



# Opening Statement

COMMITTEE ON EDUCATION & LABOR

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The Hon. Robert C. "Bobby" Scott • Chairman

## Opening Statement of Chairman Robert C. "Bobby" Scott (VA-03)

House Committee on Education and Labor Full Committee Markup

*H.R. 2694 – The Pregnant Workers Fairness Act*

*H.R. 5191 – The Runaway and Homeless Youth and Trafficking Prevention Act of 2019*

2175 Rayburn House Office Building

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Today, the Committee is considering two bills: H.R. 2694, the *Pregnant Workers Fairness Act*, and H.R. 5191, the *Runaway and Homeless Youth and Trafficking Prevention Act of 2019*.

### **H.R. 2694: Pregnant Workers Fairness Act**

The first bill—the *Pregnant Workers Fairness Act*—was introduced by Representatives Nadler and Katko as a bipartisan proposal to guarantee basic workplace protections for pregnant workers.

As women increasingly become the primary breadwinners in American households, a growing number of pregnant workers are working later into their pregnancies. Recent data indicate that more than 80 percent of first-time mothers worked into their last trimester.

Unfortunately, far too many pregnant workers do not have access to reasonable accommodations to protect their health and the health of their babies.

These accommodations—which can include water, seating, more frequent restroom breaks, or even temporary lifting restrictions—are not complex or costly. But without basic protections, pregnant workers can be forced to endure significant and potentially tragic health risks.

These risks impact many working women, but tend to disproportionately affect Black and Latina workers, who are overrepresented in low-wage, physically demanding jobs.

In 2015, the Supreme Court’s landmark decision in *Young v. UPS* allowed pregnant workers to bring reasonable accommodation claims under the *Pregnancy Discrimination Act*.

Unfortunately, pregnant workers are still being denied accommodations because the *Young* decision set an unreasonably high standard for proving discrimination.

Under *Young*, a pregnant worker must show that the employer provided accommodations to her coworkers who were “similar in their inability to work.” This standard is onerous, in part, because it assumes workers have access to personnel information about their coworkers and their accommodation requests, and are able to establish a comparable group.

As a result, in approximately two-thirds of cases after *Young*, courts ruled *against* pregnant workers who were seeking accommodations.

The bill before us today guarantees pregnant workers the basic right to seek an accommodation that will allow them to continue working without jeopardizing their health or their pregnancy.

The *Pregnant Workers Fairness Act*, like the *Americans with Disabilities Act*, requires pregnant workers and their employers to negotiate and agree to a reasonable accommodation that is not unduly burdensome for the employer.

The bill grants workers alleging pregnancy discrimination the same remedies available to employees alleging discrimination on the basis of race, color, religion, sex, or national origin under Title VII of the *Civil Rights Act of 1964*.

The *Pregnant Workers Fairness Act* is a bipartisan solution supported by worker and employer advocates including the U.S. Chamber of Commerce, A Better Balance, the National Women's Law Center, and many others.

I want to thank those groups for their diligent efforts and thoughtful input to advance this bill. All of those groups agree on the version of the bill that will be presented in the Amendment in the Nature of a Substitute. I ask unanimous consent to introduce letters of support for the Amendment in the Nature of a Substitute from those groups. That Amendment in the Nature of a Substitute is not the bill any one group would've proposed, but is one that all can agree on.

At times of division in our nation, this is an example of what can happen when diverse groups work together. I would urge all of our Members to accept this bipartisan compromise without an amendment that could unravel the compromise.

## **H.R. 5191: Runaway and Homeless Youth and Trafficking Prevention Act**

The second bill before us, the *Runaway and Homeless Youth and Trafficking Prevention Act* – is a reauthorization of the 1974 *Runaway and Homeless Youth Act*, which remains a critical tool in supporting youth who lack stable housing.

More than 4 million teens and young adults experience homelessness each year, often as a result of family instability, parental rejection, or financial hardship. For many of these young people, homelessness will shape the trajectory of the rest of their lives.

Without stable housing, young Americans cannot access the resources often needed to excel in school, avoid abuse and sexual exploitation, and live self-sufficient and rewarding lives.

The challenge of youth homelessness is disproportionately felt by individuals who suffer from systemic discrimination. LGBTQ and children of color are far more likely to experience homelessness than their peers. In fact, researchers have found that 20 percent of the homeless youth population identifies as LGBTQ, with rates reaching as high as 40 percent in certain communities across the country.

Although the existing programs funded through the *Runaway and Homeless Youth Act* provide critical services to homeless youth across the country, federal services reach just a fraction of the millions of teens and young adults without permanent homes.

It has been more than a decade since Congress reauthorized the bill. The bipartisan reauthorization under consideration today makes critical improvements that will empower states to strengthen and expand services for young people.

In addition to increasing funding for federal youth homelessness programs, the proposal:

- Puts a greater focus on trauma-informed services and more emphasis on reaching and adequately supporting vulnerable homeless youth, including those who have experienced sex or human trafficking; and,
- Ensures that federal programs for homeless youth do not discriminate on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation, or disability.

Notably, the antidiscrimination provisions in this legislation codify existing programmatic regulation and are identical to the language in the *Violence Against Women Act* that passed the House on a bipartisan basis in 2013, with the support of at least 87 Republicans.

Given that the Trump Administration has begun the process to dismantle HHS-wide nondiscrimination regulation, it is imperative that this Committee move to codify nondiscrimination language for the Runaway and Homeless Youth program and protect the thousands of LGBTQ youth seeking shelter and services through these programs.

In sum, this bill will improve the quality and accessibility of critical programs that serve homeless youth. I want to thank Representatives Yarmuth, Bacon, Jayapal, and Hayes for working across the aisle on this important issue and I urge all my colleagues to support the legislation.

I urge all Members of the Committee to support the bipartisan proposals before us today and I now yield to the Ranking Member, Dr. Foxx, for the purposes of making an opening statement.