



June 17, 2011

Headquarters  
Raul Yzaguirre Building  
1126 16th Street, NW  
Washington, DC 20036

TEL 202.785.1670  
FAX 202.776.1792  
www.nclr.org

The Honorable Tom Harkin  
Chairman, Health, Education, Labor and  
Pensions  
Committee  
United States Senate  
Washington, DC 20510

The Honorable Michael B. Enzi  
Ranking Member, Health, Education, Labor  
and Pensions  
Committee  
United States Senate  
Washington, DC 20510

The Honorable Patty Murray  
Chairperson, Subcommittee on  
Employment and Workplace Safety  
Health, Education, Labor and Pensions  
Committee  
United States Senate  
Washington, DC 20510

The Honorable Johnny Isakson  
Ranking Member, Subcommittee on  
Employment and Workplace Safety  
Health, Education, Labor and Pensions  
Committee  
United States Senate  
Washington, DC 20510

**Re: Comments in response to the proposed Workforce Investment Act reauthorization**

Dear Chairman Harkin, Ranking Member Enzi, Chairperson Murray and Ranking Member Isakson:

The National Council of La Raza (NCLR) commends the Senate Health, Education, Labor and Pensions Committee for releasing its Workforce Investment Act (WIA) reauthorization bill. Thirteen years since passage of WIA, it is clear that the workforce investment system is woefully in need of important fixes to ensure that it meets the needs of all American workers and the needs of a rapidly changing economy. NCLR is pleased to see many of its recommendations for improvements incorporated into the draft but nonetheless recommends some important changes to ensure that WIA can, as it was originally intended, bolster economic and labor market success for all workers.

NCLR—the largest national Hispanic civil rights and advocacy organization in the United States—works to improve opportunities for Hispanic Americans. Through its network of nearly 300 affiliated community-based organizations, NCLR reaches millions of Hispanics each year in 41 states, Puerto Rico, and the District of Columbia. NCLR’s economic and workforce advocacy seeks to ensure the Latino community’s ability to contribute to and share in the nation’s economic opportunities by promoting policies that boost Hispanic employment in good jobs, provide safe and fair workplaces, bridge Latino workers’ education and skills gaps, and offer a secure retirement.

The strength of the American economy is increasingly linked to the strength of the Latino workforce. Latinos are the fastest-growing segment of the American workforce, with 22.7 million Latinos at work in the United States, representing 14.8% of the labor force. By 2050, one in three working Americans will be Hispanic. Moreover, it is projected that by 2018 only

10% of jobs will be accessible to workers without a high school diploma and 28% to those with only a high school diploma. Currently, 88 million working-age Americans either lack education beyond a high school diploma or have limited English proficiency, thus keeping them from obtaining meaningful employment. The current workforce investment system has to improve its services to Latinos, who continue to be more likely than any other group to earn low wages and work without access to basic workplace protections and supports.

The Committee's bill makes significant improvements to our workforce investment system. NCLR commends the bill's strengthening of the Priority of Service provision, the allowance for specialized centers to focus on the needs of particular populations and industry sectors, the focus on services for disconnected and out-of-school youth, the expansion of allowable activities to encourage greater local service innovation, and the use of research and demonstration funds to better understand best practices for serving populations with higher needs. Overall, the bill makes strides in providing flexibility to enable local areas to more creatively and effectively meet the needs of Latino and other disadvantaged workers.

However, the bill can be further strengthened by providing the checks necessary to ensure that local areas meet the spirit of the law—providing workforce preparation and literacy development to low-income and low-skilled workers who need assistance most to meet the demands of employers in the 21st-century economy. NCLR's specific concerns are the following:

### **Title I**

1. **State and local plans should describe how they intend to implement the strengthened Priority of Service provision.** NCLR applauds the strengthened Priority of Service provision, which clarifies that recipients of public assistance, low-income individuals, and individuals who are deficient in basic skills should be prioritized for receipt of intensive services and training services. States and local areas should be required to detail their strategy to implement the provision in their unified and local plans to ensure that services meet the legislation's intentions. *118(b), beginning on line 4, page 114*
2. **Performance measures for earnings gains and educational attainment should be structured to encourage states to serve individuals with barriers to employment.** NCLR is encouraged by the provision instructing the Secretaries of Education and Labor to develop a statistical model for determining state performance goals based on economic conditions. However, the replacement of the measure for wage gain with one for median earnings will encourage states to focus services on those likely to earn the highest wages rather than those likely to see the largest gains from employment and training services. NCLR recommends adding a performance measure for interim learning outcomes to ensure that states have an incentive to enroll individuals with lower skills in education and training activities. *131(b)(2), beginning on line 21, page 130*

### **Title II**

3. **Transfer of funds between adult and dislocated worker activities should be limited to 50% and allowable only for those local boards with a proven track record of serving high-need populations.** NCLR supports the Committee's desire to allow local areas to more

seamlessly blend their adult and dislocated worker services but is concerned that this provision will give local areas license to prioritize the needs of dislocated workers at the expense of the needs of lower-skill populations. NCLR suggests that transferability be limited to 50% of total funds and allowed only for local areas that adequately describe their existing activities to reach target populations and plans to continue doing so if granted permission to transfer funds. *233(b)(4), beginning on line 1, page 101*

4. **Allow local areas use of up to 20% of funds for transitional jobs.** NCLR strongly supports the Committee's inclusion of a greatly expanded list of permissible local employment and training activities, including allowance of supportive services, integrated training, and transitional jobs. Because transitional jobs programs have been shown to produce tremendous employment outcomes for individuals with barriers to employment, NCLR recommends allowing local boards to use up to 20% of local funds to be spent on transitional jobs activities. *234(d)(5), line 21, page 160*
5. **Provide authorization of appropriations for the Integrated Workforce Training Program.** NCLR commends the Committee for the renewal of the Energy Efficiency and Renewable Energy Worker Training Program and the creation of Integrated Workforce Training Programs for Adults who are English Language Learners. However, the draft does not authorize funding for the latter. NCLR urges the Committee to include an authorization of appropriations for the Integrated Workforce Training Programs for Adults who are English Language Learners. *270(f), page 279, line 24*

### **Title III**

6. **Provide technical assistance and data management assistance to ensure that adult education providers are equipped to meet and demonstrate their compliance with common performance measures.** NCLR agrees with the Committee's policy goal of aligning the workforce and adult education systems to improve services. In addition, NCLR is pleased with language in the title of the draft legislation to provide "Direct and Equitable Access" (331(c) lines 4-14 on page 29) to allow all eligible entities a fair chance to access funds and provide services to their communities. While we support raising the bar for program providers through inclusion of a new Performance Accountability System (sections 131 and 312), we remain concerned that many effective community-based providers may not currently have the capacity to collect and report on the data included in the Performance Accountability System. NCLR recommends including language specifically designed to increase the data capacity of these eligible providers through State Leadership and National Leadership Activities. *323(c)(1)(C) beginning on line 17, page 21; 323(a)(2)(K) beginning on line 9, page 25; 343(a)(1)(B) line 15, page 54; 343(b)(3) beginning on line 22, page 59*
7. **Include family literacy as a permissible use for state and national activities.** NCLR strongly supports including family literacy as a strategy to accomplish the goals outlined in Title III. Family literacy programs have been proven very effective in increasing parents' skills to become full partners in the educational development of their children and in raising the educational levels of parents. Additionally, family literacy programs have been shown to help break the cycle of poverty and illiteracy by improving educational opportunities for low-income families. While the draft bill provides a definition of "Family Literacy Services" (303(9) lines 4 through 23 on page 6) and allows it under the "Special Rule" (331(d) lines 4

and 5 on page 30), it does not provide a funding mechanism for those services. NCLR recommends providing more guidance to states and the Department of Education regarding the use of funds for family literacy services. *323(a)(2) beginning on line 15, page 25; and 343(b)(3)(D)(iii) beginning on line 5, page 58*

Sincerely,

A handwritten signature in black ink that reads "Janet Murguía". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Janet Murguía  
President and CEO