

Senator Kaine Questions for the Record for Alex Acosta, Nominee for Secretary of Labor

1. Through federal support and states encouraging apprenticeship models, the number of registered apprenticeships has increased. This includes the extension of the apprenticeship model beyond the construction and mechanical trades, into industries such as information technology, insurance, and health care. However, the average age of an apprentice still remains high at around 30, which suggests we're not doing a sufficient job of routing young people into these pathways. Will you support expanding pre-apprenticeship programs in order to create on-ramps and more seamless pathways for youth into apprenticeships and middle-skill jobs?

ANSWER: I appreciate you raising this issue that I agree is vitally important. I share your belief that getting more young people involved in apprenticeship programs is an important goal. There are numerous examples throughout the nation of industry, local academic and training institutions and government partnering effectively to train and place workers in growth sectors. I understand that encouraging quality pre-apprenticeship programs is part of the Department of Labor's apprenticeship expansion strategy. If confirmed as Secretary of Labor, I expect to examine the Department's options for providing quality pre-apprenticeship programs with States and others interested in developing this important on-ramp to careers. If confirmed, I believe my role will be to make sure this model can be accessed in more communities and by displaced workers who will need to transition to new and growing industries.

2. The Secretary of Labor Chairs the Board of the Pension Benefit Guaranty Corporation .
 - a. Do you believe there is a retirement crisis in this country?
 - b. Will you propose a plan to Congress to address the insolvency issues at the PBGC and large multiemployer pension plans before they fail?

ANSWER: If confirmed, I will be Chair of the Pension Benefit Guaranty Corporation's Board of Directors and expect to be briefed on the matter of underfunded multiemployer pension plans. I believe our system of private pensions and retirement savings is working well for many Americans. Yet, too many workers are saving too little to ensure their financial security in old age. In addition, we must grapple with the legacy of pension promises that were made but not fully funded. As I noted in the hearing, I have not proposed a plan to address the issue of underfunded multiemployer plans and I wish there were an easy solution. These workers have worked hard for pensions they expect upon retirement, I understand that. I look forward to working with Congress and the President as solutions are proposed.

3. The Department's conflict of interest rule was finalized after extensive public comment periods, including multiple meetings with stakeholders and four days of public hearings.

- a. Will you commit to following that same transparent process and allow members of the public to comment fully on the Department's new analysis before it is finalized?
- b. Would a delay of this rule a month before its applicability date create additional uncertainty for savers and the financial institutions that have spent considerable sums of money to comply with this rule?

ANSWER: I understand the Administrative Procedure Act (APA) governs the rulemaking process and if confirmed I will abide by the requirements of the APA. As I noted at the hearing, a Presidential Memorandum addresses with specificity the fiduciary rule and details the Department of Labor's obligations to review the rule. If confirmed, I will conduct the review in accordance with the Presidential Memorandum. I believe part of the inquiry the Department is conducting addresses the issues of the effects of investor uncertainty and expenditures to meet the rule's requirements.

4. What will you do as Secretary to encourage self-employment and entrepreneurship among Americans with disabilities? Will you support the Office of Disability Employment Policy's START-UP program providing technical assistance and training to states to promote disability entrepreneurship? How will you partner with the Department of Commerce and the Small Business Administration to support people with disabilities who want to launch their small businesses or become entrepreneurs? Furthermore, how do you plan to include business-owners with disabilities in the competitions to obtain government contracts?

ANSWER: I would need to review any particular program before I committed to supporting it, but I certainly support increasing the labor force participation rate of disabled individuals and helping them lead successful and self-sustaining lives. As I noted at my hearing, I believe it is important for the Department to break down silos between governmental agencies to improve efficiency, and if confirmed, I will ask Department staff to look into interagency cooperation with Commerce and the Small Business Administration on this issue. I believe it would be illegal to discriminate against disabled business-owners in awarding federal government contracts, and I expect that they would be encouraged to compete for contracts by all government agencies.

5. Immigrants fill not just high skilled roles in the United States, but also fill technical and manual skill jobs. A 2010 study by the Federal Reserve Bank of San Francisco concluded that this helps companies expand, and allows more United States-born employees to assume managerial and leadership positions. What role can the Department of Labor play in ensuring that employers have access to sufficient workers to perform roles needed for expansion, including access to immigrants to perform technical and manual skill jobs if needed?

ANSWER: I recognize the role that immigration has played and continues to play in our nation. I also recognize that abuse of the visa process costs Americans jobs. This is a difficult balance and one that I will study carefully.

6. I am a strong supporter of DOL's job training and workforce programs. I am very worried that President Trump's budget cuts to job training programs are a direct attack on the programs necessary to help put Americans back to work. Will you commit to fighting these cuts and defending the proven job training, apprenticeship, Job Corps, and career pathway programs at DOL?

ANSWER: I share your belief that job training programs can offer substantial returns on investment. The bi-partisan enactment of WIOA made advances based on evidence, lessons learned, and promising practices, such as increasing strategic alignment of investments in these programs and enhancing employer leadership and engagement. If confirmed, I will work to continue to advance goals like these within the reality of our constrained resources. I share your sense of how important these programs are and I pledge to focus on making them as effective and successful as possible.

7. The U.S. Labor Department plays a critical leadership role in shaping federal policy to help the one in three adults in the U.S. (over 70 million) who have a criminal record to navigate the challenging employment landscape, and the 700,000 Americans who are released from prison every year and seek out employment in their communities. For example, DOL is the lead agency that funds reentry training and job placement services, which are funded by WIOA, the Second Chance Act and other critical programs, and promotes the business hiring incentives made available by the Work Opportunity Tax Credit and the Federal Bonding Program. Probably most importantly, working with other federal agencies, the Secretary of Labor is in a unique position to engage the business community to recruit and hire people with records building on the remarkable momentum generated by business leaders on this issue over the past several years. Federal funding of job training, job placement and reentry services is a critical component of the national strategy to help move people with records back into the labor market. As Secretary of Labor, would you prioritize support for WIOA, the Second Chance Act, and other critical reentry programs?

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8. We know that fair workplaces are good for business and good for the economy. 92% of Fortune 500 companies have adopted nondiscrimination provisions protecting lesbian, gay, and bisexual workers and 82% have adopted protections for transgender workers. These protections are essential. Recent studies have shown that more than one in five LGBTQ workers experience discrimination on the job. Transgender workers face even greater obstacles. As Secretary, you will be charged with furthering the mission of the Department of Labor, which includes advancing opportunities for all workers. What steps are you prepared to take to ensure that the Department continues to protect the rights of all workers, including ensuring the Department is proactively taking steps to combat discrimination against LGBTQ workers?

ANSWER: As I noted in my hearing, if confirmed, I would enforce the Department's laws fully and fairly. This includes efforts to combat discrimination against LGBTQ workers.

9. The majority of minimum wage workers are women and over one quarter have children to support. In Virginia, women earn 80 cents to every dollar that men earn. This information is concerning, but specifically for those of us who want to see women thrive and not be held back. Women make up two-thirds of the minimum wage workforce. And women are the sole or co-breadwinner in half of families with children. Do you believe gender pay discrimination exists?

ANSWER: Discrimination based on gender, including as to pay, is illegal. Though unfortunate, it does exist. As I noted in my hearing, if confirmed, I would enforce the Department's laws fully and fairly.

10. If confirmed, will you take action to address and prevent pay discrimination?

ANSWER: Discrimination based on gender, including as to pay, is illegal. As I noted in my hearing, if confirmed, I would enforce the Department's laws fully and fairly.

11. What do you believe is a fair minimum wage? In your view, do you believe that raising the minimum wage is a way to close the gender pay gap between men and women?

ANSWER: The minimum wage is set federally by Congress but also in states and localities by their respective governments. I am unaware if raising the minimum wage would have any effect on any variance in wage rates paid to men and women respectively, but discrimination based on gender, including as to pay, is illegal.