



COMMITTEE ON
EDUCATION & LABOR
REPUBLICANS

COMMITTEE
STATEMENT

**Opening Statement of Rep. Virginia Foxx (R-NC), Republican Leader
Committee on Education and Labor**

**Markup of H.R. 1230, the *Protecting Older Workers Against Discrimination Act*;
H.R. 1390, the *Workplace Violence Prevention for Health Care and Social
Services Act*; and H.R. 397, the *Rehabilitation for Multiemployer Pensions Act*
June 11, 2019**

“Faithful fans of this committee who attend in person or enjoy watching the proceedings online or on C-SPAN, have noted that our opening statements seem to be getting longer and longer. Mr. Chairman, the time is yours to control, and you are generous with it. You and I are passionate about many of the issues under this Committee’s jurisdiction and naturally, as a result, have much to say. I believe that’s good for the process, good for bipartisanship, and it’s good for informed debate.

But I hope no one here conflates all that talking with actually doing our jobs. We shouldn’t have to explain what a bill does in our opening comments. By the time we reach markup, the Committee should be so well-versed in the issues before us that we can get right down to business but that’s not the case today.

If we are to begin with H.R. 1230, the *Protecting Older Workers Against Discrimination Act*, we need a little more context. In a hearing that was billed as “Barriers to Employment” just a few weeks ago, this piece of legislation was one of five that Committee Democrats tried to market as inhibitors to employment, ignoring the chief barrier to employment, which everyone here knows is still lack of skills for in-demand jobs. Nevertheless, we heard from a single witness about this bill, one of the three that the Democrats invited. Unfortunately, Committee Republicans were allowed to invite only one witness to cover the many hearing topics included by the Democrats. Democrats, because the hearing was so broad, only had one witness prepared to address this particular issue. That “single

Democrat-invited witness”, however, was extremely informative. Laurie McCann from AARP told us in her written and spoken testimony, “For several reasons, it is difficult to quantify the impact that the *Gross* decision has had on the number of older workers who bring cases, and the number of those who win them.” In other words, the evidence base for H.R. 1230 isn’t there, and the Democrats’ own people are admitting it.

Lacking reliable evidence, and lacking a full hearing on the issue or the legislation, we are nevertheless here to consider yet another bill that amounts to nothing more than another trial-lawyer payday. When it comes to federal authorizations and appropriations, we often use the term “funding streams.” It seems Committee Democrats are looking for very specific “funding streams” to ensure payouts to trial lawyers who specialize in particular client groups. Earlier this year, Committee Democrats made special provisions to trial lawyers who profit from women, and in this markup, they have chosen trial lawyers who profit from older American workers to secure their own personal funding streams. Taxpayers are still on the hook for these funding streams no matter what, because, as we all know, employers are taxpayers.

Continuing their rush to keep up with this Committee’s and the House’s remarkable record of haphazard legislating, Committee Democrats have put forward H.R. 1309, the *Workplace Violence Prevention for Health Care and Social Service Workers Act*. In our single hearing on this issue back in February, members on both sides expressed a desire to work together to produce meaningful and effective policy. Instead, Committee Democrats have unilaterally decided to advance legislation that rushes the rulemaking process and short-circuits valuable input from people who know better than we do how to prevent workplace violence in these unique circumstances.

But the most stunning turn of events has been the announcement that we would, in fact, proceed with consideration of a full taxpayer bailout of private-sector multiemployer pension plans. When this markup was noticed and this particular bill, H.R. 397, was listed, I, along with every member of this Committee who understands how serious and complex this issue is, was shocked.

Lining this room are the portraits of individuals who have served as chairs of this Committee, Democrats and Republicans alike, going back several decades. All of them have managed this Committee's vast and varied jurisdiction with an all-too-clear understanding that the issue of pension reform is one of the most difficult, high-consequence responsibilities that committee members must meet. That is why, regardless of party affiliation or other pressing circumstances, they insisted that this committee proceed with extraordinary care, caution, and cooperation before touching the retirement security of so many hardworking Americans and retirees.

They would be confounded by today's markup. We're actually about to consider a bill that is poorly drafted and outlandishly framed.

In 2014, many of us on this dais today, under the leadership of Chairman John Kline and Ranking Member George Miller, worked together to bring much-needed reforms to the multiemployer pension system, with an understanding that no amount of money would fix the structural problems in the system that put so many retirees and taxpayers at risk in the first place. The legislation before us today totally destroys that framework. It is a sweeping, politically motivated ploy that is beneath the standards and the integrity of this Committee, which has historically modeled for the rest of Congress in practice and in policy how we should treat something so personal and so vital to Americans as their own hard-earned pensions.

This isn't just a taxpayer bailout. This is a lie. We are here to consider a bill that will meet certain death in the Senate. We will find ourselves back at the drawing board, and everyone here knows that's what we can expect on an issue as complex as this one. Those of us on this Committee who were here in 2014 will recall the serious, bipartisan negotiations required to get a final product on which we could all agree. And those of us who served on the Joint Select Committee established during the last Congress to focus exclusively on this issue, know it's not this easy—if it were, the Select Committee would have reported a bill.

But the workers and retirees who are going to be impacted don't see it that way. They see Washington Democrats offering more false hope. They're told by one special interest group or another that all we have to do is spend a hundred billion

dollars of the taxpayers' money and they'll be fine, their pensions will be secure, and they can rest easy again.

We know that's not true. We owe it to them to take this problem seriously. This bill is not serious. And treating unserious proposals as real solutions amounts to lying to the public. I've yet to see anyone who truly needs answers, who truly needs help, benefit from these empty promises.

Democrats make lavish promises to students, to seniors, to hardworking mothers, to hourly workers, and here, now, to retirees. And the only people I've ever seen benefit from these empty promises are Democrats themselves, on Election Day.

On behalf of every American who will be left empty-handed today, we will continue to be truthful about what we are doing. We will continue to search for real solutions instead of shortcuts and paybacks to special interests.

Talk is cheap, and bad bills are costly.”

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