815 to 752 inspectors as of the beginning of this year. This is the lowest number of OSHA inspectors since the early 1970's when OSHA began. During this time, the workforce has nearly doubled and new safety and health problems have emerged.

In DOL's budget request for fiscal year 2018 and 2019, DOL requested additional resources for OSHA enforcement. But at the same time, many of the already authorized and funded inspector positions at OSHA remain vacant.

Why after more than 2 years in office are there so many vacant inspector positions, why have so few of these positions been filled?

Answer. The Occupational Safety and Health Administration (OSHA) has taken several steps to increase its Federal Enforcement staffing levels. Beginning in 2017, the agency received approval to fill all funded Compliance Safety and Health Officers (CSHO) positions. All vacancies are being recruited for, and OSHA is in the process of on-boarding the inspectors. The agency begins the recruitment process as soon as a vacancy occurs, or an upcoming retirement is announced. OSHA advertises and recruits individuals to fill all current vacancies, and the new inspectors then begin the on-boarding process. The recruitment and on-boarding process can take from three to 6 months, which includes the time necessary for advertisement, application, screening and interviews, and completing the required clearance of applicants under consideration, such as security and CSHO physicals. OSHA has also begun recruiting for a larger number of positions than available vacancies to ensure there is a continuous pool of CSHO applicants for selection when future vacancies occur.

Question. Will you commit to fill these vacant inspector positions by June 30th this year?

Answer. Please see the response to the prior question.

IMPROVE TRACKING OF WORKPLACE INJURIES AND ILLNESSES

Question. In 2016 OSHA issued a regulation to Improve Tracking of Workplace Injuries and Illnesses. The purpose of the rule was to provide OSHA, employers, workers, public health officials and researchers with real-time injury and illness information from individual workplaces that could be used to help identify hazardous workplaces, and groups of workers at high risk of injury. The rule didn't require employers to keep any new records, but simply to report injury data they are already required to submit to OSHA in a new updated electronic format. And OSHA planned to share this data in a format that protected individual worker's privacy.

Some industry groups strongly opposed the rule because they don't want their workplace injury and illness data to be made public. So instead of fully implementing this important rule, DOL first refused to make any of the summary injury data collected public. Second, the administration moved to revoke the requirements for large employers to report their detailed injury data to OSHA, which means that OSHA and the safety and health community will not be readily able to get information on the types of injuries occurring in hazardous workplaces or the groups of workers at high-risk of injury. It's a disservice to workers and safety specialists committed to making the workplace safer that DOL has weakened this important rule.

Will DOL commit to fully defend the remaining provisions of the 2016 injury tracking rule—both the requirements for employers to report summary injury data and the provisions that strengthen anti-retaliation protections for workers who report workplace injuries?

Answer. The Occupational Safety and Health Administration will fully defend the final injury and illness recordkeeping rule, which became effective on February 25, 2019.

QUESTIONS SUBMITTED BY SENATOR JOE MANCHIN, III

THE AMERICAN MINERS ACT—MINERS PENSIONS

Question. Secretary Acosta, as I am sure you know, the UMWA 1974 Pension fund provides retirement benefits to over 86,000 miners including 26,000 in West Virginia. The average pension is \$600 per month, modest by most standards, but still critical to the 87,000 beneficiaries who depend on it. In the past 2 years, contributions into the Plan have dropped by more than \$100 million, leaving less than \$25 million per year still coming into it. If nothing changes, the Plan will be insolvent as soon as 2022. It will happen even sooner if any more coal companies file for bankruptcy. If this plan collapses, beneficiaries and their dependents would revert to the Pension Benefit Guaranty Corporation, destroying PBGC leaving taxpayers on the hook to foot the bill instead of the companies that made these promises in the first place. The time to act is now—the longer we wait to solve this problem the more expensive and more difficult it becomes. This is one of the reasons why I introduced the American Miners Act earlier this year. The American Miners Act would ensure that crucial benefits would be protected for our miners and beneficiaries.

Secretary Acosta, is the Department of Labor actively working on solutions to this problem?

Answer. It is critical to address the security of our pension system and the Department is committed to working with Congress and stakeholders to ensure the stability of the multiemployer plan system—promoting retirement security is part of the Department's mission and is simply good public policy. America's retired coal miners, and other workers in multiemployer plans, have worked hard for their pensions they reasonably expect upon retirement. The Department's 2020 Budget includes a proposal to keep PBGC solvent for the next 20 years by reforming the premiums levied on multiemployer plans. The proposal would add a premium based on plan underfunding, similar to the premium assessed on single-employer plans, in order to charge according to the risk plans pose to PBGC rather than their number of participants. The Department, the Pension Benefit Guaranty Corporation (PBGC), and the Departments of Treasury and Commerce, are committed to working with Congress and stakeholders to address the security of multiemployer pension plans, including the UMWA 1974 Pension Plan.

Question. Would you commit to working with me to finding a solution by the end of the year?

Answer. The Department, the Pension Benefit Guaranty Corporation (PBGC), and the Departments of Treasury and Commerce, are committed to working with Congress and stakeholders to address the security of multiemployer pension plans, including the UMWA 1974 Pension Plan.

THE AMERICAN MINERS ACT—BLACK LUNG DISABILITY TRUST FUND

Question. Black lung is a terrible disease and it is only getting worse. After many years of dedication to providing our Nation with energy, America's coal miners continue to face the devastation of black lung disease caused by inhaling coal mine dust. We are seeing more and more cases of black lung—particularly in younger miners who have spent less time working in the mines. Today, more than 25,000 coal miners and their dependents rely on the Black Lung Disability Trust Fund to pay for critical medical treatments and basic expenses. Due to decreases in the coal excise tax, this already indebted Trust Fund could face borrowing costs of more than \$15 billion by 2050.

Secretary Acosta, what is your plan to ensure that these benefits are protected and that our coal miners continue to get the help that they need?

Answer. Because the Department of the Treasury is required by statute to provide repayable advances to the Black Lung Disability Trust Fund (Trust Fund) if needed, there is no risk that entitled beneficiaries will not receive their Federal black lung benefits. However, under present circumstances, the Trust Fund's debt will continue to increase without intervention. Any changes to the Trust Fund's financing would require legislative action, and the Department is ready to work with Congress to develop a solution and ensure the long-term viability of the Trust Fund.

CLEAN START ACT AND OFFENDER JOB REENTRY PROGRAMS

Question. As the opioid epidemic continues to take its toll, there are more and more men and women who face severely limited job opportunities after serving their time for crimes committed as a result of addiction. To help fix this problem, I introduced a bill called the Clean Start Act last Congress that seeks to help former addicts with criminal records seal those records if they complete a comprehensive addiction treatment program and show that they have turned their lives around. Last

year, West Virginia enacted its own version of the Clean Start Act and I look forward to seeing it implemented.

How do you plan on helping former offenders re-join the workforce and once again become responsible taxpayers?

Answer. The Department is committed to helping individuals involved in the criminal justice system, including ex-offenders recovering from opioid and other substance use disorders, obtain employment in family-sustaining jobs. On April 1, 2019, the Department hosted an event— Strengthening America’s Workforce—to discuss paths for Americans transitioning from the justice system into the workforce and to encourage more organizations to apply for the Department’s reentry grants. The Reentry Employment Opportunity’s Reentry Project grants are designed to develop or expand programs to improve employment opportunities for adults ages 18–24 who have been incarcerated in the youth or adult criminal justice system, and adults ages 25 or older, released from prison or jail within 2 years of enrollment. Additionally, through the Nation’s network of American Job Centers, the Department informs employers about the skills and abilities of this population and advances strategies to address the barriers to reemployment. Lastly, through the Federal Bonding Program (FBP), the Department provides fidelity bonds to employers to help reduce the risks of hiring individuals whose criminal backgrounds, including individuals with a history of opioid and other drug misuse, pose barriers to securing employment. The Department also recently announced a pilot project to support the expansion of fidelity bonds in six States, which are participating in a demonstration designed to combat the opioid crisis. These States (Alaska, Maryland, New Hampshire, Pennsylvania, Rhode Island, and Washington) now have the opportunity to pilot expanded use of the FBP to decrease employment barriers for recovering opioid users and others in substance abuse recovery.

Question. What programs and initiatives, in your experience, will be most effective in assisting former offenders rejoin the workforce?

Answer. Providing former offenders with the opportunities to gain the skills necessary to compete in the workplace is a major part of successful reentry. The Department requires that all Reentry Project grantees provide occupational training in in-demand industries that leads to industry-recognized credentials, including supporting Registered Apprenticeship pathways for returning offenders. This approach is beneficial to employers and participants, resulting in an increase in employment for program participants. Additionally, the Department provides assistance through the FBP. Fidelity bonds issued through the FBP serve as a job placement tool. Employers receive the bonds free of charge as incentive to hire hard-to-place job applicants. The bond insurance was designed to reimburse the employer for any loss due to employee theft of money or property. Individuals may be covered from \$5,000 to \$25,000, at a cost of \$100 per bond paid by the State with Federal funds. Individuals are covered for the first 6 months of employment. If necessary, bonds may be issued to cover an additional 6 months. Another promising approach is the use of Registered Apprenticeships behind bars. Many State Departments of Corrections have sponsored Registered Apprenticeship programs, including Washington and Iowa. The Department has also partnered with the Bureau of Prisons to create an apprenticeship program that offers a standardized pathway for inmates to gain skills in over 100 trades in 98 Federal institutions. Staff prepare inmates for reentry by offering trade-specific skill development partnered with work opportunities, which will translate into employment opportunities upon release from incarceration.

CUTS TO JOB CORPS

Question. The President’s Budget would cut \$700 million in funding for Job Corps. This program is the Nation’s largest career technical training and educational program for youth and approximately 95 percent of Job Corps students successfully attain industry-recognized certifications. Job Corps has a zero-tolerance policy against violence and drugs. Secretary Acosta, I am deeply concerned about the availability of job training and employment opportunities, especially for young adults who are not always being well prepared in our education system. I have heard from employers across my State that they have jobs, but they don’t have the workers with the skills needed to do those jobs.

Secretary Acosta, this reduction will obviously have a major impact on the number of individuals who are able to receive desperately needed job training.

What will happen to those individuals and the employers who need workers? What will happen to the young West Virginians who are ready, willing and able to be learn a new skill or trade but have few or no options because of these proposed budget cuts?

Answer. The Department of Labor is committed to helping young individuals from disadvantaged backgrounds receive high-quality vocational and academic instruction opportunities. The Department has concerns about the program, irrespective of the funding level, and is proceeding based on those concerns with reforms to the program that we believe will improve outcomes for youth and make the program more effective and efficient. For example, the Department is using its pilot project authority to work with governors who are interested in establishing pilot projects throughout the United States. As our demonstration projects mature, we will assess them to determine whether they offer more effective models for serving at-risk youth as compared to the Department's traditional Job Corps program model. The Department will also determine whether these alternate approaches are more cost effective than the traditional program model. The Department will consider scaling efficiencies identified by demonstration projects in order to improve the delivery of Job Corps services.

Overall, the Department is conducting a center by center programmatic assessment of performance, surveying physical facilities, assessing programmatic sustainability, and considering the workforce development needs in each State and area served by a Job Corps center. Using this deliberate approach, the Department will determine how to allocate the program's fiscal year 2020 resources, including whether to close some centers. It is the Department's expectation that through concentration of Job Corps activities in a more limited set of higher performing centers, we will provide Job Corps participants with higher quality services that lead to better outcomes. The Department always prioritizes the needs of current Job Corps participants when deactivating or consolidating a center, allowing them to complete their Job Corps training either at their current center or at a higher performing center. Further, the Department will maintain as many student slots as possible by increasing Job Corps capacity at remaining centers. This approach maximizes the impact of Job Corps' appropriation, allowing us to continue to serve at risk youth from all fifty states and territories without compromising program effectiveness.

MINE SAFETY AND HEALTH ADMINISTRATION SILICA STANDARD

Question. Worker exposure to silica is a major health and safety problem that causes disabling lung disease. In 2016, after decades of effort the unions won a stronger Occupational Safety and Health Administration (OSHA) silica standard that cut permissible exposures in half. After OSHA issued its standard, the Mine Safety and Health Administration (MSHA) was moving to lower the silica standard for mining. However, the Trump administration has sidelined a new MSHA silica standard and is refusing to act. Meanwhile, there has been an epidemic of progressive massive fibrosis seen in coal miners in Appalachia, including miners in West Virginia. The most likely cause of this epidemic is exposure to silica from high quartz levels in the rock in the coal mines in this area. Still MSHA has refused to move forward. MSHA needs to move forward immediately to tighten the silica standard for miners like those that OSHA has for other workers.

Secretary Acosta, will you direct MSHA to move forward and issue a stronger silica standard for miners?

Answer. MSHA continues to aggressively sample the mine environment and enforce existing standards to ensure that operators have effective controls in place that continuously protect miners' health from exposure to respirable dust and silica (quartz). Quartz samples increased 335 percent between 2013 and 2018, and MSHA is encouraged by mine operators' compliance with the respirable coal dust rule, and control of coal miners' exposure to quartz. Since August 2016, for example, MSHA samples indicate average quartz exposure of about 25 percent of the limit. Whereas over 16 percent of quartz samples exceeded the standard in 2008, by 2018 only 1.2 percent of quartz samples exceeded the standard.

When quartz samples exceed the standard, MSHA leadership personally reviews and discusses each exceedance with senior staff. Field staff issue citations where appropriate and require corrective actions (such as revising ventilation and dust control plans and improving engineering controls). Enforcement staff follows up to ensure that the mine applies needed controls to avoid future exceedances.

MSHA is currently reviewing the health effects and risk from miners' exposures to quartz and considering appropriate next steps that include an examination of permissible exposure limits. To that end, in the Spring 2019 Unified Agenda, MSHA announced its intent to issue a request for information to identify ways to protect miners from exposure to quartz, including an examination of an appropriately reduced permissible exposure limit, potential protective technologies, and/or technical and educational assistance.

OVERTIME COVERAGE FOR WORKERS

Question. Earlier this year, your Department of Labor proposed a rule that revises the overtime rule from the previously promulgated rule issued by the Obama Administration. Differing from the Obama era regulation providing automatic overtime coverage for workers making less than \$47,476 your proposed rule would provide coverage for workers making less than \$35,308. Studies show that a guarantee for overtime coverage only to those who make less than your number (\$35,308) means that in year one, 2.8 million fewer workers will receive protection under the overtime laws, and that number grows to 4.3 million by year ten.

Can you explain your department's analysis on why you think this decrease was reasonable?

Answer. As part of the rulemaking process, the Administrative Procedure Act generally requires that agencies publish a notice of proposed rulemaking (NPRM) in the Federal Register. The agency then provides a public comment period and, after considering the comments received, develops a final rule. The comment period for the Overtime NPRM ended on May 21, 2019, and the Department received 59,348 comment submissions representing 116,298 comments, some of which may be duplicates. The Department is currently reviewing the comments received as part of developing the final rule.

Shortly before the 2016 final rule's effective date, it was enjoined by the U.S. District Court for the Eastern District of Texas. In a subsequent opinion invalidating the rule, the court held that the rule's \$913 per week standard salary level went beyond the salary level's traditional purpose of setting a "floor" to screen out obviously nonexempt employees, and would exclude from exemption too many workers who perform executive, administrative, or professional capacity duties. An appeal of that decision to the Fifth Circuit is being held in abeyance pending the completion of this rulemaking. In the NPRM, the Department has reconsidered the \$913 per week standard salary level set in the 2016 final rule in light of ongoing litigation, public comments received in response to a July 26, 2017, Request for Information (RFI), and feedback received at public listening sessions the Department held around the country to receive additional public input on issues related to the salary level test. The Department agrees with the vast majority of RFI commenters that the standard salary level needs to exceed the currently-enforced amount of \$455 per week to more effectively serve its purpose.

In the NPRM, the Department proposed to formally rescind the 2016 final rule and to simply update the 2004 standard salary level by applying the 2004 final rule's methodology to current data. The 2004 final rule set the standard salary level at approximately the 20th percentile of earnings of full-time salaried workers in the lowest-wage census region (then and now the South) and in the retail sector. The Department's proposed rule would do the same, restoring the effectiveness of the salary level test without unduly disrupting employers' operations or causing other adverse economic effects.

Question. Would you reinstate the Obama era overtime regulations?

Answer. Please see the response to the prior question.

DISABLED WORKERS DISCRIMINATION

Question. The Rehabilitation Act (Public Law 93-112) prohibits employment discrimination against individuals with disabilities in the Federal sector. Schedule A is a specific hiring authority with the goal of increasing opportunities at Federal Government agencies for workers with intellectual, physical, and psychiatric disabilities. Schedule A hiring authority includes a 2 year probationary period during which Schedule A workers are held to the same performance standards as all other employees. Schedule A also includes people with "targeted disabilities" as a subset of the larger disability category. The Federal Government has recognized that qualified individuals with certain disabilities, particularly manifest disabilities, face significant barriers to employment, above and beyond the barriers faced by people with the broader range of disabilities. The American Federation of Government Employees, a union representing employees at DOL headquarters and around the country, has noted a number of Schedule A employees at your agency are removed immediately prior to the end of their 2 year probationary period. During the 35 day government shutdown the Department removed a blind lawyer, who worked as a legal assistant for DOL, during her probationary period despite failing to "make electronic and information technology accessible" to disabled workers under Section 508 of the Rehabilitation Act. DOL failed to report to the EEOC the rate of involuntary removals for 2016 or 2017, as required in their Management Directive 715 reports that provide transparency on the recruiting, hiring, and retention of disabled workers.

Can you please provide to the Committee the last 3 years of Management Directive 715 Reports and specifically identify in each of those reports any deficiencies, barriers, or triggers for disabled and targeted disabled and how the agency addressed those issues?

Answer. Attached are the 2015, 2016, and 2017 Management Directive 715 Reports. Within the 2015 report, pages 32–33 (Part I) provide the requested information (see Attachment 1); within the 2016 report, pages 30–33 (Part I) provide the requested information (see Attachment 2); and within the 2017 report, pages 29–31 (Part I) provide the requested information (see Attachment 3). The Department of Labor's (the Department) Human Resources Center, with support from the Department, has addressed identified barriers and/or triggers with the following example initiatives:

- Outreach to organizations with a high concentration of individuals with disabilities such as Gallaudet University and Disabled Veterans groups;
- Partnerships with the Maryland Division of Rehabilitation Services (DORS) and the Virginia Department for Aging and Rehabilitative Services (DARS);
- Working actively with the Department's Disability Action Group (Affinity Group) to support recruitment, retention, and professional development strategies for employees with disabilities;
- Training on Schedule A hiring authorities;
- Training on and adherence to Section 508 accessible communication requirements; and
- Internal recognition of National Disability Employment Awareness Month (NDEAM).

The Committee has received the 2015, 2016, and 2017 Management Directive 715 Reports as requested.

The 2018 Management Directive 715 Report will be submitted to the Equal Employment Opportunity Commission (EEOC) by May 31, 2019.

Question. Can you also please identify why DOL did not send the EEOC data on involuntary removals broken by disability/targeted disability/non-disability status for years 2016 and 2017?

Answer. The Department has provided this data. It was included within the Workforce Data Tables for each fiscal year. The MD-715 reports and workforce data tables were submitted, as required, to the EEOC via their Federal Sector EEO Portal (FEDSEP) (see Attachment 4); specifically:

- Within the fiscal year 2016 Workforce Data Tables, the data is provided in Data Table B14 (See Page 75 of Attachment 5);
- Within the fiscal year 2017 Workforce Data Tables, the data is provided in Data Table B14 (Page 63 of Attachment 6).

Please note that there was a clerical error on the 2017 Data Table B14, where the voluntary and involuntary separation numbers were transposed. DOL sent a letter to the EEOC clarifying the data reflected in that table (see Attachment 7).

WATER INDUSTRY WORKFORCE

Question. One of the main concerns for West Virginia rural water utilities is filling jobs left behind by the aging water industry workforce. Your Department's Bureau of Labor Statistics projects that employment of Drinking Water and Wastewater Treatment Plant and System Operators is expected to decline by 3%¹⁰ between 2016 and 2026. The projected percent change in employment for all occupations is 7 percent growth. Water and wastewater utilities are the backbone of economic development, responsible for the public's health protection and stewards of safe drinking water delivery. Water and wastewater utilities need a pipeline of skilled workers to help ensure clean and safe water for the public and to maintain the water infrastructure necessary to keep service areas economically viable (especially in rural America where 92 percent of systems serve communities of 10,000 or less). An apprenticeship program for community water supplies create jobs could address the Nation's crumbling water infrastructure.

Would your Department prioritize apprenticeship program funding for rural water utilities? More generally, what is the best way to train the water industry's workforce for the next generation?

Answer. The Department is committed to expanding apprenticeship opportunities across a broad range of sectors and occupations, particularly in those industries where a shortage of skilled workers threatens the long-term safety and economic growth of rural communities. Over the next decade, the water sector is expected to

¹⁰<https://www.bls.gov/ooh/production/water-and-wastewater-treatment-plant-and-system-operators.htm>.

lose between 30 to 50 percent¹¹ of its workforce to retirement. The establishment and growth of quality apprenticeship programs in the water and wastewater utilities industries can provide an effective workforce strategy for addressing the emerging skills gap in these critical fields.

Through its National Guideline Standards of apprenticeship, the Department has assisted stakeholders and industry associations in developing nationally-recognized education and training standards for specific water utility occupations. On November 14, 2017, at a signing ceremony at the Department's headquarters in Washington, D.C., the National Rural Water Association (NRWA) formally announced an apprenticeship program for rural water utilities (the "WaterPro Apprenticeship Program") with the Department's Office of Apprenticeship (OA). Bulletin 2017-47 publicized the WaterPro apprenticeship program, which establishes a set of National Guideline Standards of apprenticeship that are tailored to the specific occupational requirements of water system operations specialists and wastewater system operations specialists. As a leading provider of training for rural water and wastewater systems, NRWA is currently collaborating with State and local leaders to accelerate the development of Registered Apprenticeship Programs (RAPs) covering these critical occupations.

At present, a total of 17 NRWA State affiliates have successful RAPs that conform to these NRWA National Guideline Standards, and registration applications from NRWA affiliates in 12 additional States are currently in process. Nationally, 140 active apprentices are enrolled in the NRWA-sponsored apprenticeship program. Local NRWA-affiliated program sponsors include Pentair, Inc. (based in Aurora, Illinois) and the West Virginia American Water Joint Apprenticeship and Training Committee (based in Charleston, West Virginia). The groundbreaking NRWA RAPs directly address the concerns raised by GAO Report 18-102 (January 2018) about the current and growing nationwide shortage of well-trained drinking water and wastewater management professionals. For more information concerning the NRWA national apprenticeship program, please visit the following links:

—<https://nrwa.org/initiatives/apprenticeship-program>
 —<https://nrwa.org/2017/11/nrwa-partners-with-department-of-labor-on-apprenticeship-program/>

In the fall of 2018, the U.S. Department of Agriculture (USDA) awarded a \$6 million grant to the NRWA for further development of its national apprenticeship program. With this new funding from USDA, NRWA will have additional means to help States develop RAPs for water and wastewater system operations specialists.

In addition, in May 2019, the Department released a funding opportunity through the Apprenticeship Expansion and Modernization Fund to support the development of innovative tools and strategies that, while relatively untested, hold promise to transform Registered Apprenticeship and support the expansion of RAPs throughout the Nation. This opportunity allows applicants to propose innovative projects that best meet the specific challenges and needs in their area, their industry, or the local population. Vendor proposals are in development and may include projects that support workforce development in rural areas.

SUBCOMMITTEE RECESS

Senator BLUNT. The subcommittee stands in recess.

[Whereupon, at 11:03 a.m., Thursday, May 2, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

¹¹ GAO Report 18-102, "Water and Wastewater Workforce: Recruiting Approaches Helped Industry Hire Operators, but Additional EPA Guidance Could Help Identify Future Needs," January 2018, p. 17.