

Prepared Statement of Ranking Member Richard Burr

Nominations of Rajesh Nayak for U.S. Assistant Secretary of Labor for Policy, Taryn Mackenzie Williams for U.S. Assistant Secretary of Labor for Disability Employment Policy, and Doug Parker for U.S. Assistant Secretary of Labor for Occupational Safety and Health

May 27, 2021

Good morning. Thank you, Chair Murray for scheduling this hearing to examine these Department of Labor nominees.

Congratulations Mr. Nayak, Ms. Williams, and Mr. Parker on your nominations and welcome.

These are important labor policy positions.

The role of Assistant Secretary for Policy will be involved in virtually every major decision to come out of the Department of Labor.

The Disability Employment Policy office plays a key role in helping get unemployed and underemployed Americans with disabilities back to work.

The Occupational Safety and Health Administration, or OSHA, is tasked with the job of ensuring safe and healthful working conditions for workers.

As we consider our nation's labor agenda going forward, we should recognize that America's fundamentals are strong. The best way to keep these fundamentals strong is easy. It's pro-growth legislation and regulatory relief. It's support for workers in the ways they want to work in the new economy.

It is not tax hikes, increased regulation, and doing the bidding of trial lawyers. It's not coercing workers into unions they don't want to join or preventing the growth of the gig economy where workers decide their work life.

There is no need to fundamentally restructure our nation from free-market capitalism to a pretend workers' paradise under the thumb of Washington.

The closures due to the Covid-19 pandemic are beginning to come to an end.

Trillions have been spent – some of it for good effect – but now my friends on the other side of the aisle want to spend trillions and trillions more – all in an effort to fundamentally change the fabric of our country.

Trouble is, it gets a little hard to ask for trillions more when we haven't even really begun to spend much of the last round of funding and what we have spent outside of actual response to the Covid-19 crisis is making things worse.

It is the policy ideas of Democrats that are holding America back. The confusion these policies are causing job creators is only matched by their counter-productiveness.

While restaurants and businesses are desperate to hire workers, Democrats want to pay people more to stay home. Then they scratch their heads at the terrible unemployment numbers.

Just last week, I was told the story from a carpenter who upgrades residential kitchens and bathrooms that he has constant inquiries to take on new business, but

he can't find crews to do the jobs. The crew workers are making so much due to the increased unemployment benefits that they are just taking time off.

It made sense to provide extra benefits last year when businesses had to close and people needed extra help because jobs didn't exist. But as the jobs numbers last week told us – the economy is reopening and we need workers now.

We're also faced with the challenges of reopening the economy post-COVID.

America will open safely because of vaccines not because OSHA throws a new rule book at business owners.

CDC just recently followed the science and updated the mask mandate rules.

Science is what we should rely on when setting standards and when the science changes so rapidly we cannot set a static and arbitrary standard for COVID-19 prevention as the Biden Administration is considering doing.

Last week, I wrote Secretary Walsh and Acting OMB Director Young to stand down and not issue an emergency temporary standard.

Employers and workers together have navigated Covid-19 together, making decisions based on the constantly changing science and guidance provided from CDC and Department of Labor.

However, the nominee for the OSHA position did exactly the opposite of that. California's state OSHA put in place an emergency temporary standard in the midst of the pandemic.

Instead of providing employers with clear, operational guidance, I am told the temporary standard resulted in confusion to employers as to how to comply.

Cal/OSHA had to post 70 frequently asked questions to clarify for the regulated community what was expected of them.

On May 20, Cal/OSHA proposed to dramatically scale back the requirements in the standard to align with the dramatic improvements made with the large number of vaccinated individuals and the dramatic reduction in infection rates.

I hope the lesson learned here is that we should not follow another failed model from California.

I hope the Administration changes course and listens to the concerns I raised with them.

On the other hand, I would like to say we've got some potential areas of agreement.

As we talk about disability employment policy, we can talk about how to build upon the bipartisan work we've done with ABLE Accounts – to help the

disabled and their families save for the future without endangering their current benefits.

Senator Casey and I have long worked on this issue.

The nature of work has changed and disability employment policy needs to change with it. For example, virtual work can help people with disabilities use technology to erase outdated notions of disability for many.

We also need to help those with disabilities who are determined to return to work but worry about the financial consequences of doing so. Lessons from Ticket To Work will help find newer and more effective strategies.

We must incentivize a return to work for those who are willing.

And we also need robust continuing disability reviews to make sure those who are un-willing, but capable of work, are not simply using up resources better sent to those in actual need.

Everyone knows a disability benefits abuse story. There should be a bipartisan commitment to rooting it out. It's just plain stealing from the most vulnerable.

So, to our witnesses again: welcome. I look forward to hearing from you and asking how you will approach the management of these very important agencies within the Department of Labor.