

The Trump administration's short-sighted attacks on the Federal Mediation and Conciliation Service

Report • By Lynn Rhinehart • March 2, 2026

Introduction

The Federal Mediation and Conciliation Service (FMCS) is a small, independent agency whose mission is to support businesses and workers in resolving workplace disputes and building positive labor-management relationships. FMCS has no authority to adjudicate disputes or issue regulations. Outside of the health care industry, it cannot require any business, worker, or union to participate in mediation or take any particular action. Rather, FMCS uses its expertise and experience to help parties find mutually agreeable solutions to workplace disputes. Through its work, FMCS has helped resolve thousands of workplace disputes and saved the U.S. economy hundreds of millions of dollars annually (FMCS 2025a).

In spite of this, the Trump administration has targeted this agency for elimination. Trump first attempted to shut down the agency by laying off almost all of its employees, but he was stopped by two lawsuits and two federal court injunctions. Trump’s proposed fiscal year (FY) 2026 budget included only \$7.4 million for FMCS to use in shutting down the agency. In a series of continuing resolutions, Congress has rejected the Trump administration’s proposal and has continued to fund FMCS at close to its FY 2025 levels.¹

This report describes FMCS’s work and its importance to our national policy of supporting collective bargaining. It goes on to detail the Trump administration’s attacks on the agency and efforts to resist these attacks. The report concludes with recommendations for rebuilding and maintaining a quality, effective FMCS—recommendations that can also be implemented by states that have their own mediation agencies.

What is FMCS?

FMCS is a small, independent federal agency established by Congress to assist companies, workers, and their unions in building productive labor-management relationships and preventing costly and disruptive workplace disputes. Unlike most federal agencies, FMCS has no regulatory power and cannot force any company,

SECTIONS

1. Introduction • 1
2. What is FMCS? • 1
3. FMCS’s work • 3
4. The Trump attacks • 5
5. Attacks on FMCS independence and impartiality • 7
6. FMCS and the first contract problem • 7
7. Recommendations for restoring and improving FMCS • 9
8. Conclusion • 10

Notes • 11

References • 12

worker, or union to agree to any term or participate in mediation (outside of the health care industry). It is a service agency that provides support to parties in the collective bargaining process and other aspects of labor-management relations.²

FMCS was formed by the 1947 Taft-Hartley Act, which transferred the functions of the U.S. Conciliation Service—housed within the U.S. Department of Labor (DOL)—to the newly formed FMCS.³ FMCS was created as a separate, independent agency at the request of employers, who viewed the U.S. Conciliation Service as biased in favor of unions because of its location within DOL (Rhinehart 2025).

In establishing FMCS, Congress stated its policy and purpose as follows:

It is the policy of the United States that—

(a) sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues between employers and employees through the processes of conference and collective bargaining between employers and the representatives of their employees;

(b) the settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration...; and

(c) certain controversies which arise between parties to collective-bargaining agreements may be avoided or minimized by making available full and adequate governmental facilities for furnishing assistance to employers and the representatives of their employees...

29 U.S.C. 171 (emphasis added).

FMCS's authorizing statute then describes FMCS's function and role:

The Service may proffer its services in any labor dispute in any industry affecting commerce, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment **such dispute threatens to cause a substantial interruption of commerce.** The Director and the Service are directed to avoid attempting to mediate disputes which would have only a minor effect on interstate commerce if State or other conciliation services are available to the parties.

29 U.S.C. 173(b) (emphasis added).

Special provisions pertain to the health care industry. In the health care industry,

the Service shall promptly communicate with the parties and use its best efforts, by mediation and conciliation, to bring them to agreement. The parties **shall** participate fully and promptly in such meetings as may be undertaken by the Service for the purpose of aiding in a settlement of the dispute.

29 U.S.C. 158(d) (emphasis added).

FMCS is headed by a presidentially nominated, Senate-confirmed director.⁴ Over the years, most FMCS directors have been individuals with broad collective bargaining experience and extensive relationships in the labor and management communities, which has brought stature and credibility to the agency and its work. However, FMCS has not had a Senate-confirmed director since 2021. President Biden’s nominee to lead the agency was not confirmed by the U.S. Senate, and President Trump has not nominated anyone to fill the director role and instead has tried to shutter the agency altogether.

FMCS is, and has always been, a small agency. In FY 2025, FMCS received a \$55 million appropriation from Congress, representing .0014% of the federal budget (FMCS 2025a). This funding supported a staff of approximately 200 employees located in six regions around the country and Washington, D.C., the vast majority of whom were mediators. As previously noted, President Trump is attempting to shutter the agency and cut its funding to only the funds needed to shut down the agency (FMCS 2025b). In a series of actions, Congress has rejected Trump’s proposal and has continued to fund the agency at \$48.7 million, close to its FY 2025 level.

Because of the Trump administration’s attacks on the agency and the uncertainty created for FMCS employees, scores of mediators have left the agency. According to FMCS’s website, only 58 mediators remain at the agency (FMCS 2026).

FMCS’s work

FMCS’s primary role is to provide training and mediation services to employers and unions engaged in collective bargaining. These services are provided at no cost to the parties.

In FY 2024, the last year for which full data are available, FMCS provided collective bargaining mediation services in 2,318 cases (FMCS 2025b). (Under the law, parties in the private sector must file a notice with FMCS when they seek to amend or renew a collective bargaining agreement. When FMCS receives such a notice—called an F-7 notice—it opens a case.) In FY 2024, 93.5% of mediated cases were settled, including several major and significant disputes (FMCS 2026b).

Prior to the Trump administration’s efforts to shut down the agency, FMCS also provided grievance mediation services to resolve disputes arising under collective bargaining agreements (CBAs). Most CBAs include a dispute resolution process, under which workers

Table 1

Federal Mediation and Conciliation Service cases and settlement rates, FY 2024

| Service | Cases | Settlement rate |
|---------------------------------|-------|-----------------|
| Collective bargaining mediation | 2,318 | 93.5% |
| Grievance mediation | 1,362 | 47.2% |
| Training | 1,477 | n/a |

Economic Policy Institute

Note: EPI analysis of Federal Mediation and Conciliation Service budget documents.

Source: Federal Mediation and Conciliation Service. 2025. "Fiscal Year 2026 Technical Supplement." June 2025.

can file grievances over alleged violations of the CBA and seek a remedy. Some collective bargaining agreements explicitly require the parties to seek FMCS mediation if their efforts to resolve the grievance are not successful.

In FY 2024, FMCS mediated 1,362 grievances, almost half (47.2%) of which were settled in mediation. FMCS is not currently providing grievance mediation services.

Prior to Trump's attempted shutdown, FMCS provided training to businesses and employees on the collective bargaining process and dispute resolution. These training services were especially helpful to parties entering into a new collective bargaining relationship, because they often are not familiar with collective bargaining and ways of building productive relationships.

In FY 2024, FMCS conducted 1,477 training programs on developing strong labor-management relationships. FMCS is not currently providing training services.

As noted, all of these services are provided by FMCS at no cost to the parties, in furtherance of the national policy in support of collective bargaining and the peaceful resolution of workplace disputes expressed in the National Labor Relations Act (NLRA) and the Labor Management Relations Act. The provision of these services at no charge is especially important for smaller employers and unions who lack the financial resources to hire mediators on the private market.

Most grievance procedures in CBAs call for arbitration if the parties are unable to resolve a grievance themselves. FMCS supports the arbitration process by maintaining a roster of arbitrators that the parties can request for a nominal fee. In FY 2024, FMCS provided 10,000 panels of arbitrators for the parties to utilize in selecting an arbitrator to resolve a workplace dispute.

Congress has broadened FMCS's mandate several times over the years, including to provide mediation and alternative dispute resolution services to the public sector. Many states reference FMCS in their state collective bargaining statutes, and many state public-

sector CBAs similarly call on the parties to utilize FMCS’s services to resolve disputes.⁵ FMCS has also been directed to assist in negotiated rulemaking proceedings, although rulemakings of this nature have been rare in recent years.

In 1978, Congress also broadened FMCS’s mandate to include support for labor-management committees and similar labor-management cooperative activities. Initially, FMCS received additional appropriations to support this work, including the ability to offer grants to support this work, but labor-management grants have not been funded for many years.

The Trump attacks

On March 14, 2025, President Trump issued Executive Order (EO) 14238, “Continuing the Reduction of the Federal Bureaucracy,” which directed several agencies, including FMCS, to reduce their operations to their bare statutory minimum. FMCS’s leadership stated that FMCS needed at least 80–100 mediators to meet its statutory duties, and could only do so if mediation was held virtually instead of in-person. Nevertheless, representatives of Trump’s Department of Government Efficiency (DOGE) ordered the agency to reduce its staff to five mediators and approximately eight additional staff (AFL-CIO 2025). All other staff were placed on administrative leave as of March 26, 2025, mediation and training sessions were canceled, and FMCS’s regional offices were closed. Employees began receiving formal Reduction in Force notices at the end of March 2025.

The impact on FMCS’s operations was immediate. Mediators who were working with employers and unions to reach collective bargaining agreements abruptly canceled mediation sessions, leaving the parties in the lurch. Some of the affected parties included the United Federation of Teachers and the Bronx Global Learning Institute for Girls, who were working with an FMCS mediator on reaching an initial collective bargaining agreement when the mediator was placed on administrative leave and canceled scheduled mediation sessions. Providence Place and Service Employees International Union (SEIU) Healthcare Minnesota and Iowa were working with a mediator to settle their contract and avoid additional strikes, but mediation was canceled when their mediator was placed on administrative leave. The same was true for grocery workers in California, represented by the United Food and Commercial Workers Union. Their efforts to mediate a new collective bargaining agreement with California grocery stores stalled when their FMCS mediator was suddenly placed on administrative leave. A school district in Illinois had been working with FMCS mediators for months when mediation sessions were canceled after the agency was all but shuttered and their mediator was placed on administrative leave. A hospital in Rhode Island faced a similar fate when FMCS mediation to resolve a dispute with United Nurses and Allied Professionals was canceled, placing the hospital at risk of a major work stoppage.⁶

In addition, other valuable FMCS services were canceled. This included a Biden-era initiative under which FMCS offered to conduct free card check verification services (FMCS 2022a; FMCS 2022b). These free card check services were provided to employers and unions who agreed to begin a collective bargaining relationship upon proof of majority

support for unionization among employees, rather than go through the National Labor Relations Board (NLRB) representation election process. Voluntary recognition of unions through card check is a long-standing practice that allows the parties to begin their relationship on less adversarial terms. FMCS abruptly canceled these services when Trump proposed to eliminate the agency (Eidelson 2025).

A group of state attorneys general quickly filed a lawsuit over the Trump administration's attempted shutdown of FMCS and other agencies, arguing that the administration's unilateral action was contrary to the underlying statutes establishing and funding the agencies and beyond the president's authority.⁷ The lawsuit described the states' reliance on FMCS to mediate labor-management disputes involving state employees and detailed the harms to their states caused by the Trump administration's abrupt gutting of FMCS. The lawsuit was successful, with a federal district judge issuing an injunction ordering the Trump administration to cease implementation of Executive Order 14238 and to reverse the cuts that had already been made.⁸ Similarly, a group of unions that rely on FMCS's services to mediate and resolve labor-management disputes filed a lawsuit over the Trump administration's attempt to shut down FMCS (AFL-CIO 2025). As with the state lawsuit, the unions won an injunction stopping the administration from implementing EO 14238 and ordering it to reverse the cuts it had already made.

While the lawsuits and rulings have been essential to FMCS's survival, severe damage to the agency has already been done. Scores of talented mediators have left the agency for other jobs, worried about the uncertainty of continued employment at FMCS. Only 58 mediators remain at an agency that previously employed almost three times that number. At first, FMCS drastically limited its services, making mediation available only for bargaining units of 1,000 or more employees (or 250 for health care). After the first court injunction, FMCS issued a new policy providing mediators for all health care disputes but limiting mediation for all other private-sector disputes to those involving bargaining units of 250 or more employees—a huge change from the practices in place before March 2025. FMCS provided no reasoning or justification for the new 250-employee threshold. Moreover, FMCS is offering only virtual mediation services, which some parties find less effective than in-person mediation.

The ongoing cutbacks and chaos at the agency have left employers, workers, and unions with less confidence in the agency and its operations, not knowing whether or when the Trump administration will make another attempt to shutter the agency.

Businesses and workers have good reason to worry about FMCS's survival under the Trump administration. The administration requested only \$7.4 million in funding for the agency for FY 2026, all to be used to shut down the agency. Fortunately, Congress rejected the Trump Administration's proposal and has continued to fund FMCS at close to its FY 2025 level.

Because of the Trump administration's attacks on FMCS, several states—including Michigan, California, Minnesota, Illinois, New York, and others—have expanded their state mediation bureaus to offer some of the services that FMCS is no longer able to offer (Purifoy 2025). But these state efforts do not come close to the comprehensive services

FMCS was previously able to offer.

Attacks on FMCS independence and impartiality

A hallmark of FMCS's work over the years has been its independence and impartiality in providing its services. As previously noted, outside of health care, FMCS has no authority to require any entity to utilize its services. Parties voluntarily agree to bring in FMCS. The skills, reputation, and impartiality of FMCS mediators are key to their credibility and the willingness of parties to engage and trust them.

FMCS was created as an independent agency out of the former U.S. Conciliation Service, which was housed at the U.S. Department of Labor. Employers insisted on separating the mediation service from DOL over concerns that mediators were not impartial and favored unions. As this history shows, FMCS's independence and impartiality are central to the operations and success of the agency.

FMCS is run by a presidentially nominated and Senate-confirmed director, who is a political appointee the president can remove at any time, although no president has ever done so. FMCS directors have typically been established, respected practitioners in labor-management relations, whose expertise and relationships have given the parties confidence in the quality and impartiality of FMCS's operations.

FMCS's independence and impartiality are threatened by the Trump administration's efforts to take over and run the operations of independent agencies like FMCS. As already described, EO 14238 attempted to all but shutter the agency. Another Trump executive order, EO 14215, issued on February 18, 2025, attempts to control the activities of independent agencies like FMCS by giving the Director of the Office of Management and Budget extensive control over the priorities and expenditures of independent agencies (McFerran and McNicholas 2025). And President Trump has aggressively asserted his authority to remove Senate-confirmed members of independent agencies, boards, and commissions, demonstrating his belief that these agencies and their appointees are under his ultimate authority and control. All of these actions put FMCS's independence and impartiality at risk (leaving aside the risk posed by the Trump administration's efforts to abolish the agency altogether.)

FMCS and the first contract problem

The challenge of reaching an initial collective bargaining agreement when workers first organize their union is a serious and persistent problem. Research shows that only slightly more than one-third of new bargaining units reach an initial agreement within one year, and one-third of all bargaining units go three years or more without reaching an initial agreement (Bronfenbrenner 2022). The National Labor Relations Act does not authorize penalties or other monetary sanctions for delaying the bargaining process. Employers

exploit this weakness in the law to slow-walk the bargaining process and avoid reaching an agreement with newly organized workers, because they know workers will get frustrated. This undermines the collective bargaining process and deprives workers of the goal they organized for—a binding contract governing their terms and conditions of employment.

During the Biden administration, FMCS and the NLRB took action to try to help address the first contract problem (FMCS 2026c; NLRB 2022). When notified by the NLRB of a newly organized unit, FMCS proactively reached out to the parties and offered its training and mediation services in an effort to help the parties in the bargaining process. The NLRB trained FMCS mediators on the law of bargaining so that mediators could bring this additional knowledge to their work. Because FMCS’s services are voluntary on the parties’ part—outside of health care—FMCS could not force the parties to engage in mediation or training. But FMCS tried to be proactive with the parties in offering its assistance.⁹

FMCS successfully helped IAM Union (formerly the International Association of Machinists) and the Apple Company reach an initial collective bargaining agreement at the first unionized Apple store in Towson, Md. FMCS helped thousands of researchers reach an initial agreement with the National Institutes of Health. These are but two examples of FMCS’s work in this important area.

For decades, legislation has been introduced to address the first contract problem. The Employee Free Choice Act, introduced and passed by the House of Representatives in the late 2000s, included a first contract mediation and arbitration process to ensure that employers and unions reached an initial collective bargaining agreement in a reasonable amount of time. Similarly, provisions requiring first contract mediation and arbitration are a centerpiece of the comprehensive Protecting the Right to Organize (PRO) Act, which also would establish monetary penalties for violations of the NLRA, override state “right-to-work” laws, ban captive audience meetings and prevent other employer interference, and more.

In March 2025, U.S. Senators Josh Hawley (R-Mo.) and Cory Booker (D-Nj.) introduced the Faster Labor Contracts Act, which contains the first contract mediation and arbitration provisions from the PRO Act.¹⁰ The legislation would require parties to begin bargaining promptly after a union is certified, and if bargaining fails to produce an agreement within 90 days (or longer if the parties agree), the parties would be required to engage in mediation. If mediation was not successful, an arbitration panel would be convened to hear from both parties and render a final and binding decision on the terms of an initial collective bargaining agreement.

Both the PRO Act and the Faster Labor Contracts Act rely on the FMCS to provide the mediation and arbitration services. It is ironic that the legislation has been introduced by members of the same political party whose president is trying to eliminate FMCS—the very agency at the heart of making the legislation work.

Without a robust, government-supported mediation and arbitration system, neither the Faster Labor Contracts Act nor the PRO Act will live up to its promise.

Recommendations for restoring and improving FMCS

FMCS performs a valuable service to employers and workers by helping resolve workplace disputes and build better labor-management relationships—a service that the private market cannot replace at scale. It will take years to undo the damage inflicted on the agency by the Trump administration’s attacks, but it is essential that Congress takes action to restore and sustain the agency.

The remedies are practical, not symbolic. FMCS must be restored as a reliable, nationwide, politically-insulated service with a trained bench of labor-specialized mediators and a sustained development pipeline. The recommendations that follow are designed to stabilize service delivery quickly, rebuild workforce and leadership capacity, and restore the structural independence that labor and management count on when they engage FMCS to help resolve an important dispute.

1. FMCS’s funding and staffing must be restored to FY 2025 levels so that the agency can continue to function and provide much-needed services to employers, workers, and unions.
2. FMCS should provide services in any dispute with the potential to disrupt commerce and not impose arbitrary thresholds, and it should provide in-person mediation services, not just virtual services.
3. FMCS must remain independent from political influence and control. Independence and impartiality is the hallmark of FMCS’s existence and success. The Trump administration should stop trying to control FMCS’s spending and operations and leave these decisions to the experts. FMCS should remain an independent, expert agency—it should not be folded into the Department of Labor or any other agency. Doing so would undermine FMCS’s impartiality, and the other agencies lack FMCS’s expertise.
4. FMCS has suffered from the lack of a Senate-confirmed director. The failure of the Biden administration—widely regarded as the most pro-union administration in history—to prioritize and win Senate confirmation of an FMCS director was detrimental to the agency’s operations and stature. Every administration should prioritize, nominate, and win Senate confirmation of an experienced, respected practitioner in labor-management relations to lead FMCS’s operations.
5. FMCS should resume free card check services in support of the voluntary recognition process. If employers are willing to recognize their employees’ union based on a showing of majority support without requiring workers to go through the NLRB election process, FMCS should be there to assist them. The Trump administration’s elimination of this service was misguided and undermined a long-standing practice by which companies and workers start their collective bargaining relationships on a more positive, less adversarial basis.
6. With restored funding and staffing, FMCS should prioritize the establishment of a

special unit to focus on assisting parties in reaching initial collective bargaining agreements. This unit should be specially skilled and trained in collective bargaining and should be made available to the parties in newly organized bargaining units. Relatedly, Congress should recognize the importance of FMCS to the first contract mediation process. It should ensure that FMCS has sufficient funding to carry out this work and must increase FMCS's funding and first contract mediation staffing and expertise if the Faster Labor Contracts Act or PRO Act become law.

7. With restored funding and staffing, FMCS should prioritize the hiring, training, and retention of mediators experienced and skilled in mediating in a collective bargaining setting. Because Congress has broadened FMCS's mandate over the years to include a number of activities in addition to collective bargaining mediation, FMCS's services have become more varied and diffused. In order to have the credibility and stature to effectively assist in the collective bargaining process, FMCS should highlight collective bargaining mediation as its core mission and prioritize staffing and funding for these activities.
8. Relatedly, FMCS should highlight and publicize the importance and benefits of collective bargaining to employers, workers, and our economy. Congress should specifically direct FMCS to publish research and reports in this area and to coordinate with other labor and research agencies in collecting and analyzing relevant data. Several high-profile events were held during the Obama administration during the FMCS directorships of George Cohen and Allison Beck (the first and only woman to date to run FMCS). FMCS is uniquely positioned to do this work, as an agency explicitly created by Congress to support the collective bargaining process.
9. FMCS should explore ways to maximize the impact of its work by discouraging parties from engaging FMCS too early in the bargaining process.
10. The business community needs to speak up and support FMCS. FMCS is a service agency that supports employers and workers. FMCS helps prevent costly disputes and facilitate positive labor-management relations. Unions have actively worked to save FMCS through litigation and other efforts. The utter silence of the business community in response to the Trump administration's attempts to shut down FMCS is inexplicable. The business community should voice support for restoring and maintaining FMCS.
11. FMCS leadership should prioritize and establish relationships with key Capitol Hill offices and the White House, and hire a government affairs director to lead this work. This would help ensure that key players are knowledgeable and up to date on FMCS's work, which would be helpful in the appropriations and oversight process. Relatedly, FMCS should prioritize external communications about its work, the importance of collective bargaining to our economy, and the benefits of resolving workplace disputes through mediation.

Conclusion

The Trump administration's attacks on FMCS and its independence have weakened and

undermined the agency, its staff and morale, its operations, and its credibility. Only through the efforts of litigation and Congress has FMCS been able to survive, albeit in its weakened state. As a result, employers, workers, and unions have been deprived of a valuable service that Congress established nearly 70 years ago to help prevent and resolve workplace disputes. The Trump administration’s attacks are counterproductive and short-sighted and have undermined our national policy in favor of collective bargaining. Adoption of the recommendations outlined in this report would help restore FMCS to its original function and benefit employers, workers, unions, and our economy.

Notes

1. Consolidated Appropriations Act, 2026, [H.R. 7148], 119th Congress (2026).
2. Parties are required to participate in FMCS mediation in the health care industry, 29 U.S.C. 158(d), but FMCS has no power to prevent parties from engaging in strikes or lockouts if they fail to reach agreement. In contrast, the National Mediation Board (NMB) can and does require parties to engage in NMB mediation if the parties are not able to resolve a dispute on their own. 45 U.S.C. 155. This system was established by Congress to minimize the likelihood of disruptive labor disputes in the rail and airline industries. 45 U.S.C. 151a.
3. 29 U.S.C. 172(d).
4. 29 U.S.C. 172(a).
5. *State of Rhode Island v. Trump*. <https://www.pelrb.nm.gov/wp-content/uploads/2026/01/RI-Fed-Court-Decision-Imposing-Injunction-2025-05-06-1.pdf>
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9. As part of the Biden administration’s White House Task Force on Worker Organizing and Empowerment, efforts were made to try to require certain federal contractors to utilize FMCS’s services when workers first organized a union, but these efforts did not come to fruition (DOL n.d; WH Task Force 2023). Acting Secretary of Labor Julie Su issued a “first contract challenge” to newly organized companies, urging them to reach an agreement with employees within one year. She worked closely with BlueBird Bus Company and the United Steelworkers on meeting this goal and celebrated in person with them in Georgia when they succeeded (DOL 2024). However, the first contract challenge was not broadly implemented before the Biden administration left office.
10. Faster Labor Contracts Act, [S. 844], 119th Congress (2025).

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