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AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
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March 21, 2017

The Honorable Lamar Alexander
Chairman
Committee on Health, Education,
Labor, and Pensions
428 Senate Dirksen Office Building
Washington, DC 20515

The Honorable Patty Murray
Ranking Member
Committee on Health, Education,
Labor, and Pensions
648 Senate Dirksen Office Building
Washington, DC 20515

Dear Chairman Alexander and Ranking Member Murray:

We write regarding President Trump's nomination of R. Alexander Acosta to serve as the Secretary of the Department of Labor (DOL). As you know, the DOL's mission is "*to foster, promote and develop the welfare of the wage earners[.]*" As Democratic Members of the Committee on Education and the Workforce, we have a strong interest in ensuring that the next Secretary of Labor will carry out this critical mission. During Mr. Acosta's upcoming confirmation hearing, we urge you to question Mr. Acosta about how he plans to accomplish the DOL's core functions. In particular, we urge you to ask Mr. Acosta about his views on key issues affecting workers and their families across the country, including enforcement of wage and hour, safety and health, and workplace nondiscrimination laws, the promotion of workforce training, and the administration of benefit programs over which the DOL has jurisdiction. Finally, we urge you to ask Mr. Acosta to explain the steps he will take to ensure that politicized hiring of career employees does not occur on his watch.

Supporting Robust Enforcement

As Secretary of Labor, Mr. Acosta will oversee the agencies and offices that protect workers' wages, help ensure workers and miners return home safely each day from their jobs, safeguard hard-earned retirement benefits, and ensure that injured longshore workers and coal miners receive timely workers' compensation benefits. We urge you to ask Mr. Acosta how he will accomplish the goals of achieving safe and healthy working conditions, stopping wage theft, ending discrimination, and ensuring employers meet their responsibilities in the administration of employee benefits, including group health plans. Furthermore, we urge you to ask Mr. Acosta what he will do to ensure that companies doing business with the federal government are educated about their obligations to their employees under our nation's workplace laws.

Strengthening Workforce Training Programs

We also urge you to thoroughly investigate Mr. Acosta's plan to build and develop a highly skilled workforce. A recent study from the Georgetown University Center on Education and the Workforce found that by 2020 the United States will not have enough skilled workers to meet the demands our economy.ⁱ The study estimates that 65 percent of all jobs in the economy will require postsecondary education and training beyond high school, and that there will be a shortage of five million workers to fill these jobs. In addition, last month, two dozen chief executives from the manufacturing industry met with the administration to express their concern about the lack of highly skilled workers to fill manufacturing jobs. According to one of the CEOs who attended that meeting, "The jobs are there, but the skills are not."ⁱⁱ

Equipping workers with the skills and training necessary to compete for good jobs is critical to achieving broadly shared economic prosperity. In the 113th Congress, Members worked in a bipartisan manner to pass the Workforce Innovation and Opportunity Act (WIOA). This law, along with strategic investment in our nation's opportunity youth and registered apprenticeship programs, can help build a highly skilled workforce and close the so-called skills gap. We urge you to question Mr. Acosta about how he will promote national skills building and successful, evidence-based training models at both the state and national level.

Raising Wages

While worker productivity has increased by more than 70 percent over the past forty years, wages have not kept pace.ⁱⁱⁱ In fact, wages for the bottom 90 percent of income earners have only grown by 15 percent.^{iv} Working people deserve a Secretary of Labor who is committed to ensuring that hardworking people are paid fairly. We urge you to question Mr. Acosta about his support for the Department of Labor's overtime rule and raising the federal minimum wage.

Avoiding Politicized Hiring of Career Employees and Inappropriate Political Interference with Core Agency Functions

Many have raised concerns about politicized hiring practices in the hiring of career employees during Mr. Acosta's tenure at the Department of Justice. A Department of Labor Office of the Inspector General (OIG) report from 2008 found that while Mr. Acosta led the Civil Rights Division, personnel decisions in the agency were marked by stark politicization.^v The OIG found that actions taken during Mr. Acosta's tenure violated Department of Justice policy and federal law.^{vi} We urge a thorough investigation of these issues, as well as an exploration of Mr. Acosta's record of service at both the DOJ and NLRB.

Furthermore, we urge you to question Mr. Acosta about the steps he will take to prevent political interference with the career DOL staff's ability to enforce our workplace protection laws, as well as supply accurate, non-biased information about the state of jobs and the economy. We note that under the new administration, the DOL has issued almost no press releases on its enforcement activity under our safety and health or wage and hour laws. Failing to publicize enforcement efforts greatly diminishes their potential to deter future violations. In addition, White House Press Secretary Sean Spicer said the jobs data produced by the Bureau of Labor Statistics (BLS) under the Obama Administration "may have been phony in the past, but it's very real now."^{vii}

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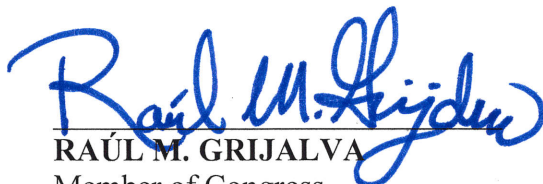
Criticizing the integrity of BLS data without supplying any basis for that criticism is cause for grave concern, given that key actors rely on that data to make economic decisions. We urge you to question Mr. Acosta about his positions on making enforcement actions public and the integrity of BLS data.

Thank you for your commitment to ensuring our next Secretary of Labor will fulfill the Department's critical mission of protecting, supporting, and defending working people.


Sincerely,

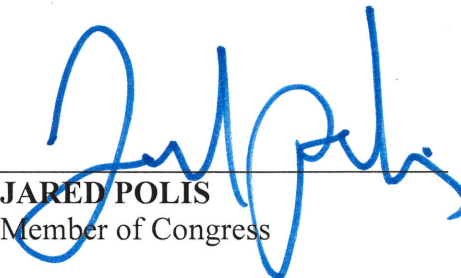

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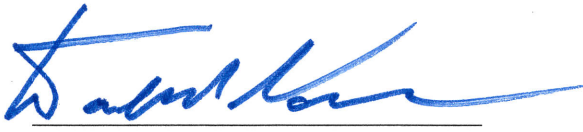
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ⁱ *Recovery: Job Growth and Education Requirements through 2020*. Georgetown University Center on Education and the Workforce. June 26, 2013. https://cew.georgetown.edu/wp-content/uploads/2014/11/Recovery2020.ES_Web.pdf.

ⁱⁱ AP, *Factory CEOs Tell Trump: Jobs Exist, Skilled Applicants Don't*. LA Times. Feb. 23, 2017, available at <http://www.latimes.com/business/la-fi-manufacturing-trump-20170223-story.html>.

ⁱⁱⁱ Lawrence Mishel, Elise Gould, and Josh Bivens. *Wage Stagnation in Nine Charts*. Economic Policy Institute. January 6, 2015. <http://www.epi.org/publication/charting-wage-stagnation/>.

^{iv} *Id.*

^v *An Investigation of Allegations of Politicized Hiring and Other Improper Personnel Actions in the Civil Rights Division*. U.S. Department of Justice Office of the Inspector General and the US Department of Justice Office of Professional Responsibility. July 2, 2008. <https://oig.justice.gov/special/s0901/final.pdf>.

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^{vi} *Id.*

^{vii} Madeline Conway, *Spicer Claims That Jobs Numbers 'May Have Been Phony' Before, But Now They're Very Real*. Politico. Mar. 1, 2017. <http://www.politico.com/story/2017/03/trump-monthly-jobs-numbers-sean-spicer-235936>.