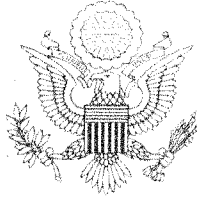


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COMMITTEE ON EDUCATION AND LABOR  
U.S. HOUSE OF REPRESENTATIVES  
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March 4, 2010

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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 2011 Views and Estimates for the Committee on Education and Labor, with Minority Views and Estimates attached. If you have any questions, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "George Miller".

GEORGE MILLER  
Chairman

**Views and Estimates for FY 2011**  
**Committee on Education and Labor**  
**111<sup>th</sup> Congress, 2<sup>nd</sup> Session**  
**March 5, 2010**

During the first session of the 111<sup>th</sup> Congress the work of the Committee on Education and Labor focused on rebuilding and strengthening America's middle class. In this effort, the Committee passed legislation and conducted oversight aimed at strengthening initiatives that improve public schools, make college more affordable, ensure health care is affordable and accessible to everyone, provide equal employment opportunities, create and save jobs, improve retirement security, and make workplaces safer and healthier.

In compliance with reconciliation instructions from the Budget Committee, the Committee passed legislation to increase college affordability and ensure affordable and accessible health care for all. In responding to the skyrocketing costs of college, the Student Aid and Fiscal Responsibility Act (SAFRA) will provide nearly \$87 billion in assistance for students and families. This \$87 billion in funding increased Pell Grants; cut student loan interest rates; strengthened and expanded Perkins Loans; and simplified the FAFSA. The bill carried no new cost for taxpayers, and directly responded to the struggle that many of America's low-and middle-income families have gone through to cope with rising college tuition while stabilizing the student loan program.

On health care, the Committee, along with the Ways and Means and Energy and Commerce Committees passed the Affordable Health Care for America Act, which embodies President Obama's key goals for health reform. It will slow the growth in out-of-control costs, reform the health care marketplace to keep coverage affordable and insurers honest, protect people's choices of doctors and health plans, and assure all Americans access to quality, stable, affordable health care. The Committee is committed to working toward meaningful health care reform in the 111th Congress and believes we must insist on affordable health care coverage for every person as a key to fair, sustainable, long-term economic growth.

The Committee also spearheaded key education and labor provisions in the American Recovery and Reinvestment Act (ARRA) that resulted in increased resources for education and training. The ARRA provided \$43.5 billion, through the State Fiscal Stabilization Fund, in state fiscal relief for education and public safety and health. In addition, the law targeted investments in education that were critical to job creation and retention. It is estimated that the funding received by the Department of Education alone was instrumental in supporting 400,000 jobs, including teachers, principals, corrections officers and construction workers. The ARRA further aided in slowing the acceleration of job losses in this country, which at its height was estimated to be 2.5 million layoffs each month, and in October 2009 had slowed to 2.1 million. The ARRA will continue to help put our economy back on the road to recovery.

During the second session of the 111<sup>th</sup> Congress, the Committee will continue to pursue an ambitious education and workforce agenda focused on enhancing opportunities to join and strengthen America's middle class. The Committee will work to advance initiatives that ensure higher quality public schools, make college more affordable, and provide better and higher-paying employment opportunities 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 all Americans.

## **EDUCATION PRIORITIES**

### **Elementary and Secondary Education**

#### *No Child Left Behind Act (NCLB)*

The Department of Education's FY 2011 budget contains an outline of its Elementary and Secondary Education Act (ESEA)/No Child Left Behind Act (NCLB) reauthorization proposal, including policy and budgetary changes. A significant part of the proposal is to reconfigure the ESEA into 6 new titles, including changes to title names, and to consolidate 38 programs into 11 new programs. During the remainder of the 111<sup>th</sup> Congress, the Committee will continue working with the Administration toward the full reauthorization of the ESEA and it remains committed to enhancing provisions of the law that work and correcting problematic provisions.

#### *Title I*

The largest program in NCLB is the Title I program. This program provides additional assistance to help schools educate the most disadvantaged children and is the main federal effort aimed at closing the achievement gap among groups of students. The FY 2011 budget proposes to change Title I "Grants to LEAs" to "College-and-Career Ready Students," with a greater focus on standards, assessments, and accountability, and preparing students for college or the workforce upon completion of high school. The budget proposes level funding, \$14.5 billion, for this effort. The Committee looks forward to working with the Administration on both its budget and reauthorization proposals for Title I.

#### *The Individuals with Disabilities Education Act (IDEA)*

The Committee remains committed to meeting the needs of individuals with disabilities in education. The Individuals with Disabilities Education Act (IDEA) requires schools to provide students with disabilities a free appropriate public education, and authorizes funding for the expenses related to providing services and support to these students. The budget proposes a modest increase of \$250 million for special education programs which would maintain the federal share for special education at approximately 17 percent. During the second session of the 111<sup>th</sup> 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 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 would-be students are forced to delay attending, or to forgo attending college altogether, due to the cost. Building on the success of the 110<sup>th</sup> 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 passed the Student Aid and Fiscal Responsibility Act (SAFRA) to ensure access to an affordable college education.

SAFRA makes several changes to improve higher education access by:

- Converting all new federal student lending to the stable, effective and cost-efficient Direct Loan program;
- Investing \$40 billion to index the maximum annual Pell Grant award to the cost of inflation;
- Expanding and modernizing the Perkins Loan program to include significantly more college campuses;
- Making it easier for families to apply for financial aid by simplifying the number of questions on the FAFSA and allowing students and families to apply for aid using the information on their tax returns; and
- Providing historic investments in early learning programs, public school renovation and repair and community colleges.

### *Modernization of the Federal Student Aid System*

The Committee recently 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. As a result of programs established under the Ensuring Continued Access to Student Loans Act and the Direct Loan Program, over 88 percent of Federal student loan volume in the 2008-2009 academic year was financed through capital provided by the Department of Education; current estimates indicate this figure will be 85 percent for 2009-2010.

The Committee, through its oversight and the SAFRA, intends to continue working with the Administration to further increase the efficiency of these systems for taxpayers while providing certainty for students, families, and institutions that federal student loans will remain available regardless of the economic environment.

### *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 and the SAFRA indexed the maximum award to inflation. The Committee is dedicated to maintaining the Pell Grant increase at an estimated level of \$5,710. 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 our intent that these programs 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 SAFRA 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 with the passage of the SAFRA. Additionally, the Committee supports efforts to develop and expand graduate programs at minority-serving institutions. Such programs were included in the Higher Education Opportunity Act.

#### *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 in order to remain in school. Perkins 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 supporting student access to higher education. Additionally, the Committee remains committed to modernizing the Perkins loan program as outlined in the SAFRA.

#### *Innovation – Competes Act*

The Committee will continue its focus to encourage the study, improvement, and up scaling of successful innovations in education. With the support signaled by commitments from the Administration's FY2011 budget proposal, the Committee will continue to encourage further development of science, technology, engineering and math (STEM) education initiatives and teacher development programs in those areas. The Committee anticipates that it will work with the Science Committee as it prepares to reauthorize the COMPETES Act.

## **EARLY EDUCATION**

Children's experiences in the first five years of life have a lasting effect on their learning, health, and behavior. Parents and family are children's most important teachers but high quality early learning programs provide a key opportunity to help all children arrive at kindergarten with the skills they need to succeed in school and in life. Nearly 12 million American children under 5 regularly spend time in child care arrangements but research suggests many of these programs are mediocre in quality and the high price of child care keeps many families from accessing high-quality programs. Research shows the achievement gap evident in elementary school begins prior to school entry and can even be seen at 9 months of age. President Obama has emphasized the importance of early learning opportunities by emphasizing a "cradle to career" approach to education reform and by supporting critical investments in early learning in the SAFRA and proposing continued investment in the FY 2011 budget. During the second session of the 111th Congress, the Committee looks forward to continuing to support the reform of early education systems in this country through the Early Learning Challenge Fund in the Student, Head Start, and the Child Care Block and Development Grant so that all children have access to high quality early learning opportunities.

### **NUTRITION**

The budget request for federal child nutrition programs authorized through the National School Lunch Act and the Child Nutrition Act includes \$1 billion in FY 2011 specifically for the reauthorization of these programs. The Committee will work to improve access to nutritious meals; establish high standards for the nutritional quality of food available in schools; explore new strategies for reducing hunger and improving children's food choices, particularly for low-income children; and reducing the prevalence of obesity by improving the diets of school children by teaching them to make wise food choices. The Committee is also dedicated to pursuing an aggressive agenda to improve the safety of foods served in school settings. While schools generally have a strong record on providing safe school meals, the Committee has become increasingly concerned by the numerous ground beef recalls from the commercial market and has worked to fully examine the integrity of the system responsible for ensuring that contaminated products are not being served to children. The Committee believes access to affordable, safe and healthier meals should be the rule – not the exception – for children and families across the nation.

### **JUVENILE JUSTICE**

During the second session of the 111<sup>th</sup> 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 reduce gang activity, assist victims of child abuse and support community-based delinquency prevention.

### **PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT**

The Keeping All Students Safe Act (formerly known as the Preventing Harmful Restraint and Seclusion in Schools Act) is the first national effort to address this troubling problem and ensure

the safety of everyone involved – both students and school staff. It would establish minimum safety standards in schools and increase transparency, oversight and enforcement to prevent future abuse, among other things. A recent investigation by the U.S. Government Accountability Office found hundreds of allegations that children have been abused, and some even died, as a result of misuses of restraint and seclusion in public and private schools, often at the hands of untrained staff. Unlike in hospitals and other medical and community-based facilities that receive federal health funding, there are currently no federal laws addressing restraint and seclusion in schools. On February 4, 2010, the Committee passed this bill with a vote of 34 to 10 to ensure the safety of children and teachers.

## **NATIONAL SERVICE**

Americans' interest in volunteering is at an all time high. In 2008, over 61 million adults performed 8 billion hours of volunteer service. According to a report by the Corporation for National and Community Service, from 2002 to 2007 the number of volunteers across the country grew by more than a million. The Edward M. Kennedy Serve America Act, which was signed into law on April 21, 2009, supports the growing trend in volunteerism and creates new opportunities for individuals to give back to their communities.

The FY 2011 budget request for the Corporation for National and Community Service is \$1.4 billion which is a \$264 million increase over the previous year. The budget proposal would increase the number of national service participants to approximately 105,000 in FY 2011 - an increase of roughly 20,000 over the planned FY 2010 level. This includes 2,000 Summer of Service participants who will earn and education award. Specifically, the budget proposes: \$488 million for AmeriCorps State and National Grants; \$34.5 million for AmeriCorps NCCC; and \$98 million for AmeriCorps VISTA.

The budget also requests funding for the following newly authorized programs in the Serve America Act: \$60 million for the Social Innovation Fund; \$10 million for Volunteer Generation Fund; \$1.0 million for Service America Fellowships; and \$6.0 million for Unspecified Innovation activities. The Committee is committed to continue strengthening national service programs for generations to come.

## **LABOR PRIORITIES**

During the second session of the 111<sup>th</sup> Congress, the Committee will continue to: protect and strengthen workers' rights; improve workplace safety; strengthen 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.

*Health Care Accessibility and Affordability*

For the first time in U.S. history, all Americans would have access to quality, affordable health care under updated health insurance reform legislation passed by the House on November 7, 2009.

The Affordable Health Care for America Act, which combined the three versions of previous bills passed by the House committees of jurisdiction during the summer, embodies President Obama's key goals for health reform. It will slow the growth in out-of-control costs, reform the health care marketplace to keep coverage affordable and insurers honest, protect people's choices of doctors and health plans, and assure all Americans access to quality, stable, affordable health care. The Committee is committed to working toward meaningful health care reform in the 111th Congress and believes we must insist on affordable health care coverage for every person as a key to fair, sustainable, long-term economic growth.

#### *Job Training*

Last year, Congress passed the American Recovery and Reinvestment Act (ARRA), which included funding for job training. Specifically, ARRA provided nearly \$4 billion to prepare adult, youth and dislocated workers for green jobs, and other emerging industries, including training for retrofitting buildings, green construction and production of renewable energy. ARRA also provided \$1.2 billion to create job opportunities for younger Americans. Last summer, this funding employed over 300,000 young people. The Committee will continue to work to ensure that our workforce development system meets the needs of the country's workers, particularly those who are unemployed and need training to reenter the labor market.

#### *Guest Worker Programs*

The Committee is committed to protecting job opportunities for U.S. workers, ending abuse of foreign guest worker programs, and eliminating the adverse effects such abuse has on U.S. workers' terms and conditions of employment. On February 12, 2010, the Employment and Training Administration and the Wage and Hour Division of the Department of Labor published a Final Rule amending the 2008 regulations governing the labor certification process under the H-2A temporary agricultural worker program. The new rule restores wage rates that protect against adverse effects on U.S. workers. It also restores the critical oversight role of state workforce agencies in ensuring the proper recruitment of U.S. workers and institutes a number of important protections to reduce abuse of the program and the workers involved. The Committee notes that reform of the H-2B temporary non-agricultural worker program is on the Department's regulatory agenda and urges the Department to make necessary reforms to end abuse in that program as well. Both administrative and legislative reforms are critical to making these guest worker programs, and the foreign labor recruiting that supplies workers to these programs, just and fair for the parties involved, including U.S. workers.

#### *Wage and Hour Division*

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 has conducted intensive oversight in this



area, including commissioning investigations by the Government Accountability Office, which in 2008 and 2009 found the prior Administration's performance in enforcing workers' wage and hour rights to be in need of serious improvement. One problem exacerbated over many years has been insufficient staffing and resources committed to wage and hour enforcement. To begin addressing this issue, last year the Wage and Hour Division hired 250 new investigators. The Committee remains committed to ensuring that there is a greater emphasis on effective enforcement of the law, which includes a continued commitment to adequate funding, staffing, and training of investigators and other enforcement staff in the field as well as greater outreach and communication with communities and vulnerable populations where labor law violations may otherwise go unaddressed. Sufficient staffing for enforcement purposes also means sufficient staffing in the Solicitor's Office. The work of field staff in enforcing the law can be for naught without sufficient legal support. Further, the Committee will continue to examine legislative solutions to the problems of wage theft and misclassification of workers.

#### *International Labor Affairs Bureau (ILAB)*

As the American economy has become more global and the United States has entered into more and more multilateral and bilateral trade agreements, the labor standards of other countries have an increasingly direct impact on American workers. The Committee notes the Department of Labor's renewed emphasis on the role of the Bureau of International Labor Affairs in its mission of good jobs for everyone. The Committee will work to ensure ILAB is able to carry out its important functions, including monitoring and enforcing trade agreements to protect workers' rights and engaging in international trade and economic policy processes.

#### *Family and Medical Leave Act*

Research indicated women continue to enter the workforce in record numbers and families in which both parents work remain the norm. Parents and their children periodically need workplace flexibility to deal with predictable and unexpected family and medical needs and the Family and Medical Leave Act was enacted in 1993 to provide this protection. The Committee intends to continue its oversight of the Family and Medical Leave Act, particularly new regulations issued toward the end of the Bush Administration that narrowed some worker protections under the Act. In addition, the FY 2011 budget includes \$50 million to provide grants to states that seek to create state based paid leave programs. The Committee expects to review and consider this and related proposals to enhance family and medical leave support programs for working families.

#### *Mine Safety and Health Administration (MSHA)*

The Committee believes funding for MSHA should be increased on an annual basis to ensure there are adequate resources for it to meet its statutory mandate to inspect every underground mine four times per year and every surface mine at least twice per year. Following a series of coal mine tragedies in 2005 and 2006, MSHA increased its enforcement efforts, established a progressive enforcement regime, and Congress established higher minimum penalties as part of the MINER Act of 2006. MSHA's penalty assessments have grown exponentially since 2006. In response to higher penalties, mine operators have decided to contest 67% of every penalty

assessed, thereby leading to a backlog of 16,000 enforcement dockets at the Federal Mine Safety and Health Review Commission (FMSHRC). Absent additional funds it is estimated this backlog will grow to 47,000 by 2020. MSHA will need to increase staffing to support a faster throughput of cases before FMSHRC. Additionally, MSHA has initiated a program to eliminate black lung disease amongst coal miners, but has not established a schedule to complete timely rulemaking. 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 Health Administration (OSHA)*

OSHA's mission is to assure to the extent possible, safe and healthy working conditions for all workers. This program is particularly important for immigrant workers who suffer a high number of injuries and fatalities. OSHA has proposed a regulatory agenda to protect workers from explosion hazards caused by combustible dust, and to reduce occupational exposure to beryllium, silica, diacetyl and airborne transmissible diseases. To implement this agenda OSHA will need increased funding. OSHA is also proposing to shift resources from compliance assistance into enforcement. The Voluntary Protection Program (VPP) which certifies establishments with exemplary safety programs and low injuries rates, is consuming an increasing amount of agency resources. The Committee believes that a voluntary industry certification program, such as VPP, should be funded through a user fee, and plans to work on establishing authority for augmenting the OSHA budget through a fee based system. Funding should be targeted towards the least safe workplaces.

#### *National Institute for Occupational Safety and Health (NIOSH)*

This agency performs critical scientific and technical research for both MSHA and OSHA, and provides the scientific basis for compensation decisions related to radiation exposure at nuclear weapons facilities under the Energy Employees Occupational Illness Compensation Program Act. While the agency has received funding boosts in connection with technology to improve the survivability of miners trapped in underground mine accidents, critical parts of this work remain in need of continued funding, including human testing of underground refuge chambers. To help reduce black lung disease, NIOSH requires resources to evaluate scrubbing equipment that will reduce respirable dust levels in coal mining. With regards to emerging technology, NIOSH is the only federal agency examining the health and safety impact of nanotechnology. NIOSH will need additional resources to conduct research and risk assessments on exposure levels that would form the basis for updating OSHA Permissible Exposure Limits.

#### *Federal Mine Safety and Health Review Commission*

FMSHRC provides administrative and appellate review of disputed mine safety enforcement cases and employee retaliation cases under the Mine Act. As MSHA increased its enforcement efforts over the past 3 years, mine operators increased their contest rate from 7% to 25% of all citations issued. FMSHRC's backlog of cases has grown from 2,100 to 16,000 cases, with an estimated \$195 million in penalties being contested. Additional funding is needed to hire Administrative Law Judges to reduce the number of contested cases in a reasonable amount of time.

### *Office of Labor-Management Standards*

Under the Bush Administration, the Department of Labor repeatedly and disproportionately shifted scarce budget resources from other labor programs, such as health and safety and wage and hour enforcement, to the Office of Labor-Management Standards (OLMS), which collects, publishes, audits, and investigates labor union finances. Over the past year, new Department leadership has worked to rebalance resources in more efficient and effective ways that maintain strong enforcement and oversight activity at OLMS while increasing capacity in other offices in dire need of resources. During the second session of the 111<sup>th</sup> 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 170 million Americans depend on employer-provided benefits for their health care and retirement security. Especially in times of economic transition and turmoil, these benefits are a critical lifeline for workers and retirees. At the same time, employers are shifting away from benefit promises that were made in more economically stable times. In 2009, Congress created a special 65% subsidy for unemployed workers who are eligible for COBRA health benefits. This subsidy program has been a critical source of support for tens of thousands of unemployed workers. The Committee intends to continue to monitor and ensure that unemployed workers can maintain needed health, retirement and other benefits.

In addition, the Committee will continue to work with the Department of Labor to update and expand Department efforts to provide guidance to employers and employees on employee benefits. In particular, the Committee has identified a number of problem areas, including lack of fee transparency in 401(k) plans, excessive reliance on inappropriate target date retirement funds, widespread conflicts of interest in the provision of plan services, and self-interested provision of investment advice to pension plan participants. The Department must issue a number of critical worker protection regulations on investment advice, fee transparency, mental health parity, etc. The Committee will oversee the work of EBSA and consider needed legislation to improve employee benefit protection in these areas.

### *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 is concerned about case backlogs that leave workers vulnerable to discrimination, especially as the number of claims filed by workers have increased. 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 underlying National Labor Relations Act, already unacceptably weak in the face of modern union-busting tactics, is vulnerable to further weakening by a Board committed to rolling back workers' rights, as was the case during the last Administration, or by a Board that is simply hobbled by Member vacancies, as is the case during the current Administration. During the 111<sup>th</sup> Congress, the Committee will continue its oversight of this critical agency and its responsibilities, which include ensuring that the Act is a viable and relevant mechanism for enforcing workers' rights in a changing 21<sup>st</sup> Century economy. The Committee will continue to press for long overdue reforms of labor law to ensure workers are free to exercise their rights to organize and collectively bargain for a better deal.

### **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 2011 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 2011**  
**Committee on Education and Labor**  
**111<sup>th</sup> Congress, 2<sup>nd</sup> Session**  
**March 5, 2010**

***INTRODUCTION***

America is in the midst of an economic and financial crisis. The national debt now stands at more than \$12 trillion and, this year alone, the federal government is projected to run a deficit of more than \$1.3 trillion. This comes on the heels of last year's \$1.4 trillion deficit, which was the highest in the country's history. Congress spends \$3.5 billion more per day than we take in, and the deficit currently adds up to almost 10 percent of our nation's GDP. Instead of getting the federal budget under control, the President is proposing massive spending increases that will worsen our nation's balance sheet and drive us further into debt. The American people are rightfully alarmed by this out-of-control spending trajectory. Education and Labor Committee Republicans agree that getting our nation's fiscal house in order must be our top priority for the next budget resolution.

***EDUCATION PRIORITIES***

**Republican Education Priorities: Fiscally Responsible Reforms**

During the 2<sup>nd</sup> session of the 111<sup>th</sup> Congress, Republicans will continue to advance fiscally responsible reforms to improve educational opportunities from elementary and secondary education through higher education and beyond. With a bold vision for education reform, we will work to restore local control to ensure parents and educators can make the best decisions for students, empower parents with educational choices, expand state and local flexibility, and keep college affordable.

- **Reforming Elementary and Secondary Education.** Republicans support efforts to reform the Elementary and Secondary Education Act (ESEA), the primary federal law that governs K-12 education. Eight years after enactment of the most recent version of the law, known as No Child Left Behind (NCLB), states and school districts continue to struggle with provisions that provide little flexibility in how states and school districts educate and assess their students: It is clear the law needs to change.

As Congress prepares for the next reauthorization of ESEA, Republicans are committed to reevaluating the federal role in education, ensuring student success in the 21<sup>st</sup> century, and focusing on what's best for students, parents, teachers, and local communities. To give each child the opportunity to achieve his or her full and unique potential, America's educational system must be the best in the world, giving students the tools and knowledge to succeed. To this end, we support four fundamental tenets:

- **Restoring Local Control.** Academic standards, testing systems, and curriculum should be set by states and local educators -- without coercion from the federal government -- to ensure those who know our children best are able to shape their education to excel in college and the workplace.

- Empowering Parents. Parents should have a greater role in selecting and participating in the learning environment that best serves their children's needs.
- Letting Teachers Teach. Onerous federal requirements should be removed to ensure our teachers and local schools have the freedom to operate and innovate as they think best.
- Protecting Taxpayers. Taxpayer dollars should be spent wisely by eliminating ineffective programs and making investments that help students achieve success on an increasingly competitive world stage.
- **Protecting Choice and Innovation in Student Aid.** Republicans are deeply troubled by the Administration's endorsement of the *Student Aid and Fiscal Responsibility Act (SAFRA)*, which would eliminate the Federal Family Education Loan (FFEL) program as of July 1, 2010. Destroying this successful public-private partnership that has been in existence for more than four decades will eliminate more than 30,000 jobs and have a ripple effect on thousands more. This one-size-fits-all, Washington-based approach will jeopardize the ability of institutions of higher education to tailor student loan programs that best fit their students' needs.
  - Listening to the Experts. The Obama Administration spent much of its first year in office publicly and privately pressing schools to join the Direct Loan (DL), playing, in effect, a game of legislative chicken by preparing to implement the bill whether or not Congress enacts it into law. However, *SAFRA* has not yet been considered by the Senate and July 1, 2010 is just a few short months away. Approximately 4,000 schools have resisted this pressure and elected to stay in the private-sector based loan program. Republicans believe it is unrealistic and unfair to expect all of these institutions to switch into the Direct Loan program if *SAFRA* passes in the next four months. Financial aid administrators are urging Congress to pass an extension of the bipartisan *Ensuring Continued Access to Student Loans Act (ECASLA)*, which would ensure all students receive loans regardless of the outcome of the pending *SAFRA* debate. With colleges and universities struggling to maintain high quality educational programs in a weak economy, Republicans question a proposal that would force schools to spend significant time and money to switch into a program they have rejected in the past.
  - Transparency in the Costs of the Bill. Republicans are concerned the true cost of *SAFRA* is not being disclosed. The most recent estimates from the Congressional Budget Office (CBO) demonstrate that *SAFRA* is an entitlement spending spree that will add billions to the deficit. In January 2010, CBO estimated the bill would spend \$17 billion more than originally projected, yet the supposed savings remain static. Before any further action is taken on this bill, Congress needs an updated cost estimate from CBO. Republicans urge the House Budget Committee to retain funding for the FFEL program and require the Congressional Budget Office to produce an updated score for *SAFRA*.

- **Meeting Existing Funding Obligations Before Creating New Ones.** Since 1975, the federal government has failed to meet its commitment to fund 40 percent of the excess cost of educating children with disabilities. Under the Individuals with Disabilities Education Act (IDEA), Congress pledged to share in the cost of providing children with disabilities a free and appropriate public education in the least restrictive environment. Three and a half decades later, the federal government is providing less than half the 40 percent funding level that was promised to states. The President's FY 2011 budget provides a scant \$250 million increase for special education funding, making virtually no progress toward the ultimate goal of full funding. Yet, just as in years past, the budget proposal calls for the creation of new programs and initiatives and prioritizes other programs ahead of special education. Committee Republicans believe we must fulfill our existing obligations, particularly to IDEA, before we even consider creating new programs or increasing funding elsewhere.

### **The Obama Education Budget Proposal: More Reckless Spending Without Results**

The Obama Administration's FY 2011 budget calls for a \$4.5 billion increase in elementary and secondary education funding, including \$1 billion for a potential reauthorization of ESEA and \$1.3 billion in additional funding for the Race to the Top program. This massive federal spending increase is proposed despite warnings from the CBO that the United States faces record deficit spending and debt burdens – a future of red ink exacerbated by the President's failed economic policies and congressional Democrats' unending spending spree.

While the Administration touts this spending influx as the key to improving education, there is scant evidence of past federal K-12 education programs contributing to an increase in student performance – nor is there proof that the more than 90 programs authorized under ESEA are fulfilling their overall mission of closing the academic achievement gap. That begs the question: Is the President's budget squandering the taxpayers' hard-earned dollars by simply throwing more money at our struggling education system?

- **Federal education funding has increased dramatically.** If money were the solution to the problems in America's schools, those problems would have been solved long ago. Since 2001, Congress has increased funding for Title I – the primary funding stream for disadvantaged students – from \$8.8 billion to \$14.5 billion, an increase of more than 65 percent. Since 1980, the federal government has increased education spending by more than 425 percent. Other elementary and secondary education programs have received similar increases over time. In fact, the federal government has increased education spending so rapidly that states are having trouble spending it all.
- **Unsustainable spending will result in a funding cliff and program cuts.** On top of the massive increases in education spending approved over the years, in 2009 Congress passed the American Recovery and Reinvestment Act, which provided almost \$100 billion in temporary education funding to states and school districts. In most cases, funding for federal education programs has doubled, leaving state and local officials struggling to find proper uses for the money even as they grapple with what will happen when the money runs out later this year. Instead of implementing pro-growth economic

policies that would have put unemployed Americans back to work and rebuilt local tax bases, the Recovery Act was a massive spending bill that made states more dependent on the federal coffers – and more vulnerable when the federal funding explosion disappears.

- **Decades of spending have produced little to no increase in student achievement.** While Congress has provided unprecedented funding increases for federal education programs, student performance has remained stagnant. Based on data compiled from the National Assessment of Educational Progress (NAEP) Long-Term Trends report, student assessment scores in reading, math, and science have remained flat since 1970, even as federal education spending has risen dramatically.

### ***WORKFORCE PRIORITIES***

During the Second Session of the 111<sup>th</sup> Congress, Republicans will continue to focus on new strategies to meet the needs of our evolving economy. Many of our labor laws were written in a different time for a different workforce, and they must be reexamined in the context of the 21<sup>st</sup> century work environment. That means providing a safe and secure workplace for all Americans by improving retirement security, expanding access to quality health care, increasing opportunities for greater flexibility in the workplace, enhancing the accountability of unions to their members, and supporting an agenda of commonsense reform rather than new federal programs and regulations.

- **Working toward Accessible, Affordable Health Care.** Republicans continue to support proposals to make health insurance more accessible and affordable for all working Americans and provide protections to ensure patients receive quality health care without creating new bureaucracy or litigation. This includes support for Small Business Health Plans, which will help secure coverage for uninsured workers and families by putting small businesses on a level playing field with large employers and unions.

This year Committee Republicans will pursue two main objectives: First, we will continue to fight against Democrats' efforts to force a government takeover of the American health care system that would impose massive new taxes and regulations on businesses and individuals to fund new entitlement programs that will stifle job and wage growth well into the future, especially in a weak economic environment. Second, Committee Republicans will continue to offer commonsense, step-by-step proposals to lower health care costs and expand access to coverage by making Small Business Health Plans available, reining in junk lawsuits, and permitting interstate purchasing of health coverage.

- **Protecting Workplace Democracy.** Spurred by demands for “payback” from Big Labor leaders, Democrats continue to press their unprecedented assault on the principle of democracy in the workplace with the deceptively named “Employee Free Choice Act.” The bill, which strips workers of their right to a secret ballot in union organizing elections and allows government bureaucrats to impose binding contracts on large and small employers, remains a priority for organized labor leaders despite strong bipartisan opposition. Republicans will continue to oppose such legislation that diminishes worker




rights and stand firmly for union democracy and transparency through policies that empower union members to effectively exercise oversight and control over their labor organizations. The U.S. Department of Labor's Office of Labor Management Standards (OLMS) plays a critical role in holding union leadership accountable to rank-and-file workers, which is why Republicans support the proposal to restore funding for the agency, which has been cut dramatically by the Democratic Congress in recent years. OLMS must be fully funded and staffed to protect workers' rights.

- **Creating a Family Friendly Workplace.** Working families face a host of challenges when trying to balance the competing needs of home and a career. That's why Republicans support legislation that would modernize federal labor laws to give workers more flexibility through the use of "comp time," also known as "family time," which allows workers the option of taking paid time off in exchange for overtime hours worked. Conversely, Republicans will continue to oppose job-killing proposals to mandate new benefits and taxes on employers in the midst of record unemployment.
- **Promoting Retirement Security.** Committee Republicans will continue efforts to improve retirement security by encouraging workers to save more, making pensions more secure, and cutting red tape that prohibits employers from establishing pension plans. At the same time, Republicans will fight against proposals to radically restrict or reshape the way Americans save for retirement, including proposals that would take away workers' 401(k) accounts and impose a system of government-run savings, or push employers out of the business of offering 401(k)s through costly and burdensome mandates and litigation.
- **Taking a Cooperative Approach to Promote Worker Safety.** Republicans support policies that improve worker health and safety by encouraging a realistic mix of proven enforcement strategies and cooperative efforts that encourage compliance rather than confrontation. Committee Republicans believe the Administration's FY 2011 budget proposal ignores the progress made through OSHA's cooperative programs, including those that provide compliance assistance to employers and employees, particularly small businesses, as well as the Voluntary Protection Program. Committee Republicans will resist exclusively adversarial approaches to ensuring workplace safety, and will instead promote policies that proactively seek prevention. With respect to mine safety, Committee Republicans will continue to support proposals that reflect the priorities of the MINER Act, including efforts to update existing technology, train new inspectors, and improve industry practices.
- **Reforming Outdated Laws that Hamstring Economic Growth.** In a time of economic uncertainty, Congress should update and correct laws that hamper job creation, stifle workplace efficiency, and waste taxpayer dollars. This includes efforts to update and improve program integrity of the Federal Employees' Compensation Act (FECA) and renew the Family and Medical Leave Act (FMLA) to meet the needs of a changing workforce. Committee Republicans will vigilantly guard against legislative proposals that mandate a one-size-fits-all paid leave mandate, which will only exacerbate the challenging economic conditions that confront American employers and their workers.

- **Improving the Economy through Job Training.** To spur the lagging economy, Republicans believe Congress should 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 to compete in the global economy.

### *CONCLUSION*

Republican members of the Education and Labor Committee are committed to commonsense reforms to our nation's education and workforce laws that promote job growth, economic recovery, and fiscal responsibility. We are concerned that the President's budget proposal puts our nation's future at risk with unsustainable levels of spending on new and unproven government programs. Therefore Republicans will continue to offer responsible alternatives on behalf of our nation's students, workers, and retirees.



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John Kline  
Senior Republican Member