

**U.S. Department of Labor
Office of Congressional and
Intergovernmental Affairs**



November 2020

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TAB 1: AGENCY ORGANIZATIONAL OVERVIEW

Mission

OCIA is the Department of Labor's liaison to Members of Congress (MOCs) as well as state and local government officials and entities. OCIA's primary responsibility is communicating and advocating for the Department's priorities and policies. This effort is accomplished by coordinating and communicating with federal, state, and local elected officials and their staff. Areas covered include, but are not limited to, the following:

- Legislative Work and Regulatory Action
 - Reviewing pending and proposed legislation and its impact on the Department
 - Coordinating requests for technical assistance on legislation
 - Providing input on the Department's legislative agenda
 - Monitoring all Department-related legislative actions
 - Developing a strategy for notifying and briefing elected officials on regulatory action at all stages of the process
 - Delivering Congressional Review Act packages to the House and Senate
- Budget
 - Managing the roll-out of the President's budget to Congress
 - Monitoring appropriations bills and riders
 - Advocating for the Department's budget priorities and initiatives
- Oversight
 - Leading the Department's efforts on responding to Congressional oversight requests by working in coordination with the Office of the Solicitor
- Nominations
 - Managing the Senate confirmation process for all of the Administration's nominees for positions within the Department
- Outreach and Education
 - Scheduling, coordinating, and preparing Department staff for briefings and meetings
 - Responding to Congressional requests for information
- Congressional Hearings
 - Coordinating with agencies on drafting testimony for Congressional hearings
 - Scheduling and preparing Departmental witnesses for Congressional hearings
 - Coordinating responses to Questions for the Record (QFR)

- Grants
 - Issuing notifications to MOCs and state/local elected officials when funding opportunities are announced, providing information on the status of grant solicitations, and notifying when successful applicants are awarded
- Notifications
 - OCIA is responsible for notifying Congress when certain instances occur: the death of a miner, a major OSHA incident, the death of a Job Corps student, etc. Agencies are responsible for sharing this information with OCIA timely so that appropriate notifications can occur.
- Casework
 - Managing incoming casework and coordinating with the appropriate agency on responses
- Travel/Event Invitations
 - Notifying staff when the Secretary or Deputy Secretary is scheduled to travel to a specific area, and inviting participation from elected officials when appropriate
 - Determining which invitations from elected officials should be accepted or declined

Organizational Structure

OCIA is part of the Office of the Secretary and can be configured as the Secretary sees best. Under its current configuration, OCIA has 30 FTEs, the majority of whom are Schedule C non-career appointees. Career staff in OCIA include administrative personnel, the Administrative Officer, and a legislative officer who manages casework. Traditionally, OCIA is headed by a Senate-confirmed Assistant Secretary (A/S). Three leadership positions all report to the A/S: one (1) Deputy Assistant Secretary (DAS) of Congressional Affairs; one (1) DAS of Intergovernmental Affairs (IGA); and one (1) Chief of Staff (COS). Following the separation of Assistant Secretary Katherine B. McGuire in January 2019, OCIA has been led by the DAS for Congressional Affairs.

Key Leadership

- **Vacant**, Assistant Secretary (non-career)
- **Joe Wheeler**, Deputy Assistant Secretary of Congressional Affairs (non-career)
- **Michael Downing**, Deputy Assistant Secretary Intergovernmental (non-career)
- **John Patrick Walsh**, Chief of Staff (non-career)

Within the Congressional Affairs office, there is a cadre of Senior Legislative Officers (SLO) whose responsibility is to be the primary liaison between a set of the Department's sub-agencies that they are assigned to as part of their portfolio. Beneath that level of SLOs are Legislative Officers (LO), who are more junior and either provide support to the SLOs or work with less

TAB 1: Agency Organizational Overview

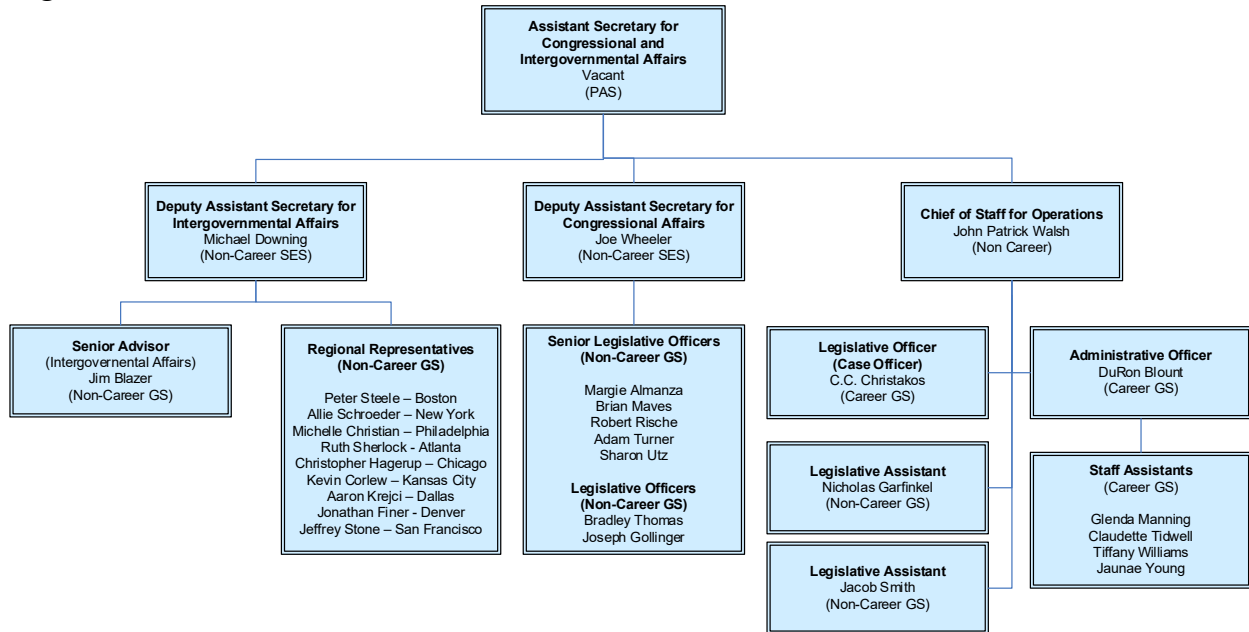
labor-intensive agencies and policy areas. The DAS for Congressional Affairs leads the day-to-day work of this team.

Within the Intergovernmental Affairs office, the DAS for IGA leads a team which consists of a few staff in Washington, DC and up to 10 staff, known as Regional Representatives, are based in various regions. The Regional Representatives handle outreach to state and local elected officials and track legislative efforts at the state/local level on Department-related issues. The Regional Representatives are the only non-career appointees the Department has outside of the National Capitol Region.

Additionally, OCIA has a Legislative Assistant (LA) position. LAs take their direction from the Chief of Staff and generally handle casework and, whenever needed, undertake special projects/tasks.

TAB 1: Agency Organizational Overview

Organizational Chart



TAB 1: Agency Organizational Overview

Workforce At-A-Glance

**DEPARTMENT OF LABOR EMPLOYMENT *
AS OF 11/1/2020 - OCIA**

AGENCY			
Subagency	National Office	Regional Office	Total
OCIA	20	9	29
Total	20	9	29
RACE & GENDER			
Ethnicity	F	M	Total
Black	4	2	6
White	6	17	23
Total	10	19	29

BARGAINING UNIT	
Local 12	5
Non-BU	24
SUPERVISORY**	
Non Supervisor	25
Supervisor	4
WORK SCHEDULE	
F-Full Time	29
REGIONS	
1 Boston	1
2 New York	1
3 Philadelphia	1
4 Atlanta	1
5 Chicago	1
6 Dallas	1
7 Kansas City	1
8 Denver	1
9 San Francisco	1
Natl Ofc	20
Total	29

GRADE DISTRIBUTION	
00	2
07	2
09	1
11	3
12	2
13	4
14	6
15	9
Total	29
DISABLED STATUS	
No Disability	29
APPOINTMENT TENURE	
Indefinite	21
Permanent	8
RETIREMENT ELIGIBILITY	
Early Out	1
Eligible	2
Not Eligible	26

METRO D.C. AREA EMPLOYEES BY BUILDING	
FRANCES PERKINS BLDG	20
Total	20
Includes regional employees working in the D.C. area	
GRADE 13 & ABOVE	
Ethnicity	F M
Black	0 1
White	6 14

* Permanent and Temporary Employees

** Supervisor count includes manager levels 2 and 4

TAB 2: STATE OF PLAY

Key Processes

Appropriations: Congress passed a continuing resolution (CR) that extends funding for all departments and agencies until December 11, 2020. Congress must either enact regular appropriations bills or pass another CR by that date.

FY 2022 Budget roll-out: The President’s budget is usually rolled out in February/March. Typically, during a change in administration, a “current services” budget is released in February, and then a policy budget is released in March or April.

OCIA plays a key role in this process in providing bipartisan informational briefings to the staff of the House and Senate Appropriations Committees and to the authorizing committees for most DOL programs, the House Education and Labor Committee and the Senate Health, Education, Labor, and Pensions Committee (HELP).

- The actual date of the public rollout is determined by OMB.
- In the past, the Department has provided a general preview for four appropriators’ staffs (chairman and ranking for House and Senate committees) with the strict understanding that the information is embargoed until the public rollout.
- The Departmental Budget Center (DBC) will prepare budget overview materials and Congressional Justification books prior to the budget being made public.
- OCIA and DBC coordinate to provide the Congressional Justifications to the staff of the Chairs and Ranking Members of the Budget, Appropriations, and authorizing (Senate Health, Education, Labor, and Pensions & House Education & Labor committees), as well as to the staffs of all members of the Labor, HHS, and Education Appropriations Subcommittee.
- OCIA, in consultation with DBC, should schedule bipartisan briefings for a larger group of the staff of members sitting on the appropriations committee. The OCIA Assistant Secretary may also determine that the authorizing committee staffs should have an opportunity to be briefed as well. The questions raised by these staff are usually partisan. DBC staff will take the lead in providing committee staff with a more detailed overview of the Department’s budget. Furthermore, this briefing will provide the committee staffs with an opportunity to ask any questions they may have regarding the proposed budget.
- In recent years, there has been additional interest in ETA or other agencies to provide additional topic-specific briefings. These agency-specific briefings have traditionally taken place only at the request of one or more of the committees.

Nominations and Confirmations: As the new President nominates individuals to serve in his administration, each department will likely bear some responsibility for shepherding nominees through the confirmation process. How much or how little responsibility DOL will have for this task will depend on how much discretion is delegated by the White House Office of Legislative Affairs and the Office of Presidential Personnel.

The full slate of Senate-confirmed nominees for the Department will be coming in waves throughout the first weeks of the new Administration. OCIA works closely with the White House Office of Legislative Affairs to clear pre-hearing QFRs, Committee paperwork, prep for confirmation hearings, and post-hearing QFRs. Nominees should draft their own testimony, but OCIA staff will review.

At a minimum, DOL's ethics counsel must review the nominee's financial disclosure and must certify to the Office of Government Ethics that there are no conflicts of interest. Also, note that the HELP Committee requires a separate, two-part, disclosure form.

The confirmation process typically involves all or some of the following elements:

- Courtesy visits with Senators (committee members, home state)
- Meeting with committee staff to discuss issues of interest and concern
- Answering written questions submitted by the committee
- A formal hearing
- Formal vote on the nominee in a committee executive session (alternatively, the committee could unanimously agree to report the nomination or to "discharge" the committee from further consideration of the nomination)
- Vote by the full Senate

Secretary's hearings on the Budget: Typically, the Secretary has three budget hearings: one each before the House and Senate Labor/HHS/ED Appropriations Subcommittees and a third before the House Education and Labor Committee. Senate HELP has not traditionally held a budget hearing. Soon after the FY 2021 funding issues are resolved, the new administration can expect Congress to begin work on the FY 2022 budget. Budget hearings are likely to be scheduled for April or May, shortly after the policy budget is released.

Supplemental Pandemic-Related Bills: The Department can expect a new Congress to consider passage of additional supplemental spending bills. For the Department, this would likely cover additional funding considerations for the Department's agencies, unemployment provisions, Wage and Hour provisions, and questions around issuing an OSHA Emergency Temporary Standard.

Create a list of key staff on the Committees of jurisdiction: This will make it easy to send notifications.

Create a system for handling incoming casework: One ongoing and non-partisan aspect of work managed by OCIA is Congressional casework. Members of Congress will email or call in with inquiries regarding a constituent's casework claim status. The most frequent inquiries are about OWCP cases, OFLC-related casework (H-2B, H-2A, PERM wage determinations, and labor certifications), and TAA petitions. However, there are also regular inquiries about OSHA or WHD investigations. OCIA works closely with agencies to address the incoming inquiries and ensure any inquiries are handled expeditiously.

OCIA casework inquiries are managed by a combination of career and non-career staff. During the transition, OCIA interim leadership will coordinate with agencies to have detailees from agencies on board until sufficient OCIA staff are on board. DuRon Blount, OCIA's Administrative Officer, will be managing the staff and processes and ensuring casework does not get lost during the transition. OCIA has a case management system, CTS, that was developed in coordination with the Department's IT team, but casework will still come in via USPS, fax, and email.

Grants Notifications and the Grants Cycle

- The Section 526 of the bill-wide general provisions from the Further Consolidated Appropriations Act, 2020 (PL 116-94) added a new notification requirement for all new or competitive grants. Not less than three business days in advance of award, DOL is required to notify the appropriations committees of all grant awards.
- A significant number of ETA grants are awarded in June, before the end of the program year (June 30).
- September is a big push for grants that must be awarded before the end of the fiscal year (Sept 30). ILAB also releases their child labor reports in September/October.

Reports to Committees: The Department has numerous reports to Committees that are provided throughout the year. Some are required by authorizing statutes, some are required by annual appropriations law, and some are requested as part of the report language accompanying the annual appropriations bills. Reports to Committees are generally cleared through the Department by SOL and then cleared by OMB. The Department typically does not provide cover letters to accompany the report.

Spring Regulatory Agenda Roll-Out: There is no specific timing for this, but be prepared with a plan to push out the regulatory agenda.

Key Policy-Related Topics

Unemployment Insurance Benefits

The Families First Coronavirus Response Act (PL 116-127) and the CARES Act (PL 116-136) included numerous unemployment provisions, most of which expire on December 31, 2020. There will be numerous discussions about the programs that should be enacted in a supplemental bill, whether benefits should be retroactive, and what funding level is reasonable for the Federal Pandemic Unemployment Compensation (the additional \$600 per week).

Unemployment Insurance Administration and IT Modernization

Coming out of the pandemic, the Department can expect continued conversations about the need to modernize, and assist states with modernizing, their UI claims systems.

Office of Foreign Labor Certification – H-2B Peak Filing Season

The H-2B peak filing season starts in January and goes through March. There will be significant Congressional interest in the status of the H-2B labor certification applications and how the Department is managing any backlog. This will be a combination of casework and more policy-

oriented inquiries. If a final FY 2021 appropriations bill hasn't been passed before the start of a new Administration, the final bill may include a provision where the Secretaries of DHS and Labor determine the amount the H-2B cap should be raised. The decision-making process and timing of any such decision would be of significant Congressional interest.

Trade Adjustment Assistance

On July 1, 2021, the Trade Adjustment Assistance program reverts to an alternative version of the program. On July 1, 2022, the program terminates.

BLS and ETA Lock-up

BLS and ETA terminated the data lock-up during FY 2020. This continues to generate significant Congressional interest, including from Senator Blunt.

BLS Move

The FY 2020 President's Budget included \$40 million in multi-year money for costs associated with BLS' move from Postal Square to Suitland, MD. Congress appropriated \$27 million in FY 2020, and they are expected to apportion the remaining \$13 million in FY 2021. However, GSA has updated the costs of the move, which will need to be included in the FY 2022 President's Budget. DOL can expect numerous questions on this topic, particularly from Rep. DeLauro.

USMCA

Appropriations committee staff—particularly House Democrats and Senate Republicans—are extremely interested in USMCA-implementation efforts. The Department currently has a quarterly briefing with ILAB and appropriations staff.

Worker Protection Staffing Levels

The staffing levels of the worker protection agencies have been of significant interest to the House and Senate Democrats. In particular, the OSHA inspector staffing levels have not been increasing at the rate that House and Senate Democrats would like to see. The Department can expect numerous questions about staffing and hiring plans.

Key Agency Stakeholders

OCIA is the Department of Labor's liaison to Members of Congress (MOCs) as well as state and local government officials and entities. OCIA's primary responsibility is communicating and advocating for the Department's priorities and policies.

General Approach to Communicating with Elected Officials

While there will always be unique situations, OCIA's interactions with the Congress are done on a bipartisan, bicameral basis. Advanced notifications to Congress—using strict embargo language—is standard operating procedure.

TAB 2: State of Play

Leadership

OCIA includes staff from the Speaker, Senate Majority Leader, and House and Senate Minority Leaders on major notifications and is in regular touch with leadership staff.

Key Committees

House	Senate
Education and Labor	Health, Education, Labor, and Pensions
Ways and Means	Finance
Labor/HHS/ED Appropriations Subcommittee	Labor/HHS/ED Appropriations Subcommittee
Oversight and Reform	Homeland Security and Governmental Affairs
Foreign Relations (ILAB)	Foreign Affairs (ILAB)
Veterans' Affairs (VETS)	Veteran's Affairs (VETS)
Budget	Budget

- In some instances, OCIA interacts with the House and Senate Armed Services Committees on issues related to federal contracting and/or when the National Defense Authorization Act (NDAA) is used as a vehicle to address a labor-related issue.
- The House and Senate Small Business Committees sometimes hold hearings on issues related to the impact of the Department's policies or programs on small businesses.
- The Joint Economic Committee has on occasion invited BLS to testify on jobs numbers or other economic indicators.
- The House and Senate Agriculture Committees will sometimes weigh in with OCIA on issues related to farms, farming, or the agricultural labor.
- The House and Senate Judiciary Committee will also sometimes contact OCIA on immigration-related issues.

Inter-Governmental Affairs Stakeholders

National Governor's Association, National Association of Counties, National League of Cities, US Conference of Mayors, National Conference of State Legislators, State Innovation Exchange, and the National Association of Latino Elected Official.

TAB 3: BUDGET

Along with the Office of the Secretary and other offices that directly support the Secretary in developing policy and managing the Department, OCIA is funded through the Departmental Management appropriation. For information on this budget activity, please see the “Program Direction and Support Budget Overview” (Cross Agency Paper 5.b).