



THE UNITED STATES CONFERENCE OF MAYORS

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May 19, 2009

The Honorable Hilda Solis
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Solis:

On behalf of The U.S. Conference of Mayors, we are writing to express our opposition to the U.S. Department of Labor's (DOL) plans to mandate that state merit staff administer the newly expanded Trade Adjustment Assistance (TAA) under the Trade and Globalization Adjustment Assistance Act (TGAAA), which is part of the American Recovery and Reinvestment Act of 2009.

We have express policy concerns regarding this mandate, and believe that it runs counter to the legislative intent of Congress in passing the new TAA law earlier this year. The conferees' agreement to drop the House-passed legislation's mandate that state merit staff administer the TAA program, which was not included in the bipartisan legislation developed by the Senate Finance Committee leadership, was a clear indication of their intent to exclude any such mandate from the final TAA law. As this was a bipartisan and bicameral compromise reached by leaders of the House Ways and Means and Senate Finance Committee, Congressional intent in this regard is clear.

A mandate to use state merit staff exclusively would mean that the TAA program could no longer be administered by local Workforce Investment Act (WIA) staff, private sector contractors, 501(c)(3) non-profit contractors, faith-based providers, or community-based organizations, as they are in so many of our cities. The planned mandate would force local areas to dismantle service delivery systems that are working and have done so for several years, and would incur a potentially substantial cost in the midst of a severe economic downturn. At a time when local workforce areas are struggling to serve the record number of unemployed workers seeking help, this proposed staffing mandate and change is unnecessary and counterproductive.

Moreover, clients who enroll in WIA receive wrap-around services, including more comprehensive and in-depth assessment, vocational/career counseling, case management and post-training assistance. The assessments provided by state merit staff to TAA customers are limited in scope and depth, and generally do not include vocational counseling. A mandate that services for TAA participants be administered by state merit staff would result in their not receiving the full range of wrap-around services, and prohibit them from obtaining this critical counseling.

The Department of Labor's claim that the TAA Law's silence on the state merit staff issue provides them with the authority to mandate such a change ignores the legislative history behind this well-negotiated bill, which demonstrates that Congress specifically considered and then rejected such a mandate. We are thus troubled that DOL intends to reverse the decision made by Congress, as it ignores the bipartisan spirit in which the new TAA law was negotiated and passed.

We appreciate your consideration of our concerns, and look forward to hearing from you on your plans to proceed in this regard.

Sincerely,

A handwritten signature in black ink that reads "Tom Cochran". The signature is written in a cursive, slightly slanted style.

Tom Cochran
CEO and Executive Director