

Perkins Re-Authorization Stalled; Legislation Introduced to Delay Overtime Rule; Department of Labor Sued by States on Overtime Rule

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Legislative Activity

Perkins Reauthorization Halted in the Senate

After receiving overwhelming bipartisan support in the House, the Perkins Reauthorization which governs federal support for career and technical education, has been stopped in the Senate. Senator Lamar Alexander (R-TN), Chairman of the Senate Committee on Health, Education, Labor, and Pensions (HELP), originally scheduled a vote on the bill for Wednesday, September 21, but cancelled the vote on Monday when the Senate returned. Senator Alexander wants the law to restrict the Education Secretary's authority because of concerns stemming from implementation of the *Every Student Succeeds Act* (ESSA), passed last year to replace *No Child Left Behind*. Democrats are opposed to restricting the secretary's authority, pointing out the language was not included in the House bill, where the legislation passed 405-5.

Senator Alexander believes the bill will be passed by the end of the year, with staff from his office saying he hopes to resolve the issues and hold a markup during the lame duck session after the election.

New Legislation to Delay Department of Labor Overtime Rule

Representative Tim Walberg (R-MI), Chairman of House Subcommittee on Workforce Protections, introduced the *Regulatory Relief for Small Businesses and Nonprofits Act* ([H.R. 6094](#)) on September 21. The bill seeks to delay the implementation date of the Department of Labor's overtime rule by six months, which is set to take effect on December 1, 2016.

Representative Walberg has said that small businesses, nonprofits, and institutions of higher education have urged the administration to take a more moderate approach on updating the overtime rules. He has asked the Administration to reconsider the rule altogether, but is now encouraging them to delay the rule to provide relief to small businesses, small colleges, and nonprofits. Representative John Kline (R-MN), Chairman of the House Committee on Education and the Workforce, has said the administration ignored concerns of students, small businesses, and entry-level workers and

applauded Representative Walberg for introducing the legislation.

Representative Walberg has also introduced the *Protecting Workplace Advancement and Opportunity Act* ([H.R. 4773](#)) to ensure administrations to pursue a more balanced approach when updating the federal overtime rules. The legislation would require the department to fully and accurately consider the economic impact of the rule on small businesses, nonprofits, and colleges and universities.

House Education Chairman Sends Letter to Department of Education about End of Term Plans

Representatives John Kline (R-MN), House Committee on Education and the Workforce Chairman, Virginia Foxx (R-NC), and Todd Rokita (R-IN), sent a September 20 letter to Education Secretary John King asking for information on the Administration's end of term regulatory plans. They also share concerns about the possibility of Department of Education employees "burrowing in," where political appointees switch to careers in civil service as the administration changes over. Representative Kline has sent a similar letter to the Department of Labor.

Senators Coons and Isakson Introduce Higher Education Accountability Bill

Senators Chris Coons (D-DE) and Johnny Isakson (R-GA) unveiled the *Access Success and Persistence In Reshaping Education Act* on September 21, aimed at holding colleges and universities more accountable for the federal money they receive by tying federal student aid to new accountability metrics. The legislation provides incentives to increase graduates rates by rewarding schools that expand access and improve completion rates and gives more resources to schools serving high numbers of Pell Grant recipients but have struggled to graduate them. The senators also released a report that examines access to colleges and completion rates.

Representative Barbara Lee Introduces Computer Science for All Bill

Representative Barbara Lee (D-CA) on September 21 introduced the *Computer Science for All Act* that would authorize \$250 million in grant funding for programs over five years. This initiative was introduced by President Obama during his final State of the Union address this year, and seeks to expand access to science, technology, engineering, and mathematics (STEM) education. Specifically, the program emphasizes bringing more girls and underrepresented minorities into the field.

House Democrats Address Sexual Harassment in STEM

House Democrats are addressing a claim that sexual harassment is so common in science, technology, engineering, and mathematics (STEM) research fields it is driving women out of the area. According to research from 2014 at the University of Illinois, 25% of women surveyed had been sexually assaulted while performing scientific fieldwork. A group of House Democrats, led by Representative Jackie Speier (D-CA) have introduced [H.R. 6161](#), which would require universities to disclose "substantiated" findings of sexual abuse by a professor to all federal agencies that have awarded research grants to the school within the last 10 years. The colleges must also report incomplete investigations that have been ongoing for more than six months, but the schools don't have to name the accused. The federal agencies would then be required to "consider" this information when deciding whether to award research grants – but would not be prohibited from giving these schools money.

Regulatory Activity

States Sue Department of Labor on Overtime Rule

On September 20, 21 states, led by Texas and Nevada, filed suit in the Eastern District of Texas to challenge the U.S. Department of Labor's overtime exemption rule changes. The suit alleges DOL has overstepped its authority to establish a federal minimum salary for white collar workers. Further, they claim the new rule will force state and local governments to substantially increase employment costs, ultimately forcing governments to cut services or lay off employees.

On May 18 of this year, DOL issued the final version of the overtime exemption rule, which raises the minimum salary threshold required to qualify for the Fair Labor Standards Act's (FLSA) "white collar" exemption to \$47,476 per year. The final rule will also raise the overtime eligibility threshold for highly compensated workers from \$100,000 to about \$134,000. It is set to take effect on December 1, 2016.

The lawsuit names DOL and its wage and hour division, Secretary of Labor Thomas Perez and two administrators for the wage and hour division, who will all be represented by the U.S. Department of Justice. The states in the suit are represented by their respective attorneys general and include Texas, Nevada, Alabama, Arizona, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Nebraska, New Mexico, Ohio, Oklahoma, South Carolina, Utah, and Wisconsin.

The case is *Nevada et al. v. U.S. Department of Labor et al.*, case number 1:16-cv-00407, in the U.S. District Court for the Eastern District of Texas.

Federal Government to Track Value of College Degree

In an innovative partnership, the U.S. Census Board is teaming up with the University of Texas System to track where graduates work and how much they earn. The Census Bureau will provide the Texas University System information from its Longitudinal Employer-Household Dynamics program. The University System already tracks information on students who stay in Texas through the state's workforce commission, but the 10-year program with the Census Bureau will also provide information on those who leave the state. The Census data includes earnings, region, employment industry, migration pattern, and career pathways for UT graduates from 2003 to present. This data will help better estimate the value of a college degree by creating transparency in how much graduates earn and what industries they join.

This new program could mean the Census Bureau is willing to help track college outcomes as a growing number of education advocates have called on the federal government to track students after they graduate college. Currently the Higher Education Act prohibits the government from tracking students through a "student unit record" system.

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