

July 16, 2024

The Honorable Bernie Sanders
Chair
Committee on Health, Education, Labor & Pensions
United States Senate
Washington, DC 20515

The Honorable Bill Cassidy
Ranking Member
Committee on Health, Education, Labor & Pensions
United States Senate
Washington, DC 20515

Dear Chairman Sanders and Ranking Member Cassidy:

The undersigned associations support efforts to modernize and improve the Workforce Innovation and Opportunity Act (WIOA). However, we strongly oppose the unrelated “blacklisting” provisions included in the draft legislation recently circulated by the Committee. These provisions harm the good-faith, bipartisan efforts to reauthorize the law.

Much like the Federal Acquisition Regulatory Council’s Fair Pay and Safe Workplaces regulations, which Congress rightly repealed in 2017, the provisions in the discussion draft create a virtual “guilty until proven innocent” process for those attempting to participate in the WIOA program. The language is overly broad and does not distinguish minor offenses or paperwork violations from serious crimes, likely barring any number of well-meaning businesses from engaging in the public workforce system.

Additionally, WIOA’s requirements governing eligible training providers already contain sufficient penalties for those who violate federal law. Currently, if a provider of training services, or an individual providing information on behalf of the provider, violates WIOA by intentionally supplying inaccurate information or committing substantial violations of the law, the eligibility of the provider to receive funds is terminated for at least two years, and the provider must repay the WIOA funds they received during the period of the violation. Violators of the law are therefore already penalized for bad behavior, making the proposed language unnecessary.

While the undersigned organizations support your efforts to reauthorize WIOA, the inclusion of this unsound policy will only tie up law-abiding employers in red tape, discouraging their participation. In sum, these provisions would make a system intended to develop workers’ skills less effective.

Sincerely,

American Hotel & Lodging Association
American Pipeline Contractors Association
Associated Builders and Contractors
Associated General Contractors of America
Autos Drive America
Heating, Air-conditioning, & Refrigeration Distributors International
Independent Electrical Contractors
International Foodservice Distributors Association
National Restaurant Association
National Retail Federation
National Tooling and Machining Association
Power & Communication Contractors Association
Precision Machined Products Association
Precision Metalforming Association
Small Business & Entrepreneurship Council
U.S. Chamber of Commerce