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Remarks by Chairman Robert C. "Bobby" Scott (VA-03)

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Congressman for Virginia's third congressional district in the U.S. House of Representatives

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Remarks by Chairman Robert C. “Bobby” Scott¹ (VA-03)

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Thank you, Dean Treanor,² for your very kind introduction.

I want to thank the University of Minnesota Law School, Workers’ Rights Institute,³ Building One America,⁴ NAACP,⁵ and all the organizations that helped organize this year’s *Summit*.

1. “Congressman Robert C. ‘Bobby’ Scott has represented Virginia’s third congressional district in the U.S. House of Representatives since 1993. . . . Congressman Scott has the distinction of being the first African-American elected to Congress from the Commonwealth of Virginia since Reconstruction and only the second African-American elected to Congress in Virginia’s history. Having a maternal grandfather of Filipino ancestry also gives him the distinction of being the first American with Filipino ancestry to serve as a voting member of Congress. Congressman Scott currently serves as the Chairman of the Committee on Education and Labor.” *Congressman Bobby Scott Biography*, HOUSE.GOV, <https://bobbyscott.house.gov/about/biography> [https://perma.cc/H3C3-VJHK].

2. “William M. Treanor is the Dean and Executive Vice President of Georgetown University Law Center, and he holds the Law Center’s Paul Regis Dean Leadership Professorship.” *William M. Treanor*, GEORGETOWN L., <https://www.law.georgetown.edu/faculty/william-m-treanor/> [https://perma.cc/R6HF-ZLT5].

3. “Launched in the summer of 2019, the Workers’ Rights Institute focuses on innovative legal and policy initiatives to support workers’ rights and empowering the nation’s most vulnerable workers to access existing labor protections.” *Workers’ Rights Institute*, GEORGETOWN L., <https://www.law.georgetown.edu/workers-rights-institute/> [https://perma.cc/3W5K-PC7S].

4. “Building One America was launched . . . to discuss the common challenges confronting older, developed towns . . . as well as to create a national network for shared organizing, training and leadership development . . . Building One America promotes the goals of social inclusion, racial justice, sustainability and economic opportunity by addressing regional housing policy, land use, municipal and educational fiscal structures, major infrastructure investments and jobs.” *About Building One America*, BUILDING ONE AM., <https://buildingoneamerica.org/content/about-building-one-america-0> [https://perma.cc/4DKZ-FDT7].

5. “Founded in 1909 in response to the ongoing violence against Black people around the country, the NAACP (National Association for the Advancement of Colored People) is the largest and most pre-eminent civil rights organization in the nation. . . . Our mission is to secure the political, educational, social, and economic equality of rights in order to eliminate race-based discrimination and ensure the health and well-being of all persons.” *About the NAACP*, NAACP, <https://www.naacp.org/about-us/> [https://perma.cc/87RL-GDTC].

I also want to recognize Mark Pearce for his leadership as the former Chair of the National Labor Relations Board and, now, the Executive Director of the Workers' Rights Institute. Mr. Pearce had compelling testimony before the Committee last May on the need to strengthen labor rights that was critical for the passage of the Protecting the Right to Organize Act, the PRO Act.⁶

This year's gathering of community leaders could not come at a more urgent time. Across the country, the COVID-19 pandemic is highlighting racial disparities throughout our society, from the disproportionate health impacts of the virus⁷ to the inequities in access to remote education.⁸

But, to meaningfully close these gaps, we must look beyond the pandemic. As you know, COVID-19 didn't cause the disparities. It has exacerbated *existing* disparities for underserved communities of color, particularly the African American community.⁹

For generations, federal, state, and local governments have allowed, and even contributed, to many of these injustices.¹⁰

6. On May 8, 2019, Mark Gaston Pearce provided testimony on the PRO Act before the House Committee on Education and Labor, Subcommittee on Health, Employment, Labor and Pensions on how the Act would significantly improve the effectiveness of the nation's labor law. Mark Gaston Pearce, *Testimony on Protecting the Right to Organize Act*, HOUSE.GOV, [https://edlabor.house.gov/imo/media/doc/Pearce%20testimony%20final-%205.3.19%20\(002\).pdf](https://edlabor.house.gov/imo/media/doc/Pearce%20testimony%20final-%205.3.19%20(002).pdf) [<https://perma.cc/4T6E-QKUU>]. The PRO Act amends the National Labor Relations Act and related labor laws to extend protections to union workers. See H.R. 2474, 116th Cong. (2019).

7. *Health Equity Considerations and Racial and Ethnic Minority Groups*, CDC (July 24, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html> [<https://perma.cc/J4GY-RPSC>] ("Long-standing systemic health and social inequities have put many people from racial and ethnic minority groups at increased risk of getting sick and dying from COVID-19.").

8. Benjamin Herold, *The Disparities in Remote Learning Under Coronavirus (in Charts)*, EDUCATIONWEEK (Apr. 10, 2020), <https://www.edweek.org/ew/articles/2020/04/10/the-disparities-in-remote-learning-under-coronavirus.html> [<https://perma.cc/Z2ST-7VB3>] ("Among the most significant are gaps between the country's poorest and wealthiest schools around access to basic technology and live remote instruction, as well as the percentages of students who teachers report are not logging in or making contact . . . [The survey] also revealed big differences in how high- and low-income districts approached distributing schoolwork . . . Similarly, teachers in rural districts were far more likely than their urban and suburban counterparts to say they've provided student work in person.").

9. See Aaron van Dorn, Rebecca E. Cooney & Miriam L. Sabin, World Report, *COVID-19 Exacerbating Inequalities in the US*, 395 LANCET 1243, 1243 (2020); see also *Health Equity Considerations*, *supra* note 7.

10. Report prepared by Stephen Menendian, Marguerite Spencer, Lidija Knuth, John Powell, Sara Jackson, Fran Fajana, Andrew Grant-Thomas, Jason Reece, Eva Paterson & Kimberly Rapp to U.N. Comm. for the Elimination of Racial Discrimination, *Structural Racism in the United States*, at 2 (2008),

Accordingly, we have had a responsibility, since well before the pandemic, to be part of the solution.

That's why the Committee on Education and Labor, which I chair, is working hard to confront the *roots* of the inequities in our job market, workplaces, schools, and health care system.

The first thing the Committee has done to reduce the wage gap is to increase wages for those at the bottom. That's why the House passed the Raise the Wage Act to increase the minimum wage gradually to \$15 an hour by 2025.¹¹

Higher education has also been the key to better jobs and that's why the Committee reported the College Affordability Act¹² to make sure that everybody can afford college. That's how it was when the Higher Education Act was passed. President Johnson said it meant that every student in every state could apply to any college or university and not be turned away because the family is poor.¹³ That's not the case now. You have to take on crushing debt to be able to go to college¹⁴ and the College Affordability Act will reverse that trend.

And, although it's not within our jurisdiction, home ownership is the key to dealing with wealth disparities because that's where most middle class families get their wealth—gradually.¹⁵ It's also

https://www.racialequitytools.org/resourcefiles/Structural_Racism.pdf [<https://perma.cc/5EF6-AECY>] (“[T]he U.S. has rationalized racial discriminatory effects as not covered by U.S. law. Sometimes these effects are caused by explicit government policies. At other times they are caused by private actors. Frequently, it is a combination of both.”).

11. H.R. 582, 116th Cong. (2019).

12. H.R. 4674, 116th Cong. (2019).

13. President Lyndon B. Johnson, Remarks at Southwest Texas State College upon Signing the Higher Education Act of 1965 (Nov. 8, 1965) (transcript available at AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/documents/remarks-southwest-texas-state-college-upon-signing-the-higher-education-act-1965> [<https://perma.cc/ZN47-3Z2E>]) (“It means that a high school senior anywhere in this great land of ours can apply to any college or any university in any of the 50 States and not be turned away because his family is poor.”).

14. See Zack Friedman, *Student Loan Debt Statistics in 2020: A Record \$1.6 Trillion*, FORBES (Feb. 3, 2020), <https://www.forbes.com/sites/zackfriedman/2020/02/03/student-loan-debt-statistics/?sh=7fc20b58281f> [<https://perma.cc/URH2-V46W>] (explaining there are 44.7 million U.S. borrowers with an average student loan debt of \$32,731).

15. DANYELLE SOLOMON, CONNOR MAXWELL & ABRIL CASTRO, CTR. FOR AM. PROGRESS, SYSTEMATIC INEQUALITY: DISPLACEMENT, EXCLUSION, AND SEGREGATION 1 (Aug. 2019), <https://www.americanprogress.org/issues/race/reports/2019/08/07/472617/systemic-inequality-displacement-exclusion-segregation/> [<https://perma.cc/77CQ-8GJY>] (“Homeownership and high-quality affordable rental housing are critical tools for wealth building and financial well-being in the United States.”).

generational wealth¹⁶ because it's inherited generation after generation. And, so, we have to reverse some of the discriminatory policies that have been allowed to exist over the decades¹⁷ and make sure that everyone has an opportunity to buy and own their own home.

We also have to preserve equality by making sure we enforce and strengthen anti-discrimination laws. The Committee has passed, and the House has passed, several bills: the Paycheck Fairness Act for women, Pregnant Workers Fairness Act, and the Equality Act for the LGBTQ community.¹⁸ We know that we have to fight discrimination everywhere. Martin Luther King said, "Injustice anywhere is a threat to justice everywhere."¹⁹

Well, discrimination anywhere is an invitation for discrimination everywhere, so we have to make sure we're fighting discrimination to make sure there are equal opportunities.

To support Black workers and workers of color, the Committee passed legislation to strengthen workers' rights, particularly the right to organize.²⁰

Throughout our history, the labor movement and the struggle for racial equality have been inextricably linked. With the United States' pending entry into World War II, A. Phillip Randolph led the March on Washington Movement to demand equal opportunity for Blacks in the defense industry.²¹ Because of his leadership, President Franklin D. Roosevelt signed Executive Order 8802 in

16. See David Kleinhandler, *Generational Wealth: Why Do 70% of Families Lose Their Wealth in the 2nd Generation?*, NASDAQ (Oct. 9, 2018), <https://www.nasdaq.com/articles/generational-wealth%3A-why-do-70-of-families-lose-their-wealth-in-the-2nd-generation-2018-10> [https://perma.cc/EES8-VEN8] ("Generational wealth is an aspect of financial planning that is geared toward passing down stable, significant financial resources to future generations.")

17. See, e.g., MICHELA ZONTA, CTR. FOR AM. PROGRESS, RACIAL DISPARITIES IN HOME APPRECIATION 1 (July 2019), <https://www.americanprogress.org/issues/economy/reports/2019/07/15/469838/racial-disparities-home-appreciation/> [https://perma.cc/UA4T-8U2P] (describing "[s]egregation, disparate access to credit and homeownership, and the consistent devaluation of homes in black neighborhoods" as policies contributing to wealth disparities).

18. Paycheck Fairness Act, H.R. 7, 116th Cong. (2019); Pregnant Workers Fairness Act, H.R. 2694, 116th Cong. (2020); Equality Act, H.R. 5, 116th Cong. (2019).

19. Letter from Rev. Dr. Martin Luther King, Jr. from Birmingham Jail (Apr. 16, 1963) (transcript available at UNIV. OF PENN. AFRICAN STUD. CTR., https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html [https://perma.cc/EB7Q-PZAP]).

20. Protecting the Right to Organize Act of 2019, H.R. 2474, 116th Cong. (2020).

21. The Martin Luther King, Jr. Resch. and Educ. Inst., *Randolph, A. Philip*, STANFORD UNIV., <https://kinginstitute.stanford.edu/encyclopedia/randolph-philip> [https://perma.cc/6UAF-DATJ].

1941—the *first ever* presidential action to prohibit employment discrimination by private employers operating federal contracts.²² In short, federal contractors in receipt of federal dollars were barred from discriminating on the basis of race, religion, color, or national origin.

In other words, organized labor has partnered with civil rights organizers to help all workers achieve higher pay, better benefits, safer working conditions, and the ability to work and retire with dignity.

In fact, the 1963 “March on Washington” was the “March on Washington for Jobs and Freedom”—and unions, obviously, were very much involved.

Today, union members of color have almost five times the median wealth as non-union counterparts, and about two-thirds of the workers covered by a union contract today are women, people of color, or both.²³ For Black workers, specifically, collective bargaining agreements can eliminate the racial income gap because, in a union contract, everybody is paid equal pay for equal work.

Simply put, strong collective bargaining means strong civil rights.

Unfortunately, persistent attacks on unions have weakened our core labor laws and eroded union membership, fueling the nation’s income inequality.

That’s why the House came together in February to pass the PRO Act²⁴—the most comprehensive legislation in recent history to protect workers’ collective bargaining rights. Ensuring that workers can decide whether to form a union without employer interference is essential because democracy in the workplace should be a right, not a fight.

House Democrats have also introduced the Public Service Freedom to Negotiate Act,²⁵ a strong response to the 2018 *Janus v.*

22. *Id.*; Exec. Order No. 8,802, 3 C.F.R. 1941 Supp. 128 (1942) (“All contracting agencies of the Government of the United States shall include in all defense contracts hereafter negotiated by them a provision obligating the contractor not to discriminate against any worker because of race, creed, color, or national origin . . .”).

23. Christian E. Weller & David Madland, *Union Membership Narrows the Racial Wealth Gap for Families of Color*, CTR. FOR AM. PROGRESS (Sept. 4, 2018), <https://www.americanprogress.org/issues/economy/reports/2018/09/04/454781/union-membership-narrows-racial-wealth-gap-families-color/> [https://perma.cc/V3X7-KHUW].

24. Protecting the Right to Organize Act of 2019, H.R. 2474, 116th Cong. (2020).

25. H.R. 3463, 116th Cong. (2019).

*AFSCME*²⁶ decision, which prohibited fair-share fees in the public sector. This decision undermined unionizing among public sector workers by making “right-to-work” the law in every state. Congress cannot overturn the Supreme Court decision in *Janus*, but this bill provides workers in *every* state the freedom to negotiate with their employers.

We were scheduled to take up this bill. Unfortunately, the House essentially suspended all Committee consideration of bills unrelated to COVID-19. When we get back to doing our work, that bill will be one of those we take up.

In K-12 education, the Committee is working to close the persistent academic achievement gap. Last April, we began work regarding our unfinished business to eliminate racial segregation in education sixty-six years after *Brown v. Board of Education*.²⁷ The [Government Accountability Office] found that segregation in public schools today is as bad as it was in the 1960s and getting worse.²⁸ We know separate schools have never been equal.

Recently, Committee Democrats have been focused on ensuring that we do something about segregated schools. We reported two bills:

1. The Equity and Inclusion Enforcement Act,²⁹ which establishes a private right of action for people in localities to bring lawsuits challenging practices or policies that have a racially disparate impact. Because of a Supreme Court decision about twenty years ago,³⁰ these suits can now only be brought by the Department of Education, and the Department is not bringing such cases.
2. The Strength in Diversity Act³¹ is a grant program for school districts who want to *voluntarily* develop school integration plans. As you know, in Louisville, Kentucky and Seattle, Washington, the Supreme Court set aside

26. *Janus v. Am. Fed’n of State, Cnty., & Mun. Emps., Council 31*, 138 S. Ct. 2448 (2018).

27. 347 U.S. 483 (1954).

28. U.S. GOV’T ACCOUNTABILITY OFF., K-12 EDUCATION: BETTER USE OF INFORMATION COULD HELP AGENCIES IDENTIFY DISPARITIES AND ADDRESS RACIAL DISCRIMINATION 10–15 (2016).

29. H.R. 2574, 116th Cong. (2020).

30. *Alexander v. Sandoval*, 532 U.S. 275 (2001).

31. H.R. 2639, 116th Cong. (2019).

voluntary plans as being unconstitutional.³² You can do them, but this grant program will give the resources and technical assistance so that you can do them right and so that you can overcome Supreme Court challenges.

To confront the pandemic, the House has also passed more than \$200 billion in emergency education funding.³³ This includes funding to address extreme inequality in our nation's school infrastructure, which I originally proposed in the Rebuild America's Schools Act³⁴ in January.

We have also passed nearly \$1 trillion in relief for state and local governments in the Heroes Act,³⁵ which is pending in the Senate now, to preserve funding for public education. Without relief to state and local governments, they will be forced to make painful cuts to education to balance their budgets.

In the pending Senate bill,³⁶ there is no funding for state and local governments. You're going to find that state and local governments will have to cut their budgets, and the little money that there is for education in the Senate bill will only partially offset the massive cuts to education required by state and local governments to balance their budgets.

Finally, to expand equitable access to health care, the Committee is working to protect and strengthen the Affordable Care Act.³⁷ This landmark legislation expanded access to health care for tens of millions of Americans and reduced the share of Black Americans without health care coverage by at least a third.³⁸

32. *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007) (barring voluntary integration programs based on race as violative of the Equal Protection Clause when a jurisdiction has not been found by a court to be illegally segregated).

33. See HEROES Act, H.R. 6800, 116th Cong. (2020); Fact Sheet, Comm. on Educ. & Lab., Heroes Act (H.R. 6800): Education and Community Support Provisions (May 12, 2020), <https://edlabor.house.gov/imo/media/doc/2020-05-12%20Heroes%20Act%20-%20Education%20Fact%20Sheet.pdf> [<https://perma.cc/XEV4-CZ9W>] (providing \$100 billion in direct emergency educational funding and up to \$10,000 in debt relief for more than 20 million student loan borrowers).

34. H.R. 865, 116th Cong. (2020) (suggesting that funds be provided for making sure educational facilities are safe, including need-based grants for local schools).

35. H.R. 6800, 116th Cong. (2020).

36. See CARES Act, S. 3548, 116th Cong. (2020). This version of the CARES Act was introduced in the Senate in June 2020, and is sponsored by Senator Mitch McConnell (R-KY).

37. Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 (2010).

38. See Samantha Artiga, Kendal Orgera & Anthony Damico, *Changes in Health*

Unfortunately, the ACA has consistently been under attack from Republican lawmakers and this Administration.³⁹

In response, House Democrats passed the Patient Protection and Affordable Care Enhancement Act⁴⁰ this past June. This legislation builds on the ACA by lowering the cost of health care, expanding Medicaid, and strengthening protections for patients with pre-existing conditions. The legislation also shields consumers from short-term health care plans, or what we call “junk plans,” that actually raise costs for those without insurance and abandon consumers when they actually need care.

These are just a few of the initiatives the Committee and House Democrats have undertaken to address the nation’s continued legacy of systemic racism.

It can be difficult to be optimistic about these proposals amidst all of the chaos in Washington. However, as we continue to confront the pandemic, the House Education and Labor Committee remains committed to our ultimate goal: rooting out racial disparities and achieving equity for all Americans. In that, we all stand firm with our recently departed brother, Congressman John Lewis, to work with you to make *good trouble*.⁴¹

So, thank you all for participating in today’s *Summit* and for your good work to realize the promise of liberty and justice for all.

Coverage by Race and Ethnicity Since the ACA, 2010–2018, KFF (Mar. 5, 2020), <http://files.kff.org/attachment/Issue-Brief-Changes-in-Health-Coverage-by-Race-and-Ethnicity-since-the-ACA-2010-2018.pdf> [<https://perma.cc/RZL8-MHDT>].

39. *E.g.*, Repealing the Job-Killing Health Care Law Act, H.R. 2, 112th Cong. (2011) (introduced on January 5th that year, this bill was one of the very first things the new Republican House attempted). *See generally* C. STEPHEN REDHEAD & JANET KINZER, CONG. RSCH. SERV., LEGISLATIVE ACTIONS IN THE 112TH, 113TH, AND 114TH CONGRESSES TO REPEAL, DEFUND, OR DELAY THE AFFORDABLE CARE ACT (Feb. 7, 2017).

40. H.R. 1425, 116th Cong. (2020).

41. “Do not get lost in a sea of despair. Be hopeful, be optimistic. Our struggle is not the struggle of a day, a week, a month, or a year, it is the struggle of a lifetime. Never, ever be afraid to make some noise and get in good trouble, necessary trouble. #goodtrouble” John Lewis, @repjohnlewis, TWITTER (June 27, 2018, 10:15 AM), <https://twitter.com/repjohnlewis/status/1011991303599607808> [<https://perma.cc/64CL-2H59>].