



CONSTRUCTION EMPLOYERS OF AMERICA

December 20, 2022

Rosa DeLauro, Chairwoman
House Appropriations Committee
H-307 The Capitol
Washington, DC 20515

Kay Granger, Ranking Member
House Appropriations Committee
317 Russell Senate Office Building
Washington, DC 20510

Patrick Leahy, Chairman
Senate Appropriations Committee
437 Russell Senate Office Building
Washington, DC 20510

Richard Shelby, Vice Chairman
Senate Appropriations Committee
304 Russell Senate Office Building
Washington, DC 20510

Dear Chairs and Ranking Members:

Over the last two years, Congress has passed several pieces of legislation that will create well-paying jobs across our country. In order to ensure that the benefits of these laws reach hardworking Americans, the Department of Labor (DOL) must have the resources necessary to “hold bad-acting employers accountable, and defend working people so that they receive the pay they earned and are legally entitled to.”¹ As you negotiate funding levels for the remainder of fiscal year 2023, we urge you to heed the recommendations contained in the House Committee Report accompanying the Departments of Labor, Health and Human Services, and Education, and Related Agencies (LHHS) appropriations bill, and provide \$178,183,000 to Office of the Solicitor (SOL) and \$312,678,000 to the Wage and Hour Division (WHD) at DOL.²

The Construction Employers of America (CEA) advocates for the interests of responsible construction employers that provide significant value to facilities owners, including the federal government, through a highly productive and highly skilled workforce. In order to produce these results consistently, CEA businesses make substantial investments in their workforce, paying at least prevailing wage, often more, and providing employees with a full complement of health and retirement benefits, among others. Furthermore, CEA businesses sponsor joint training funds that provide a debt free path for high school graduates to learn skills and achieve certifications and degrees that will allow them to earn family sustaining wages. These investments by CEA businesses also help build and sustain a trained workforce for ongoing complex commercial and industrial projects across the country.

The 117th Congress enacted several pieces of legislation, including the *Infrastructure Investment and Jobs Act*, the *Inflation Reduction Act*, and the *CHIPS and Science Act*, which collectively invested more than \$2 trillion in our nation’s infrastructure and domestic manufacturing capabilities. Each of these laws contain unique incentives designed to stimulate job growth, that require strict compliance with various Wage and Hour and Apprenticeship programs under the purview of DOL. These features of the law were designed specifically to ensure that the benefits of these laws reach hardworking Americans. In order to protect these extraordinary investments in creating high paying jobs, DOL must have the resources it

¹ H.R. REP. NO. 117- 403, at 10 (2022).

² Id.

needs to ensure ongoing compliance with these programs and meet the obligations placed upon it by Congress. In its report, the House Appropriations Committee “encouraged [SOL] to increase staffing levels to assist in the development of investigations, negotiations, and litigations to ensure workers get the relief they deserve.”³ This includes, as the Committee specifically noted, employees that are deprived of workplace protections when employers intentionally misclassify them as independent contractors. The same report also noted that the Wage and Hour Division employs fewer investigators in 2022 than it did 75 years ago, in spite of the fact that the country’s workforce has dramatically grown.⁴

We urge Congress to fully fund these agencies so that they can fulfill their Congressionally mandated responsibility to protect workers, taxpayers, and responsible contractors from bad actors. Thank you for your consideration and please do not hesitate to reach out with any questions.

Sincerely,

The Construction Employers of America:

- The Association of Union Constructors (TAUC)
- National Electrical Contractors Association (NECA)
- Sheet Metal and Air Conditioning Contractors' National Association (SMACNA)
- Mechanical Contractors Association of America (MCAA)
- Finishing Contractors Association (FCA)
- International Council of Employers of Bricklayers and Allied Craftworkers (ICEBAC)
- Signatory Wall and Ceiling Contractors Alliance (SWACCA)

CC: The Honorable Speaker Nancy Pelosi
Majority Leader Chuck Schumer
Minority Leader Mitch McConnell
Minority Leader Kevin McCarthy

³ Id.

⁴ *BLS Data Viewer. (unpublished). [Dataset]. In Employment, Hours, and Earnings from the Current Employment Statistics survey (National). Bureau of Labor Statistics.*
<https://beta.bls.gov/dataViewer/view/timeseries/CES0000000001>