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## **LEGISLATIVE ALERT!**

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September 20, 2011



The Honorable Tom Harkin, Chairman  
Subcommittee on Labor, Health And  
Human Services, Education  
And Related Agencies  
131 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Richard C. Shelby  
Ranking Minority Member  
Subcommittee on Labor, Health And  
Human Services, Education  
And Related Agencies  
131 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Harkin and Ranking Member Shelby:

On behalf of the AFL-CIO I would like to call to your attention the AFL-CIO's priorities for the FY 2012 Labor, Health and Human Services, Education, and Related Agencies (Labor HHS) bill. In addition, we urge you to oppose two substantive amendments – one by Senator Graham and one by Senator Mikulski – that are likely to be offered at either the subcommittee markup scheduled for later today or the full committee markup scheduled for tomorrow.

Labor HHS appropriations provides funding for many vital programs that make the difference in the lives of many of our most vulnerable and hardworking citizens. We believe that the following programs deserve the attention and support of the Subcommittee for the 2012 appropriations cycle:

### OSHA and MSHA Funding Levels

Maintaining and strengthening the nation's workplace safety and health programs is critical to ensure that workers are protected from job injuries and illnesses. As demonstrated by recent disasters at the Upper Big Branch Mine, BP Gulf Coast oil well and other workplaces, too many workers remain at risk. For 2010, BLS reports that 4,547 workers were killed on the job.

The President's FY 2012 budget proposes \$583.4 million for the Occupational Safety and Health Administration (OSHA) and \$384.3 million for the Mine Safety and Health Administration (MSHA). These funding levels would allow OSHA and MSHA to maintain their enforcement programs, develop and issue new protections on workplace hazards and strengthen programs to protect workers and other whistleblowers from retaliation. The AFL-CIO urges the committee to support the President's funding request for these agencies.

### NIOSH Research Funding

For the National Institute for Occupational Safety and Health (NIOSH), the job safety and health research agency, the President has proposed \$259.9 million in funding for FY 2012, a reduction of \$42.2 million over FY 2011. In this budget the President has proposed eliminating important research programs for agriculture, fishing and logging, which are currently funded at \$23 million. Agriculture, fishing and logging are among the nation's most dangerous industries, with fatality rates many times the national average. NIOSH programs for these industries are virtually the only national programs devoted to addressing the hazards in these industries.

The President has also proposed eliminating the NIOSH's Educational Resource (ERC) Program, which trains new occupational safety and health professionals and supports other important research and is currently funded at \$24.4 million. The NIOSH Educational Resource Centers are the only programs supporting training for new occupational safety and health professionals. Defunding this program will lead to a critical shortage of safety professionals, industrial hygienists, occupational physicians and occupational health nurses.

The AFL-CIO strongly urges the committee to fully fund these research and educational programs and other NIOSH programs. These two programs both provide much needed services that, if eliminated, will significantly weaken safety and health protections for American workers.

### Increased Funding For Wagner-Peyser Employment Services

The Employment Service (ES) generates labor market information and maintains job opening listings on state job banks while also providing job search assistance and career counseling services to workers. With the unemployment rate remaining stagnant at 9.1 %, these services are critical. Nevertheless, funding for Wagner-Peyser services has declined by over 49% since 1984. The AFL-CIO urges the subcommittee to increase current funding for Wagner-Peyser employment services by at least \$500 million.

### Funding Needed for the Successful Implementation of the Affordable Care Act

The AFL-CIO urges the subcommittee to provide sufficient funding for the Department of Health and Human Services to ensure the successful implementation of the new health care reform law. In particular, the Centers for Medicare and Medicaid

Services must receive full funding for the management of Affordable Care Act programs, and funding to support research and demonstration authorities. Other programs that support working families should also be supported.

Vote Against the Graham Anti-NLRB Amendment

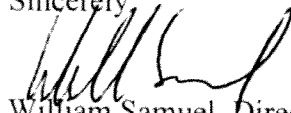
Earlier this year the National Labor Relations Board (NLRB) issued a complaint against the Boeing Company alleging that Boeing had retaliated against its employees for exercising their right to have a voice on the job by moving its production away from its facility in Washington. The NLRB Boeing decision has resulted in a coordinated and focused attack on the NLRB and the workers' rights it protects. Several attempts have been made to take away the NLRB's authority to remedy unlawful retaliatory conduct similar to what may have occurred at Boeing. Furthermore, these attacks on the NLRB attempt to take away the NLRB's authority to restore workers to their jobs when companies simply eliminate work to get rid of employees that are pro-union. Senator Graham is expected to introduce an amendment that will support these NLRB attacks and undermine the basic rights of workers to organize and bargain collectively by permanently eliminating the NLRB's only effective remedy against a wide range of illegal conduct. The AFL-CIO urges you to vote against the Graham amendment or any other amendment that seeks to eviscerate the right of workers.

Vote Against the Mikulski H-2B Amendment

Many AFL-CIO affiliates represent workers in industries that frequently employ H-2B guest workers. We fully support the H-2B wage methodology rule issued by the Department of Labor (DOL) on January 19, 2011 entitled "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program" and applaud the Department for their efforts to protect U.S. workers from displacement and adverse wage effects and to improve wages and working conditions for H-2B workers. The AFL-CIO urges you to support the final H-2B wage methodology rule and oppose the H-2B amendment offered by Senator Mikulski or any other efforts to deny funding to enforce the rule.

As stated earlier, the AFL-CIO is well aware of the difficult decisions needed in determining the allocation of funds for so many important programs. However, we adamantly believe that programs that provide safety to millions of our nation's workers and those that provide a social safety net to our most vulnerable Americans should take precedence in your decisions on the distribution of funding. We ask that you only support a Labor HHS bill that provides for adequate funding of these important programs and that you vote against all anti-worker amendments.

Sincerely



William Samuel, Director

GOVERNMENT AFFAIRS DEPARTMENT