



December 19, 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:

NECA is a national trade association and the leading voice of the \$202 billion electrical contracting industry that brings power, light, and communication technology to buildings and communities across the U.S. NECA collectively represents over 4,000 electrical contractor members served by 118 local chapters.

As you continue to negotiate on funding levels for FY23 Appropriations we request that you strongly consider funding the Department of Labor Office of the Solicitor (SOL) to the requested amount of \$178,183,000 and \$312,678,000 for Wage and Hour Division (WHD).

The 117<sup>th</sup> Congress enacted several impactful pieces of legislation of the *Infrastructure Investment and Jobs Act* and *CHIPS and Science Act* that authorized roughly over \$1.7 trillion in federal investment in our nation's infrastructure and domestic manufacturing capabilities. With this enormous investment being made it is prudent to ensure that the Federal Government has the tools and resources to ensure the investment is being spent wisely and those recipients follow all Federal laws and regulations. This investment is a once in a generation opportunity to reinvigorate the nation's infrastructure and domestic manufacturing capabilities to lead the world well into the 21<sup>st</sup> century. The Federal Government has the duty and responsibility to ensure responsible contractors are able to thrive with the federal investment and irresponsible contractors who purposefully evade Fair Labor Standards Act (FLSA) classifications and evade prevailing wage laws are held accountable.

NECA believes it is critical that proper funding to the Office of the Solicitor is critical to ensure the agency has the resources to enforce the existing statutes and regulations to their best capabilities. As the House Committee Reported stated, "...SOL to bring enforcement actions on behalf of DOL's agencies. The SOL is encouraged to increase staffing levels to assist in the development of investigations, negotiations, and litigations to ensure workers get the relief they deserve."<sup>1</sup>

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<sup>1</sup> Report of the Committee on Appropriations House of Representatives. (2022).  
In <https://www.congress.gov/117/crpt/hrpt403/CRPT-117hrpt403.pdf> (Report 117-403). U.S. GOVERNMENT



The Wage and Hour Division employs fewer investigators in 2022 than it did 75 years ago, all the while the country's workforce has dramatically grown.<sup>2</sup> The Committee Report also cited their deep concern of workers being classified improperly as independent contractors and strongly urges the WHD to use the full extent of their authority to enforce laws and related actions to combat this improper misclassification.

To that end, we strongly recommend fully funding these two critical agencies to protect workers and responsible contractors from bad actors seeking to thwart congressional intent. The investments made in the 117<sup>th</sup> Congress could be revolutionary for the nation and should be carefully safeguarded.

Sincerely,

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**Marco Giamberardino**

Vice President, Government and Public Affairs

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

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PUBLISHING OFFICE. Retrieved December 13, 2022, from <https://www.congress.gov/117/crpt/hrpt403/CRPT-117hrpt403.pdf>

<sup>2</sup> 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>

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