



**Opening Statement of Rep. Virginia Foxx (R-NC), Chairwoman
Committee on Education and the Workforce Hearing:
“Examining the Policies and Priorities of the Department of Labor”
June 7, 2023**

(As prepared for delivery)

Acting Secretary Su, I'd like to start by saying that you have been a hard witness to schedule! The Committee began working with the Department to secure your in-person testimony beginning in March. When you would not appear in May, we honored your request to appear in June using a date—June 7—that was offered by your staff, and to which you agreed. We have been more than accommodating to establish a mutual date for this hearing.

So why is it that on late Friday evening—following the Committee’s public posting of the hearing a week ago—your staff told us that you were “no longer able to make June 7th work”?

What was so important that you were willing to stop the work of a Congressional Committee, upend the schedules of 45 Members of Congress, and leave the American people’s concerns unanswered?

This hearing is not about you or your pending nomination; it is about assessing the budget proposal for the Department of Labor and the Department’s performance and adherence to its statutory mandate. However, your effort to evade transparency at the eleventh-hour calls into question your ability to fulfill your duty as a potential Secretary of Labor.

Acting Secretary Su, you’re sitting here today only because I informed you that I would issue a subpoena to compel your attendance at this previously agreed to hearing and you reconsidered your cancellation. I am glad that you reconsidered that

lapse in judgment. I am unaware of this Committee ever needing to consider such action for a department's annual hearing until now.

You cannot run from this responsibility. Congress and the American people have questions about how you've been running the Department.

Overall, Biden's FY 2024 budget calls for \$1.5 billion more in discretionary spending for the Department of Labor than it received last year. Considering your continued unwillingness to provide fully responsive answers to Committee oversight requests, this budget increase can only be seen as a tacit nod of approval by the President that the Department can continue skirting accountability to taxpayers.

If enacted, the budget would add 2,000 new federal bureaucrats. If the current 17,000 can't sufficiently respond to a single Committee request, I don't think adding 2,000 more will help the Department's bureaucratic sclerosis. If anything, more bureaucrats will mean more mounds of paperwork and more red tape under which to bury our oversight requests. Worse, this paperwork and red tape will bury workers and businesses trying to make a living. We should be shrinking, not expanding, the size of the federal government.

Nevertheless, after years of conducting oversight, I have found that no amount of bureaucratic red tape can obfuscate an objectively poor record. When the record speaks for itself, its inherent contradictions, its complications, and its confusions will naturally resolve to clarity. We are here to talk about your Department's record, Acting Secretary Su, and it doesn't hold up well.

The Department's rap sheet is long. It includes over 100 planned rulemakings and long-term actions. From his first day in office, Biden reversed many Trump administration policies that would have promoted hiring and employment opportunities, and he began pursuing radical policies that would expand the size and scope of government and pay back Big Labor.

The Biden administration has amassed a troubling record of Big Labor bias at the expense of American workers. This culture of union favoritism undermines workers' rights. Washington should not be in the business of picking winners and losers in our economy, but that's exactly what the Biden administration is doing, whether it be

through attempting to overturn every right-to-work law in the country, eliminating independent contracting, jeopardizing franchise businesses, or rewarding union bosses with unchecked power by acquiescing to every item on their wish list.

The PRO Act is but one example of the administration's union favoritism. It is championed by the AFL-CIO, Big Labor groups, socialist Bernie Sanders, and now the Department of Labor. Due to legislative gridlock, the Department is trying to bypass congressional authority by implementing the PRO Act's key features in pieces through regulation. If enacted, it would destroy the livelihoods of millions of workers, including independent contractors who overwhelmingly prefer their current worker status.

President Biden's anti-worker agenda is hurting our economy. We watched its impact on our workforce during COVID. Acting Secretary Su, while you were Deputy Secretary, the Department imposed a tyrannical, illegal vaccine mandate on employers. The rule applied to nearly 84 million in our workforce. Not only was the Department wrong on the science of COVID, but it also compromised our economic supply chain because of its sweeping dictates.

America needs a Department of Labor aligned with its priorities, like filling the more than 10 million open jobs in the United States. Yet every action this Department takes does one of two things. At best, it pushes a misguided union agenda. At worst, it subverts our economic stability and prosperity to do so.

As I reviewed the FY 2024 budget request, I saw more of the same. In it, the administration requested \$81 million more for the Wage and Hour Division (WHD). This is currently a \$310 million federal office responsible for enforcing several important workforce laws, and the American people would be incensed if they knew just how badly it is run. Under your supervision, the number of workers receiving back wages is the lowest on record for WHD, down by more than 51 percent from four years ago.

Over those four years, the WHD has received a 10 percent bump in funding, yet it has achieved half the results. The taxpayers are not giving a blank check for the Department's ineptitude, and WHD does not deserve a dollar more. Acting Secretary Su, I could spend all day going line-by-line through this budget. There are places

where we agree, like expanding apprenticeship programs, but even there I think the Department comes up short.

Instead of making the workforce system more responsive to employer needs, the Biden administration has doubled down on burdensome registered apprenticeships while shuttering the Industry-Recognized Apprenticeship Program. It's hard to think of a worse response to our worker shortage.

At heart, we disagree on guiding principles and how we envision the government's role in our workforce. The government itself is not a job creator. The administration and its near 100 planned workforce rules don't foster economic growth. The proper role of the Department is certainly not to enforce universal unionization.

Rather, we should promote job creation by removing the government as much as possible from the equation. Yes, that means subtracting from and not adding billions to your budget.