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October 5, 2009

Mr. Thomas M. Dowd
Administrator
Office of Policy Development and Research
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N-5641
Washington, D.C. 20210

Re: Trade Adjustment Assistance; Merit Staffing of State Administration and Allocation of Training Funds to States; Proposed Rule; (RIN 1205-AB56)

Dear Mr. Dowd:

We write to strongly oppose the Department of Labor's proposed mandate requiring that State Employment Service (ES) employees, or state "merit" staff, be the only staff allowed to administer TAA-funded functions under the Trade Adjustment Assistance (TAA) program reauthorized under the American Reinvestment and Recovery Act (ARRA).

As you know, the bipartisan TAA law, enacted in February of this year as part of the ARRA, included a bipartisan, bicameral compromise that excluded House-passed language that would have required state merit staff to administer TAA. It is clear from the exclusion of this language in the compromise that the Congressional intent was to allow states to continue to choose the staffing arrangements that they feel can best administer TAA within their own state.

It is our understanding that, based on 2009 Department data, 27 States and Puerto Rico have opted to allow a variety of state and local government employees and contractors, including non-profit and community-based providers, to administer TAA. This has allowed for a high degree of integration of the services provided through TAA and the One-Stop Career Center system, mandated under the Workforce Investment Act (WIA). It is also our understanding that TAA customers co-enrolled in WIA receive more in-depth services, including assessment, counseling, case management, and post-training assistance and that TAA customers served through state ES staff are more likely to receive assessments that are limited in scope and depth.

Instituting a mandate for the single-source administration of all TAA-funded functions would require these states to change their current method of operation at a time when their primary focus should be on ensuring that dislocated workers receive the training and essential services that they need to regain employment. In effect, the Department's proposed mandate to the states would have an adverse impact on their overall administration of the TAA program, potentially jeopardizing the ability of workers and their families to recover from the economic downturn.

We strongly believe that states should be given the flexibility to make the decision about how to administer the services under TAA and urge the Department to withdraw its proposed mandate.

Sincerely,



John Kline
Senior Republican Member
Committee on Education and Labor



Howard P. "Buck" McKeon
Committee on Education and Labor



Brett Guthrie
Ranking Republican Member
Subcommittee on Higher Education, Lifelong Learning, and Competitiveness