August 23, 2019

The Honorable Patrick Pizzella
Acting Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

RE: RIN 1205-AB85: Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations

Dear Acting Secretary Pizzella:

For too long, policymakers have implied that the only respectable or worthwhile option available to achieve a successful career is spending four or more years on campus to earn a baccalaureate degree. Yet, the more than seven million unfilled jobs¹ in America today suggests workers don’t have the necessary skills to fill these jobs. We know skills-based education can fix our nation’s growing skills gap by providing students and job seekers with the skills and hands-on experience they need to improve their own lives.

In the past several years, we have seen a rapid expansion in skills-based education like on-the-job learning, earn-while you-learn programs, and apprenticeships. We applaud the Department’s willingness to look beyond the Registered Apprenticeship program to do everything possible to help employers provide opportunities for all Americans to earn while they learn. Workforce development programs are successful only if they are adaptable to the changing needs of employers, and the Notice of Proposed Rulemaking (NPRM) issued on June 25, 2019 recognizes this through the proposed establishment of Industry-Recognized Apprenticeship Programs, or IRAPs.

IRAPs cut through bureaucratic red tape to put businesses and employees at the center of the conversation. The proposed flexibility in the NPRM will allow businesses the ability to quickly

meet labor market needs. As an example, placing the burden on Standards Recognition Entities
to ensure that Equal Employment Opportunity requirements are met will allow small businesses
to focus on serving program participants while also protecting their apprentices from
discrimination. These changes will help foster continued innovation that recognizes the dignity
of all work and provides another tool for apprentices to move into meaningful work in the
rapidly evolving 21st century economy. Overall, we are encouraged by the Department's work to
balance transparency, accountability, program quality, and program flexibility, but the NPRM
can be improved in several respects.

We were disappointed to see that the construction sector was specifically excluded from
participating in IRAPs. Therefore, we strongly urge that the final rule be impartial when
considering industries or economic sectors eligible to participate in IRAPs. It is vital the
Department of Labor, acting through the Employment and Training Administration (ETA), put in
place rules that focus on program quality rather than determining what industries or sectors are
eligible to participate in such a wide-ranging workforce development effort. According to ETA,
just 34,458 individuals completed a registered construction apprenticeship program in 2018.\(^2\)
This makes up less than half of one percent of all construction employees.\(^3\) The traditional
apprenticeship program should be seen as just one tool in the tool box of employers, and IRAP
could allow the construction industry the flexibility needed to fill the 440,000 jobs available in
2019.\(^3\) If we are going to meet the growing demand for apprenticeships in our nation, it would be
a mistake to exclude any industry or sector.

In addition, part of establishing a successful program is setting up performance indicators so
employers are held accountable – ensuring apprenticeship programs serve participants well. We
would like to see IRAPs include the earnings outcomes of participants as a performance metric
in order to provide a further incentive for programs that are successfully preparing apprentices
for permanent jobs.

We are encouraged by your work to balance transparency, accountability, program quality, and
program flexibility. We look forward to a final rule which includes additional improvements.
Working together we can ensure that IRAPs create as many career opportunities as possible by
encouraging employer innovation and allowing students and families the freedom to choose the
path that is best for them.

Sincerely,

\[\text{Virginia Foxx}\]

Virginia Foxx
Ranking Member

\(^2\) https://doleta.gov/oa/data_statistics.cfm
\(^3\) https://www.bls.gov/cps/tables.htm#union_20
\(^4\) https://workforce.abc.org/
Fred Keller
Representative

Ted Budd
Representative