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June 24, 2022

The Honorable Martin Walsh  
Secretary  
United States Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Dear Secretary Walsh,

We write to express our strong concerns with the Department of Labor's "Wagner-Peyser Act Staffing" Notice of Proposed Rule Making (87 FR 23700).<sup>1</sup> Varying economies and wide-ranging workforce needs across the country require a workforce system that is designed to allow for state and local flexibility. Unfortunately, this proposed rule, which would require all states to use state merit staff to provide services under the Wagner-Peyser Act Employment Service, is a one-size-fits-all approach that will harm the current efforts of states and localities to connect job seekers with work.

There are currently more than 11 million unfilled jobs in America and approximately 6 million unemployed individuals. We cannot risk harming the efforts of states to fill these open jobs and prepare these individuals for work by taking away the flexibility states need to deliver employment services efficiently and effectively. If finalized, this proposed rule will increase costs for states and reduce resources available for job seekers. It leaves no room for states to determine the most cost-efficient means for delivering services, even in cases where services are needed only on a temporary basis and a more flexible staffing arrangement is ideal.

The proposed changes will be particularly damaging to states that have operated under flexible staffing models for decades, such as Colorado, Massachusetts, and Michigan. It will also negatively impact states that have recently adapted their models to include non-merit staff, such as Delaware and Missouri, and it will hamstring additional states from adjusting their staffing

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<sup>1</sup> *Wagner-Peyser Act Staffing*, A proposed rule by the Employment and Training Administration on 04/20/2022: <https://www.federalregister.gov/documents/2022/04/20/2022-07628/wagner-peyser-act-staffing>

models in the future to better serve the ever-changing needs of employers and job seekers. The proposed rule notes that “a few States expressed interest in using” the flexibility afforded them under the 2020 Wagner-Peyser Act Staffing Flexibility final rule, but it insists on quashing those innovative options.<sup>2</sup>

We urge you to withdraw this proposed rule so that states and localities can maintain their current flexibility to deliver employment services under the staffing model that best meets the needs of their unique economies. Failure to do so will be detrimental at a time when the country is already experiencing a jobs crisis.

Sincerely,



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**VIRGINIA FOXX**  
Ranking Member  
House Committee on  
Education and Labor



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**MARIANNETTE MILLER-MEEKS, M.D.**  
Ranking Member  
House Subcommittee on  
Higher Education and Workforce Investment

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<sup>2</sup> Ibid.