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March 17, 2026

The Honorable Lori Chavez-DeRemer
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretary Chavez-DeRemer:

We are writing to express our strong opposition to the U.S. Department of Labor's (DOL) unprecedented Training and Employment Guidance Letter No. 05-25 dated November 25, 2025, titled, "Maximizing Innovation in Workforce Innovation and Opportunity Act Programs."¹ This Training and Employment Guidance Letter (TEGL or TEGL No. 05-25) encourages states to use the waiver authority² under the *Workforce Innovation and Opportunity Act*³ (WIOA) to disregard statutory requirements on how to spend federal taxpayer funds for workforce development activities. As explained below, the TEGL includes examples that go beyond DOL's waiver authority and potentially leaves states vulnerable to litigation by local stakeholders who would be adversely affected.

The waiver authority in current law that is cited by TEGL No. 05-25 is not a blank check. The same provision that grants the Secretary of Labor authority to waive WIOA requirements also specifies limitations from what can be waived, including anything that would contradict the purpose of Title I of WIOA. Specifically, current law states that the Secretary may waive requirements of Subtitles A and B of Title I, except the "requirements relating to the basic purpose of this title [Title I]."⁴ One of the key purposes of WIOA, as stipulated in the "Purposes"⁵ section, is to increase access to employment, education training, and support services⁶ for individuals with barriers to employment,⁶ such as homeless individuals, older

¹ U.S. Dep't of Labor, Training & Emp. Guidance Letter No. 05-25 (Nov. 25, 2025).

² 29 U.S.C. §3249(i)(3)(A)(i).

³ 29 U.S.C. §§3101-3361.

⁴ 29 U.S.C. §3249(i)(3)(A)(i).

⁵ 29 U.S.C. §3101(1).

⁶ *Id.*

workers and persons with disabilities, among others.⁷ Many of the suggested waivers articulated in the TEGL would allow states to reduce their efforts to serve individuals with barriers to employment, directly contradicting WIOA's purpose. Some examples articulated in the TEGL would waive the funding requirement to target youth who are disconnected from school and work,⁸ or the requirement of a brick and mortar one-stop center in every local area to better serve older workers or persons with disabilities who need in-person instruction when navigating services.⁹ We are deeply concerned that waiving these requirements under the guise of "innovation"¹⁰ and "modernization"¹¹ will only incentivize the workforce system to stop doing what it is legally required to do: serve those with barriers to employment.

The TEGL also outlines a potential waiver that is in direct contradiction with WIOA's waiver restrictions. In the statute authorizing DOL's waiver authority, several requirements are listed as exempt from possible waivers, including "the establishment and functions of local areas and local boards."¹² Notwithstanding this exemption, the TEGL articulates that DOL would approve a waiver that "allows the Governor to designate the state board to carry out the roles and responsibilities of the local boards in the state."¹³ To be clear, a state workforce board taking over the administration of a local board would be in direct violation of the current law's waiver authority restriction. Maintaining a local area and board function in name only, while the state manages the actual administration, would override the statutory requirements of locally controlled workforce boards. Any attempt by a state to effectuate this suggested waiver could be liable for violating WIOA.

The TEGL attempts to justify the legality of these waiver ideas by demonstrating that many have been approved in the past, setting a precedent that will facilitate future approvals. However, just because such waivers have been approved by DOL in the past does not make them legal; it simply means they have never been challenged in a court. For example, there are currently five states where DOL approved, through a waiver, the state board to perform the functions of a local board. However, in all five instances, the local board agreed to such arrangement and was party to the waiver, so it had no interest in challenging the issue.¹⁴ If more states pursue taking control over local board functions but without approval from the local area, they will be vulnerable to litigation from local stakeholders.

Lastly, the use of WIOA's general waiver authority as a means for achieving the Administration's workforce development policy goals is unprecedented. Under the header "Maximize use of WIOA Waiver Authority"¹⁵, the TEGL states: "States are encouraged to request waivers of existing WIOA statutory or regulatory requirements that can help overcome

⁷ 29 U.S.C. §3102(24).

⁸ *Supra* note 1.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ WIOA Waiver Information, U.S. Dep't of Labor, <https://www.dol.gov/agencies/eta/wioa/waivers> (last visited Feb. 18, 2026).

¹⁵ *Supra* note 1.

specific barriers to innovation and align with the [Administration’s] five strategic pillars for workforce investment.”¹⁶ It is our understanding that, in the nearly twelve years since WIOA became law, an Administration has never used the general waiver authority as a policy lever in the way that the TEGL does. Upon review of all past approved waivers, it is clear that waivers were only used in response to discrete challenges that states or local areas faced in meeting some of the requirements stipulated under WIOA, either because of extenuating circumstances or for individual state efforts at reforms, not to achieve the Administration’s policy goals. Proponents of the TEGL may applaud the use of the general waiver authority now, but one wonders if such support would be maintained if a future administration used the same authority to ignore the intent of Congress and advance a policy agenda that the current proponents oppose.

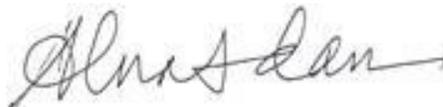
Several of the policies articulated in the TEGL are ones with which we agree and supported in *A Stronger Workforce for America Act*¹⁷ (ASWA), which was a bipartisan, bicameral bill that would modernize WIOA. In ASWA, we articulated policies such as increased usage of pay-for-performance contracts, Individual Training Accounts for youth, greater flexibility for job centers, and local board realignment. If the Administration truly wants to increase innovation and flexibility, it can endorse ASWA and encourage the Republican-led Congress to advance it, just as you twice voted to advance it in the last Congress, both in Committee and on the floor of the House of Representatives.¹⁸ Changes to the law—not a partisan TEGL—are the best and most prudent way to achieve policy objectives.

We request that you immediately revoke TEGL No. 05-25 and work with Congress to pass ASWA in a bipartisan manner.

Sincerely,



ROBERT C. “BOBBY” SCOTT
Ranking Member



ALMA S. ADAMS
Ranking Member
Subcommittee on Higher Education and
Workforce Development

¹⁶ *Id.*

¹⁷ A Stronger Workforce for America Act, H.R.6655, 118th Cong. (2024).

¹⁸ Actions - H.R.6655 - 118th Congress (2023-2024): A Stronger Workforce for America Act, H.R.6655, 118th Cong. (2024), <https://www.congress.gov/bill/118th-congress/house-bill/6655/all-actions>.