

**Opening Statement of Ranking Member Robert C. “Bobby” Scott  
Committee on Education and the Workforce  
at the November 15, 2017 hearing  
“Examining the Policies and Priorities of the U.S. Department of Labor”**

Thank you, Madam Chair. I want to welcome Secretary Acosta to the Committee.

Secretary Acosta, you are the first agency head to appear before this Committee since the new Administration took over ten months ago. It has been six months since the Department’s Fiscal Year 2018 budget request was submitted to Congress, and although we are already well into FY 2018, this hearing is especially timely since appropriations legislation is still under deliberation.

As the Secretary, you are the steward of legislation this Committee has passed over many decades that has made our economy fairer and workplaces safer. In appearing before this Committee, I want to direct your attention to the portraits on the wall to your left. These leaders

secured the passage of legislation that has measurably improved the lives of millions of workers.

The first is a portrait of Mary Norton, the first woman to chair this Committee, who steered the passage of the Fair Labor Standards Act of 1938. Next is Carl Perkins, who spearheaded legislation to establish the Mine Safety and Health Administration. Next is Augustus Hawkins, who authored Title VII of the Civil Rights Act of 1964. Behind me is George Miller, who led the fight for the Fair Minimum Wage Act of 2007.

Today, the Department of Labor bears the tremendous responsibility of implementing and enforcing employment laws covering about 10 million employers and 125 million workers. However, in its first 10 months, there are troubling questions about whether Department has reversed important progress made during the previous administration, and laid the groundwork to undermine workers' wages, retirement

security, workplace safety, affordable health care, and skills development.

First, the Department of Labor has taken steps to replace a rule issued by the previous Administration that would have expanded overtime benefits for 4 million salaried workers. That rule increased the salary threshold beneath under which most full-time, salaried workers would be eligible for overtime pay from \$23,660 to \$47,476 per year, and cover 35% of full-time, salaried workers. A federal district court in Texas blocked this rule, and regrettably the Department under your leadership decided not to defend this threshold in the Court of Appeals. Rather, DOL has indicated in recent court filings that it will issue a revised overtime threshold. Secretary Acosta, I understand during your Senate confirmation hearing, you mentioned a \$33,000 overtime salary threshold based on an inflation adjustment. But there are legitimate questions about where to set the baseline to adjust for inflation. Do we base it on the 2004 level when 13% of the full-time, salaried workforce

had overtime protections, or do we base in on the 1975 levels when 62% had overtime protections?

Second, the Department is seeking to delay protections for retirement savers. A study by the previous Administration found that as much as quarter of a worker's hard-earned savings can be depleted by conflicted financial advice over a 35-year period. In response, the previous Administration required financial advisors to put the best interest of their clients ahead of their self-interest. Rather than bolstering workers' ability to save more for retirement, there are questions about whether Department's actions regarding the fiduciary rule are placing the demands of Wall Street ahead of the interests of workers.

Third, in line with the Administration's overall efforts to sabotage the Affordable Care Act, the Department has taken steps that would leave workers and their families without access to comprehensive, affordable healthcare. The Department has released an interim final rule that allows

employers to eliminate coverage in their health care benefit plans for contraceptive care services based on religious or vaguely defined moral objections. This is squarely at odds with the Affordable Care Act's requirement that preventive health services are covered and raises legitimate questions about whether this runs afoul of the Constitution. The Department has also been directed to expand access to association health plans (AHPs), which, as the Committee has heard before, would steer the young and healthy into low-cost junk plans and leave sicker and higher-cost people behind.

Fourth, worker safety protections are under attack. While the previous Administration issued rules to help end the scourge of black lung disease and to prevent deaths from silica-related diseases, the current DOL has proposed a rollback of protections for construction and shipyard workers who are exposed to ultra-toxic beryllium, and has jettisoned work on standards for toxic chemicals and combustible dust. It is also unclear whether DOL will finalize a December 1 deadline for employers in

higher hazard industries to submit summaries of their injury and illnesses logs. Mr. Secretary, without this data, there are questions about how OSHA will secure the information needed to target inspections at those worksites where workers are at greatest risk.

Fifth, the Department's budget request for Fiscal Year 2018 cuts funding for workforce development programs by \$1.3 billion, which is a 40% reduction compared with current levels. This cut threatens access to job and skills development programs workers need to secure better paying jobs. While I hope the expansion of apprenticeships remains a bipartisan issue, there are questions regarding the Department's plans. For example, the Department signaled that it may allow federal support for apprenticeships relying upon employer-established standards, but there is no clarity on whether this will produce high-quality, transferable skills and credentials comparable to Registered Apprenticeships.

Mr. Secretary, I look forward to your testimony, and yield the balance of my time.