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March 13, 2009

The Honorable John M. Spratt, Jr.
 Chairman
 Committee on the Budget
 209 Cannon House Office Building
 Washington, D.C. 20515

Dear Chairman Spratt:

Pursuant to section 301 (d) of the Congressional Budget Act of 1974 and House Rule X, clause 4(f), enclosed please find the FY 2010 Views and Estimates for the Committee on Education and Labor. If you have any questions, please feel free to contact me at your convenience.

Sincerely,


 GEORGE MILLER
 Chairman

Views and Estimates for FY 2010
Committee on Education and Labor
111th Congress, 1st Session
March 13, 2009

During the 110th Congress, the Committee on Education and Labor pursued legislation and oversight activities to grow and strengthen America's middle class families. The Committee fought to preserve workers' wages and benefits, enhance early childhood education and provided the single largest increase in college aid since the GI bill. The Committee held 115 hearings, heard testimony from 696 witnesses, reported 26 bills out of Committee and championed 13 bills in the Committee's jurisdiction that became law. Members of the Committee remain committed to ensuring that the work in the first session of the 111th Congress builds upon the foundation laid in the 110th Congress.

During the 111th Congress, the Committee will continue to work on behalf of American middle class workers, students and families. The Committee's leadership in spearheading key education and labor provisions in the American Recovery and Reinvestment Act (ARRA) resulted in increased resources for education and job training. The ARRA provides targeted investments in education that are critical to job creation, and will provide America's children with the skills they need to compete globally. The ARRA will help put our economy back on the road to recovery with a \$105.9 billion investment to help build the world-class education system our economy needs and our children deserve. This historic investment in education is the largest increase in federal education funds in history. The legislation nearly doubles Title I and IDEA funding, invests in our schools by expanding cutting-edge technology, modernizes our schools and universities while creating green jobs and prepares qualified individuals to enter the teaching profession. It also invests in our youngest children's education, through increases in funding to Early Head Start and Head Start. Additionally, the ARRA provides temporary assistance to unemployed workers to enable them to maintain their health insurance benefits and includes a key stimulative provision requiring prevailing wages be paid to workers on the projects it funds or assists.

In addition to the ARRA, President Obama has already signed the Lily Ledbetter Fair Pay Act, which was developed by the Committee in the last Congress. This new law restores workers' rights to effectively pursue pay discrimination claims. In good times or bad, no family can afford to have a breadwinner earn less merely because of her gender or the color of his skin.

During the first session of the 111th Congress, the Committee will continue to pursue an ambitious education and workforce agenda focused on enhancing opportunities for middle class American families, including the consideration of proposals outlined in the President's budget. The Committee will work to advance initiatives to develop early education opportunities to improve public schools, make college more affordable, and provide better and higher-paying employment opportunities and health care and retirement security. The Committee looks forward to working with the Obama

Administration to provide the resources needed to meet the education, training and employment needs of Americans.

EDUCATION PRIORITIES

Elementary and Secondary Education

The No Child Left Behind Act (NCLB)

During the 111th Congress, the Committee will build on the progress made during the 110th Congress toward reauthorization of the Elementary and Secondary Education Act/No Child Left Behind Act (NCLB). A key priority for the Committee is to continue progress toward closing the achievement gap. In order to reach this goal, it is necessary to narrow the teacher quality gap and the school funding gap to ensure schools receive the resources they need to provide every child with a quality education. The Committee remains focused on addressing concerns with current law including ensuring the law is fair, flexible, and funded. Other priorities include: continuing to hold schools accountable for the progress of all students, reforming high schools, supporting teachers and principals, and encouraging a rich and challenging learning environment and promoting innovation taking place in schools throughout the country.

Title I

The ARRA provides \$13 billion for Title I grants for disadvantaged students. This historic investment nearly doubles Title I funding making this the largest funding increase in the history of the program. During the 111th Congress, the Committee looks forward to working with the Obama Administration on reauthorization efforts. The Committee will build on previous efforts to close the achievement gap and help all children learn by holding states and schools accountable for student academic progress.

The Individuals with Disabilities Education Act (IDEA)

The Committee remains committed to meeting the educational needs of children with disabilities. The Individuals with Disabilities Education Act (IDEA) requires schools to provide students with disabilities a free and appropriate public education, and authorizes funding for the expenses related to providing services and support to these students. The ARRA provides \$11.3 billion for IDEA Part B Grants, the largest single increase in IDEA support ever provided by the federal government. These funds will allow districts to improve services and retain teachers and staff critical to helping students with disabilities achieve academic success. The ARRA funds increase the federal investment in IDEA from the current level of 17.2 percent of the excess costs of educating students with disabilities to 26.3 percent.

During the 111th Congress, the Committee will continue to advance the federal investment in the education of children with disabilities. The Committee will work to ensure schools have the adequate resources to support the free appropriate public education guaranteed by IDEA to children with disabilities.

Postsecondary Education

The increasing cost of obtaining a postsecondary education continues to be a major concern for the Committee. In the past few years, the weakened economy and federal budget cuts have shifted the burden of higher tuition prices to college students and their families. The average tuition and fees at four-year public colleges and universities have risen 18.5 percent, when adjusted for inflation, over the last five years. The typical student now graduates with \$17,500 in total federal student loan debt. According to past estimates from the Department of Education, as many as 200,000 prospective students are forced to delay attending, or to forgo attending college altogether, due to the cost. Building on the success of the 110th Congress with the passage of the Higher Education Opportunity Act, the College Cost Reduction and Access Act, and the Ensuring Continued Access to Student Loans Act, the Committee on Education and Labor will continue to work to increase access to postsecondary education for more students and to ensure education is affordable.

Reform of the Federal Student Aid System

During the 110th Congress, the Committee spearheaded efforts to increase efficiencies and to ensure that federal student loans remained available to all qualified students, despite the crisis in the credit market. The credit crisis has impacted private lenders participating in the Federal student loan programs, making it more difficult for them to raise capital to originate student loans. Today, more than half of the student loans originated today are funded through financing provided by the U.S. Department of Education or its Direct Loan program. The worsening economic situation and its impact on student loan lenders makes clear that reform of our student loan programs is necessary.

The President's budget put forth a proposal to save taxpayers almost \$50 billion within the higher education programs while increasing benefits for students and ensuring a more stable loan program for America's students. The Committee intends to review this proposal and work with the Administration to increase efficiency for students and taxpayers while providing certainty that federal student loans will remain available regardless.

Pell Grants

Pell Grants remain a top priority for the Committee. The Pell Grant program serves as the foundation for securing the federal goal of equal access to postsecondary education for all qualified students. Each year, more than 7 million students receive a Federal Pell Grant bringing them one step closer to achieving their educational goals. The College Cost Reduction and Access Act provided mandatory funding to increase the maximum Pell Grant award above discretionary funding by over \$1,000 by the year 2012. Together with the Obama Administration, the Committee is dedicated to maintaining the Pell Grant increase to \$5,550 established in the Recovery Act. Additionally, the Committee will work with the Administration to create future safeguards to protect families against the rising costs of higher education, especially students from low income families.

Minority-Serving Institutions, GEAR-Up, TRIO, and students with disabilities

The Committee also believes we need to provide additional funding for minority-serving institutions as well as GEAR-Up, TRIO, and programs for students with disabilities. These programs provide much needed access to students from traditionally underserved populations – expanding and enhancing the programs is of critical importance. It is the Committee’s intent that these programs, including the new programs authorized under Part A of Title III, section 355 (YES Partnership Grants) of the Higher Education Act as well as the development of programs to improve higher education opportunities for students with disabilities, remain major forces in increasing access to postsecondary education in the coming years. With that intent in mind, the Committee included mandatory funding for minority-serving institutions in the College Cost Reduction and Access Act to supplement existing funding, not to supplant funding. The Committee believes that discretionary funding should continue for these institutions in addition to the mandatory funding expected in the coming year.

Additionally, the Committee supports additional discretionary funding for the graduate programs at minority-serving institutions, as authorized under Titles VII and V of the Higher Education Opportunity Act. With respect to the programs under Title VII for HBCU and PBI masters programs, the Committee supports the appropriations authorized under section 725 be divided to represent the proportionate number of eligible institutions in sections 723 and 724 to the total number of eligible institutions in subpart 4. When originally authorizing this program, the Committee intended this proportionate funding to ensure that similar levels of funding are provided to the Historically Black Colleges and Universities (HBCU) Masters program and the PBI (Predominantly Black Institutions) Masters program based on the total number of eligible institutions identified in section 723 (b) and 724 (b). For example, if eighteen institutions are eligible for the HBCU Masters program and five institutions are eligible for the PBI Masters program, the Committee intended for the HBCU Masters program to receive 78 percent of the funding and for the PBI masters program to receive 22 percent of the funding. This approach provides the most equitable divisions of appropriations with each program receiving proportionally the same amount of money per institution and encourages the stakeholders to work together to secure resources.

Other Programs

The Committee also supports efforts to provide additional funding to institutions, with infrastructure and general support, including through the Minority Serving Institution Digital and Wireless Technology Opportunity Program and the Education Disaster and Emergency Relief Loan program, as included in the Higher Education Opportunity Act. Institutions of higher education are additionally facing increasing challenges with the return of individuals from active duty service. With this in mind, the Committee supports funding for the Centers of Excellence for Veteran Student Success.

Campus-Based Aid

The Committee believes that funding for programs at the campus level is important to ensure that students continue to receive the necessary financial support to remain in school. Perkins College Loans, Work-Study, and Supplemental Educational Opportunity Grants (SEOG), have all functioned in this capacity to provide support to students. The

Committee believes these programs should remain viable in order for them to continue to support student access to higher education. Additionally, the Committee will work with the Administration to modernize the Perkins loan program as outlined in the budget.

Innovation – Competes Act

Building on the work of the 110th Congress, the Committee will continue its focus to encourage the study, improvement, and upgrade of successful innovations in education. With the support signaled by commitments from the Obama Administrations 2010 budget proposal, the Committee will continue to encourage further development of innovative education and teacher development programs.

EARLY EDUCATION

Head Start has been the premier early education program in this country for more than 40 years, serving more than 20 million children and families in that time. Its goal is to help children from very low-income families reach kindergarten ready to succeed. Head Start is a significant part of this country's effort to combat the effects of poverty and ensure all of our children have the opportunity and skills they need to thrive. The ARRA makes critical investments in early education by providing \$2.1 billion for Head Start and Early Head Start, which provides comprehensive childhood development services for low-income preschool children, infants and toddlers. This funding will expand early education opportunities for an additional 124,000 children and create 50,000 early education jobs. In addition, the ARRA provides \$900 million for IDEA early childhood services for preschool children, infants, and toddlers with disabilities.

Through hearings and legislative mark-ups during the 110th Congress, the Committee focused on early childhood as a key time to support children and families. Sixty percent of children under age six spend significant time in child care settings. Yet there is a severe shortage of affordable high-quality child care in this country, and families must struggle to find and afford good care.

Research on early childhood and brain development concludes that the first years of life have a strong and lasting impact on children's future growth. With science telling us that early childhood experiences influence the very architecture and chemistry of a developing brain, the Committee believes it is essential that we integrate this knowledge into the work we do. A dollar spent on a child's future is a dollar invested, not a dollar consumed. That's because fully nurturing, educating, and supporting young children reaps dramatic benefits as they grow up. Therefore, the Committee intends to examine policies that will support healthy early development so that children are more likely to become engaged members of our society and productive participants in our economy. During the 111th Congress, the Committee looks forward to working with the Obama Administration to increase access to high quality early childhood education throughout the United States.

CHILD NUTRITION

The Committee is dedicated to ensuring that all children have access to nutritious school meals and that income-eligible children receive these meals at low or no cost. During the first session of the 111th Congress, the Committee will examine issues to be addressed in the reauthorization of the Child Nutrition Act, including improvements in eligibility processes, enhanced nutrition standards, providing school breakfast to more children, and holistic approaches to reduce childhood obesity. The current reimbursement rate for school lunch is \$2.57; other than inflationary adjustments, the school lunch program has not seen an increase for over three decades. The President's proposed budget will allow for a substantial improvement in the reimbursement rate for school meals, and the Committee looks forward to working with the administration to ensure that children have access to healthy, affordable meals consistent with current science.

JUVENILE JUSTICE

During the first session of the 111th Congress, the Committee will work to secure adequate funding for our nation's juvenile justice programs. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) oversees, evaluates, and monitors juvenile justice throughout the country. OJJDP grant programs help reduce gang activity, assist victims of child abuse and support community-based delinquency prevention.

CHILD ABUSE PREVENTION AND TREATMENT ACT

Investigations conducted by the Government Accountability Office during the 110th Congress at the request of the Committee uncovered thousands of cases and allegations of child abuse and neglect since the early 1990's at teen residential programs, including therapeutic boarding schools, boot camps, wilderness programs and behavior modification facilities. Currently, these programs are governed only by a weak patchwork of state and federal standards. A separate GAO report, also conducted last year at the Committee's request, found major gaps in the licensing and oversight of residential programs – some of which are not covered by any state licensing standards at all. On February 23, 2009 the Committee's Stop Child Abuse in Residential Programs for Teens Act won strong bipartisan support in the House with a vote of 295 to 102. The bill will help to safeguard teens from abuse and require covered programs to keep parents informed.

NATIONAL SERVICE

Americans' interest in volunteering is at an all time high. In 2008, over 61 million adults volunteered. From 2002 to 2007, the number of volunteers across the country grew by more than a million, according to a report by the Corporation for National and Community Service. Despite these growth trends, it's been over fifteen years since Congress last reauthorized the nation's bedrock service and volunteer programs. The Committee's last action on national service took place last year. H.R. 5563, the Generations Invigorating Volunteerism and Education (GIVE) Act was reported out of Committee last summer with an overwhelming bipartisan vote of 44-0. Unfortunately,

with a 2/3rds majority required for a suspension vote, the bill came up just short of the votes required for passage during House floor action.

The first Full Committee hearing held in the first session of the 111th Congress focused on strengthening national service opportunities. The service hearing came a day after President Obama made national and community service a key part of his agenda during his first address to a joint session of Congress by urging Congress to act quickly to bolster service and volunteer programs. The President's Recovery package invests \$200 million to create more opportunities for more Americans of all generations to serve in their communities. In addition, the President's 2010 budget proposal would create 175,000 new service opportunities for Americans, expanding ways for retirees to give back to their communities, and integrating service in schools. This blueprint rightly recognizes that we can make Americans a part of the solution to the enormous challenges facing our country by harnessing their skills, experience, hope and desire to serve.

The Committee joins President Obama in making service a key part of reviving and rebuilding our country. The Committee is committed to strengthening national service programs for generations to come, and will continue its efforts to secure reauthorization of this key legislation during the 111th Congress.

LABOR PRIORITIES

During the first session of the 111th Congress, the Committee will continue to: promote workers' rights; improve workplace safety; conduct oversight on the enforcement of labor laws that are already on the books; help workers balance the demands of work and family; and look for ways to make health care affordable and accessible for everyone. The Committee wants to ensure that individuals have employment opportunities that are safe and provide a fair and just wage, and can adequately plan for their retirement.

The Right to Organize and Collectively Bargain

The Committee will continue to focus on protecting workers' rights to organize and collectively bargain. The current system by which workers may organize a union under the National Labor Relations Act is broken. Workers' inability to exercise their bargaining power has resulted in stagnant wages, widening inequality, and a middle class that is less secure and less accessible. Last Congress, the House passed the Employee Free Choice Act to address weaknesses in federal labor law and restore the right of workers to organize. In the 111th Congress, the Committee will continue to press for enactment of these and other critical labor law reforms to ensure a fair and sustainable economic recovery.

Job Training

Economists agree that a key to jumpstarting our economy is job creation. Earlier this month major U.S. corporations announced another 75,000 in job cuts, adding to the 2.6 million jobs our economy has lost in the last year. The ARRA will start rebuilding our

economy immediately by creating or saving 3 to 4 million jobs – including hundreds of thousands of jobs in the education sector – and provide workers with the training and skills they need to succeed in green and other high growth industries. Specifically, the ARRA provides over \$4 billion to prepare adult, youth and dislocated workers for green jobs, and other high demand industries. In addition, with youth unemployment at record high levels, the ARRA includes \$1.2 billion to create job opportunities for younger Americans, including summer jobs. Now more than ever, the nation’s job training programs must be improved to give workers the skills and training they will need as the economy starts to recover. During the first session of the 111th Congress, the Committee will work toward reauthorizing the Workforce Investment Act.

Guestworker Programs

During the first session of the 111th Congress, the Committee will continue to conduct oversight to encourage the Department to protect the rights of both U.S. workers and foreign workers in temporary guest worker programs with histories of abuse, like H-2A and H-2B. In addition, the Committee will review the Department of Labor’s regulations that would drastically lower wage rates and minimum housing standards for foreign guestworkers, as well as allow employers to hire foreign workers without having to first recruit U.S. workers in any meaningful way and without meaningful government oversight.

International Labor

As the American economy has become more globalized and the United States has entered into more multilateral and bilateral trade agreements, the labor standards of other countries have an increasingly direct impact on American workers. The Department of Labor’s performance in meeting its obligations to protect U.S. labor standards, as it is tasked via statute and trade agreements, is in dire need of review and oversight. During the 111th Congress, the Committee will work to ensure that the Department’s oversight and activities in this area are adequately funded and staffed in order to effectively carry out the Bureau’s mission.

Employment Standards – Wage and Hour Protection

Seventy years after passage of the Fair Labor Standards Act, wage theft remains a disturbing and unacceptable problem in the U.S. – workers not being paid their wages, not being paid overtime pay, or otherwise being misclassified by their employers as exempt from coverage under the Act. The Committee remains committed to ensuring that there is a greater emphasis on effective enforcement of the law at the Department’s Wage and Hour Division, which includes a commitment to adequate funding and staffing of investigators and other enforcement staff in the field. Other offices within the Employment Standards Administration, such as the Office of Federal Contractor Compliance Programs, are of similar concern.

Family and Medical Leave Act

Working families face enormous challenges especially in a weak economy. In most families two breadwinners are needed to make ends meet. However, without job protections or income support, an illness or family emergency can destroy a family’s

ability to survive. Over fifteen years ago, Congress enacted the Family and Medical Leave Act (FMLA) to enable workers to take unpaid leave upon the birth or adoption of a child or in cases of a serious health condition. Over 50 million workers have used FMLA, but the FMLA does not cover all workers or address all family needs. Numerous proposals have been introduced in Congress to provide additional needed protection to working families, including paid sick days, paid family leave, expanded FMLA, etc. The Committee intends to consider legislative proposals that improve the job security and productivity of working families.

Mine Safety and Health Administration (MSHA)

The Committee believes funding for this agency should be increased on an annual basis by the Congress to ensure it could perform all of the mandatory inspections required by law. Last year, the Committee expressed concern that MSHA funds may be inadequate to perform other critical duties, in particular reviewing critical mine operator roof control plans. The Committee is currently investigating whether MSHA failures in this regard played a significant role in the August 2007 disaster at the Crandall Canyon mine in Utah. The Committee also expressed concern about the ability of MSHA to complete rulemaking in a timely fashion. The Committee reiterates that MSHA performs critical duties that go beyond mandatory inspections, and urges that the budget and appropriations adequately reflect these needs.

Occupational Safety and Health

OSHA's mission, as defined in its authorizing legislation, is to assure so to the extent possible, every working man and women in the nation have safe and healthful working conditions. This program is particularly important for immigrant workers who suffer a high number of injuries and fatalities. During the first session of the 111th Congress, the Committee will continue to work towards ensuring the Department improves workplace safety and health through compliance assistance and enforcement of occupational safety and health regulations and standards.

National Institute for Occupational Safety and Health (NIOSH)

This agency performs critical scientific and technical research for both MSHA and OSHA. While the agency has received funding boosts specifically in connection with activities associated with the development of new mining technologies mandated by the MINER Act of 2006, critical parts of this work remain in need of continued funding, in particular work to develop improved electronic communication and tracking systems for underground mines. The Committee believes renewed attention must be given to restoring funding for the development and updating of recommended exposure limits by NIOSH. While some private sector organizations do such work, none has as much credibility as those put out by a Federal agency. The S-MINER Act passed by the House of Representatives would give added status to such recommendations in MSHA rulemaking.

Employment Standards Administration – Office of Labor-Management Standards

Under the Bush Administration, the Department of Labor repeatedly shifted scarce budget requests from other labor programs, such as health and safety and wage and hour

enforcement, to the Office of Labor-Management Standards, which collects, publishes, audits, and investigates labor union finances. Additionally, regulatory changes by the Department of Labor regarding labor union financial reporting and disclosure requirements have dramatically increased the accounting and paperwork burden on labor unions. During the first session of the 111th Congress, the Committee will work to ensure resources benefit workers' welfare and effectively serve the purpose of the Labor Management Reporting and Disclosure Act.

Employee Benefit Security Administration (EBSA)

More than 17 million Americans depend on employer-provided benefits for their health care and retirement security. These two key areas – health care and retirement – are undergoing rapid change. The Committee believes that EBSA needs to do more to protect workers' benefit promises. The Congress must begin to grapple with our growing health care crisis and protect workers' retirement security. Last year, the Committee passed legislation to protect workers' genetic information from employer and health plan discrimination and to expand access to mental health benefits. During the first session of the 111th Congress, the Committee intends to remain active on preserving health care and retirement security.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

The Equal Employment Opportunity Commission (EEOC) plays a critical role in promoting equal opportunity in the workplace and enforcing federal laws prohibiting employment discrimination. The Committee remains concerned about persistent reports of case backlogs that leave workers vulnerable to discrimination. The Committee believes the federal response to workplace discrimination should be timely and effective, and the EEOC budget and the use of its budget should be designed to accomplish that goal.

NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board administers federal labor law for much of the private sector, including enforcing employees' fundamental human rights to organize and collectively bargain. The Committee is concerned that the underlying National Labor Relations Act, already unacceptably weak in the face of modern union-busting tactics, is vulnerable to further weakening by any Board not committed to the Act's mission. The previous Bush Board took advantage of this vulnerability, and American workers suffered as a result. In numerous decisions, the Bush Board dramatically decreased the Act's coverage, and overturned longstanding precedent to eliminate workers' rights and grant employers new powers in fighting organizing drives. Rationales for these rulings feature inconsistencies that render them transparently results-oriented. Additionally, the Committee is concerned about the Board's commitment to maintaining an experienced and well-trained staff. During the first session of the 111th Congress, the Committee will continue its oversight of this critical agency and its approach to carrying out its responsibilities, which include ensuring that the Act is a viable and relevant mechanism for enforcing workers' rights in a changing 21st Century economy.

CONCLUSION

Members of the Committee on Education and Labor are committed to working closely with the Obama Administration and the Budget Committee to ensure that the FY 2010 budget process provides our country with a fiscally responsible blueprint that will put us back on the path towards adequately funding our nation's education and workforce demands.

Republican Views and Estimates for FY 2010
Committee on Education and Labor
111th Congress, 1st Session
March 13, 2009

The beginning of each new budget cycle is a reminder that the first responsibility of policymakers in allocating the federal budget is to act as good stewards of taxpayers' hard-earned dollars. At no time in recent memory has that principle borne more importance than it does today. America is in the midst of an economic crisis the likes of which we have not seen in decades. Every decision must be undertaken and understood within this context, including the budgetary and policy decisions that impact America's educational system, our workforce, and our retirement system.

Republican members of the Education and Labor Committee support effective investments in programs that ensure every child in America is afforded the highest quality education and that every worker is free to pursue the American Dream. In a time of ongoing war and nearly unprecedented worldwide economic insecurity we believe fiscal responsibility is of the utmost importance, adding urgency to the call for the reduction of wasteful government spending, unnecessary new programs, and bureaucratic federal mandates.

President Obama has put forward a blueprint for the FY 2010 fiscal year that raises serious questions about our shared commitment to fiscal responsibility. Republicans are particularly troubled by what appears to be a pattern of greater government involvement fueled by higher taxes and deeper deficits. At a time when middle class families are fearful of losing their jobs and their homes, Congress should focus on pro-growth policies that foster innovation and job creation, promote American competitiveness, and enhance economic freedom. We must also be mindful that the debts we incur today will be paid for by future generations. For that reason, it is particularly important that we weigh any benefits of new and expanded federal spending against the heavy long-term costs that such spending would impose on our children, grandchildren, and great-grandchildren.

The Committee on Education and Labor oversees programs that impact Americans of every age and economic level. Committee Republicans recognize that education and workforce policies are intricately linked, with both playing a pivotal role in our nation's ability to compete on the international stage. We are focused on strengthening American competitiveness both at home and abroad and preparing America's workers for the challenges of a 21st century economy. The American education system can become more competitive by adhering to the principles of accountability, state and local flexibility, parental choice, and funding for what works. The American workforce can become more competitive and more productive by promoting education and job training for high-demand fields, cutting red tape, breaking down barriers between business and education, and helping build a workforce for the future. We encourage our Democratic colleagues to pursue an agenda focused on these priorities.

EDUCATION PRIORITIES

Republicans will continue to advance fiscally responsible reforms in the Committee on Education and Labor to improve educational opportunities from elementary and secondary education through higher education and beyond. With a bold vision for education reform, we have worked to close the achievement gaps in our nation's schools for all students, expand state and local flexibility, empower parents with educational choices, hold programs and schools accountable for increasing student academic performance, and keep college affordable. In a changing marketplace increasingly driven by technology, competition, and knowledge, Republicans are working to build on vital reforms that were set in motion during the past decade -- pressing for constant improvement in education and modernization of outdated federal rules that stifle freedom and innovation. Committee Republicans respectfully offer the following recommendations to the House Budget Committee for its consideration during the FY 2010 budget deliberations.

Strengthening K-12 Education through Accountability and Parental Empowerment

Reforming Elementary and Secondary Education

The Elementary and Secondary Education Act (ESEA) – last reauthorized as the No Child Left Behind Act (NCLB) – supports the efforts of states and school districts in narrowing the academic achievement gap between disadvantaged students and their peers. Republicans support reform and renewal of this law, and believe it will be most effective as a means to improve educational opportunities for disadvantaged children while maintaining the autonomy and authority of local communities. Consistent with that viewpoint, we are committed to the law's unprecedented opportunities for parental empowerment, giving parents, especially those with children in schools not making adequate yearly progress toward academic achievement, more choices to move their students to higher performing elementary and secondary schools. We have also supported, and continue to support, giving state and local officials additional flexibility to help them tailor programs to better meet their students' unique needs and priorities.

As the 111th Congress gears up to reauthorize the ESEA, Republicans will work to ensure that we hold states, schools, and school districts accountable for increasing student achievement and ensuring that students are able to read and perform math skills upon graduation from high school. We will push for policies that put parents in the primary role of decision making when it comes to their child's education, including giving parents the option and the resources to send their sons or daughters to better performing schools. We will also call for continued growth of successful charter schools and the freedom to home school. Republicans will also introduce and support legislation to give states and school districts greater flexibility in how they spend federal funds to allow them to better and more accurately target what students need to achieve. We will support reducing the massive amount of paperwork that it currently takes to comply with federal education mandates and reduce the regulatory burden imposed on state and local officials to help them focus on preparing students for success.

Continuing the Successful DC Opportunity Scholarship Program

Republicans remain strongly committed to giving families more educational choices and believe that parents should be able to choose to send their children to higher performing public or private schools if the school they are enrolled in fails to provide a quality education. Empowering parents with greater school choice is a key component in the fight to ensure students are receiving a quality education. During the recent campaign, the President spoke eloquently about the issue of parental empowerment in education, saying that he believes we should:

“...foster competition within the public school system. Let's make sure that charter schools are up and running. Let's make sure that kids who are in failing schools, in local school districts, have an option to go to schools that are doing well.”

On potential school choice legislation, he stated:

“If there was any argument for vouchers, it was, ‘Let’s see if it works.’ And if it does, whatever my preconception, you do what’s best for kids.”

It is for this reason that Republicans are dismayed that the new Administration has remained on the sidelines when it comes to preserving the successful D.C. Opportunity Scholarship program that was first implemented in the District of Columbia in 2004. This groundbreaking program has helped thousands of low-income students attend the school of their choice. Republicans remain committed to funding and supporting this successful program. Under the program, low-income families are provided scholarships of up to \$7,500 per student per school year so that they may attend a participating nonpublic elementary or secondary school in the District of Columbia. The program currently assists more than 1,700 students, whose families have an average annual income around \$22,736, attend high quality schools. Without this innovative program, these students would be forced to attend public schools, many of which are deemed to be in need of improvement under the requirements of the No Child Left Behind law. The success of the program is also demonstrated in the overwhelming demand: the waiting list to obtain a scholarship is over 7,000 children.

Unfortunately, the FY 2009 Omnibus Appropriations bill includes language added by Senator Dick Durban (D-IL) that effectively phases out this successful choice program by requiring both the U.S. Congress and the D.C. City Council to take steps to authorize the program before any funds can be used for scholarships after the upcoming school year. The *Washington Post* recently described the provision this way: “It is a seemingly innocuous requirement. In truth it is an ill-disguised bid to kill a program that gives some poor parents a choice regarding where their children go to school.” Republicans are committed to reauthorizing the D.C. Opportunity Scholarship program and hope that the Administration and congressional Democrats will join us in providing parents in the District of Columbia with the opportunity to choose a public or private school that best meets the needs of their children. We also urge the Administration and the House Budget

Committee to fully fund the D.C. Opportunity Scholarship program and to repeal the Durban language inserted in the FY 2009 Omnibus Appropriations bill.

Maintaining Support for the Teacher Incentive Fund

Committee Republicans strongly support rewarding teachers who excel at educating America's students. Research has shown demonstrated improvements in student achievement for those schools that have been able to implement performance pay mechanisms. Expanding successful programs such as the Teacher Incentive Fund will provide even more school districts with the opportunity to implement innovative compensation systems that improve student performance. The Teacher Incentive Fund is helping to break down the status quo and make it clear that Americans value teachers and principals who are working to improve student achievement. This program encourages states and school districts to develop and implement innovative ways to provide financial incentives for teachers and principals who raise student achievement and close the achievement gap in our nation's high need schools. The Teacher Incentive Fund was first funded at \$99 million in FY 2006 and received \$97.3 million in FY 2008. It is set to remain funded at this level in the FY 2009 omnibus bill.

Republicans were encouraged to see that the President's FY 2010 budget proposal called for additional accountability for teachers and principals. We were also encouraged by the proposal to reward high quality teachers with performance pay. We urge the House Budget Committee to build on the foundation of the last several years and call for a strong investment of at least \$200 million in funding for the Teacher Incentive Fund.

Restoring Funding For the Reading First Program

Republicans strongly support funding for the Reading First program, which focuses on implementing proven methods of early reading instruction in classrooms. Through Reading First, states and districts receive support to apply scientifically based reading research — and the proven instructional and assessment tools consistent with this research — to ensure that all children learn to read on grade level by the end of third grade. Results from the program are clear. Nationally, the percentage of third graders in Reading First schools scoring proficient on state reading assessments has grown nearly eight percent, much faster than overall growth. In addition, state-reported performance data released last year indicates impressive gains in reading comprehension, with improvements seen by nearly every grade and subgroup of students. Twenty-eight of 37 states that reported data experienced an increase in the percentage of students proficient in reading comprehension. Recent reports by the U.S. Government Accountability Office (GAO), the Inspector General, and the Center on Education Policy have all found widespread support for the program among the states. In one Center on Education Policy report, 97 percent of Reading First school districts said that the program was an important or very important cause for increases in students' reading scores.

Unfortunately, congressional Democrats have targeted the program for elimination because of a series of reports from the Department of Education's Inspector General in

late 2006 and early 2007 documenting management errors by the Department in the early implementation of the program. Republicans believe that program mismanagement and misuse of taxpayer dollars is unacceptable, and that's why we acted swiftly to correct these deficiencies and ensure the program would continue to serve students. In fact, it has been more than two years since the Department implemented all of the Inspector General's recommendations for improving oversight of the program; actions that the Inspector General has stated addressed his concerns. Yet despite the clear efforts to reform the program's management, Democrats continue to point to mismanagement as the reason they have defunded the program.

Democrats also point to the findings included in the "Reading First Impact Study: Final Report" conducted by the Institute for Education Sciences (IES) as their reasoning for eliminating the program. While the study did find that Reading First had limited effect on reading comprehension among participating first, second, and third graders, the report also found that the program helped students acquire decoding skills (identifying letters and words) and produced positive and statistically significant impacts on the amount of instruction time spent on the five essential components of reading instruction promoted by the program, including professional development in scientifically based reading instruction (SBRI), support from full-time reading coaches, amount of reading instruction, and supports available for struggling readers.

Republicans believe that Reading First is working in states and schools all around the country. We urge the Administration and the House Budget Committee to restore the previous \$1 billion funding level for the Reading First program so that disadvantaged students and students with disabilities receive the tools that they need to be able to read and succeed in middle and high school.

Expanding College Access, Ensuring the Integrity of Federal Financial Aid

Retaining the Federal Family Education Loan (FFEL) Program

Committee Republicans are deeply troubled by the proposal included in the President's FY 2010 budget to eliminate the Federal Family Loan (FFEL) program. The FFEL program, in existence for more than four decades, has a strong record of making students' dreams of a college education possible. The program provides approximately \$60 billion in federal student loans to students attending over 4,400 institutions each year. Eliminating this public-private partnership now will cost the country more than 30,000 current jobs, and will have a ripple effect on thousands more. Committee Republicans do not believe this is a prudent path to pursue, especially during these tough economic times.

Currently, institutions of higher education are able to choose between the Direct Loan (DL) program, through which their students borrow directly from the federal government, and the FFEL program, which gives their students a choice of lenders. The DL program reached its peak in 1998 when it encompassed 34 percent of the market. Since that time, schools have migrated away from the program to the extent that only 20 percent of total loan volume was in the DL program last year. Republicans recognize that each program

will see its share of total loans fluctuate over time, and with changing circumstances. For instance, there has been a modest increase in DL volume recently, attributed to the current economic situation. In prior years, volume has shifted from DL to FFEL because of concerns about borrower benefits, customer service, or infrastructure. These shifts, representing a choice by institutions of higher education, are made possible by the existence of two programs that compete with and improve one another.

Colleges and universities and their students also benefit from individualized services and programs made possible by the diversity of FFEL program participants. A one-size-fits-all, Washington-based solution would jeopardize the ability of institutions of higher education to tailor programs that best fit their students' needs.

In talking to institutions that have been in and out of the DL program, Committee Republicans have learned that it could take up to nine months for a single institution, with plenty of staff, to be ready to issue its first loan. We have also learned that the cost to institutions of switching programs could be as much as \$400,000 for staffing costs, system changes, updates, and other infrastructure modifications. With colleges and universities already struggling to meet their expenses and maintain high quality educational programs, Committee Republicans question a proposal that would force schools to spend significant time and money to switch into a program that they have rejected in the past.

Some proponents of the DL program have argued that the FFEL program should be eliminated because the federal government recently intervened to ensure the program's stability amid the global credit crisis. And it is true that, for the first time in the history of the FFEL program, the federal government did intercede in 2008, as it did with all of the financial sectors. However, this intervention is only temporary. Additionally, it is worth noting that the action taken to stabilize the FFEL program and ensure students would have uninterrupted access to student loans was the *only* effort that has not cost the federal government a dime and may have actually earned money for the government. Once the markets have returned to their normal activity, the successful public-private partnership that has been in existence for over 40 years will resume.

The proposed elimination of the FFEL program also ignores the fact that private sector involvement in student lending has served as a vital backstop, particularly when the DL program has been unable to fully serve students. For example, in 1997, Congress was forced to intervene and pass legislation to assist the DL program in handling a significant increase in consolidation loan volume by allowing private providers to offer those services to students. At that time, the DL program had less than 40 percent of student loan volume. Yet even with the DL program's failure to fulfill its obligation to students at that time, the Clinton Administration and Congress did not propose to eliminate that program because these challenges were perceived as temporary. This experience underscores the belief that healthy competition between the private-sector-led program and the federal government's program is beneficial to both programs and enhances the ability of students to receive low-cost student loans.

Rather than hastily eliminating the FFEL program, Committee Republicans would welcome an opportunity to have a thoughtful and deliberate conversation with all interested stakeholders about an alternative model to continue with a successful public-private partnership that better fits with the advancements we have made since the program's inception. For the past two reauthorizations of the Higher Education Act, Committee Republicans and Democrats have agreed to set aside partisan differences in order to examine the student loan programs in terms of what is best for students. Committee Republicans believe a similar dialogue could lead our efforts in developing a new model for the FFEL program and, possibly, a new, simpler model for the student financial aid programs overall. Committee Republicans urge the House Budget Committee to retain funding for the FFEL program while this effort continues.

Ensuring Taxpayer Dollars Are Spent Effectively and Efficiently

Committee Republicans strongly support strengthening the monitoring and administrative controls at the U.S. Department of Education to ensure that taxpayer dollars are spent effectively, efficiently, and in the best interests of students and parents. With the recent passage of the American Recovery and Reinvestment Act (ARRA), which provided nearly \$100 billion to states, school districts, and institutions of higher education to assist them in meeting their budgetary challenges, we believe that Congress must be vigilant in monitoring and oversight of this unprecedented taxpayer investment.

In numerous reports stretching back more than a decade, the U.S. Department of Education's Office of Inspector General (OIG) has raised concerns over the Department's existing monitoring and oversight of certain programs. For instance, the OIG has stated that it "...continued to identify programmatic weaknesses in Departmental monitoring of SEAs and/or SEA monitoring and oversight of LEAs in nearly all of our audits related to the ESEA..." It also found that, while the Department had taken steps to improve its state monitoring and oversight system, these efforts were not coordinated across all programs. In light of these challenges and the fact that the new State Fiscal Stabilization Fund lacks any fiscal controls, established formulas, or other provisions in place to ensure that the funds are properly spent, Republicans believe we must conduct rigorous oversight of the Department's actions and ensure that they have procedures in place such that these taxpayer dollars are closely monitored and effectively spent.

Committee Republicans are committed to eliminating wasteful spending and restoring fiscal discipline. To help accomplish that goal, Committee Republicans recommend the elimination of failed, redundant and excessive education programs. Many education programs throughout the budget are duplicative of other, larger federal programs. Others have been recommended for elimination after national evaluations deemed them ineffective or without demonstrated results. Some programs remain on the books despite having never been funded by Congress. In addition, many of the programs that fall into these categories are highly restrictive, serving only a limited group of students, or do not constitute an appropriate role for the federal government. Republicans believe that federal education dollars should be focused on programs that put students first. We

believe that means supporting programs that will serve students today without saddling them with overwhelming debt tomorrow.

Rejecting New Entitlement Spending

Committee Republicans are deeply troubled by the new entitlement spending included in the President's FY 2010 budget blueprint. Budget experts agree that "auto pilot" entitlement spending programs – those that are not subject to annual review by congressional appropriations committees – pose the largest threat to our long-term economic health. Yet rather than reining in existing entitlement accounts, the FY 2010 budget proposal creates entirely new, unchecked entitlement spending on initiatives that have historically been funded through the discretionary process that affords the utmost congressional oversight.

For example, in the recent Higher Education Act reauthorization approved by Congress was a new pilot program to increase college persistence and success. The bill also included a number of programs to ensure students are prepared to meet the challenges presented by a college education. Rather than recommending appropriated funding for any of these congressionally created programs, however, the President's budget instead recommends a new entitlement program called the College Access and Completion Fund that is estimated to cost \$2.5 billion in entitlement spending over the next five years.

Committee Republicans are also concerned about the shift of the Pell Grant program from the discretionary side of the budget to the entitlement side. We have a strong record of support for the Pell Grant program, and we are concerned that this change will significantly reduce Congress' ability to monitor funding and conduct proper oversight for a program that has grown rapidly over the last few years and will likely continue to grow in these difficult economic times.

In addition, it is worth noting that entitlement programs are historically more difficult to reform. For example, up until the 109th Congress, federal student loan limits had remained essentially stagnant since 1986. Committee Republicans fear that moving the Pell Grant to the entitlement side of the budget will eliminate current flexibility in the program, as well as the ability of Congress to react to changing student needs. The Higher Education Act reauthorization bill contained a number of extremely important changes, such as year-round Pell Grants and providing full Pell eligibility to a student whose parent died while fighting for our country. These important improvements to the Pell Grant program may not have been possible had it been an entitlement program.

According to the President's Budget Blueprint, the upcoming budget will also create a new Nurse Home Visitation program proposed for entitlement spending that totals over \$8.6 billion over the next 10 years. While some home visitation programs have been shown to increase school readiness and promote positive parenting practices, Committee Republicans remain concerned about committing entitlement spending to such a program that would typically be created on the discretionary side of the budget ledger, subject to the annual review of the appropriations committees, and subject to frequent oversight and

reauthorization by the appropriate authorizing committees of jurisdiction. We urge the House Budget Committee to reject new entitlement spending for this activity.

Similarly, the budget blueprint includes a proposal to create a new trigger mechanism which would provide automatic increases in the Low-Income Home Energy Assistance Program (LIHEAP) whenever there is a spike in energy costs. The budget estimates this will cost \$4.3 billion over the next 10 years. Currently, unexpected energy cost spikes are dealt with through the use of a LIHEAP contingency fund, from which dollars are drawn upon a presidential declaration of an emergency. We believe that there may be a way to reform the contingency fund release process that will result in faster allocation of funds to adversely-affected areas without creating new entitlement spending for a program that has never had such a funding structure in its history.

Committee Republicans believe that we should thoughtfully consider comprehensive budget reform prior to adding massive new entitlement spending during unstable economic times. Our nation's heavy debt is already fueled primarily by the skyrocketing growth in entitlement spending. The national debt eats away ever increasing percentages of our country's budget and will make it more difficult for future generations to continue to enjoy the same standard of living that we do today. We urge the House Budget Committee to reject new entitlement spending.

WORKFORCE PRIORITIES

Protecting Employee Choice and Freedom from Intimidation under the National Labor Relations Act

Committee Republicans remain deeply concerned with efforts by congressional Democrats and organized labor to forsake the sanctity of the secret ballot organizing election under the National Labor Relations Act (NLRA) in favor of recognition schemes susceptible to employee coercion, intimidation, and harassment. Congressional hearings have demonstrated the flaws inherent in these schemes, while at the same time highlighting organized labor's increased use of high-profile, high-pressure organizing tactics in the face of dwindling membership and influence. More important, the American public recognizes and rejects this attempt, indicating by an overwhelming margin their opposition to the elimination of the secret ballot.

In the last Congress, Committee Republicans were particularly troubled by the haste with which House Democrats took up the misnamed *Employee Free Choice Act*, H.R. 800. Rather than pursuing legislation that strips workers of their right to private-ballot elections when determining union representation, the Committee should instead explore legislative proposals to ensure that the right of employees to choose union representation or not to choose such representation, free from coercion or intimidation, is fully protected.

Committee Republicans remain steadfast in their opposition to the *Employee Free Choice Act*, and urge Members on both sides of the aisle, in both chambers to reject this fundamentally-flawed assault on workers' rights.

Improving Health Care Affordability, Quality and Access

Committee Republicans remain dedicated to the goal of making health care insurance more affordable for all Americans. Committee Republicans are deeply concerned about the rising costs of health care premiums for the approximately 162 million workers and their families who receive their health insurance through their employer. Private health care insurance is largely regulated through the Employee Retirement Income Security Act (ERISA), which provides minimum standards for health plans and preempts individual state legislative health care insurance mandates. For more than 30 years, the current ERISA structure has permitted employers, on a voluntary and nationwide basis, to design high quality, affordable and uniform health care plans that are uniquely tailored to the needs of their workers and families across the country. The vast majority of employees enjoy their health care benefits and many employers want to continue to play a role in providing such benefits; however, any erosion or elimination of ERISA would lead employers to drop coverage, which would result in more uninsured individuals and increase the burdens on the country's health care system. The Committee, as part of ongoing health care reform efforts, should continue to support the current ERISA structure, and expand the ability of employers to provide coverage through the creation of Small Business Health Plans, which will permit businesses to pool resources and provide more individuals with access to quality, lower-cost health care.

Health Care Costs and Reform

Health care costs, and the corresponding cost of providing health care insurance, continues to dramatically increase every year. Cost growth for employer-provided health benefits over the past five years was approximately double the rate of overall inflation, and average monthly health care insurance premiums increased approximately 60 percent between 2000 and 2006. Although they have moderated somewhat in recent years, these costs continue to increase at unsustainable rates. Rising costs continue to force both employers and employees to shoulder greater financial burdens. Committee Republicans will continue to evaluate health care reform proposals with rising costs in mind.

The President's budget proposal proposes the establishment of a \$634 billion health reserve fund meant to serve as a "down payment" on health care reform, with additional spending to be determined at some future date. The reserve fund is paid for with a roughly equal combination of tax increases and health care-related spending cuts. Committee Republicans stand ready to work with the President and congressional Democrats to enact meaningful health care reform that reduces health care costs, improves quality, and expands access to coverage and services. However, simply raising taxes – particularly in a time of economic crisis – and throwing more money at the health care system will do little to lower costs, improve quality, or expand access to coverage and care.

In 2005, the House passed, with the support of 36 Democrats, the *Small Business Health Fairness Act*. This bill authorized the creation of Association Health Plans, otherwise known as Small Business Health Plans (SBHPs), which would allow small businesses to band together through associations in order to purchase health insurance at a lower cost. The bipartisan bill would increase small businesses' bargaining power with health care providers and insurers, would give small businesses the freedom from costly state insurance benefit mandates, and would lower their overhead costs by as much as 30 percent. These are benefits already enjoyed by larger businesses and labor unions because of their larger economies of scale. The bill would significantly lower costs, increase affordability and reduce the number of uninsured Americans by enabling *bona fide* trade associations the ability to offer uniform health plan coverage nationwide to their members, their employees and families. SBHP legislation was introduced in the 110th Congress, but the Majority took no action on this legislation. In the context of broader health care reform efforts, the Committee should work with the President to enact legislation authorizing SBHPs.

Also, the Committee should carefully consider the impact of efforts to enact federal coverage mandates on employer-sponsored health care coverage, and reject efforts to undermine the federal ERISA system or proposals that result in unjustifiable cost increases. In general, a mandate serves as a directive to an employer health plan to include coverage for certain health care services and increases the cost of insurance coverage. Individuals who have no need for the benefit end up paying for the cost of mandated coverage. Mandates undermine the ability of private health plans to provide individuals with innovative, flexible, high-quality, cost-effective coverage. A proliferation of federal coverage mandates would make it increasingly difficult to develop workable solutions to reduce health care cost growth and increase the number of Americans with health care coverage. Further, although individual states can be innovators in providing new health care coverage arrangements to their citizens, such coverage should not be provided at the expense of ERISA-based health plans, and should not undercut the federal ERISA structure that permits national delivery of affordable, high-quality health care coverage for millions of Americans. The Committee should instead consider legislative proposals, like SBHPs, that build upon and strengthen the ERISA structure.

Monitoring and Assessing the Family and Medical Leave Act

This year marks the 16th anniversary of enactment of the Family and Medical Leave Act (FMLA). As employers and employees near almost two decades of experience with the law, the Committee should review the requirements of the FMLA, examining areas where the Act has worked as intended, and where it may have failed to do so. With bipartisan support, the 110th Congress expanded the FMLA to provide important new leave benefits for our armed forces, reserves, and family members. Committee Republicans commend the Department of Labor for issuing regulations to implement these provisions, and for proposing the first revision of FMLA regulations in the Act's history, clarifying issues that have arisen under the Act, its regulations, and its interpretation by various courts. In

this Congress, Committee Republicans will focus their efforts on oversight of both pre-existing and new leave provisions of the FMLA, and will support efforts, legislative and otherwise, to ensure that the FMLA effectively reflects the needs of the 21st Century workplace. At the same time, Committee Republicans will be vigilant with respect to any proposal that would impose costly and onerous new burdens on employers, particularly those that would mandate the provision of paid leave.

Retirement Security for Workers and Their Families

Committee Republicans remain dedicated to the goal of enhancing retirement security, with continuing attention to both employer-sponsored defined benefit and defined contribution pension plans. Building upon the enactment of the landmark *Pension Protection Act of 2006*, the Committee should continue to work to ensure pension security for all Americans by expanding coverage for a greater number of workers, creating flexibility in the voluntary private pension system, and encouraging adequate funding in order to meet workers' retirement needs.

At the same time, Committee Republicans are mindful of the dramatic impact the 2008 economic downturn has had on retirement savings in all retirement vehicles. For these reasons, Committee Republicans supported legislation in 2008 to adjust key provisions of the *Pension Protection Act* and other retirement laws to reflect the challenges presented by the historic and unanticipated financial climate.

Committee Republicans remain committed to supporting policies that will help Americans rebuild their hard-earned savings as quickly as possible, while ensuring that the federal government does not hinder those efforts toward recovery. Committee Republicans will also work to preserve and improve our private pension system, while opposing proposals that seek to replace that system with one run by the federal government. In short, Committee Republicans will support efforts to maintain the viability of our private-sector pension system, and stand ready to ensure that our nation's pension laws meet both that short- and long-term economic challenges that confront employers and their workers.

Supporting Job Training Through the One-Stop System

Republicans are committed to a dynamic, results-oriented job training system that can effectively serve job seekers and workers in need of retraining. In order to strengthen the lagging economy, Republicans believe Congress should develop new strategies and identify innovative ways to meet the needs of our nation's workers and businesses.

The nation's primary assistance for unemployed and underemployed workers is authorized through the Workforce Investment Act of 1998 (WIA). Congress passed WIA in 1998 to reform the nation's job training system that had been fragmented, contained overlapping programs, and did not effectively serve job seekers and employers. The authorization for WIA expired on September 30, 2003; while the ranks of the unemployed continue to grow, it is vitally important that WIA be reauthorized now.

Republicans will continue to work to improve job training opportunities for Americans striving to get back to work by streamlining unnecessary bureaucracy, fostering economic development, expanding employment and advancement opportunities for workers, and promoting the creation of high-skill and high-wage opportunities so that we can compete in the global economy. The nation's workforce investment system must be reauthorized and reformed so that it can respond quickly and effectively to the changing needs of job seekers. Increasing the skill level of the nation's adults and youth is central to Congress' effort to improve the economy.

While the American Recovery and Reinvestment Act provides \$3.95 billion to the Department of Labor for job training and employment services authorized under WIA (more than double the program's current funding levels), the entirety of the funding must be obligated by 2010. This means that these dollars can only be spent on non-recurring programs, and that programs with ongoing needs may have difficulty sustaining services after the stimulus dollars have been expended.

Committee Republicans remain concerned that the Democrats' failure to reauthorize the Workforce Investment Act in a timely fashion has left key job training programs vulnerable to funding concerns and rescissions through the appropriations process. For example, the FY 2008 Appropriations bill included a \$250 million rescission of unspent but obligated funds from FY 2005 and FY 2006. It is clear that each year that WIA is not reauthorized, the program becomes more vulnerable to raids on its funding, which weakens the overall effectiveness of these proven job training programs. We are hopeful that reauthorization of WIA will occur this year, and therefore urge the House Budget Committee to include sufficient funding to maintain this successful system.

Guest Worker Programs

As the Committee continues its oversight of temporary guest worker programs, Committee Republicans would encourage Committee Democrats to support the Department of Labor's recently-revised regulations making key processing improvements to the H-2A and H-2B programs, streamlining the application process and worker recruitment time frames, and instituting new requirements designed to discourage abuse and violations. Committee Republicans believe that the Department has made meaningful progress to update these programs and make them relevant and useful for employers and workers alike, and hope the Committee will support the Department's efforts to implement these important reforms.

Modernizing the Fair Labor Standards Act

Numerous hearings held by the Committee over the past several years demonstrated the need to update the 1938 Fair Labor Standards Act's regulatory scheme. In response to the clear need for reform, the Bush Administration undertook a historic initiative to update that regulatory scheme and ensure the regulations reflect the intent of Congress and the realities of a 21st century workforce.

The updated regulations have provided a catalyst for compliance and helped to ensure that the law is more relevant for today's workforce. In addition, the changes have helped to clarify workers' rights to overtime, assisted employers in determining how to pay their employees, and assisted the Department of Labor in its enforcement of these important workplace protections. Committee Republicans believe the Department of Labor should continue efforts to utilize a combination of strong and effective targeted enforcement, technical assistance, and education to promote and encourage compliance under the FLSA.

In addition, as the Committee continues its focus on ways for employers to provide more family-friendly workplaces, Committee Republicans believe the Committee should place a high priority on looking at ways to eliminate impediments within the FLSA, which prevent employers and employees from working out mutually beneficial and innovative arrangements regarding compensation and flexibility in work schedules. In particular, flexible compensatory time arrangements would help many employees in their attempts to achieve a better balance between work and family obligations.

Reforming the Federal Employees' Compensation Act

Committee Republicans support efforts to improve the administration and management of the Federal Employees' Compensation Act (FECA). In particular, the Committee should examine ways to improve overall FECA program management, simplify certain administrative aspects, and strengthen the integrity of the program. Committee Republicans are committed to working with the new Administration to identify areas to improve the efficiency of the workers' compensation program for federal employees, while ensuring that the program is responsive to the needs of injured federal employees.

Enhancing Workplace Health and Safety

Committee Republicans continue to recognize that a business has no greater asset than its employees. As such, Republican Committee Members remain committed to pursuing policies that will encourage and allow employers to provide their workers with a safe and healthy work environment – including policies that promote cooperative programs between employers, employees, and the federal government.

Occupational Safety and Health Administration

The Committee should work with the Obama Administration to improve the performance of the Occupational Safety and Health Administration (OSHA) by promoting health and safety in the workplace through increased compliance assistance for employers, in addition to targeted enforcement initiatives. According to the Department of Labor, the occupational injury and illness rate has declined every year since 2003. The Committee has long supported the Labor Department's cooperative approach toward reducing worker injuries and illnesses, which has been coupled with vigorous enforcement. To this end, Committee Republicans are concerned that the Administration's FY 2010

budget proposal ignores the successful progress made through OSHA's cooperative programs – programs that provide compliance assistance to employers and employees, particularly small businesses – and instead relies on an adversarial “gotcha” mentality.

Mine Safety and Health Administration

The Mine Safety and Health Administration (MSHA) continues to implement the *MINER Act*, comprehensive mine safety legislation that was enacted into law during the 109th Congress. The bipartisan legislation focused on the need to upgrade mining technology, empower MSHA through strengthened enforcement, and ensure an industry-wide comprehensive review of safety and health. In addition, the *MINER Act* required the Department of Labor to complete a number of regulatory actions on a very aggressive timeframe. To date, MSHA has met every statutory requirement set forward by the *MINER Act*. Committee Republicans support a budget that reflects the priorities of the *MINER Act* and its implementation, including efforts to update existing technology, train new inspectors, and improve industry practices. Committee Republicans oppose efforts to re-write the *MINER Act*. Such efforts ignore the fact that the *MINER Act* is still being implemented, and is therefore premature. Moreover, these efforts include policy proposals that could actually undermine ongoing improvements in miner safety.

CONCLUSION

Republican members of the Committee on Education and Labor believe the federal budget is a statement of priorities. The fiscal challenges we face as we prepare the FY 2010 budget are daunting, but those challenges must not deter our commitment to reform. Republicans stand ready to work with Committee Democrats, the Committee on the Budget, and the Obama Administration to enact fiscally responsible reforms on behalf of students, workers, and retirees. When we see policies that diverge from that goal, we will offer principled alternatives that protect taxpayers while ensuring a world-class education system and a dynamic workforce able to compete in the 21st century.



Howard P. “Buck” McKeon
Senior Republican Member

Views and Estimates for FY 2010
Additional View and Estimate for FY 2010
Congressman Robert C. “Bobby” Scott
111th Congress, 1st Session
March 13, 2009

In addition to Chairman Miller’s Views and Estimates, it is important that we fund following programs in the Budget for Fiscal Year 2010:

HIGHER EDUCATION ACT

Honorable Augustus F. Hawkins Centers of Excellence (Section 242) – We must ensure that teachers are highly qualified to teach our next generation. The Augustus F. Hawkins Centers of Excellence provide grants to eligible institutions to ensure that current and future teachers are highly qualified by carrying out a variety of activities, such as providing clinical experience.

“Diversity in the Arts” under the Fund for the Improvement of Postsecondary Education (Section 707(a)(13)) – We must ensure that our entertainment media industry remains diverse. The Higher Education Act created a pool within the Fund for the Improvement of Postsecondary Education program to allow seeking to promote cultural diversity in the entertainment media industry to work in collaboration with schools and their students.

HBCU Capital Finance Program (Section 314) – The Capital Finance Program provides low cost loans to Historically Black Colleges and Universities to finance infrastructure enhancements. We need to ensure that the program is authorized at an amount that will provide additional loans to schools who need to make these improvements.

Modeling and Simulation (Section 891) - The Higher Education Act creates a Modeling and Simulation program to give grants for colleges and universities to create or enhance M&S programs. This critical technology allows us to build and develop computer models of complex systems to see how certain actions will affect the end result. Modeling and Simulation is a rapidly expanding field and we must ensure that the United States maintains its competitive edge in this field by expanding Modeling and Simulation programs at our institutions of higher education.

WORKFORCE INVESTMENT ACT

Summer Jobs Enrichment Programs (Section 129) - The American Reinvestment and Recovery Act invested in job training programs, including targeting youth workforce development through summer job programs. Summer

jobs programs should be expanded and strengthened because they yield a high return on their investment while fostering skill development and professional growth. These summer job programs stimulate the economy, provide gainful employment and deter crime by providing beneficial alternatives to youth during non-school months.

A handwritten signature in black ink, appearing to read "B. H. S. J.", located in the lower right quadrant of the page.

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Congress of the United States
House of Representatives

COMMITTEES
COMMITTEE ON
EDUCATION AND LABOR
SUBCOMMITTEES
EARLY CHILDHOOD, ELEMENTARY AND
SECONDARY EDUCATION
HIGHER EDUCATION, LIFELONG LEARNING
AND COMMUNITIES
HEALTHY FAMILIES AND COMMUNITIES
COMMITTEE ON RULES
COMMITTEE ON
SCIENCE AND TECHNOLOGY
STEERING AND POLICY

Thursday, March 12, 2009

The Honorable George Miller
Chairman
House Committee on Education and Labor
2181 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Miller,

Pursuant to section 301(d) of the Congressional Budget Act of 1974 and House Rule X, clause 4(f), the committee circulated its Views and Estimates for Fiscal Year 2010 for the Committee on Education and Labor and requested its members to submit any minority, supplemental, or additional views by 12:00 p.m. on Friday, March 13, 2009.

I respectfully submit for your consideration the following supplemental language, which is underlined, and located on the second page, in the "The No Child Left Behind Act (NCLB)" section:

Other priorities include: continuing to hold schools accountable for the progress of all students, reforming high schools, expanding successful charter schools, supporting teachers and principals, and encouraging a rich and challenging learning environment and promoting innovation taking place in schools throughout the country.

Please let me know if you have any questions.

Sincerely,

Jared Polis

Additional Views
Views and Estimates Fiscal Year 2010
Committee on Education and Labor

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The Individuals with Disabilities Education Act (IDEA) was passed by Congress over three decades ago and included a promise that the federal government would pay forty percent of the cost to provide students access to special education. While this mandate has been carried out in school districts across America, federal funding has failed to live up to that pledge and the ever-increasing cost of special education continues to be passed on to state and local governments.

The American Recovery and Reinvestment Act (ARRA) included a short-term boost in funding for special education, though even with this increase the federal government remains well short of the commitment set forth in IDEA. Rather than tie up limited federal funds on dozens of new or failing education programs, Congress must build on the increased special education funding contained in ARRA to fulfill our share of this education mandate.

State and local governments across the country are facing tight budgets and difficult spending decisions compounded by the unfunded mandate of IDEA. The time is now for Congress to fully fund its share of special education.



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