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114TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
114-904

REPORT ON THE ACTIVITIES
OF THE
COMMITTEE ON EDUCATION AND
THE WORKFORCE
FOR THE
114TH CONGRESS
together with
MINORITY VIEWS



JANUARY 2, 2017.—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

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WASHINGTON : 2017

COMMITTEE ON EDUCATION AND THE WORKFORCE

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KATHERINE M. CLARK, Massachusetts
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MARK DeSAULNIER, California

Under Rule X, clause (e) of the Rules of House, the jurisdiction of the Committee on Education and the Workforce is as follows: education and labor generally; food programs for children in schools; labor standards and statistics; mediation and arbitration of labor disputes; child labor; regulation or prevention of importation of foreign laborers under contract; workers' compensation; wages and hours of labor; welfare of miners; work incentive programs; convict labor and the entry of goods made by convicts into interstate commerce; vocational rehabilitation; Gallaudet University; and Howard University and Hospital.

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The Subcommittee on Early Childhood, Elementary, and Secondary Education has jurisdiction over education from early learning through the high school level, including but not limited to elementary and secondary education, special education, homeless education, and migrant education; overseas dependent schools; career and technical education; school safety and alcohol and drug abuse prevention; school lunch and child nutrition programs; educational research and improvement including the Institute of Education Sciences; environmental education; pre-service and in-service teacher professional development including Title II of the *Elementary and Secondary Education Act* and Title II of the *Higher Education Act*; early care and education programs, including the *Head Start Act* and the *Child Care and Development Block Grant Act*; adolescent development and training programs, including but not limited to those providing for the care and treatment of certain at-risk youth including the *Juvenile Justice and Delinquency Prevention Act* and the *Runaway and Homeless Youth Act*; and all matters dealing with child abuse and domestic violence, including the *Child Abuse Prevention and Treatment Act* and child adoption.

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The Subcommittee on Health, Employment, Labor, and Pensions has jurisdiction over all matters dealing with relationships between employers and employees including but not limited to the *National Labor Relations Act*, the *Labor-Management Relations Act*, and the *Labor-Management Reporting and Disclosure Act*; the Bureau of Labor Statistics; and employment-related health and retirement security including pension, health, and other employee benefits and the *Employee Retirement Income Security Act* (ERISA).

SUBCOMMITTEE ON HIGHER EDUCATION AND WORKFORCE TRAINING

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CARLOS CURBELO, Florida	JOE COURTNEY, Connecticut
ELISE STEFANIK, New York	JARED POLIS, Colorado
RICK ALLEN, Georgia	

The Subcommittee on Higher Education and Workforce Training has jurisdiction over education and training beyond the high school level including but not limited to higher education generally, postsecondary student assistance and employment services, and the *Higher Education Act*; Title IX of the *Education Amendments of 1972*; all domestic volunteer programs; all programs related to the arts and humanities, museum and library services, and arts and artifacts indemnity; postsecondary career and technical education, apprenticeship programs, and job training, including the *Workforce Innovation and Opportunity Act*, vocational rehabilitation, and training programs from immigration funding; science and technology programs; adult basic education (family literacy); all welfare reform programs, including work incentive programs and welfare-to-work requirements; poverty programs, including the *Community Services Block Grant Act* and the Low Income Home Energy Assistance Program (LIHEAP); the *Native American Programs Act*; the Institute of Peace; and all matters dealing with programs and services for the elderly, including nutrition programs and the *Older Americans Act*.

SUBCOMMITTEE ON WORKFORCE PROTECTIONS

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DAVID BRAT, Virginia	KATHERINE M. CLARK, Massachusetts
MICHAEL D. BISHOP, Michigan	ALMA S. ADAMS, North Carolina
STEVE RUSSELL, Oklahoma	MARK DeSAULNIER, California
ELISE STEFANIK, New York	MARCIA L. FUDGE, Ohio

The Subcommittee on Workforce Protections has jurisdiction over wages and hours of workers, including but not limited to the *Davis-Bacon Act*, the Walsh-Healey Act, the Service Contract Act, and the *Fair Labor Standards Act*; workers' compensation, including the *Federal Employees' Compensation Act*, the *Longshore and Harbor Workers' Compensation Act*, and the *Black Lung Benefits Act*; the *Migrant and Seasonal Agricultural Worker Protection Act*; the *Family and Medical Leave Act*; the *Worker Adjustment and Retraining Notification Act*; the *Employee Polygraph Protection Act of 1988*; trade and immigration issues as they impact employers and workers; workers' safety and health, including but not limited to occupational safety and health, mine safety and health, and migrant and agricultural worker safety and health; and all matters related to equal employment opportunity and civil rights in employment.

LETTER OF TRANSMITTAL

COMMITTEE ON EDUCATION AND THE WORKFORCE,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 23, 2016.

Hon. KAREN L. HAAS,
Clerk of the House,
The Capitol, Washington, DC.

DEAR MS. HAAS: Pursuant to Rule XI, clause 1, paragraph (d) of the Rules of the U.S. House of Representatives, I hereby transmit the Report on the Activities of the Committee on Education and the Workforce for the 114th Congress. This report summarizes the activities of the Committee during the 114th Congress with respect to its legislative and oversight responsibilities. I circulated this report to all members on December 16, 2016, and received minority views, which are included in this report.

Sincerely,

JOHN KLINE,
Chairman.

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JANUARY 2, 2017.—Committed to the Committee of the Whole House on the State
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Mr. KLINE, from the Committee on Education and the Workforce,
submitted the following

R E P O R T

together with

MINORITY VIEWS

INTRODUCTION

Under the leadership of Chairman John Kline in the 114th Congress, the House Committee on Education and the Workforce continued its efforts to improve the country's education system, support working families and retirees, and empower more Americans to pursue a lifetime of success and prosperity.

Helping every child receive an excellent education was a leading priority this Congress. In 2015, the Committee successfully advanced the *Student Success Act* (H.R. 5). The legislation reflects three key principles to improve K–12 education: reducing the federal role, restoring local control, and empowering parents. After months of bipartisan, bicameral work, House and Senate leaders reached agreement in November 2015 on a proposal to end the Washington-knows-best approach to K–12 education. The resulting legislation, the *Every Student Succeeds Act*, was signed into law in December 2015, and the Committee has worked throughout 2016 to ensure the law is implemented according to its letter and intent.

The Committee also advanced reforms to improve higher education and career and technical education. In 2015, the Committee moved the *Higher Education Extension Act* (H.R. 3594) to extend the Federal Perkins Loan Program and provide certainty to stu-

dents and institutions while Congress continued working on more comprehensive higher education reform. The bipartisan bill—introduced by Reps. Mike Bishop and Mark Pocan—was signed into law in December 2015.

Additionally, in 2016, the Committee ushered through the House, with strong bipartisan support, a number of bills to strengthen higher education for students, parents, and taxpayers: the *Strengthening Transparency in Higher Education Act* (H.R. 3178, sponsored by Rep. Virginia Foxx and Rep. Gregorio Sablan), the *Empowering Students Through Enhanced Financial Counseling Act* (H.R. 3179, sponsored by Rep. Brett Guthrie and Rep. Suzanne Bonamici), the *Simplifying the Application for Student Aid Act* (H.R. 5528, sponsored by Rep. Joe Heck and Rep. Jared Polis), the *Accessing Higher Education Opportunities Act* (H.R. 5529, sponsored by Rep. Joe Heck and Rep. Rubén Hinojosa), and the *HBCU Capital Financing Improvement Act* (H.R. 5530, sponsored by Rep. Alma Adams and Rep. Bradley Byrne). These bills include reforms to empower students and families to make informed decisions, simplify and improve the financial aid process, and enhance existing support and accountability for institutions serving minority students.

Also in 2016, the Committee unanimously approved the *Strengthening Career and Technical Education for the 21st Century Act* (H.R. 5587). Introduced by Reps. Glenn “GT” Thompson and Katherine Clark, the bipartisan legislation passed the House with overwhelming support in September 2016. The bill includes positive reforms to empower state and local leaders, improve alignment with in-demand jobs, increase transparency and accountability, and ensure a limited federal role in career and technical education. Because of these and other reforms, the bill will help more Americans obtain the skills and experience to compete for good-paying jobs in industries critical to the economy.

The Committee also advanced a number of measures to protect and help some of the country’s most vulnerable individuals. In May 2015, the House passed the *Justice for Victims of Trafficking Act* (S. 178), a bill to better target sex traffickers and support victims of sexual abuse. Signed into law later that month, the legislation includes a number of proposals championed by Committee members to strengthen protections for youth victims of sex trafficking.

In the second session of the 114th Congress, the Committee approved the *Infant Plan of Safe Care Improvement Act* (H.R. 4843), which was introduced by Reps. Lou Barletta and Katherine Clark. The legislation requires the administration to better ensure states are meeting current child welfare requirements, particularly protections for infants born with illegal substance exposure. The bill eventually became part of a broader effort to combat America’s growing opioid crisis and was signed into law in July 2016.

Members also worked to reform the juvenile justice system through the *Supporting Youth Opportunity and Preventing Delinquency Act* (H.R. 5963), a bill introduced by Rep. Carlos Curbelo and Ranking Member Robert C. “Bobby” Scott to help state and local leaders better serve at-risk youth and juvenile offenders and put them on the path to success. The legislation passed the House in September 2016 with overwhelming bipartisan support.

In addition to passing reforms to help vulnerable youth, the Committee championed reforms for vulnerable seniors. The Committee advanced the *Older Americans Act Reauthorization Act* (S. 192), legislation enacted in April 2016 (P.L. 114–441) that strengthens support services for seniors and their caregivers, streamlines federal programs, and delivers state and local leaders greater flexibility to meet the needs of their seniors.

Another bill, introduced by Early Childhood, Elementary, and Secondary Education Subcommittee Chairman Todd Rokita, would reform federal child nutrition programs to ensure states and schools have the flexibility they need to provide children with access to healthy meals without additional or prohibitive costs. That bill, the *Improving Child Nutrition and Education Act* (H.R. 5003), passed the Committee in May 2016.

Throughout the 114th Congress, the Committee also worked to advance legislative solutions to protect the rights of workers and employers, strengthen the retirement security of working families, and preserve upward mobility and opportunity in America’s workplaces.

Building on efforts from the 113th Congress, the Committee put forward legislation in response to the National Labor Relations Board’s (NLRB) partisan agenda. The *Workforce Democracy and Fairness Act* (H.R. 1768), introduced by Chairman Kline, and the *Employee Privacy Protection Act* (H.R. 1767) introduced by Subcommittee on Health, Employment, Labor, and Pensions Chairman David “Phil” Roe, seek to ensure fair union elections and protect the privacy of workers and their families.

The Committee also advanced the *Tribal Labor Sovereignty Act* (H.R. 511) to prevent the NLRB from exerting jurisdiction over tribal businesses on tribal lands. The legislation was introduced by Chairman Rokita and passed the House in November 2015. Additionally, Chairman Kline, along with Sen. Lamar Alexander, Chairman of the Senate Committee on Health, Education, Labor, and Pensions, introduced the *Protecting Local Business Opportunity Act* (H.R. 3459). Approved by the Committee in October 2015, the legislation would roll back the NLRB’s “joint employer” decision that is threatening small businesses and entrepreneurs across the country.

Committee leaders also took steps to protect and strengthen retirement security for hardworking men and women. Working across the aisle, Chairman Roe led a bipartisan effort to ensure retirement advisors serve their clients’ best interests and preserve access to high-quality, affordable retirement advice through two complementary legislative proposals. The Committee approved those proposals—the *Affordable Retirement Advice Protection Act* (H.R. 4293) and the *Strengthening Access to Valuable Education and Retirement Support Act* (H.R. 4294)—in February 2016.

The Committee also continued efforts to modernize the nation’s multiemployer pension system. Following years of bipartisan work to address the serious challenges facing the system, Chairman Kline introduced a discussion draft in September 2016 of a proposal that would authorize an innovative multiemployer plan structure known as “composite plans.” The proposal includes reforms to provide more retirement choices for workers, more flexibility for employers, and greater protection for taxpayers.

Additionally, the Committee played a key role in efforts to dismantle the 2010 health care law and protect Americans from its harmful effects. Through oversight and hearings, the Committee examined the negative impact the law has had on workers and employers, advanced legislation to roll back the fatally flawed law, and helped put forward a plan that would lead to market-based, patient-centered health care. As part of these efforts, the Committee approved within Reconciliation a proposal (H.R. 3112) sponsored by Rep. Elise Stefanik to repeal the auto-enrollment mandate in the President’s health care law. The proposal was eventually included in a bipartisan budget agreement signed by the President in November 2015 (P.L. 114–74, *Bipartisan Budget Act of 2015*).

To preserve upward mobility and opportunity for American workers and employers, the Committee put forward two pieces of legislation to address the U.S. Department of Labor’s extreme overtime rule. In March 2016, Republican leaders introduced the *Protecting Workplace Advancement and Opportunity Act* (H.R. 4773) to prevent implementation of the rule and require an economic analysis of the rule’s impact on workers, students, nonprofit organizations, and small businesses. Later that year, Workforce Protections Subcommittee Chairman Tim Walberg introduced the *Regulatory Relief for Small Businesses, Schools, and Nonprofits Act* (H.R. 6094). Passed by the House in September 2016, the legislation required a six-month delay in the effective date of the rule—a rule that was later blocked by a U.S. District Court judge.

In addition to various legislation solutions, the Committee worked to hold the administration accountable and put a stop to harmful rules and regulations through the *Congressional Review Act*. Members introduced resolutions of disapproval to combat the NLRB’s ambush election rule, which passed the House in March 2015; and the U.S. Department of Labor’s fiduciary and overtime rules, which passed the House in April 2016 and September 2016, respectively. The Committee also approved a resolution to block the Department’s partisan persuader rule, a regulation that threatened the rights of workers and employers during union elections.

In the 115th Congress, the Committee will continue to advance solutions that benefit students, small business owners, teachers, and working families; hold the administration accountable to the American people; and work in a bipartisan manner to deliver commonsense reforms that benefit all Americans.

FULL COMMITTEE

HEARINGS

In the 114th Congress, 18 Full Committee hearings were held.

February 4, 2015—“Expanding Opportunity in America’s Schools and Workplaces” (Printed Hearing 114–1)

The purpose of the hearing was to examine efforts made by state leaders to strengthen education, spur job creation, and expand opportunity for working families.

Witnesses: The Honorable Mike Pence, Governor, State of Indiana, Indianapolis, Indiana; Dr. Michael Amiridis, Provost, University of South Carolina, Columbia, South Carolina; Mr. Drew Greenblatt, President and CEO, Marlin Steel, Baltimore, Maryland

(testifying on behalf of the National Association of Manufacturers); Dr. Lawrence Mishel, President, Economic Policy Institute, Washington, D.C.

March 18, 2015—“Reviewing the President’s Fiscal Year 2016 Budget Proposal for the Department of Labor” (Printed Hearing 114–6)

The purpose of the hearing was to examine the U.S. Department of Labor’s budget request for Fiscal Year 2016 and the administration’s new programs.

Witness: The Honorable Thomas E. Perez, Secretary, U.S. Department of Labor, Washington, D.C.

April 15, 2015—“Serving Students and Families through Child Nutrition Programs” (Printed Hearing 114–9)

The purpose of the hearing was to examine the importance of the federal government’s child nutrition programs and to highlight how these programs are linked to better educational outcomes.

Witnesses: Mr. Duke Storen, Senior Director, Research, Advocacy, and Partner Development, Share Our Strength, Washington, D.C.; Ms. Julia Bauscher, President, School Nutrition Association Director, School and Community Nutrition Services, Jefferson County Public School District, Louisville, Kentucky; Mrs. Dorothy S. McAuliffe, First Lady of Virginia, Office of the Governor, Commonwealth of Virginia, Richmond, Virginia; Dr. Kathy Krey, Director of Research and Assistant Research, Professor, Texas Hunger Initiative, Baylor University, Waco, Texas.

May 14, 2015—“Examining the Federal Government’s Mismanagement of Native American Schools” (Printed Hearing 114–14)

The purpose of this hearing was to discuss the Bureau of Indian Affairs’ (BIA) and Bureau of Indian Education’s (BIE) roles in Indian education and evaluate the impact of restructuring the BIA and BIE.

Witnesses: Dr. Charles Roessel, Director, Bureau of Indian Education, U.S. Department of the Interior, Washington, D.C.; Mr. William Mendoza, Executive Director, White House Initiative on American Indian and Alaska Native Education, U.S. Department of Education, Washington, D.C.

June 3, 2015—“Compulsory Unionization through Grievance Fees: The NLRB’s Assault on Right-to-Work” (Printed Hearing 114–17)

The purpose of the hearing was to explore right-to-work laws and how suggested changes to the grievance process would affect workers.

Witnesses: The Honorable Pete Ricketts, Governor, State of Nebraska, Lincoln, Nebraska; Mr. Walter Hewitt, Management Information Systems, Director, United Way of Southeastern Connecticut, Uncasville, Connecticut (testifying on own behalf); Robert Bruno, Ph.D., Professor, School of Labor and Employment Relations, University of Illinois Chicago, Illinois, (testifying on own behalf); Elise Gould, Ph.D., Senior Economist and Director of Health Policy Research, Economic Policy Institute, Washington, D.C. (testi-

fyng on own behalf); Mr. Mark Mix, President, National Right to Work Committee, Springfield, Virginia.

June 16, 2015—“Child Nutrition Assistance: Are Federal Rules and Regulations Serving the Best Interests of Schools and Families?” (Printed Hearing 114–19)

The purpose of the hearing was to discuss the U.S. Department of Agriculture’s implementation of the *Healthy, Hunger Free Kids Act of 2010* and the administration’s priorities for the reauthorization of the law.

Witnesses: The Honorable Tom Vilsack, Secretary, U.S. Department of Agriculture, Washington, D.C.

July 28, 2015—“Reviewing the Policies and Priorities of the U.S. Department of Health and Human Services” (Printed Hearing 114–24)

The purpose of the hearing was to examine the negative effects of the *Patient Protection and Affordable Care Act* on employers, employees, and job growth.

Witness: The Honorable Sylvia Mathews Burwell, Secretary, U.S. Department of Health and Human Services, Washington, D.C.

October 7, 2015—“Strengthening Head Start for Current and Future Generations” (Printed Hearing 114–29)

The purpose of this hearing is to examine the federal investment in the Head Start program, discuss its impact on our nation’s most vulnerable populations, and reflect upon current proposals to alter the program or introduce new programs into the early care and education landscape.

Witnesses: Timothy M. Nolan, Ph.D., Chief Executive Officer & Executive Director, National Centers for Learning Excellence, Inc., Waukesha, Wisconsin; Dr. Matthew Biel, MD, MSc, Division Chief, Child and Adolescent Psychiatry, Georgetown University, Washington, D.C.; Ms. Sara Mead, Partner, Bellwether Education Partners, Washington, D.C.; Ms. Yvette Sanchez Fuentes, President, National Alliance for Hispanic Families, Gaithersburg, Maryland.

October 8, 2015—“Reviewing the Juvenile Justice System and How It Serves At-Risk Youth” (Printed Hearing 114–31)

The purpose of this hearing was to learn more about the *Juvenile Justice and Delinquency Prevention Act* and the state of the juvenile justice system.

Witnesses: Mr. Derek Cohen, Deputy Director, Center for Effective Justice, Texas Public Policy Foundation, Austin, Texas; Mr. Sloane Baxter, Youth Advocate, Washington, D.C.; The Honorable Steven Teske, Chief Judge, Clayton County Juvenile Court, Jonesboro, Georgia; Dr. Tim Goldsmith, Chief Clinical Officer, Youth Villages, Memphis, Tennessee.

February 3, 2016—“Expanding Educational Opportunity through School Choice” (Printed Hearing 114–37)

The purpose of this hearing was to discuss the creation and expansion of state scholarship/private school voucher programs and education savings accounts and how federal policies can support these efforts.

Witnesses: Mr. Gerard Robinson, Resident Fellow, American Enterprise Institute, Washington, D.C.; The Honorable Rob Bryan, North Carolina House of Representatives, Charlotte, North Carolina; Dr. Luis A. Huerta, Associate Professor of Education and Public Policy, Teachers College, Columbia University, New York, New York; Ms. Denisha Merriweather, Student, University of South Florida, Tampa, Florida.

February 24, 2016—“Examining the Policies and Priorities of the U.S. Department of Education” (Printed Hearing 114–39)

The purpose of this hearing was to examine the Department’s budget request for Fiscal Year 2017 focusing on increasing equity and opportunity for all students, expanding support for teachers and school leaders, and improving access, affordability, and student outcomes in postsecondary education.

Witness: Dr. John B. King, Acting Secretary, U.S. Department of Education, Washington, D.C.

February 25, 2016—“Next Steps for K–12 Education: Upholding the Letter and Intent of the Every Student Succeeds Act” (Printed Hearing 114–40)

The purpose of this hearing was to discuss reducing the federal role and restoring state and local control over K–12 education.

Witness: Dr. John B. King, Acting Secretary, U.S. Department of Education, Washington, D.C.

March 15, 2016—“Examining the Policies and Priorities of the U.S. Department of Health and Human Services” (Printed Hearing 114–41)

The purpose of this hearing was to examine the Department’s budget request for Fiscal Year 2017, including the President’s health care law program, the Head Start program, and early childhood development program.

Witness: The Honorable Sylvia Mathews Burwell, Secretary, U.S. Department of Health and Human Services, Washington, D.C.

March 16, 2016—“Examining the Policies and Priorities of the U.S. Department of Labor” (Printed Hearing 114–42)

The purpose of this hearing was to examine the U.S. Department of Labor’s budget request for Fiscal Year 2017 and to highlight the administration’s new programs, including the Paid Leave Partnership Initiative and the High-Growth Sector Training and Credentialing Grants.

Witness: The Honorable Thomas E. Perez, Secretary, U.S. Department of Labor, Washington, D.C.

March 22, 2016—“Strengthening Education Research and Privacy Protections to Better Serve Students” (Printed Hearing 114–43)

The purpose of this hearing was to examine the reauthorization of *Education Sciences Reform Act* and to update federal student privacy and education research laws.

Witnesses: Ms. Rachael Stickland, Co-Founder, Co-Chair, Parent Coalition for Student Privacy, Littleton, Colorado; Mr. Neil Campbell, Director, Next Generation, Reforms Foundation for Excellence in Education, Washington, D.C.; Dr. Jane Hannaway, Professor,

McCourt School, Georgetown University, Washington, D.C.; Mr. Robert Swiggum, Deputy Superintendent of Technology Services, Georgia Department of Education, Atlanta, Georgia.

May 17, 2016—“Helping Students Succeed by Strengthening the Carl D. Perkins Career and Technical Education Act” (Printed Hearing 114–48)

The purpose of this hearing was to examine how the reauthorization of the *Carl D. Perkins Career and Technical Education Act* will help Americans develop the skills they need to succeed in a 21st century workforce.

Witnesses: The Honorable Tim Kaine, Senator, State of Virginia; Mr. Paul Tse, Project Manager, Shapiro & Duncan, Inc., Rockville, Maryland; Mr. Jason Bates, Manager, Toyota—Bodine Aluminum, Inc., Jackson, Tennessee; Dr. Monty Sullivan, President, Louisiana Community and Technical College System, Baton Rouge, Louisiana.

June 9, 2016—“The Administration’s Overtime Rule and Its Consequences for Workers, Students, Nonprofits, and Small Businesses” (Printed Hearing 114–51)

The purpose of this hearing was to examine how the U.S. Department of Labor’s overtime rule will impact employers and employees, including those at nonprofit organizations, students, and institutions of higher education.

Witnesses: Dr. Jared Bernstein, Senior Fellow, Center on Budget and Policy Priorities, Washington, D.C.; Mr. Alexander J. Passantino, Partner, Seyfarth Shaw LLP, Washington, D.C.; Mr. Michael Rounds, Associate Vice Provost for Human Resource Management, University of Kansas, Lawrence, Kansas; Ms. Tina Sharby, Chief Human Resources Officer, Easter Seals, New Hampshire, Inc., Manchester, New Hampshire (testifying on behalf of the Society for Human Resource Management).

June 23, 2016—“Next Steps in K–12 Education: Examining Recent Efforts to Implement the Every Student Succeeds Act” (Printed Hearing 114–52)

The purpose of this hearing was to examine the U.S. Department of Education’s regulatory proposals under the *Every Student Succeeds Act*, specifically the Department’s proposed accountability regulations published in the Federal Register on June 1, 2016, and the Department’s anticipated supplement, not supplant proposal.

Witnesses: The Honorable John B. King, Jr., Secretary, U.S. Department of Education, Washington, D.C.; Dr. Stephen L. Pruitt, Commissioner, Kentucky Department of Education, Frankfort, Kentucky; Ms. Cassie Harrelson, Math Teacher, Aurora Public Schools, Aurora, Colorado; Ms. Daria Hall, Interim Vice President, Government Affairs and Communications, The Education Trust, Washington, D.C.; Dr. David R. Schuler, Superintendent, Township High School District 214, Arlington Heights, Illinois.

MARKUPS

In the 114th Congress, the Full Committee held 18 markups and one business meeting. The Committee filed 15 legislative reports and one conference report. No subcommittee markups were held.

January 21, 2015—Full Committee Organizational Meeting to Adopt the Committee Rules and Oversight Plan for the 114th Congress.

Committee Rules and Oversight Plan were adopted by voice vote.

February 11, 2015—H.R. 5, Student Success Act

(Sponsor: Rep. John Kline)

H.R. 5 was ordered favorably reported to the House, as amended, by a vote of 21–16 on February 11, 2015. The committee report was filed on February 20, 2015 (House Report 114–5).

July 22, 2015—H.R. 511, Tribal Labor Sovereignty Act of 2015

(Sponsor: Rep. Todd Rokita)

H.R. 511 was ordered favorably reported to the House, as amended, by voice vote on July 22, 2015. The committee report was filed on September 10, 2015 (House Report 114–260).

September 30, 2015—Committee Print on Legislation Regarding the Committee’s Instructions Pursuant to Section 2002(a)(1) of S. Con. Res. 11

Motion to transmit the Committee Print, as amended, to the Committee on the Budget by a vote of 22–15 on September 30, 2015.

October 28, 2015—H.R. 3459, Protecting Local Business Opportunity Act

(Sponsor: Rep. John Kline)

H.R. 3459 was ordered favorably reported to the House, as amended, by a vote of 21–15 on October 28, 2015. The committee report was filed on December 1, 2015 (House Report 114–293).

November 18, 2015, and November 19, 2015—Conference meeting of House and Senate Conferees to S. 1177, Every Child Succeeds Act

(Sponsor: Sen. Lamar Alexander)

Conference Report was ordered reported. The conference report was filed on November 30, 2015 (H. Rept. 114–354).

February 2, 2016—H.R. 4294, Strengthening Access to Valuable Education and Retirement Support Act of 2015

(Sponsor: Rep. Peter J. Roskam)

H.R. 4294 was ordered favorably reported to the House, as amended, by a vote of 22–14 on March 20, 2015. The committee report was filed on April 20, 2016 (House Report 114–512, Part 2).

February 2, 2016—H.R. 4293, Affordable Retirement Advice Protection Act

(Sponsor: Rep. David “Phil” Roe)

H.R. 4293 was ordered favorably reported to the House, as amended, by 22–14 on March 20, 2015. The committee report was filed on April 20, 2016 (House Report 114–511).

April 21, 2016—H.J. Res. 88, Disapproving the rule submitted by the Department of Labor relating to the definition of the term “fiduciary”

(Sponsor: Rep. David “Phil” Roe)

H.J. Res. 88 was ordered favorably reported to the House by a vote of 22–14 on April 21, 2016. The committee report was filed on April 26, 2016 (House Report 114–527, Part 1).

April 28, 2016—H.R. 4843, Improving Safe Care for the Prevention of Infant Abuse and Neglect Act

(Sponsor: Rep. Lou Barletta)

H.R. 4843 was ordered favorably reported to the House, as amended, by voice vote on April 28, 2016. The committee report was filed on May 10, 2016 (House Report 114–548).

May 18, 2016—H.J. Res. 87, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the U.S. Department of Labor relating to “Interpretation of the ‘Advice’ Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act”

(Sponsor: Rep. Bradley Byrne)

H.J. Res. 87 was ordered favorably reported to the House by a vote of 22–13 on May 18, 2016. The committee report was filed on September 12, 2016 (House Report 114–739).

May 18, 2016—H.R. 5003, Improving Child Nutrition and Education Act of 2016

(Sponsor: Rep. Todd Rokita)

H.R. 5003 was ordered favorably reported to the House, as amended, by a vote of 22–14 on May 18, 2016. The committee report was filed on December 8, 2016 (House Report 114–852, Part I).

June 20, 2016—H.R. 3178, Strengthening Transparency in Higher Education Act

(Sponsor: Rep. Virginia Foxx)

H.R. 3178 was ordered favorably reported to the House, as amended, by voice vote on June 20, 2016. The committee report was filed on July 11, 2016 (House Report 114–674).

June 20, 2016—H.R. 3179, Empowering Students through Enhanced Financial Counseling Act

(Sponsor: Rep. Brett Guthrie)

H.R. 3179 was ordered favorably reported to the House, as amended, by voice vote on June 20, 2016. The committee report was filed on July 11, 2016 (House Report 114–675).

June 22, 2016—H.R. 5528, Simplifying the Application for Student Aid Act

(Sponsor: Rep. Joseph J. Heck)

H.R. 5528 was ordered favorably reported to the House, as amended, by voice vote on June 22, 2016. The committee report was filed on July 11, 2016 (House Report 114–678).

June 22, 2016—H.R. 5529, Accessing Higher Education Opportunities Act

(Sponsor: Rep. Joseph J. Heck)

H.R. 5529 was ordered favorably reported to the House, as amended, by voice vote on June 22, 2016. The committee report was filed on July 11, 2016 (House Report 114-676).

June 22, 2016—H.R. 5530, HBCU Capital Financing Improvement Act

(Sponsor: Rep. Alma S. Adams)

H.R. 5530 was ordered favorably reported to the House, as amended, by voice vote on June 22, 2016. The committee report was filed on July 11, 2016 (House Report 114-677).

July 7, 2016—H.R. 5587, Strengthening Career and Technical Education for the 21st Century Act

(Sponsor: Rep. Glenn Thompson)

H.R. 5587 was ordered favorably reported to the House, as amended, by a vote of 37-0 on July 7, 2016. The committee report was filed on September 8, 2016 (House Report 114-725).

September 14, 2016—H.R. 5963, Supporting Youth Opportunity and Preventing Delinquency Act of 2016

(Sponsor: Rep. Carlos Curbelo)

H.R. 5587 was ordered favorably reported to the House, as amended, by a voice vote on September 14, 2016. The committee report was filed on September 20, 2016 (House Report 114-763).

SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND
SECONDARY EDUCATION

HEARINGS

In the 114th Congress, the Subcommittee on Early Childhood, Elementary, and Secondary Education held seven hearings.

February 12, 2015—“How Emerging Technology Affects Student Privacy” (Printed Hearing 114-2)

The purpose of this hearing was to examine the need to update the *Family Educational Rights and Privacy Act* (FERPA) in order to help protect student privacy by limiting access to education records.

Witnesses: Ms. Shannon Sevier, Vice President for Advocacy, National Parent Teacher Association, San Antonio, Texas; Ms. Allyson Knox, Director of Education Policy and Programs, Microsoft, Washington, D.C.; Dr. Sheryl R. Abshire, Chief Technology Officer, Calcasieu Parish Public Schools, Lake Charles, Louisiana; Mr. Joel R. Reidenberg, Stanley D. and Nikki Waxberg Chair and Professor of Law, Founding Academic Director, Center on Law and Information Policy, Fordham Law School, New York, New York.

April 22, 2015—“Examining the Challenges Facing Native American Schools” (Printed Hearing 114-10)

The purpose of this hearing was to examine, with the Committee’s jurisdiction in mind, federal support and monitoring over the BIE school system.

Witnesses: Ms. Jill Burcum, Editorial Writer, Minneapolis Star Tribune, Minneapolis, Minnesota; Mr. Brian Cladoosby, President, National Congress of American Indians, Embassy of Tribal Nations, Washington, D.C.; Ms. Melissa Emrey-Arras, Director, Education, Workforce and Income Security Issues, U.S. Government Accountability Office, Boston, Massachusetts; Mr. Quinton Roman Nose, Executive Director Tribal Education Departments National Assembly, Boulder, Colorado.

May 19, 2015—“Addressing Waste, Fraud, and Abuse in Federal Child Nutrition Programs” (Printed Hearing 114–15)

The purpose of this hearing was to examine potential waste, fraud, and abuse in federal nutrition programs and ways to prevent future fraud in the programs.

Witnesses: Mr. Gil Harden, Assistant Inspector General, Office of Inspector General, U.S. Department of Agriculture, Washington, D.C.; Ms. Zoë Neuberger, Senior Policy Analyst, Center on Budget and Policy Priorities, Washington, D.C.; Ms. Kay E. Brown, Director Education, Workforce, and Income Security, U.S. Government Accountability Office, Washington, D.C.; Ms. Jessica Lucas-Judy, Acting Director, Forensic Audits and Investigative Service, U.S. Government Accountability Office, Washington, D.C.

June 24, 2015—“Child Nutrition Assistance: Looking at the Cost of Compliance for States and Schools” (Printed Hearing 114–22)

The purpose of this hearing was to discuss the challenges states and schools have faced in implementing the requirements under the law and regulations for the *Healthy, Hunger Free Kids Act of 2010*.

Witnesses: Dr. Melody Schopp, Secretary of Education, South Dakota Department of Education, Pierre, South Dakota; Mr. John Payne, President, Blackford County School Board of Trustees, Hartford City, Indiana; Ms. Donna Martin, Director, School Nutrition Program, Burke County, Public Schools, Waynesboro, Georgia; Dr. Lynn Harvey, Chief School Nutrition Services, Safe and Healthy Schools Support Division, North Carolina Department of Public Instruction, Raleigh, North Carolina.

October 27, 2015—“Improving Career and Technical Education to Help Students Succeed in the Workforce” (Printed Hearing 114–33)

The purpose of this hearing was to focus on how to better align career and technical education with student and employer needs.

Witnesses: Dr. Deneece G. Huftalin, President, Salt Lake Community College, Salt Lake City, Utah; Dr. Douglas Major, Superintendent/CEO, Meridian Technology Center, Stillwater, Oklahoma; Dr. Irelene Ricks, Director, Diversity in Life Science Programs, Keystone Symposia on Molecular and Cellular Biology, Silverthorne, Colorado; Mr. Tim Johnson, Director of Government Relations; National Center for Construction Education and Research, Baton Rouge, Louisiana.

February 10, 2106—“Next Steps for K–12 Education: Implementing the Promise to Restore State and Local Control” (Printed Hearing 114–38)

The purpose of this hearing was to receive feedback from state and local stakeholders and legal experts regarding the implementation of the *Every Student Succeeds Act*.

Witnesses: Ms. Joy Hofmeister, Superintendent of Public Instruction, Oklahoma State Department of Education, Oklahoma City, Oklahoma; Dr. Paul “Vic” Wilson, Superintendent, Hartselle City Schools, Hartselle, Alabama; Ms. Selene A. Almazan, Esq., Legal Director, Council of Parent Attorneys and Advocates, Inc., Towson, Maryland; Mr. Kent D. Talbert, Attorney at Law, Law Office of Kent D. Talbert, PLLC, Washington, D.C.

September 21, 2016—“Supplanting the Law and Local Education Authority Through Regulatory Fiat” (Printed Hearing 114–53)

The purpose of this hearing was to examine with the U.S. Department of Education’s supplement, not supplant regulatory proposal.

Witnesses: Dr. Steve Canavero, Superintendent of Public Instruction, Nevada Department of Education, Carson City, Nevada; Mr. Ryan Owens, Executive Director, Cooperative Council for Oklahoma School Administration; Oklahoma City, Oklahoma; Mr. Scott Sargrad, Managing Director, K–12 Education Policy, Center for American Progress, Washington, D.C.; Dr. Nora E. Gordon, Associate Professor of Public Policy, McCourt School of Public Policy, Georgetown University, Washington, D.C.

SUBCOMMITTEE ON HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

HEARINGS

In the 114th Congress, the Subcommittee on Health, Employment, Labor, and Pensions held 13 hearings, including two field hearings and one joint hearing.

February 26, 2015—“The Blacklisting Executive Order: Rewriting Federal Labor Policies Through Executive Fiat” (Printed Hearing 114–3) (Joint hearing with the Subcommittee on Workforce Protections)

The purpose of this joint hearing was to examine the current federal procurement system, the impact of the Blacklisting Executive Order on that system, and concerns raised by the contracting community, including implementation issues, disregard of due process protections, the subjective role of Labor Compliance Advisors, and the unreasonable scope of the reporting requirements.

Witnesses: Mr. Willis Goldsmith, Partner, Jones Day, New York, New York (testifying on behalf of the U.S. Chamber of Commerce); Mr. Stan Soloway, President and CEO, Professional Services Council, Arlington, Virginia; Ms. Angela Styles, Partner, Crowell & Moring LLP, Washington, D.C.; Ms. Karla Walter, Associate Director, American Worker Project, Center for American Progress, Washington, D.C.

March 4, 2015—H.J. Res. 29, “Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation case procedures” (Printed Hearing 114–4)

The purpose of this hearing was to examine the current National Labor Relations Board’s representational election process, the changes made by the ambush election rule to that process, and the impact of the rule on employees, employers, and unions.

Witnesses: Ms. Brenda Crawford, Registered Nurse, Murrieta, California; Mr. Roger King, Senior Labor and Employment Counsel, Washington, D.C. (testifying on behalf of the Retail Industry Leaders Association); Mr. Arnold E. Perl, Member, Glankler Brown, PLLC, Memphis, Tennessee; Mr. Glenn M. Taubman, Staff Attorney, National Right to Work Legal Defense and Education Foundation, Inc., Springfield, Virginia.

April 14, 2015—“Five Years of Broken Promises: How the President’s Health Care Law is Affecting America’s Workplaces” (Printed Hearing 114–8)

The purpose of this hearing was to examine the *Patient Protection and Affordable Care Act’s* effect on businesses over the past five years and employers’ plans for the future.

Witnesses: Michael Brey, President, Brey Corp. t/a Hobby Works(R), WingTOTE Manufacturing, LLC, Laurel, Maryland; Mr. Rutland Paal, Jr., President, Rutland Beard Floral Group, Scotch Plains, New Jersey (testifying on behalf of the Society of American Florists); Ms. Sally Roberts, Human Resources Director, Morris Communications Company, LLC, Augusta, Georgia (testifying on behalf of the Society for Human Resource Management); The Honorable Tevi Troy, Ph.D., President, American Health Policy Institute, Washington, D.C.

April 29, 2015—“Examining Reforms to Modernize the Multiemployer Pension System” (Printed Hearing 114–12)

The purpose of this hearing was to examine proposals to modernize the plan design options available to employers and workers participating in the multiemployer pension system.

Witnesses: Randy G. DeFrehn, Executive Director, National Coordinating Committee for Multiemployer Plans, Washington, D.C.; Mark McManus, General Secretary-Treasurer, United Association, Annapolis, Maryland; Steve Sandherr, Chief Executive Officer, Associated General Contractors of America, Arlington, Virginia; Andrew Scoggin, Executive Vice President, Human Resources, Labor Relations, Public Relations & Government Affairs, Albertsons LLC, Boise, Idaho.

June 16, 2015—H.R. 511, “Tribal Labor Sovereignty Act of 2015” (Printed Hearing 114–20)

The purpose of this hearing was to examine legislation introduced by Rep. Todd Rokita that would prevent the National Labor Relations Board from exerting jurisdiction over Native American businesses operated on tribal lands.

Witnesses: The Honorable Rodney Butler, Chairman, Mashantucket Pequot Tribal Council, Mashantucket, Connecticut; Mr. Richard Guest, Staff Attorney, Native American Rights Fund,

Washington, D.C.; The Honorable Jefferson Keel, Lieutenant Governor, Chickasaw Nation, Ada, Oklahoma; Mr. Gary Navarro, Slot Machine Attendant and Bargaining Committee Member, UNITE HERE Local 2850, The Graton Casino and Resort, Rohnert Park, California.

June 17, 2015—“Restricting Access to Financial Advice: Evaluating the Costs and Consequences for Working Families and Retirees” (Printed Hearing 114–21)

The purpose of this hearing was to examine a proposal by the U.S. Department of Labor to vastly expand the definition of “fiduciary” and how the proposed rule will impact workers, small businesses, and retirees.

Witness Panel 1: The Honorable Thomas E. Perez, Secretary, U.S. Department of Labor, Washington, D.C.

Witnesses Panel 2: Mr. Jack Haley, Executive Vice President, Fidelity Investments, Boston, Massachusetts; Mr. Dean Harman, CFP, Managing Director, Harman Wealth Management, The Woodlands, Texas; Mr. Dennis Kelleher, President and CEO, Better Markets, Washington, D.C.; Mr. Kent Mason, Partner, Davis & Harman LLP, Washington, D.C.; Brian Reid, Ph.D., Chief Economist, Investment Company Institute, Washington, D.C.

August 25, 2015—“Redefining ‘Employer’ and the Impact on Alabama’s Workers and Small Business Owners” (Field Hearing in Mobile, Alabama) (Printed Hearing 114–25)

The purpose of this field hearing was to examine National Labor Relations Board efforts to rewrite how the Board determines joint employer status under the *National Labor Relations Act* and how that would dramatically alter the way franchise businesses operate.

Witnesses: Mr. Marcel L. Debruge, Partner, Burr & Forman LLP, Birmingham, Alabama; Mr. Chris Holmes, President, CLH Development, Inc., Tallahassee, Florida; Col. Steve Carey, Owner and Operator, CertaPro Painters of Mobile & Baldwin Counties, Daphne, Alabama.

August 27, 2015—“Redefining ‘Employer’ and the Impact on Georgia’s Workers and Small Business Owners” (Field Hearing in Savannah, Georgia) (Printed Hearing 114–26)

The purpose of this field hearing was to examine National Labor Relations Board efforts to rewrite how the Board determines joint employer status under the *National Labor Relations Act* and how that would dramatically alter the way franchise businesses operate.

Witnesses: Mr. Jeffrey Mintz, Shareholder, Littler Mendelson P.C., Atlanta, Georgia; Mr. Kalpesh “Kal” Patel, President & COO, Image Hotels, Inc., Pooler, Georgia; Mr. Alex Salgueiro, President and CEO, Savannah Restaurants Corp., Savannah, Georgia; Mr. Fred Weir, President, Meadowbrook Restaurant Company Inc., Cumming, Georgia.

September 29, 2015—H.R. 3459, “Protecting Local Business Opportunity Act” (Printed Hearing 114–28)

The purpose of this hearing was to examine the need for H.R. 3459, the *Protecting Local Business Opportunity Act*, which restores

the long-held standard for determining “joint employer” status under the *National Labor Relations Act*.

Witnesses: Mr. Ed Braddy, President, Winlee Foods, LLC, Timonium, Maryland; Mr. Kevin Cole, CEO, Ennis Electric Company, Inc., Manassas, Virginia; Mr. Charles Cohen, Senior Counsel, Morgan, Lewis & Bockius, LLP, Washington, D.C.; Ms. Mara Fortin, President & CEO, Nothing Bundt Cakes San Diego, San Diego, California; Mr. Michael Harper, Professor, Boston University School of Law, Boston, Massachusetts; Dr. Anne Lofaso, Professor, West Virginia University College of Law, Morgantown, West Virginia.

December 2, 2015—“Principles for Ensuring Retirement Advice Serves the Best Interests of Working Families and Retirees” (Printed Hearing 114–35)

The purpose of this hearing was to examine the recent U.S. Department of Labor notice of proposed rulemaking (NPRM) amending the regulatory definition of “fiduciary” under the *Employee Retirement Income Security Act*.

Witnesses: The Honorable Bradford R. Campbell, Ph.D., MPH, Counsel, Drinker Biddle & Reath, LLP, Washington, D.C.; Ms. Rachel A. Doba, President, DB Engineering, LLC, Indianapolis, Indiana; Mr. Jules O. Gaudreau, Jr. ChFC, CIC, President, The Gaudreau Group, Inc., Wilbraham, Massachusetts; Ms. Marilyn Mohrman-Gillis, Esq., Managing Director, Public Policy & Communications, Certified Financial Planner Board of Standards, Washington, D.C.

April 14, 2016—“Innovations in Health Care: Exploring Free-Market Solutions for a Healthy Workforce” (Printed Hearing 114–45)

The purpose of this hearing was to examine innovations in employer-sponsored health care insurance coverage, a system that insures over 150 million Americans.

Witnesses: Ms. Sabrina Corlette, J.D., Senior Research Professor, Center on Health Insurance Reforms, Georgetown University’s Health Policy Institute, Washington, D.C.; Ms. Tresia Franklin, Director, Total Rewards and Employee Relations, Hallmark Cards, Inc., Kansas City, Missouri; Ms. Amy McDonough, Vice President and General Manager of Corporate Wellness, Fitbit, San Francisco, California; Mr. John Zern, Executive Vice President and Global Health Leader, Aon, Chicago, Illinois.

April 27, 2016—“The Persuader Rule: The Administration’s Latest Attack on Employer Free Speech and Worker Free Choice” (Printed Hearing 114–47)

The purpose of this hearing was to examine a March 24, 2016, U.S. Department of Labor final rule expanding reporting requirements under the *Labor-Management Reporting and Disclosure Act* for employers and labor consultants.

Witnesses: Mr. Joseph Baumgarten, Partner, Proskauer Rose LLP, New York, New York; Mr. Jonathan D. Newman, Partner, Sherman, Dunn, Cohen, Leifer & Yellig, P.C., Washington, D.C.; Mr. Wm. T. “Bill” Robinson III, Member, Frost Brown Todd LLC, Florence, Kentucky; Ms. Sharon L. Sellers, President, SLS Con-

sulting, LLC, Santee, South Carolina (testifying on behalf of the Society for Human Resource Management).

September 22, 2016—“Discussion Draft to Modernize Multiemployer Pensions” (Printed Hearing 114–54)

The purpose of this hearing was to examine the discussion draft released by Chairman Kline on September 9, 2016, authorizing “composite plans,” a new plan design option that would be available to employers and workers participating in the multiemployer pension system.

Witnesses: Mr. David Certner, Legislative Counsel and Legislative Policy Director, AARP Government Affairs, Washington, D.C.; Mr. Randy DeFrehn, Executive Director, National Coordinating Committee for Multiemployer Plans, Washington, D.C.; Mr. Jeff Green, Principal, Harris Davis Reber LLC, Bellevue, Nebraska; Mr. Rick Terven, Executive Vice President, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Annapolis, Maryland.

SUBCOMMITTEE ON HIGHER EDUCATION AND WORKFORCE TRAINING
HEARINGS

In the 114th Congress, the Subcommittee on Higher Education and Workforce Training held five hearings, including one joint hearing.

March 17, 2015—“Strengthening America’s Higher Education System” (Printed Hearing 114–5)

The purpose of this hearing was to explore policy proposals that align with the Committee’s four pillars for reauthorization of the *Higher Education Act*: (1) empowering students and families to make informed decisions; (2) simplifying and improving student aid; (3) promoting innovation, access, and completion; and (4) ensuring strong accountability and a limited federal role.

Witnesses: The Honorable Mitchell E. Daniels, Jr., President, Purdue University, West Lafayette, Indiana; Dr. Christine M. Keller, Vice President, Research and Policy Analysis, Executive Director, Voluntary System of Accountability and Student Achievement Measure, Association of Public & Land-grant Universities, Washington, D.C.; Mr. David A. Bergeron, Vice President, Postsecondary Education, Center for American Progress, Washington, D.C.; Mr. Michael J. Bennett, Associate Vice President, Financial Aid Services, St. Petersburg College, St. Petersburg, Florida.

April 30, 2015—“Improving College Access and Completion for Low-Income and First-Generation Students” (Printed Hearing 114–13)

The purpose of this hearing was to explore policy proposals and best practices to strengthen programs to help disadvantaged students access and complete higher education.

Witnesses: Dr. Laura Perna, James S. Riepe, Professor, Executive Director, Alliance for Higher Education and Democracy, University of Pennsylvania, Philadelphia, Pennsylvania; Dr. Charles J. Alexander, Associate Vice Provost for Student Diversity, Director, Academic Advancement Program, Associate Adjunct Professor, Uni-

versity of California, Los Angeles, Los Angeles, California; Dr. Michelle Asha Cooper, President, Institute for Higher Education Policy, Washington, D.C.; Dr. Joe D. May, Chancellor, Dallas County Community College District, Dallas, Texas.

September 10, 2015—“Preventing and Responding to Sexual Assault on College Campuses” (Printed Hearing 114–27)

The purpose of this hearing was to explore policy proposals and best practices to help higher education institutions address and respond to campus sexual assault and violence.

Witnesses: Ms. Dana Scaduto, General Counsel, Dickinson College, Carlisle, Pennsylvania; Dr. Penny Rue, Vice President for Campus Life, Wake Forest University, Winston-Salem, North Carolina; Ms. Lisa M. Maatz, M.A., Vice President for Government Relations, American Association of University Women, Washington, D.C.; Mr. Joseph Cohn, Legislative and Policy Director, Foundation for Individual Rights in Education, Philadelphia, Pennsylvania.

November 18, 2015—“Federal Student Aid: Performance-Based Organization Review” (Printed Hearing 114–34) (Joint hearing with the House Committee on Oversight and Government Reform’s Subcommittee on Government Operations)

The purpose of this joint hearing was to review the Office of Federal Student Aid’s responsibilities as a Performance-Based Organization, evaluate their performance, and identify possible areas of reform.

Witnesses: Mr. James Runcie, Chief Operating Officer, U.S. Department of Education; Ms. Melissa Emrey-Arras, Director Education, Workforce, and Income Security, U.S. Government Accountability Office, Washington, D.C.; The Honorable Kathleen Tighe, Inspector General, U.S. Department of Education, Washington, D.C.; Mr. Ben Miller, Senior Director, Postsecondary Education, Center for American Progress; Mr. Justin Draeger, President, National Association of Student Financial Aid Administrators.

May 24, 2016—“Demanding Accountability at the Corporation for National and Community Service” (Printed Hearing 114–49)

The purpose of this hearing was to examine the protocols for monitoring the activities of grantees, subgrantees, and AmeriCorps members of the Corporation for National and Community Service.

Witnesses: The Honorable Wendy Spencer, Chief Executive Officer, Corporation for National and Community Service, Washington, D.C.; The Honorable Deborah Jeffrey, Inspector General, Corporation for National and Community Service, Washington, D.C.

SUBCOMMITTEE ON WORKFORCE PROTECTIONS

HEARINGS

In the 114th Congress, the Subcommittee on Workforce Protections held 12 hearings, including one field hearing.

February 26, 2015—“*The Blacklisting Executive Order: Rewriting Federal Labor Policies Through Executive Fiat*” (Printed Hearing 114–3) (Joint hearing with the Subcommittee on Health, Employment, Labor, and Pensions)

The purpose of this joint hearing was to examine the current federal procurement system, the impact of Executive Order 13673, “Fair Pay and Safe Workplaces,” on that system, and concerns raised by the contracting community, including implementation issues, disregard of due process protections, the subjective role of Labor Compliance Advisors, and the unreasonable scope of the reporting requirements under the executive order.

Witnesses: Mr. Willis Goldsmith, Partner, Jones Day, New York, New York (testifying on behalf of the U.S. Chamber of Commerce); Mr. Stan Soloway, President and CEO, Professional Services Council, Arlington, Virginia; Ms. Angela Styles, Partner, Crowell & Moring LLP, Washington, D.C.; Ms. Karla Walter, Associate Director, American Worker Project, Center for American Progress, Washington, D.C.

March 24, 2015—H.R. 548, “*Certainty in Enforcement Act of 2015*”; H.R. 549, “*Litigation Oversight Act of 2015*”; H.R. 550, “*EEOC Transparency and Accountability Act*”; and H.R. 1189, “*Preserving Employee Wellness Programs Act*” (Printed Hearing 114–7)

The purpose of this hearing was to examine the need for legislation in response to the Equal Employment Opportunity Commission’s increasingly aggressive approach toward enforcing federal non-discrimination laws.

Witnesses: Ms. Gail Heriot, Professor of Law, University of San Diego School of Law, San Diego, California; Ms. Tanya Clay House, Director of Public Policy, Lawyers’ Committee for Civil Rights Under Law, Washington, D.C.; Mr. Paul Kehoe, Senior Counsel, Seyfarth Shaw LLP, Washington, D.C. (testifying on behalf of the U.S. Chamber of Commerce); Ms. Tamara Simon, Managing Director, Knowledge Resource Center, Buck Consultants, Washington, D.C. (testifying on behalf of the American Benefits Council).

April 23, 2015—“*Protecting America’s Workers: An Enforcement Update from the Mine Safety and Health Administration*” (Printed Hearing 114–11)

The purpose of this hearing was to examine the policies and procedures instituted by Mine Safety Health Administration in response to improved technology and regulatory changes required by the *Mine Improvement and New Emergency Response Act*.

Witness: The Honorable Joseph A. Main, Assistant Secretary, Mine Safety and Health, U.S. Department of Labor, Arlington, Virginia.

May 20, 2015—“*Reforming the Workers’ Compensation Program for Federal Employees*” (Printed Hearing 114–16)

The purpose of this hearing was to examine proposed reforms to the *Federal Employees’ Compensation Act* and provide an overview of the Act, which is the exclusive remedy by which federal workers obtain disability, survivor, medical, and rehabilitation benefits for work-related injuries and illnesses.

Witnesses: The Honorable Scott Dahl, Inspector General, U.S. Department of Labor, Washington, D.C.; Mr. Leonard Howie, III, Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, D.C.; Dr. Andrew Sherrill, Director of Education, Workforce, and Income Security, U.S. Government Accountability Office, Washington, D.C.; Mr. Ron Watson, Director of Retired Members, National Association of Letter Carriers, Washington, D.C.

June 10, 2015—“Reviewing the Rules and Regulations Implementing Federal Wage and Hour Standards” (Printed Hearing 114–18)

The purpose of this hearing was to examine the *Fair Labor Standards Act*, focusing primarily on the FLSA's shortcomings and the disparity between the Act and today's twenty-first century workplace.

Witnesses: Ms. Nicole Berberich, Human Resources Director, Cincinnati Animal Referral and Emergency (CARE) Center, Cincinnati, Ohio (testifying on behalf of the Society for Human Resource Management); Mr. Leonard Court, Senior Partner, Crowe & Dunlevy, Oklahoma City, Oklahoma (testifying on behalf of the U.S. Chamber of Commerce); the Honorable Seth D. Harris, Former Acting U.S. Secretary of Labor and Deputy U.S. Secretary of Labor, Distinguished Scholar, Cornell University School of Industrial and Labor Relations, Ithaca, New York (testifying on own behalf); Mr. Jamie Richardson, Vice President, White Castle Systems, Inc., Columbus, Ohio (testifying on behalf of the National Council of Chain Restaurants).

July 23, 2015—“Examining the Costs and Consequences of the Administration's Overtime Proposal” (Printed Hearing 114–23)

The purpose of this hearing was to examine the proposed overtime rule and its effect on employers and employees.

Witnesses: Mr. Ross Eisenbrey, Vice President, Economic Policy Institute, Washington, D.C.; Ms. Elizabeth Hays, Director of Human Resources, MHY Family Services, Mars, Pennsylvania; The Honorable Tammy McCutchen, Principal, Littler Mendelson P.C., Washington, D.C.; Mr. Eric Williams, Chief Operating Officer, CKE Restaurant Holdings, Inc., Carpinteria, California.

October 7, 2015—“Protecting America's Workers: An Enforcement Update from the Occupational Safety and Health Administration” (Printed Hearing 114–30)

The purpose of this hearing was to examine the policies and priorities instituted by the Occupational Safety and Health Administration, its regulatory agenda, and its response to legal actions involving the agency.

Witness: The Honorable David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C.

October 21, 2015—“Protecting America’s Workers: Reviewing Mine Safety Policies with Stakeholders” (Printed Hearing 114–32)

The purpose of this hearing was to examine the impact of mine safety policies on the mining industry, as well as their impact on the health and safety of American mine workers.

Witnesses: Mr. Ed Elliott, Director of Safety and Health, Rogers Group, Inc., Vincennes, Indiana; Dr. Jeffery L. Kohler, Professor and Chair of Mining Engineering, Pennsylvania State University, University Park, Pennsylvania; Mr. Steve Sanders, Esq., Director, Appalachian Citizens’ Law Center, Whitesburg, Kentucky; Mr. Bruce Watzman, Senior Vice President, Regulatory Affairs, National Mining Association, Washington, D.C.; Mr. Mike Wright, Director of Health, Safety and Environment, United Steelworkers, Pittsburgh, Pennsylvania.

December 9, 2015—“How the Administration’s Regulatory Onslaught is Affecting Workers and Job Creators” (Printed Hearing 114–36)

The purpose of this hearing was to examine the U.S. Department of Labor’s regulations and their impact on business growth, hiring, productivity, and wages.

Witnesses: Mr. Sam Batkins, Director of Regulatory Policy, American Action Forum, Washington, D.C.; Mr. Ralph Beebe, President, Highland Engineering, Howell, Michigan (testifying on behalf of the National Federation of Independent Business); Ms. Christine Owens, Executive Director, National Employment Law Project, Washington, D.C.; Mr. Bradford Hammock, Shareholder and Co-leader of the Workplace Safety and Health Practice Group, Jackson Lewis P.C., Reston, Virginia.

March 29, 2016—“The 21st Century Workforce: How Current Rules and Regulations Affect Innovation and Flexibility in Michigan’s Workplaces” (Field Hearing in Lansing, Michigan) (Printed Hearing 114–44)

The purpose of this hearing was to examine the *Fair Labor Standards Act*, focusing on its shortcomings and the disparity between its requirements and the 21st century workplace.

Witnesses: Ms. Nancy McKeague, Senior Vice President, Michigan Health and Hospital Association, Okemos, Michigan (testifying on behalf of the Society for Human Resource Management); Mr. Jared Meyer, Fellow, Economics21 at the Manhattan Institute, Washington, D.C.; Dr. Dale Belman, Professor, School of Labor and Industrial Relations, Michigan State University, East Lansing, Michigan; Ms. Laurita Thomas, Associate Vice President for Human Resources, University of Michigan, Ann Arbor, Michigan; Mr. D. Mark Wilson, Vice President, Health and Employment Policy, HR Policy Association, Washington, D.C.

April 19, 2016—“Reviewing Recent Changes to OSHA’s Silica Standards” (Printed Hearing 114–46)

The purpose of this hearing was to examine changes to the Occupational Safety and Health Administration’s silica standards and the potential impact they will have on the nation’s workplaces.

Witnesses: Mr. Ed Brady, President, Brady Homes Illinois, Bloomington, Illinois (testifying on behalf of the National Associa-

tion of Home Builders); Ms. Janis Herschkowitz, President, Regal Cast, Lebanon, Pennsylvania (testifying on behalf of the American Foundry Society); Dr. James Melius, M.D., Dr.P.H., Director of Research, Laborers' Health and Safety Fund of North America, Albany, New York; Mr. Henry Chajet, Of Counsel, Jackson Lewis P.C., Reston, Virginia (testifying on behalf of the U.S. Chamber of Commerce).

May 25, 2016—“Promoting Safe Workplaces Through Effective and Responsible Recordkeeping Standards” (Printed Hearing 114–50)

The purpose of this hearing was to examine regulatory initiatives by the U.S. Department of Labor's Occupational Safety and Health Administration to change injury and illness reporting requirements.

Witnesses: Mr. David Sarvadi, Esq., Partner, Keller and Heckman LLP, Washington, D.C. (testifying on behalf of the Coalition for Workplace Safety); Ms. Lisa Sprick, President, Sprick Roofing Co., Inc., Corvallis, Oregon (testifying on behalf of the National Roofing Contractors Association); Rosemary Sokas, M.D., MOH, MSc., Professor and Chair, Department of Human Science, Georgetown University School of Nursing and Health Studies, Washington, D.C. (testifying on behalf of the American Public Health Association); Mr. Arthur G. Sapper, Esq., Partner, McDermott Will & Emery, Washington, D.C.

LEGISLATION REFERRED TO COMMITTEE WITH HOUSE PASSAGE

- H.R. 5, Student Success Act* (Sponsor: Rep. John Kline) July 8, 2015.
- H.R. 8, North American Energy Security and Infrastructure Act of 2015* (Sponsor: Rep. Fred Upton) December, 7, 2015.
- H.R. 159, Stop Exploitation Through Trafficking Act of 2015* (Sponsor: Erik Paulsen) December 3, 2015.
- H.R. 246, To improve the response to victims of child sex trafficking* (Sponsor: Rep. Joyce Beatty) January 27, 2015.
- H.R. 329, Indian Employment, Training and Related Services Consolidation Act of 2015* (Sponsor: Rep. Don Young) December 7, 2016.
- H.R. 468, Enhancing Services for Runaway and Homeless Victims of Youth Trafficking Act of 2015* (Sponsor: Rep. Joseph J. Heck) January 26, 2015.
- H.R. 469, Strengthening Child Welfare Response to Trafficking Act of 2015* (Sponsor: Rep. Karen Bass) January 27, 2015.
- H.R. 511, Tribal Labor Sovereignty Act of 2015* (Sponsor: Rep. Todd Rokita) November 17, 2015.
- H.R. 596, To repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, and for other purposes* (Sponsor: Rep. Bradley Byrne) February 3, 2015.
- H.R. 1090, Retail Investor Protection Act* (Sponsor: Rep. Ann Wagner) October 27, 2015.
- H.R. 1806, America COMPETES Reauthorization Act of 2015* (Sponsor: Rep. Lamar Smith) May 20, 2015.
- H.R. 2617, An act to amend the Fair Minimum Wage Act of 2007 to reduce a scheduled increase in the minimum wage applicable*

- to American Samoa (Sponsor: Rep. Aumua Amata Coleman Radewagen) September 28, 2015.
- H.R. 2646, *Helping Families in Mental Health Crisis Act of 2016* (Sponsor: Rep. Tim Murphy) July 6, 2015.
- H.R. 3038, *Highway and Transportation Funding Act of 2015, Part II* (Sponsor: Rep. Paul D. Ryan) July 15, 2015.
- H.R. 3178, *Strengthening Transparency in Higher Education Act* (Sponsor: Rep. Virginia Foxx) July 11, 2016.
- H.R. 3179, *Empowering Students Through Enhanced Financial Counseling Act* (Sponsor: Rep. Brett Guthrie) July 11, 2016.
- H.R. 3236, *Surface Transportation and Veterans Health Care Choice Improvement Act of 2015* (Sponsor: Rep. Bill Shuster) July 29, 2016.
- H.R. 3594, *Federal Perkins Loan Program Extension Act of 2015* (Sponsor: Rep. Mike Bishop) September 28, 2015.
- H.R. 4583, *To promote a 21st century energy and manufacturing workforce* (Sponsor: Rep. Bobby L. Rush) February 29, 2016.
- H.R. 4680, *National Park Service Centennial Act* (Sponsor: Rep. Rob Bishop) December 7, 2016.
- H.R. 4843, *Infant Plan of Safe Care Improvement Act* (Sponsor: Rep. Lou Barletta) May 11, 2016.
- H.R. 4919, *Kevin and Avonte's Law of 2016* (Sponsor: Rep. Christopher Smith) December 8, 2016.
- H.R. 5278, *PROMESA* (Sponsor: Rep. Sean P. Duffy) June 9, 2016.
- H.R. 5447, *Small Business Health Care Relief Act of 2016* (Sponsor: Rep. Charles W. Boustany, Jr.) June 21, 2016.
- H.R. 5528, *Simplifying the Application for Student Aid Act* (Sponsor: Rep. Joseph J. Heck) July 11, 2016.
- H.R. 5529, *Accessing Higher Education Opportunities Act* (Sponsor: Rep. Joseph J. Heck) July 11, 2016.
- H.R. 5530, *HBCU Capital Financing Improvement Act* (Sponsor: Rep. Alma S. Adams) July 11, 2016.
- H.R. 5587, *Strengthening Career and Technical Education for the 21st Century Act* (Sponsor: Rep. Glenn Thompson) September 13, 2016.
- H.R. 5963, *Supporting Youth Opportunity and Preventing Delinquency Act of 2016* (Sponsor: Rep. Carlos Curbelo) September 22, 2016.
- H.R. 6094, *Regulatory Relief for Small Businesses, Schools, and Nonprofits Act* (Sponsor: Rep. Tim Walberg) September 28, 2016.
- H.J. Res. 88, *Disapproving the rule submitted by the U.S Department of Labor relating to the definition of the term "fiduciary"* (Sponsor: Rep. David "Phil" Roe) April 28, 2016.
- H. Con. Res. 138, *Designating the George C. Marshall Museum and George C. Marshall Research Library in Lexington, Virginia, as the National George C. Marshall Museum and Library* (Sponsor: Rep. Bob Goodlatte) July 11, 2016.
- S. 192, *Older Americans Act Reauthorization Act of 2016* (Sponsor: Rep. Lamar Alexander) March 21, 2016.
- S. 1124, *WIOA Technical Amendments Act* (Sponsor: Rep. Lamar Alexander) May 12, 2015.

LEGISLATION REFERRED TO COMMITTEE ENACTED INTO LAW

- P.L. 114–18, S. 1124, WIOA Technical Amendments Act* (Sponsor: Sen. Lamar Alexander) May 22, 2015.
- P.L. 114–41, H.R. 3236, Surface Transportation and Veterans Health Care Choice Improvement Act of 2015* (Sponsor: Bill Shuster) July 31, 2015.
- P.L. 114–61, H.R. 2617, An act to amend the Fair Minimum Wage Act of 2007 to reduce a scheduled increase in the minimum wage applicable to American Samoa* (Sponsor: Rep. Aumua Amata Coleman Radewagen) October 7, 2015.
- P.L. 114–105, H.R. 3594, Federal Perkins Loan Program Extension Act of 2015* (Sponsor: Mike Bishop) December 18, 2015.
- P.L. 114–144, S. 192, Older Americans Act Reauthorization Act of 2016* (Sponsor: Sen. Lamar Alexander) April 19, 2016.

LEGISLATION WITHIN COMMITTEE JURISDICTION ENACTED INTO LAW

- P.L. 114–22, S. 178, Justice for Victims of Trafficking Act of 2015* (Sponsor: Sen. John Cornyn) May 29, 2015.
- P.L. 114–74, H.R. 3112, Bipartisan Budget Act of 2015* (Sponsor: Rep. Patrick Meehan) November 2, 2015. (Contains provision from H.R. 3112)
- P.L. 114–95, S. 1177, Every Student Succeeds Act* (Sponsor: Sen. Lamar Alexander) December 10, 2015.
- P.L. 114–113, H.R. 2029, Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2016* (Sponsor: Rep. Charles W. Dent) December 18, 2015.
- P.L. 114–124, H.R. 3033, READ Act* (Sponsor: Rep. Lamar Smith) February 18, 2016.
- P.L. 114–198, S. 524, Comprehensive Addiction and Recovery Act of 2016* (Sponsor: Sen. Sheldon Whitehouse) July 22, 2016.
- P.L. 114–___, S. 2943, National Defense Authorization Act for Fiscal Year 2017* (Sponsor: Sen. John McCain) December 23, 2016.

OVERSIGHT PLAN SUMMARY AND CORRESPONDENCE

On January 21, 2015, the Committee adopted an oversight plan for the 114th Congress. In fulfilling its obligation to ensure effective federal policies and programs, the Committee works to thoroughly monitor and investigate the various agencies, departments, and programs within its jurisdiction. The Committee's oversight plan ensures this work is well-informed and Congress meets its responsibility for evaluating the effectiveness and administration of federal laws. Diligent oversight of federal programs helps ensure policies promote economic growth, support a stronger workforce, and improve education in America.

Conducting oversight is an established responsibility of the Congress. The power to gather information and investigate is essential and inherent to the legislative process. It is Congress' obligation to monitor proposed federal rules to ensure laws are implemented as Congress intends. Likewise, Congress has the power to obtain information and conduct investigations to improve agency implementation of existing laws and inform the development of any needed legislation. Congress also exercises this power when examining situations involving waste, fraud, and abuse. In the end, taxpayers

benefit from a robust examination of current policies, programs, and practices.

The Committee identified the following areas in particular for oversight and investigation in the 114th Congress:

- Implementation of elementary and secondary education programs and policies, including the use of waiver authority and the impact of these policies on the ability of students to access to a quality education;
- Administration of elementary through postsecondary education programs to reduce duplicative, ineffective and burdensome regulations;
- Implementation of postsecondary education programs to ensure access to transparent information for students and families;
- Implementation of the nation's job training system under the *Workforce Innovation and Opportunity Act* to help workers attain skills for 21st century jobs, provide greater accountability to taxpayers, and help put Americans back to work;
- Implementation of the *Patient Protection and Affordable Care Act* and how the law affects employers' ability to provide quality, affordable health care to employees;
- Administration of the *National Labor Relations Act* to ensure employee and employer rights are protected and applied consistently and without bias, giving particular scrutiny to the National Labor Relations Board's changes to union election rules and decisions affecting long-standing joint-employer standards;
- Administration of the U.S. Department of Labor's activities to ensure rules or regulations benefit the long-term financial security of working families and do not impede the ability of individuals to save for retirement;
- Implementation of the *Multiemployer Pension Reform Act* and additional needed pension reforms that will both protect taxpayers and encourage employer participation; and
- Administration of regulations to ensure laws operate as written by Congress in an open and transparent manner and do not overstep the authority of Congress.

Along with gathering information through hearings, the Committee conducts oversight of federal programs under its jurisdiction through general information gathering. To evaluate the effectiveness and administration of federal laws, the Committee initiated the following oversight correspondence:

January 5, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, submitting comments on the Office of Federal Contract Compliance Programs' Notice of Proposed Rulemaking to require federal contractors to report summary data on employee compensation broken down by sex, race, and ethnicity under Executive Order 11236.

January 12, 2015—Letter to Chair Jenny R. Yang and Commissioners Constance S. Barker, Chai R. Feldblum, and Victoria A. Lipnic, U.S. Equal Employment Opportunity Commission, requesting information concerning the Commission's issuance of enforcement guidance entitled "Religious Garb and Grooming in the Workplace: Rights and Responsibilities."

January 14, 2015—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, requesting a study of the

- current federal and state programs serving children under the age of five.
- February 2, 2015—Letter to Chairman Mark Pearce, National Labor Relations Board, requesting documents and communications related to the timing of the Board’s publication of the “ambush election” rulemaking when it failed to be reported as a short-term action in the 2014 Fall Unified Agenda.
- February 6, 2015—Letter to Acting Chairman Patrick Nakamura, Federal Mine Safety and Health Review Commission, requesting information regarding the Commission’s decision to hold a closed meeting regarding citations against Broody Mining, LLC, and subsequent decision to cancel the closed meeting.
- February 11, 2015—Letter to Assistant Secretary David Michaels, Occupational Safety and Health Administration, U.S. Department of Labor, encouraging the agency to consider the recommendations of the Coalition for Crane Operation Safety as it implements its revised standard for cranes and derricks in construction.
- February 13, 2015—Letter to Director Charles M. Roessel, Bureau of Indian Education, U.S. Department of the Interior, expressing concern over recent reports of the deplorable conditions of schools maintained by the Bureau of Indian Education.
- February 20, 2015—Letter to Secretary Sylvia Mathews Burwell, U.S. Department of Health and Human Services, thanking her for her ongoing efforts to inform the Committee of the Department’s progress implementing the *Child Care and Development Block Grant Act of 2014*, as well including a list of provisions which affirms Congressional intent.
- March 4, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting information concerning coordination between the Department and the Securities and Exchange Commission regarding attempts to regulate for the purpose of expanding fiduciary liability.
- March 11, 2015—Letter to Assistant Secretary David Michaels, Occupational Safety and Health Administration, requesting the agency withdraw its guidance changing criteria for businesses participating in the Safety and Health Achievement Recognition Program.
- March 16, 2015—Letter to Chairman Tom Price, Committee on the Budget, and Ranking Member Chris Van Hollen, Committee on the Budget, U.S. House of Representatives, asking them to address the needs of special needs children, their families, and their educators in the Fiscal Year 2016 Budget.
- March 17, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting the Department immediately implement new *Workforce Innovation and Opportunity Act* requirements for contractor quality.
- March 23, 2015—Letter to Chairman Hal Rogers, Committee on Appropriations, Chairman Ken Calvert, Subcommittee on Interior, Environment, and Related Agencies, Ranking Member Nita M. Lowey, Committee on Appropriations, and Ranking Member Betty McCollum, Subcommittee on Interior, Environment, and Related Agencies, the U.S. House of Representatives, urging the Committee to help address the deplorable conditions of schools maintained by BIE.

- March 24, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, continuing the Committee’s request for information concerning coordination between the Department and the Securities and Exchange Commission to regulate for the purposes of expanding fiduciary liability.
- March 25, 2015—Letter to Chairman Hal Rogers, Committee on Appropriations, Chairman Tom Cole, Subcommittee on Labor, Health, and Human Services, Ranking Member Nita M. Lowey, Committee on Appropriations, and Ranking Member Rosa DeLauro, Subcommittee on Labor, Health, and Human Services, U.S. House of Representatives, asking for support in addressing the challenges facing special needs students, their families, and their educators in the Fiscal Year 2016 appropriations.
- April 10, 2015—Letter to Secretary Sylvia Mathews Burwell, U.S. Department of Health and Human Services, expressing concern about the health and safety of children enrolled in the Head Start program.
- April 28, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting a briefing and an update on the Office of Labor-Management Standards’ approval process for California transit grants following California’s passage of the *Public Employee Pension Reform Act of 2012*.
- May 29, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting the Department to extend the period for public comment the Employee Benefits Security Administration’s Notice of Proposed Rulemaking (RIN 1210–AB32) entitled “Definition of the Term ‘Fiduciary’; Conflict of Interest Rule–Retirement Investment Advice.”
- June 2, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, continuing the Committee’s request for information concerning coordination between the Department and the Securities and Exchange Commission to regulate for the purposes of expanding fiduciary liability.
- June 15, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, raising concerns with the implementation of the *Workforce Innovation and Opportunity Act of 2014*.
- June 15, 2015—Letter to Secretary Arne Duncan, U.S. Department of Education, stating concerns with the Department’s proposal to eliminate all uncompensated positions from the definition of “employment outcome” for the purposes of vocational rehabilitation in the recently enacted *Workforce Innovation and Opportunity Act of 2014*.
- July 15, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, and Administrator Anne Rung, Office of Federal Procurement Policy, Office of Management and Budget, requesting the proposed implementing guidance and rule, Executive Order 13673, be withdrawn.
- June 19, 2015—Letter to Bernadette Wilson, Acting Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, submitting comments on the Notice of Proposed Rulemaking (RIN 3046–AB01) amending regulations implementing the *Americans with Disabilities Act* with respect to employee wellness programs.
- July 21, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, submitting comments on the Employee Benefits

- Security Administration's Notice of Proposed Rulemaking (RIN 1210-AB32) amending the definition of "fiduciary" under the *Employee Retirement Income Security Act*.
- July 29, 2015—Letter to Secretary Arne Duncan, U.S. Department of Education, expressing concerns with the proposed cash management regulation published in the Federal Register on May 18, 2015, which would impose costly and unnecessary regulatory burdens on colleges and universities trying to help students manage their federal financial aid.
- August 7, 2015—Letter to Secretary Sylvia Mathews Burwell, U.S. Department of Health and Human Services, requesting information about sub-regulatory guidance issued on out-of-pocket maximums as applied to employer-sponsored health coverage under the *Patient Protection and Affordable Care Act*.
- August 21, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting an extension of the period for public comment on the Wage and Hour Division's Notice of Proposed Rulemaking (RIN 1235-AA11) to revise overtime regulations under the *Fair Labor Standards Act* and to request information regarding the rulemaking's ambiguity concerning possible changes to the duties test.
- August 26, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, and Administrator Anne Rung, Office of Federal Procurement Policy, submitting comments on the Department's proposed guidance and the Federal Acquisition Regulatory Council's proposed rule to implement Executive Order 13673.
- September 17, 2015—Letter to Secretary Sylvia Mathews Burwell, U.S. Department of Health and Human Services, expressing concern with proposed changes to Head Start regulations.
- September 21, 2015—Letter to Assistant Secretary Joseph A. Main, Mine Safety and Health Administration, U.S. Department of Labor, requesting information concerning how the agency is working to ensure sampling technology used to measure air quality in mines is capable of accurately distinguishing between coal and rock dust. In addition, this inquiry requested the agency provide the results of any studies examining the interaction of rock dust and the use of Continuous Personal Dust Monitors.
- September 25, 2015—Letter to Administrator David Weil, Wage and Hour Division, U.S. Department of Labor, requesting an explanation why the Department had failed for the past five years to implement the requirements of the *McNamara-O'Hara Service Contract Act* by not determining local wage rates.
- October 13, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting documents and other information regarding the Occupational Safety and Health Administration's attempts to amend implementation of its multiemployer citation policy.
- October 20, 2015—Letter to Acting Administrator, Centers for Medicare and Medicaid Services, U.S. Department of Health and Human Services, requesting the agency consider adopting lower reimbursement rates for plan years 2015 and 2016 and to end the regulatory requirement that self-insured companies and multi-employer health plans contribute to the reinsurance program under the *Patient Protection and Affordable Care Act*.

- October 23, 2015—Letter to Director Richard Cordray, Consumer Financial Protection Bureau (CFPB), informing the CFPB that its investigative demand to the Accrediting Council for Independent Colleges and Schools is outside of its jurisdiction.
- November 3, 2015—Letter to Secretary Arne Duncan, U.S. Department of Education, seeking clarification as to how the Department calculates cohort default rates.
- December 11, 2015—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting the Occupational Safety and Health Administration withdraw its guidance memoranda related to the Process Safety Management regulation until such time as the agency undertakes a formal rulemaking process under the *Administrative Procedure Act*.
- January 19, 2016—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, continuing the Committee’s request for documents and other information regarding the Occupational Safety and Health Administration’s attempts to amend implementation of its multiemployer citation policy.
- January 28, 2016—Letter to Bernadette Wilson, Acting Executive Officer, Executive Secretariat, U.S. Equal Employment Opportunity Commission, submitting comments on the NPRM (RIN 3046-AB02) amending regulations implementing the *Genetic Information Nondiscrimination Act of 2008* with respect to employee wellness programs.
- February 12, 2016—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting information relating to meetings and communications with outside parties concerning the Wage and Hour Division’s proposal to revise overtime regulations under the *Fair Labor Standards Act*.
- February 22, 2016—Letter to Secretary Sylvia Mathews Burwell, U.S. Department of Health and Human Services, expressing views regarding certain provisions of the NPRM published in the Federal Register on December 24, 2015, in regards to the *Child Care and Development Block Grant Act of 2014*.
- March 16, 2016—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting an extension of the period for public comment on the Wage and Hour Division’s NPRM (RIN 1235-AA13) entitled “Establishing Paid Sick Leave for Federal Contractors, Executive Order 13706.”
- March 18, 2016—Letter to President Justin Draeger, National Association of Student Financial Aid Administrators, requesting additional input from institutions concerning their experiences with the Office of Federal Student Aid and whether the office is meeting its responsibilities.
- March 29, 2016—Letter to Chair Jenny Yang, Equal Employment Opportunity Commission, requesting an extension of the period for public comment on proposed revisions of the Employer Information Report (EEO-1) data collection requirements to include pay data and also requesting information relating to meetings and communications with outside parties concerning the proposal.
- April 8, 2016—Letter to Secretary John King, U.S. Department of Education, requesting responses to questions regarding the Student Aid Enforcement Unit.

- May 17, 2016—Letter to Secretary John King, U.S. Department of Education, asking questions about the recent negotiated rule-making session on provisions in the *Every Student Succeeds Act*.
- May 26, 2016—Letter to Secretary Jacob J. Lew, U.S. Department of the Treasury, requesting information concerning the Department’s decision to reject the Central States Pension Fund’s proposed rescue plan.
- May 27, 2016—Letter to Thomas E. Perez, U.S. Department of Labor, citing concerns about Job Corps and its improvement through the *Workforce Innovation and Opportunity Act*.
- June 10, 2016—Letter to Secretary John King, U.S. Department of Education, inquiring about a common manual for servicing federal student loans.
- June 10, 2016—Letter to Secretary John King, U.S. Department of Education, addressing concerns and seeking transparency on the heightened cash monitoring process.
- June 22, 2016—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, requesting a study be done on the Summer Food Service Program to determine need and effectiveness.
- June 24, 2016—Letter to Secretary John King, U.S. Department of Education, requesting information concerning the Department’s recent handling of the negotiated rulemaking process in regards to the borrower defenses to repayment included within the *Higher Education Act*.
- June 30, 2016—Letter to Chief Shaheena Simons, Educational Opportunities Section, Civil Rights Division, U.S. Department of Justice, and to United States Attorney Damon Martinez, District of New Mexico, U.S. Department of Justice, requesting information about the April 22, 2016 letter (the “UNM findings letter”) the office sent to the president of the University of New Mexico regarding the Department of Justice’s recently concluded investigation of the university under Title IX of the Education Amendments of 1972 (Title IX) and Title IV of the Civil Rights Act of 1964 (Title IV).
- June 30, 2016—Letter to Assistant Secretary for Civil Rights Catherine E. Lhamon, U.S. Department of Education Office for Civil Rights, requesting specific information in regards to the Office for Civil Rights’ position on the definition of sexual harassment.
- July 5, 2016—Letter to Bernadette B. Wilson, Acting Executive Officer, Executive Secretariat, U.S. Equal Employment Opportunity Commission, submitting comments regarding the Commission’s proposed enforcement guidance on national origin discrimination.
- July 6, 2016—Letter to Assistant Secretary for Civil Rights Catherine E. Lhamon, U.S. Department of Education Office for Civil Rights, requesting documents and communications related to the process for entering into resolution agreements with the Department’s Office for Civil Rights.
- August 1, 2016—Letter to Secretary John King, U.S. Department of Education and Attorney General Loretta Lynch, U.S. Department of Justice, requesting additional information regarding the “Dear Colleague Letter on Transgender Students.”
- August 8, 2016—Letter to Secretary John King, U.S. Department of Education, expressing concerns with the Department’s pro-

- posal for a single servicer solution for federal student loans and requesting a briefing from Department staff.
- August 15, 2016—Letter to Joseph B. Nye, Policy Analyst, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), submitting comments regarding the U.S. Equal Employment Opportunity Commission’s notice of submission for OMB review of the Commission’s proposed revisions of the Employer Information Report (EEO-1) data collection requirements to include pay data.
- September 20, 2016—Letter to Secretary John King, U.S. Department of Education, requesting information on the Department’s regulatory agenda for the remainder of the 114th Congress.
- September 20, 2016—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting information concerning the Department’s plans to issue rulemakings and non-regulatory policy changes during the final months of the Obama administration. In addition, this inquiry requested information concerning attempts to hire political appointees into the civil service.
- October 4, 2016—Letter to Secretary John King, U.S. Department of Education, requesting responses to specific questions regarding the removal of federal recognition of the Accrediting Council for Independent Colleges and Schools.
- October 17, 2016—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, citing concern the U.S. Department of Education does not appropriately train its staff responsible for monitoring compliance with the *Every Student Succeeds Act* or help states appropriately train state monitoring officials with their efforts to implement the law.
- October 26, 2016—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, continuing the Committee’s request for documents and other information regarding the Occupational Safety and Health Administration’s attempts to amend implementation of its multiemployer citation policy.
- October 28, 2016—Letter to Secretary Thomas E. Perez, U.S. Department of Labor, requesting information concerning the Office of Labor-Management Standards’ implementation of reporting requirements for worker centers under the *Labor-Management Reporting and Disclosure Act*.
- November 4, 2016—Letter to Wendy Spencer, Chief Executive Officer of the Corporation for National and Community Service (CNCS), detailing CNCS’s failures to properly monitor and implement oversight of grantees and requests documentation on oversight activity.
- November 4, 2016—Letter to Secretary John King, U.S. Department of Education, regarding concerns with the Supplement, Not Supplant NPRM through the public comment period.
- December 5, 2016—Letter to Office of Regulations and Interpretations, Employee Benefits Security Administration, U.S. Department of Labor, submitting comments on the agency’s Notice of Proposed Rulemaking (RIN 1210-AB63) revising annual reporting and disclosure requirements under the *Employee Retirement Income Security Act*.

COMMITTEE ACTIVITY STATISTICS—114TH CONGRESS

Total Number of Hearings—55

Total Number of Full Committee Hearings—18
Total Number of Subcommittee Hearings—37
Total Number of Field Hearings—3
Total Number of Bills and Other Committee Materials Considered
in Markup Session—19
Total Number of Filed Legislative Reports—16
Total Number of House Bills Referred—840
Total Number of Bills Referred to the Committee with House Pas-
sage—34
Total Number of Bills Referred to the Committee Enacted into
Law—5
Total Number of Bills within Committee Jurisdiction Enacted into
Law—7
Total Number of Initiated Oversight Correspondence—67

MINORITY VIEWS

Early Childhood. Research is clear on both the short- and long-term positive outcomes of quality preschool programs, including reduction of achievement gaps in elementary and secondary education and significant returns on investment through reduced criminal activity, reliance on federal benefits, and other outcomes. Furthermore, state and local elected officials, business, school, law enforcement, military, and economic leaders have all expressed broad agreement that increasing such strategic investments in early childhood education are critical to our country's economic growth and military readiness. Committee Democrats are committed to improving access to high-quality early learning opportunities, as evidenced by the introduction of the *Strong Start for America's Children Act of 2015*, H.R. 2411, and leadership to prioritize early childhood education in reauthorization of the Elementary and Secondary Education Act (ESEA). H.R. 2411 would allow all children in families earning at or below 200% of the Federal Poverty Line the opportunity to attend a high-quality pre-K program.

During the first session of the 114th Congress, Committee Democrats fought successfully to include the authorization of Preschool Development Grants into the *Every Student Succeeds Act* (ESSA), which was signed into law in December of 2015. Additionally, access to high quality early childhood education as a crucial component to improving student success was prioritized throughout ESSA, such as by including early childhood educators in professional development programs, allowing for the use of Title I funds for district early learning programs, and allowing charter schools to use federal funds for preschool classrooms.

Large percentages of eligible children, however, continue to lack access to quality early learning programs. Many of these children live in under-resourced communities that are not able to help provide a nurturing environment. The disaster in Flint, Michigan is an example of how lack of investments and cuts in government funding lead to even more costly tragedies that disproportionately affect the most vulnerable communities. All children living in Flint and many in the surrounding communities suffered from lead poisoning due to a contaminated water supply. The effects of lead poisoning in children, especially children under age five, can lead to life-long impacts, including lower IQ, an inability to regulate behaviors, and chronic health effects. Early learning programs, such as Head Start and IDEA services for infants and toddlers, and child nutrition programs, such as WIC and the Child and Adult Care Food Program, are uniquely set up to help mitigate the effects of lead poisoning in children. Regrettably, repeated calls from Committee Democrats to hold a hearing on effectively using federal programs within the Committee's jurisdiction to mitigate the long-term negative impact

of lead poisoning and increase federal investments for early learning resources in Flint went unanswered by the Republican Majority.

Committee Democrats, during the second session, supported bipartisan efforts to include in appropriations bills, an increase in funding for Head Start and Child Care Development Block Grants, and continued funding for Early Head Start-Child Care Partnerships.

K-12 Education. During the 1st session of the 114th Congress, Committee Democrats joined the Majority and Members of the Senate Committee on Health, Education, Labor, and Pensions to successfully conference the House and Senate bills to reauthorize the Elementary and Secondary Education Act (ESEA). Conference came following a highly partisan Committee and protracted floor process that accompanied *The Student Success Act*, H.R. 5, which resulted in only narrow passage of the measure (with 12 Republicans joining a unified House Democratic Conference to oppose passage). In the face of widespread opposition to both the House and Senate bills, Committee Democrats strategically employed their considerable leverage at the Conference table to demand key equity-focused improvements to the ESEA reauthorization vehicle, resulting in a Conference report (*The Every Student Succeeds Act*, S. 1177) endorsed by a broad array of constituencies, including teachers, parents, state, district, and school administrators, and civil rights advocates, among others. President Obama signed ESSA on December 10th, 2015. Committee Democrats are proud of the role they played to secure a comprehensive ESEA reauthorization that honors the civil rights legacy of the law and upholds the Democratic principle of equity of educational opportunity.

Committee Democrats are particularly proud of the bipartisan consensus in support of key Democratic priorities, including provisions to require states to have challenging academic standards in reading and math; maintain annual, statewide assessments aligned to state standards to ensure that parents receive meaningful information about student and school performance; support responsible efforts to reduce over-testing in our nation's classrooms; ensure that all students count within the state's system of measuring and acting to support school improvement; repeal and replace adequate yearly progress with a strong state-developed accountability system that is focused on academic outcomes, but uses multiple measures of student learning and school success beyond tests; drives more equitable allocation of resources to support school improvement; and strengthens state and local responsibility for improving low-performing schools while requiring continuous improvement to support student learning, including a requirement to act when any individual subgroup of students is not learning.

Most importantly, Committee Democrats successfully fought to preserve the full regulatory, oversight, and enforcement authority of the U.S. Department of Education. Although ESSA transfers much responsibility to states, the statute maintains the Department's robust authority to fully implement the law. The Secretary is prohibited from interfering in some state and local decisions regarding accountability and school improvement activities, including interference with state discretion to set standards aligned to college

entrance, but he or she is charged by Congress with holding each state accountable for compliance with statutory and regulatory requirements to ensure that implementation fulfills Congressional intent to hold all states accountable for meeting the needs of all students.

Committee Democrats worked with Committee Republicans to oversee the Department's implementation activity throughout the 2nd session and are pleased with the Department's urgency to provide states and school districts with clarity and guidance to ensure faithful implementation of the statute. Committee Democrats look forward to working with Committee Republicans and the incoming Administration to ensure implementation of ESSA adheres to the longstanding and bipartisan intent of Congress to protect and promote educational equity and civil rights for all students.

In addition to the Committee's legislative agenda, Committee Democrats worked with the Government Accountability Office (GAO) to investigate the status of socioeconomic and racial diversity in our nation's public schools. Released in May of 2016, the report shows an alarming trend of re-segregation in public education, leaving the promise of *Brown v. Board* unfulfilled. In response to the report's findings Committee Democrats introduced the *Equity and Inclusion Enforcement Act*, H.R. 5260 and the *Stronger Together School Diversity Act of 2015*, H.R. 5738. Committee Democrats also held a forum on the issue of school diversity after request for official committee action on the issue went ignored by the Chairman. Committee Democrats are committed to elevating this issue in the 115th Congress.

To support states and school districts in tackling the teacher shortage, Committee Democrats introduced the *Innovations to Recruit and Retain Excellent Teachers Act*, H.R. 6236, in November of 2016. Because issues of teacher recruitment and retention impact students' current and future socioeconomic outcomes, H.R. 6236 seeks to empower states and school districts to develop innovative, tailored strategies to ensure that students (especially those from low-income families) are taught by a well-supported and diverse workforce of excellent teachers. The bill would build on the recruitment and retention initiatives funded through ESEA Title II, as updated by ESSA. Committee Democrats are committed to robust support for public school teachers to deliver world-class instruction in every U.S. classroom.

Students with Disabilities. Committee Democrats are committed to meeting the developmental and educational needs of children with disabilities to empower each individual to pursue opportunities for independent living and full integration into society. To that end, Committee Democrats fought to successfully secure key protections for students with disabilities in ESSA, such as access to college- and career-ready standards; the one percent cap on alternate assessments based on alternate achievement standards for students with the most significant cognitive disabilities; school-level accountability for subgroup performance that requires action when any individual subgroup of students is not performing academically; and codification of both the four year adjusted and extended year graduation rates in a manner that affords states the appropriate credit for graduating students with significant cog-

nitive disabilities who earn a diploma that is aligned to standards and requirements for a regular high school diploma.

Committee Democrats understand that these and other protections in ESSA, along with equity protections in the Individuals with Disabilities Act (IDEA) and Title IV of the Workforce Investment and Opportunity Act (WIOA) will be rendered meaningless without appropriate regulatory clarity and subsequent oversight and enforcement from the U.S. Department of Education. Committee Democrats look forward to working with Committee Republicans and the incoming Administration during the 115th Congress to ensure faithful implementation of federal law to protect and promote educational equity and civil rights for all students, including students with disabilities.

In the 115th Congress, Committee Democrats will fight to ensure that any reauthorization of the *Individuals with Disabilities Education Act* strengthens due process protections for students and families, provides schools with resources and supports so students with disabilities are held to high academic and achievement standards, and continues to improve access to general education curriculum for students with disabilities.

Child Nutrition. The Committee plays a critical role in the fight against hunger and the childhood obesity epidemic. In the 111th Congress, Committee Democrats led efforts to address these issues through enacting the *Healthy, Hunger-Free Kids Act (HHFKA)* which introduced stronger nutrition standards for foods served in schools, both during and outside the traditional meal service. These robust standards ensure that children are exposed to healthy foods and can begin forming healthy eating habits in order to grow into healthy adults. According to recent research, since the healthier standards have been put in place, the overall nutritional quality of the foods chosen by students has increased by 29 percent.¹ Through the hard work of many actors at the local, state, and federal levels, the improved nutrition standards are in place at over 98 percent of schools participating in the National School Lunch Program.² Unfortunately, these standards have been criticized by Republicans.

Over the four Committee hearings held in the 114th Congress, Committee Democrats made clear that any reauthorization of child nutrition programs must build on what is already working and continue to improve services for those the programs are intended to serve. Rather than moving the country forward in a bipartisan fashion, the Committee considered and passed a highly partisan child nutrition reauthorization bill that would do the opposite. H.R. 5003, *the Improving Child Nutrition and Education Act of 2016*, would roll back access to and availability of nutritious meals, putting at risk the current and future health of millions of schoolchildren. The Republican reauthorization bill included an increased burden on schools and families who participate in school meals programs, a pilot program to block grant school meals programs, and

¹ Donna Johnson, Mary Podrabsky, Anita Rocha, JJ. Otten, "Effect of the Healthy Hunger-Free Kids Act on the Nutritional Quality of Meals Selected by Students and School Lunch Participation Rates," *JAMA Pediatrics* (January 4, 2016) available at: <http://jamanetwork.com/journals/jamapediatrics/article-abstract/2478057>.

² USDA. *School Meal Certification Data*, (October 19, 2016) available at: http://www.fns.usda.gov/sites/default/files/cn/SFACert_FY16Q3.pdf.

weakened nutrition standards for the foods that fuel our nation's children and students. Not a single Democrat voted in favor of the misguided legislation.

Further, H.R. 5003 proposed drastic changes to a successful provision in the 2010 reauthorization that provides access to free, nutritious meals to millions of students from low-income families. The Community Eligibility Provision (CEP) allowed more than 18,000 schools across the country to serve free, universal, healthy school meals to 8.5 million children in school year 2015–2016 without the stigma or burden of paperwork.³ CEP has proven to be a powerful tool that allows school districts to provide easier access to nutritious meals for children in high-poverty schools and high-poverty areas by simplifying program eligibility and eliminating unnecessary and redundant school meal applications. Despite its demonstrated efficacy and popularity, H.R. 5003 would make it harder for schools and children to qualify for CEP, again, rolling back the progress of the 2010 reauthorization.

Committee Democrats offered over two dozen amendments to H.R. 5003 with the goal of improving access to nutritious meals both inside and outside of school. Committee Democrats urged: preserving CEP and strong nutrition standards in child nutrition programs, improving summer and afterschool feeding programs so that those programs can reach more children (mirroring bipartisan legislation introduced by Rep. Davis and Rep. Bonamici, respectively), meaningful improvements to an expansion of WIC services, and ensuring that safe drinking water is available to all students. The amendments, along with the other amendments offered, represent the priorities of Committee Democrats that will continue to drive their efforts in improving federal child nutrition programs.

Child Safety. The safety of all children must be the highest priority for this Committee. In 2016, Committee Republicans and Committee Democrats collaborated on a bipartisan child welfare bill that unanimously passed the House to support children who are born dependent on opioids, known as Neonatal Abstinence Syndrome, due to the parent's addiction to illegal or prescription drugs. The *Infant Plan of Safe Care Improvement Act*, H.R. 4843, amended the *Child Abuse Prevention and Treatment Act* (CAPTA) to strengthen requirements for the state to ensure the safety of the infant and well-being of the caregiver following the child's release from a healthcare provider. The bill became law on July 22, 2016 as part of a larger legislative package to address opioid abuse called the *Comprehensive Addiction and Recovery Act* (CARA). CARA takes a broad approach to help Americans addicted to opioids, from reforming the drug approval process to providing better care for individuals suffering from addiction. While Committee Democrats welcome H.R. 4843 as a bipartisan achievement during the 114th Congress, Committee Democrats look forward to more robust Committee discussion on issues of child safety and well-being, including achieving a bipartisan comprehensive CAPTA reauthorization.

³Food Research Action Council & Center on Budget and Policy Priorities. *Community Eligibility Adoption Rises for the 2015–2016 School Year, Increasing Access to School Meals*, (May 13, 2016) available at: <http://frac.org/pdf/take-up-of-cep-report.pdf>.

Committee Democrats were disappointed that Committee Republicans held no hearings on policy issues central to improving child safety, such as abusive seclusion and restraint practices in schools, child abuse in residential programs for teens, and the health risks for student athletes posed by concussions. Such hearings are essential for a thorough examination of legislative options that could lead to stronger protections for vulnerable children.

Additionally, Committee Democrats reintroduced legislation this Congress to protect student athletes from concussions. Sports-related youth concussions are a growing concern, with recent research estimating 1.6–3.8 million injuries occurring each year. Sponsored by Rep. DeSaulnier, the *Protecting Student Athletes from Concussions Act of 2015*, H.R. 2062, would, for the first time, set minimum safety standards for concussion management in public schools across the country with plans that educate students, parents, and school personnel about how to recognize and respond to concussions.

Student Data Privacy. Protecting student privacy is a priority that transcends party lines. In July of 2015 Committee Democrats and Committee Republicans worked to introduce the bipartisan *Student Privacy Protection Act*, H.R. 3157, a bill to modernize the Family Educational Rights and Privacy Act (FERPA) of 1974. Recognizing advances in the delivery of educational programs and services since the law’s enactment, including use of modern technology, the legislation would update federal student data privacy protections to align with the evolving use of 21st century technology in kindergarten through postsecondary education. Committee Democrats believe that any efforts to improve FERPA must be bipartisan and not only modernize student protections, but also strengthen parental involvement, hold bad actors accountable, and allow for appropriate uses of technology and research for improving student outcomes. Despite multiple hearings on the issue of student data privacy throughout the 114th Congress, there was no further Committee action on H.R. 3157.

Juvenile Justice. In the 114th Congress, Committee Democrats sought to emphasize the importance of federal investment in research-based and effective juvenile justice and delinquency prevention programs. Ranking Member Scott and Committee Democrats strongly believe that federal supports for state juvenile justice systems need to be maintained and strengthened. Committee Democrats know that investments in evidence-based practices designed to both prevent children from committing juvenile offenses, and intervene in the lives of children having committed such offenses are cost-effective investments that result in fiscal savings and better outcomes for young people.

In too many communities in America, an ineffective educational system converges with an unresponsive juvenile justice system to create a “Cradle to Prison Pipeline.” According to estimates from the Children’s Defense Fund, 1 in 3 African-American Boys born in the year 2000 will spend a portion of their lives incarcerated. To bring Congressional attention to this problem and in an effort to dismantle the cradle to prison pipeline, and replace it with a Cradle to College or the Workforce Pipeline, Ranking Member Scott introduced H.R. 2197, the *Youth Prison Reduction through Men-*

toring, Intervention, Support, and Education (Youth PROMISE) Act in May of 2015. This bipartisan legislation would fund the planning and implementation of locally tailored, holistic continuums of evidence-based programs designed to put young people on the right track and keep them there.

Committee Democrats remain committed to reauthorizing the Juvenile Justice and Delinquency Prevention Act of 1974 (JJJPA). JJJPA provides federal money to states for the administration of state juvenile justice systems while also establishing core protections for juveniles in state systems. The law also authorizes prevention programs to keep young people from entering the juvenile justice system and intervention programs to prevent juvenile offenders from further interaction with the juvenile and criminal justice systems. Last updated in 2002, JJJPA has been out of authorization since 2007. Since fiscal year 2002, federal investment in these vital programs and services has decreased by more than 50 percent.

In June of 2015, Ranking Member Scott introduced H.R. 2728, the *Youth Justice Act of 2015*, a comprehensive reauthorization of the JJJPA. The bill raised authorization levels for juvenile justice programs considerably and strengthened all of the core protections for juveniles in the system. Committee Democrats' persistence on the issue was pivotal in the Committee convening a hearing in October of 2015 on juvenile justice. In June of 2016, the Committee held an informal roundtable with juvenile justice officials and service providers from around the country. Additionally, Committee members and staff attended site visits to juvenile justice facilities in the District of Columbia to better understand local implementation of federal juvenile justice programs.

As a result of this bipartisan work, on September 8, 2016, Rep. Curbelo and Ranking Member Scott introduced H.R. 5963, the *Supporting Youth Opportunity and Preventing Delinquency Act of 2016*. This comprehensive reauthorization of JJJPA sought to strengthen each of the federal core protections for youth in state systems, emphasize the use of evidence-based and trauma-informed practices in the administration of such systems, and restructure grant programs for delinquency prevention to a model based on the Youth PROMISE Act. The bill was reported out of Committee unanimously and passed the U.S. House of Representatives 382–29 on September 22, 2016, the first time a JJJPA reauthorization vehicle received a vote on the floor of either chamber of Congress since the 2002 reauthorization. While efforts to pass H.R. 5963 through the Senate were ultimately unsuccessful, Committee Democrats look forward to building upon this foundation to enact a bipartisan comprehensive JJJPA reauthorization in the next Congress.

Career and Technical Education. The Carl D. Perkins Career and Technical Education (CTE) Act provides federal support to state and local secondary and postsecondary education CTE programs that provide students the knowledge, skills, and experience necessary to succeed in today's competitive marketplace. Long overdue for reauthorization, Committee Republicans and Committee Democrats introduced a bipartisan bill, the *Strengthening Career and Technical Education for the 21st Century Act*, H.R. 5587, which overwhelmingly passed the House 405–5 on September 13, 2016.

Despite overwhelming bipartisan and constituent support for the bill, the Senate failed to consider and pass H.R. 5587.

H.R. 5587 embodied Committee Democrats' commitments to reauthorize the law to increase alignment between CTE programs and careers; ensure opportunity for participation in CTE for underserved students; improve collaboration between secondary and postsecondary programs, industry, employers, and community partners; promote innovation in CTE programs; improve outcomes for students, employers, and communities; and strengthen the federal commitment to support delivery of high-quality CTE programs. Committee Democrats stand ready to resume work on a bipartisan reauthorization that honors these commitments in the next Congress.

Higher Education. Throughout the 114th Congress, Committee Democrats have prioritized equity in higher education by fighting to improve college access, affordability, and completion to ensure that all students—not just those who have been traditionally served by higher education—receive an equal chance at success.

While there are marked policy differences between Committee Democrats and Republicans on higher education, there were some areas of common ground. In July of 2015, Republican and Democratic members of the Committee came together to introduce bills to make discrete improvements in the areas of: data transparency (H.R. 3178, the *Strengthening Transparency in Higher Education Act*), financial aid counseling (H.R. 3179, *Empowering Students Through Enhanced Financial Counseling Act*), and simplification of the Free Application for Federal Student Aid (FAFSA) (H.R. 3177, the *Simplifying the Application for Student Aid Act* (later refiled as H.R. 5528)). In June of 2016, bipartisan legislation was introduced to enhance federal supports for institutions serving minority students, specifically at Hispanic-serving Institutions (H.R. 5529, the *Accessing Higher Education Opportunities Act*) and Historically Black Colleges and Universities (H.R. 5530, the *HBCU Capital Financing Improvement Act*). All of these bills were reported out of Committee and passed the U.S. House of Representatives unanimously, yet none have been acted on by the Senate.

While Committee Democrats are proud of this bipartisan collaboration, these bills are not a substitute for a comprehensive rewriting of the Higher Education Act. We remain focused on evidence-based, results driven higher education policies to improve access, affordability, and completion for all.

All members of the U.S. House of Representatives spoke with one voice when the chamber unanimously passed, in September of 2015, H.R. 3594, the *Federal Perkins Loan Program Extension Act of 2015*, bipartisan legislation to extend the Perkins Loan Program. Committee Democrats believe the Perkins program is an important tool that gives college financial aid offices flexibility to tailor awards to students. Unfortunately, Senate amendments to H.R. 3594 made the undergraduate Perkins program less generous and eliminated new borrowers to the graduate program. In order to keep the Perkins program alive, House Democratic and Republican members agreed to the Senate amendments.

Evidence shows that many low-income students and parents are deterred from even applying to college due to exorbitant college

costs and general unawareness of federal financial aid that can make college more affordable. Because a college degree remains the greatest driver of socioeconomic mobility in America, Ranking Member Scott introduced H.R. 2962, the *America's College Promise Act of 2015* to make two years of community college free and provide an affordable pathway to a four-year college degree for low-income students. Committee Democrats believe advancing comprehensive policy solutions to improve college affordability for socioeconomically disadvantaged students should be a nonpartisan issue, yet no Republican Member of Congress has signed on to this bill, which now has more than 110 House Democrats as cosponsors.

Committee Democrats support Congressional action to reduce student loan debt by lowering interest rates or by giving borrowers the option to refinance their debt when lower rates are available. In March of 2015 Rep. Courtney introduced H.R. 1434, the *Bank on Students Emergency Loan Refinancing Act* to do just that. The Congressional Budget Office has estimated that enacting this legislation would provide \$50 billion in debt relief for student borrowers, putting money back in the pockets of millions of young Americans who are straining to get a decent start in life. The House Democratic Conference strongly supports the measure and believes that the federal student loan program should not be a source of profit for the federal government, with 181 House Democrats cosponsoring the legislation, and 173 petitioning House leadership to discharge the Committee on Education and the Workforce from considering the bill and move it directly to the House floor. Again, no Republican Member of Congress has signed on to either the bill or the discharge petition. Committee Democrats remain committed to advancing this policy goal through any action on comprehensive reauthorization of the Higher Education Act.

Led by Committee Democrats, Democratic Members of Congress fought throughout the 114th Congress to protect the Pell Grant Program, the cornerstone of federal financial aid. Pell Grants provide millions of low-income students' access to higher education. Due to lower-than-expected program costs throughout the last several years, this Congress the Pell Grant program held a balance of \$7.8 billion in funds more than necessary to meet current need. This excess funding became an attractive vehicle to fund Congressional priorities outside of the Pell Grant program during the Fiscal Year (FY) 2017 House and Senate Appropriations Committee processes and subsequent omnibus negotiations. Committee Democrats believe that redirecting funds away from the Pell Grant Program would not only make college less affordable for millions of Americans in the short-term, but also jeopardizes the future of the entire program. Committee Democrats urged Members of the Appropriations Committee to utilize the FY 2017 appropriations process to reduce the burden of college costs for students in need by using some of the surplus to restore year-round Pell, increase the maximum discretionary award, and keep any remaining funds in the account for the sole use of the Pell Grant program. Committee Democrats will remain vigilant in efforts to both protect Pell grant funding in the 115th Congress, and are hopeful Committee Republicans will join them in that effort.

While protecting Pell Grant program funding is a worthy starting point, House Democrats believe Congress must improve the program to better meet the needs of students. Committee Democrats put forth several such proposals during the 114th Congress. Ranking Member of the Higher Education and Workforce Training Subcommittee, Rep. Ruben Hinojosa, introduced three measures to safeguard and significantly improve the program by removing Pell grant funding from the yearly appropriations process (H.R. 1956, the *Pell Grant Protection Act*); raising the grant award to cover the cost of in-state tuition and indexing the award to inflation (H.R. 1957, the *Pell Grant Cost of Tuition Adjustment Act*), and restoring funding for year-round Pell Grants (H.R. 1958, the *Year-Round Pell Grant Restoration Act*).

Improved access to higher education provided by a robust investment in the Pell Grant program is meaningless if government and institutions fail to adequately support low-income and first generation students to complete their degree programs. Research shows that one of every 10 Pell Grant recipients fails to refile his or her FAFSA when returning for their second year. A recent report found that Pell-eligible students were more than twice as likely as non-Pell-eligible students to experience difficulty obtaining their parents financial information. Additionally, due to the filing of both student and parent financial information, dependent students take twice as long to refile the FAFSA than independent students, who must provide only their own financial data. Financial information is useful for calculating aid eligibility the first time a FAFSA is filed, but because data demonstrates consistency in Pell award amounts for dependent students upon refileing, there is no need to collect this information year after year. To simplify the FAFSA for dependent low-income students, Ranking Member Scott introduced H.R. 5784, the *File Once FAFSA Act of 2016*. The legislation would allow dependent Pell Grant recipients to file just once before going to college and forgo burdensome refileing in subsequent years. This legislation would make it easier for nearly 3.5 million low-income students to obtain critical Pell Grant aid.

State disinvestment in higher education is a chief cause of rising college costs. Low-income students are increasingly forced to rely on loan rather than grant aid. This is why Committee Democrats have fought to ensure that all students have access to affordable loan repayment plans. More than 8 million student borrowers are in default on their student loans, many of whom would have qualified for a lower payment in an existing income-driven repayment plan. In September of 2016, Rep. Bonamici introduced H.R. 5962, the *Streamlining Income-driven, Manageable Payments on Loans for Education (SIMPLE) Act*, a bipartisan bill to help struggling student loan borrowers enroll in the most affordable repayment plans available to them. The legislation would also automate the annual process of updating borrowers' income information while enrolled in income-driven repayment plans, which would help keep payments affordable. Committee Democrats have also urged the U.S. Department of Education to improve the quality of servicing provided by federal student loan servicers and debt collectors.

In many cases, borrowers who default are actually those who are having a difficult time finding a job that allows them to repay their

loans. According to a national survey administered through the U.S. Department of Education, the overwhelming majority—more than 60 percent—of borrowers who default are students who left school with no degree. This is why in addition to issues of access and affordability, Committee Democrats have fought to improve student supports and increase completion rates, especially for low-income students.

Committee Democrats recognize that meaningful accountability for institutional and program quality in higher education is needed. To hold institutions and programs accountable, we need better data that accounts for all students. Although the majority of college students are no longer first-time, full-time students, the data available through Integrated Postsecondary Education Data System (IPEDS)—the federal government’s most comprehensive higher education dataset—mostly reports data only for this subset of students. Recognizing this shortcoming, House Democrats have urged the Department of Education to develop metrics that account for all students. In response to the Department’s Notice of Public Rulemaking (NPRM) on revisions to the Integrated Postsecondary Education Data System (IPEDS), Ranking Member Scott supported proposals to collect graduation rates disaggregated by Pell Grant recipients and Subsidized Stafford Loan borrowers who did not receive a Pell Grant. Committee Democrats also urged the Department to gather more detailed data on how borrowers at risk of redefault are performing in repayment. Committee Democrats urge the Department to continue more comprehensive data collection on student outcomes, especially for students who have been traditionally underserved by higher education. Committee Democrats believe that these data requests are not a substitution for the collection of student unit level data by the Department of Education, which would provide Congress, states, and institutions with holistic information that could transform how we hold students, schools, loan servicers, and debt collectors accountable in higher education to improve quality.

Lastly, Committee Democrats remain committed to safe and supportive learning environments for all postsecondary students. In a September 2015 Committee hearing entitled, “*Preventing and Responding to Sexual Assault on College Campuses*,” Committee Democrats put forth a unified message that Title IX of the Education Amendments of 1972, the Clery Act (which includes the Campus SaVE Act when the Violence Against Women Act was reauthorized in 2013) and FERPA are fundamental tools for the Department of Education to assist universities, students, advocates, and others to educate, prevent, protect, and support students regarding campus sexual assault. Democrats made clear throughout the hearing that institutions of higher education must have processes that ensure the paramount principle of fundamental fairness in handling allegations of campus sexual assaults, and must be held accountable, through robust federal enforcement, for Title IX, Clery, and FERPA compliance. Committee Democrats will remain vigilant on the issue of campus sexual assault in the 115th Congress.

Committee Democrats have shown through their legislative efforts that they are ready to take on the challenges of higher edu-

cation, whether it's making sure hardworking students are not penalized by their parents immigration choices (H.R. 1507, the *IN STATE Act of 2015* introduced by Ranking Member Polis as well as H.R. 1959, the *College Options for DREAMers Act* introduced by Ranking Member Hinojosa); partnering with states to ensure continued robust investment in higher education (H.R. 5756, the *Degrees Not Debt Act* introduced by Rep. Pocan), clearly delineating consumer protections and rights for all education borrowers (H.R. 1352, the *Student Loan Borrowers' Bill of Rights Act of 2015* introduced by Ranking Member Wilson and H.R. 4661, the *Parent PLUS Loan Improvement Act of 2016* introduced by Ranking Member Fudge); and combating sexual assault on college campuses (H.R. 1490, the *Survivor Outreach and Support "SOS" Campus Act* introduced by Rep. Davis).

Throughout the 114th Congress, Committee Democrats have spent time visiting with and learning from students, parents, higher education thought leaders, and colleges and universities. The focus of these visits were to understand how to help students earn college degrees in a faster timeframe by providing cohesive student supports. We stand ready to apply that learning to achieving a comprehensive reauthorization of the Higher Education Act that supports *all* students in accessing and completing a meaningful postsecondary degree.

Economic Security. Even with the longest stretch of private sector job growth on record, during which the private sector added 15.6 million jobs, many American families continue to struggle to make ends meet. During the 114th Congress, Committee Democrats advocated for key legislation to improve the lives of working families. Many of these bills were packaged in a resolution, H. Res. 506. This resolution called for hearings and votes on H.R. 2150, *Raise the Wage Act*; H.R. 3514, *Workplace Action for a Growing Economy (WAGE) Act*; H.R. 3427, the *Payroll Fraud Prevention Act of 2015*; H.R. 3071, *Schedules that Work Act*; H.R. 932, *Healthy Families Act*; H.R. 1439, *Family and Medical Insurance Leave (FAMILY) Act*; H.R. 2411, *Strong Start for America's Children Act of 2015*; H.R. 2654, *Pregnant Workers Fairness Act*; H.R. 1619, *Paycheck Fairness Act*; and H.R. 3185, *Equality Act*. A total of 118 Democrats cosponsored this resolution. Yet, the Committee Majority refused to hold a single hearing on this legislation.

Committee Democrats also introduced new legislation to curb wage theft, which is a widespread problem in America. In 2012, victims of wage theft recovered \$933 million in stolen wages through complaints filed with federal, state, and local agencies or through private litigation.⁴ This staggering figure represents only a fraction of the total amount of stolen wages every year, which is estimated to be as much as \$50 billion nationally. Given the prevalence of this problem, it is critical that workers have the tools they need to fight back against wage theft. But employers' routine failure to provide pay stubs makes it extremely difficult to identify and prosecute wage violations. H.R. 4376, *The Pay Stub Disclosure Act* will help workers prevent and remedy wage theft by: providing

⁴Brady Meixell and Ross Eisenbrey, "An Epidemic of Wage Theft is Costing Workers Hundreds of Millions of Dollars a Year," *Economic Policy Institute*, (September 11, 2014) available at: <http://www.epi.org/publication/epidemic-wage-theft-costing-workers-hundreds/>.

a uniform federal pay stub requirement; requiring employers to provide non-exempt employees with paychecks that explain how their wages are calculated; providing a private right of action and financial remedy to employees whose rights to a pay stub or records inspection are violated; and codifying the legal presumption that if an employer fails to keep records of an employee's pay, the employee's own credible evidence and testimony about his or her pay is presumed to be true.

In May of 2016, the Department of Labor issued a final rule *Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees* (the "overtime rule"). The update to the overtime regulations restore the effectiveness of the overtime protections in the Fair Labor Standards Act (FLSA) by ensuring that when employees work extra, they get paid extra. It does so by providing a much-needed update to the salary level test. Most salaried workers who earn under the salary threshold are automatically eligible for overtime pay when they work more than 40 hours in a week. The overtime salary threshold is currently \$455 per week (\$23,660 per year), which is below the poverty level for a family of four in 2014 (\$24,008). It covers less than ten percent of the salaried workforce. In contrast, in 1975, over 60 percent of the workforce earned below the salary threshold and was thus overtime-eligible.⁵

The final rule raises the salary threshold to the 40th percentile of full-time weekly salaried earnings in the lowest wage Census region (the South)—\$913 per week (\$47,476 per year)—and creates a mechanism for the threshold to increase every three years. This update makes 4.2 million more workers newly eligible for overtime pay, strengthens the overtime rights of an additional 8.9 million workers, and raises the share of the salaried workforce that is eligible for overtime to nearly 33 percent.

Despite the evidence that millions of working people will now be guaranteed access to overtime pay, the Committee Republicans held hearings, as well as introduced and called votes on legislation that would undermine the overtime rule. On June 9, 2016, Committee Democrats successfully defended the overtime rule from partisan attacks during a hearing called by the Majority entitled, "The Administration's Overtime Rule and Its Consequences for Workers, Students, Nonprofits, and Small Businesses." Committee Republicans introduced H.R. 4773, *the Protecting Workplace Advancement and Opportunity Act* and H.J. Res. 95, a Congressional Review Act resolution expressing Congressional disapproval of the overtime rule. In addition, the Committee Republicans bypassed committee consideration of H.R. 6094, *the Regulatory Relief for Small Businesses, Schools and Nonprofits Act* and brought the bill to the floor as an emergency measure. This piece of legislation sought to delay the implementation of the overtime rule for six months and passed on the House Floor on a near party-line vote.

H.R. 2150, the Raise the Wage Act, is a key priority for Committee Democrats. This legislation raises the minimum wage to \$12

⁵Ross Eisenbrey and Will Kimball. "An Updated Analysis of Who Would Benefit from an Increased Overtime Salary Threshold," *Economic Policy Institute*, (June 26, 2015) available at: <http://www.epi.org/blog/an-updated-analysis-of-who-would-benefit-from-an-increased-overtime-salary-threshold/>.

by 2020, phases out the tipped minimum wage, and indexes the minimum wage to the median wage. One hundred and seventy-five Democrats support this legislation. At the state and local level, there is broad support for raising wages, but not a single Republican in Congress has signed onto this legislation. Twenty-nine states and 30 localities have raised their minimum wages beyond the federal minimum wage. During the 114th Congress there has been significant movement in cities and states across the country to raise wages, with increasing momentum behind a \$15 minimum wage at the state and local level. In 2015, policymakers in 14 cities, counties and states approved \$15 minimum wage laws. In 2016, California, New York and D.C. passed legislation to raise their minimum wages to \$15. On Election Day 2016, voters in four states and one city backed ballot measures to increase the minimum wage. These states were Arizona, Colorado, Maine and Washington. Arizona, Colorado and Maine will raise their minimum wages to \$12 by 2020. Washington will raise its minimum wage to \$13.50 by 2020. Flagstaff, Arizona will raise its minimum wage to \$15 by 2021. The Department of Labor estimates that these increases will raise wages for 2.2 million workers. Despite this progress, workers in 21 states are still subject to the federal minimum wage.

Workforce Development. In the 113th Congress, Committee Democrats were proud to work on the bipartisan reauthorization of federal workforce programs through the Workforce Innovation and Opportunity Act (WIOA). With WIOA implementation fully underway in the 114th Congress, Committee Democrats are even more committed to ensuring that our nation's workforce development system is working. Committee Democrats understand that now more than ever, effective education and workforce development opportunities are critical to building a stronger middle class.

Committee Democrats continued their commitment to improving employment opportunities for young Americans, introducing and supporting H.R. 6117, the *Opening Doors for Youth Act of 2016*. An estimated 5.25 million young people between the ages of 16 and 24 are disconnected from both school and work. These disconnected youth are three times more likely than other youth to have a disability; twice as likely to live below the federal poverty threshold; and significantly more likely to live in racially segregated neighborhoods. Disconnected young women and girls are three times more likely to have a child and young people involved in the juvenile justice system or aging out of the foster care system are at high risk of disconnection. Disconnection during this critical period can leave young people without the entry-level work experience and postsecondary credentials they need to succeed in the workforce. Disconnection also imposes significant costs on affected young people, their communities and the overall economy. Disconnected young people are also commonly referred to as "opportunity youth" because of the tremendous potential they possess. Young people from high-poverty, low-opportunity communities may need a range of supports to overcome barriers to reengaging in school or training and stay on the path to a good job. *The Opening Doors for Youth Act of 2016* expands opportunities for our nation's at-risk and opportunity youth by putting more than one million young people to

work and supporting community efforts to keep youth connected to school and training.

Committee Democrats led the effort to expand and promote registered apprenticeships—a proven approach to successful on-the-job training—and pre-apprenticeship programs by introducing H.R. 5635, the *Leveraging Effective Apprenticeships to Rebuild National Skills (LEARNS) Act*. By 2020, the U.S. will experience a shortage of three million skilled workers with postsecondary credentials and an aging workforce of highly-skilled workers.⁶ In addition, it is predicted that almost 65 percent of jobs will require postsecondary education by 2020. Registered apprenticeships, a training model in which workers are paid to receive on-the-job training, provide a much-needed solution.

The *LEARNS Act* will support a closer alignment between registered apprenticeship programs, employers and other program sponsors offering good jobs, increase the attainment of recognized postsecondary credentials by program participants, create national standards for registered apprenticeship programs, and establish a permanent advisory council at the Department of Labor to oversee the actions and implementation of registered apprenticeship programs.

Workers' Rights. Since the Majority took control in the 112th Congress, the Majority has held 24 hearings and markups criticizing the National Labor Relations Board (NLRB) and assailing labor unions. During this session, Committee Republicans moved four pieces of anti-labor legislation, which include: (1) passing by a vote of 249–177 the *Tribal Labor Sovereignty Act*, H.R. 511, which strips workers employed at tribal enterprises on tribal lands of their rights under the National Labor Relations Act (NLRA); (2) reporting the *Protecting Local Business Opportunity Act*, H.R. 3549, which overturns a recent NLRB decision that reinstates the common law of agency in defining who is a “joint employer” under the NLRA, and adopts in its place a far narrower definition that allows putative employers to remain hidden and avoid bargaining with employees even though they control the terms of employment; (3) passed by a vote of 232–186 a Congressional Review Act (CRA) Resolution of Disapproval, S.J. Res 8, regarding the NLRB’s revised election procedures which streamlined the process for conducting union representation elections; and (4) reported a Resolution of Disapproval, H.J. Res 87, regarding the Department of Labor’s Persuader Rule, which requires union-avoidance consultants and employers to disclose their arrangements covering “indirect” as well as “direct” persuader activity. The President vetoed the Resolution of Disapproval regarding the NLRB’s election procedures and issued a Statement of Administration Policy opposing the enactment of the Tribal Labor Sovereignty Act because it undermined collective bargaining rights.

Taken together, these bills undermine workers’ rights while doing nothing to improve workers’ lives, give them a voice at work, or increase their economic security. Moreover, these bills and reso-

⁶Ben Olinsky and Sarah Ayers. “Training for Success: A Policy to Expand Apprenticeships in the United States,” The Center for American Progress, (December 2013) available at: https://cdn.americanprogress.org/wp-content/uploads/2013/11/apprenticeship_report.pdf.

lutions represent a frontal assault on the key purposes of the NLRA, which include:

- Encouraging the practice and procedures of collective bargaining, and
- Protecting the exercise by workers of full freedom of association, self-organization and designation of representatives of their own choosing, for the purposes of negotiating the terms and conditions of their employment or other mutual aid or protection.

As an alternative, Committee Democrats proposed the *WAGE Act*, H.R. 3514, a bill to strengthen workers' right to organize unions by establishing meaningful deterrents for violations of labor law. It does so by establishing civil monetary penalties for violations, authorizing treble damages for lost wages, and providing a private right of action for workers who face workplace discrimination for exercising their rights under NLRA. Committee Democrats also proposed *the Workplace Democracy Act*, H.R. 3690, which allows workers to unionize through either an election or a majority card-check and, requires binding arbitration for a first contract, if an agreement cannot be reached in a reasonable time period.

Democrats have supported the NLRB's *Columbia University* decision which designates teaching and research assistants at private universities and colleges as employees under the NLRA, and thus makes them eligible to form a union and bargain over wages, benefits and working conditions.

Mine Safety and Health. In light of the lessons learned from the April 2010 Upper Big Branch (UBB) mine disaster, Committee Democrats have called for a bipartisan effort to update the 40-year old Federal Mine Safety and Health Act of 1977. That explosion was the worst coal mining accident in the U.S. in the past 40 years. The Assistant Secretary of Labor for Mine Safety has repeatedly asked Congress to enact reforms that would give the Mine Safety and Health Administration (MSHA) additional tools to protect miners, including subpoena authority, stronger criminal sanctions, and the means to collect overdue fines from scofflaws who refuse to pay their fines. In response, Democrats introduced the *Robert C. Byrd Mine Safety Protection Act of 2015*, H.R. 1926, which, amongst its provisions, strengthens criminal sanctions in the Mine Act by making it a felony to knowingly violate mine safety standards and recklessly expose miners to risk of injury, illness, or death.

By contrast, Committee Republicans have stalled for the past 6 years, stating that they wanted to wait for all of the UBB accident investigation reports to be completed before taking action. Six investigation reports have long been finalized; the last report was released nearly five years ago in February 2012. A Committee hearing was held in the 112th Congress to review these reports. No mine safety hearings were held in the 113th Congress. During an oversight hearing in the 114th Congress, the Assistant Secretary reiterated his support for legislative reforms, but to no avail.

Rather than work to protect miner safety, Committee Republicans have challenged the feasibility of MSHA's long-overdue respirable dust rule, which is aimed at ending the scourge of black lung disease. In the two years since it was issued, this rule has re-

duced average coal dust levels and improved compliance by requiring real time exposure monitoring through new technology. Committee Democrats have supported MSHA's efforts to end black lung disease—a workplace illness which has already taken the lives of 70,000 coal miners.

Occupational Safety and Health. According to the Bureau of Labor Statistics (BLS), 4,836 workers were killed on the job in 2015—an average of 13 workers a day. For some groups of workers the problem is getting worse. Deaths among Latino and immigrant workers increased significantly, as did deaths in dangerous industries like construction and trucking. In 2015 at least 3.65 million workers incurred occupational injuries or illnesses, according to BLS. Disabling injuries cost the economy between \$159 and \$318 billion in both direct and indirect costs. To reduce health and safety risks to workers, Committee Democrats:

- Supported a rule issued by the Occupational Safety and Health Administration (OSHA) to protect 2.3 million workers—mostly in construction—who are at risk of contracting silicosis, lung cancer and renal disease caused by excess inhalation of crystalline silica;
- Called upon OSHA to develop a comprehensive workplace violence prevention standard to protect workers in America's health care and social service workplaces, following the release of a Government Accountability Office (GAO) report which documented that workplace violence is a serious concern for 15 million health care workers, and that violence prevention programs are effective;⁷ and
- Supported an OSHA recordkeeping rule which, in addition making workplace injury statistics transparent to the public, protects workers from retaliation for reporting workplace injuries and illness. The need for this rule was underscored by a GAO report, which found that workers in meat and poultry plants continue to face unsafe working conditions, and confirms that many injuries and illnesses go underreported as workers may fear for their jobs if they report an injury.⁸

Democrats believe our nation's job safety laws must be strengthened. The *Protecting America's Workers Act* (H.R. 2090) would bring the *Occupational Safety and Health Act of 1970* into the 21st century by requiring employers to promptly abate safety violations, expand OSHA coverage for millions of state and local government workers, and modernize whistleblower protections. The *Offshore Oil and Gas Worker Whistleblower Protection Act of 2015* (H.R. 2824) would implement a key recommendation from the National Commission on the Deepwater Horizon Oil Spill and Offshore Drilling to provide these workers with protections from retaliation if they blow the whistle on unsafe work practices. In the 114th Congress, however, the Majority has taken no legislative action to improve workplace safety and health.

⁷ Government Accountability Office. *Workplace Safety and Health: Additional Efforts Needed to Help Protect Health Care Workers from Workplace Violence* (GAO 16-11), (March 17, 2016) available at: <http://www.gao.gov/products/GAO-16-11>.

⁸ Government Accountability Office. *Workplace Safety and Health: Additional Data Needed to Address Continued Hazards in the Meat and Poultry Industry* (GAO 16-337), (April 25, 2016) available at: <http://www.gao.gov/products/GAO-16-337>.

Rather than enacting pro-worker safety laws, Committee Republicans used its hearings to object to OSHA's new standard to prevent silicosis, challenged OSHA's guidance to prevent chemical accidents, and opposed a rule that requires certain employers in higher hazard workplaces to electronically transmit their injury logs or summaries to OSHA.

Workers' Compensation Programs. The Committee has held no hearings on the Black Lung Benefits Act since 1991, despite the revelations over the past several years of unfair tactics being used by coal operators and their law firms to defeat black lung claims by miners and their survivors. A Pulitzer Prize winning investigation revealed how coal operators have defeated black lung claims by hiring doctors at prestigious medical centers who systematically misread lung x-rays that clearly showed the most advanced stages of black lung disease. This investigation showed that defense law firms also withheld medical evidence from miners, surviving spouses, and judges that would have proven the claimants' eligibility for benefits. One medical center shut down its x-ray reading program, but has yet to release its internal investigation report.

Hearings are also needed to assess the future solvency of the Black Lung Disability Trust Fund in light of decreasing excise tax revenues due to reduced coal production, a forthcoming 55% cut in the coal excise tax rate in December of 2018, and an increase in claims being shifted from the responsible operators to the Trust Fund due to coal operator bankruptcies. Congress also needs to assess the backlog of black lung and other claims in the DOL's Office of Administrative Law Judges (ALJ). There is 35-month backlog for contested black lung claims.

To gather information, Committee Democrats have hosted two roundtables with coal miners and black lung experts who examined how the claims process has been tilted against claimants by a disparity in medical and legal resources between coal miners and well-financed coal companies. Miners also expressed concern about delay in the claims adjudication process. To help level the playing field, Committee Democrats, in conjunction with Representative Matt Cartwright, introduced the *Black Lung Benefits Improvement Act of 2015*, H.R. 3625 to reform the program, so that claimants who have meritorious claims will actually gain the benefits that they are entitled to under the law. Committee Democrats, in conjunction with the Ways and Means Committee, asked the GAO to assess the future solvency of the Trust Fund. Committee Democrats have worked to eliminate delays in claims adjudication by securing funding for additional ALJs as part of appropriations bills.

Federal Employees' Compensation Act. Committee Democrats have conducted oversight of the rapidly growing costs of compounded prescription drugs under the Federal Employees' Compensation Act (FECA), and recommended that the DOL adopt administrative tools that have been used successfully by other agencies to control provider fraud. Committee Democrats also evaluated the Administration's legislative proposals to cut workers' compensation benefits under the FECA. Testimony provided by GAO and the National Association of Letter Carriers at a May 15, 2015 hearing before the Subcommittee on Workforce Protections revealed that the Administration's stated rationale for proposing

deep benefit cuts to injured workers at retirement age lacked merit, and that proposed changes raised fairness questions. Committee Democrats have worked to ensure that federal and postal workers who are injured in the line of duty will not be economically worse off than if they had not been injured in the first place, while also protecting taxpayers' interests through necessary program integrity measures.

Health Care. The Affordable Care Act (ACA) is providing greater health care security for millions of American workers and their families. Because of the ACA, 20 million previously uninsured Americans now have health coverage.⁹ For the first time ever, less than 9 percent of Americans are uninsured—with the uninsured rate currently at 8.6 percent.¹⁰ Coverage for the 150 million Americans with insurance through their employer now comes with important consumer protections. Due to the ACA, all health plans now have limits on out-of-pocket costs, benefiting 22 million people with employer coverage who lacked this protection prior to the ACA.¹¹ Since the enactment of the ACA, for most Americans, the growth in premiums has slowed considerably. For the 155 million Americans with employer coverage, the average family premium for employer coverage rose only 3.4 percent in 2016—compared to an average annual rate of 7.9 percent from 2000 to 2010.¹² Women can no longer be charged more than men, people with preexisting conditions cannot be denied coverage or charged exorbitant prices, and children up to 26 years of age can stay on a parent's insurance policy. Preventive services—like contraception and recommended cancer screenings and vaccines—must now be covered with no out-of-pocket costs. The ACA also provided one of the largest expansions of mental health and substance use disorder coverage in a generation, by requiring mental health and substance use disorder benefits to be comparable to physical health benefits.

Despite these gains, since the ACA was signed into law, it has come under constant attack by the Majority, which has held dozens of hearings to criticize the law and have brought more than 60 votes to repeal it to the House Floor. Instead of trying to work with Democrats to make improvements to the law where necessary, the Majority has been singularly focused on destroying the ACA and taking away millions of Americans' opportunity to access health care for the first time.

Most egregiously, in the 114th Congress, the Republican Budget Resolution called on Committees—including the Education and the Workforce Committee—to repeal the Affordable Care Act using reconciliation. This was just one of the many Republican efforts to repeal or undo the ACA. Their repeal efforts are a bridge to nowhere for millions of families and their children. In these uncertain times,

⁹ Office of the Assistant Secretary for Planning and Evaluation: ASPE. *Health Insurance Coverage and the Affordable Care Act*, (September 22, 2015) available at: <https://aspe.hhs.gov/sites/default/files/pdf/111826/ACA%20health%20insurance%20coverage%20brief%2009212015.pdf>.

¹⁰ Centers for Disease Control and Prevention. *Health Insurance Coverage: Early Release of Estimates From the National Health Interview Survey*, (September 2016) available at: <https://www.cdc.gov/nchs/data/nhis/earlyrelease/insur201609.pdf>.

¹¹ Council of Economic Advisors. *New Data Show that Premium Growth in Employer Coverage Remained Low in 2016*, (September 14, 2016) available at: <https://www.whitehouse.gov/blog/2016/09/14/new-data-show-premium-growth-employer-coverage-remained-low-2016>.

¹²Id.

working people in America value the safety and security of health coverage more than ever. The 30 million Americans who would lose their health coverage if the Affordable Care Act is repealed need care, not chaos. Repealing the ACA without a plan to replace it is not a risk our families can afford to take. Committee Democrats remain committed to protecting access to health coverage as a right, not a privilege.

Civil Rights. Committee Democrats believe that everyone deserves a shot at success and that everyone should enjoy equal access and opportunity in our country. Committee Democrats support the *Fair Chance to Compete for Jobs Act of 2015*, H.R. 3470, legislation that prohibits federal agencies and contractors from inquiring about the criminal history information of a candidate until he or she is given a conditional offer of employment. This bill reinforces the basic concepts of a fair chance and individual assessments by calling for the federal government to join 24 states, 150 localities, and numerous private businesses in providing fair consideration to applicants with a criminal history, rather than dismissing them from consideration outright, as happens all too often.

Committee Democrats also joined 178 bipartisan cosponsors to support the *Equality Act*, H.R. 3185. The bill would amend the Civil Rights Act of 1964 and other key laws to make clear that LGBT is a statutorily protected class regarding workplace discrimination in hiring, promotions, termination, or harassment. Committee Democrats were among the 23 Senators and 105 House Members that joined an *amicus curiae* brief in the case of *Christiansen v. Omnicom Group* to urge the Second Circuit to rule that sexual orientation-based discrimination is prohibited by the Civil Rights Act of 1964. The case and brief build on the EEOC's reliance on Supreme Court precedents that discrimination based on sex stereotypes is a violation of Title VII of the Civil Rights Act.

Committee Democrats fought off Republican efforts to weaken EEOC's enforcement powers at a legislative hearing that promoted bills to mandate posting requirements for the EEOC (H.R. 550); limit the Commission's disparate impact analysis (H.R. 548); restrict the General Counsel's authority to select cases (H.R. 549); and exempt employers who offer wellness plans through health care providers from liability claims arising from the Americans with Disabilities Act and the Genetic Information Non-Discrimination Act (H.R. 1189). Fortunately, none of the bills were advanced out of the Committee.

Committee Democrats joined other Congressional colleagues in submitting an *amicus curiae* brief in the *Zubik v. Burwell* case before the U.S. Supreme Court. In that case, petitioners challenged the accommodations provided by the Department of Health and Human Services to permit employers to exclude contraceptive coverage from their health insurance plans in certain circumstances where employers had a religious objection to providing coverage. Committee Democrats objected to the petitioners' argument which was built largely on a prior case, *Burwell v. Hobby Lobby*, which allows certain, small companies to circumvent the contraceptive coverage requirement under the ACA, if the owners have a religious objection. Committee Democrats are committed to ensuring that employers' religious beliefs are not used as a discriminatory

tool against employees. To that end, Committee Democrats also introduced the *Do No Harm Act*, H.R. 5272, to limit the Religion Freedom Restoration Act's use as a sword to nullify laws that protect equal opportunity, workplace safety, and health care.

Committee Democrats commented in support of the proposed rules issued by the EEOC in support of the Commission's proposal (81 Federal Register 5113) to collect aggregate pay and hour data through its Employer Information Report (EEO-1) form.

Committee Democrats wrote a letter to the EEOC regarding proposed rules pertaining to wellness programs allowed under the ACA. The letter states that these wellness programs must coexist with robust civil rights protections that do not undermine the privacy protections afforded under the Americans with Disabilities Act and Genetic Information Non-Discrimination Act. Committee Democrats also requested that the EEOC provide education, training, and technical assistance, to address the unique vulnerability of isolated workers to sexual violence in the janitorial services and agricultural industries.

To ensure equal representation in growing and in-demand fields, Committee Democrats have taken various steps to examine and address the lack of diversity in the technology sector. In December of 2015, Committee Democrats requested that the EEOC examine this issue and in May of 2016, the EEOC released its *Diversity in Tech* report. The report served as the basis for a September 27, 2016 roundtable hosted by Committee Democrats which included representatives from the government and private sectors, as well as economists and educators. Committee Democrats and the roundtable participants explored: the role of the federal government in promoting equal opportunity in the technology sector, the economic issues and impact of the lack of diversity in the tech sector, concrete steps the sector can take or is taking to address the issue of diversity, the extent to which H1-B visas exacerbate the diversity problem, and how academic institutions and industry engagement can address the pipeline and diversity issues.

Additionally, Committee Democrats continue to conduct oversight on the Office of Federal Contract Compliance Programs' enforcement of Executive Order 11246 as it applies to high-tech companies that have received federal contract and subcontracts. At the request of Committee Democrats, the U.S. Commission on Civil Rights voted on December 2, 2016 to examine the lack of diversity in the tech sector and the federal government's enforcement of Executive Order 11246. Finally, Committee Democrats joined Judiciary and Oversight and Government Reform Committee Democrats to ask the GAO to conduct an investigation of the federal government's effectiveness in improving diversity in the STEM fields and to assess the trends in racial, ethnic, and gender diversity in the workforce at leading U.S. technology companies, including those that contract with the federal government.

Pensions and Retirement Security. The retirement savings and planning landscape has changed significantly over the past several decades. 401(k) plans and IRAs largely replaced traditional defined-benefit pension plans, which shifted the decision-making and investment risks from employers to individual workers and retirees. As a result, many Americans rely on professional invest-

ment advice to invest their retirement nest egg and ensure they do not outlive what they have saved. Over the course of several years, the Department of Labor (DOL) worked to close loopholes in existing law allowing unscrupulous financial advisors to provide “conflicted advice” and put their financial interests ahead of their retirement clients’. According to the White House Council on Economic Advisors, conflicted advice costs retirement plan participants \$17 billion in losses every year and could result in a loss of almost a quarter of an individual’s savings over a 35-year period.¹³

During the 114th Congress, Committee Republicans repeatedly sought to criticize, undermine and nullify the DOL’s responsible conflict of interest (COI) rulemaking effort.

In June and December of 2015, the HELP Subcommittee held hearings on the DOL’s then-draft COI rule. In February of 2016, the Education and the Workforce Committee considered H.R. 4293, *Affordable Retirement Advice Protection Act*, and H.R. 4294, *SAVERS Act of 2015*. These bills perpetuated the unacceptable status-quo and included an unnecessary, constitutionally-suspect procedural mechanism that prohibited the DOL’s final conflict of interest rule from taking effect unless it was approved by Congress within 60 days. Ranking Member Scott and Committee Democrats opposed both H.R. 4293 and H.R. 4294.

In April of 2016, the DOL issued its final COI rule. Less than two weeks after the rule was finalized and published in the Federal Register, Committee Republicans hastily advanced a Congressional Review Act (CRA) joint resolution of disapproval of the DOL’s final COI rule (H.J. Res. 88). Ranking Member Scott and Committee Democrats opposed H.J. Res. 88 and argued that the DOL’s final COI rule helps protect workers’ hard-earned savings and ensures financial advisors act in the best interests of their retirement clients. Additionally, Ranking Member Scott and Committee Democrats pointed out that the DOL’s final COI rule resulted from a thoughtful, thorough, and transparent multi-year process.

Ranking Member Scott and Committee Democrats strongly believe that, after a lifetime of hard work, Americans deserve a secure and dignified retirement. To that end, throughout the 114th Congress, Ranking Member Scott and Committee Democrats have supported responsible efforts to strengthen and expand access to workplace retirement savings opportunities.

Older Americans. In addition to retirement security, there are a variety of challenges facing the aging population and their family members serving as caregivers. For example, Committees Democrats continue to urge Committee action to prevent age discrimination. In the 114th Congress, the Committee came together to pass a bipartisan reauthorization of the Older Americans Act (OAA), originally passed in 1965. The *Older Americans Act Reauthorization Act of 2016*, S. 192, makes necessary improvements to the programs that serve our nation’s seniors and their families. It is imperative that the Committee continues to ensure that these programs are effectively implemented and are provided with the funding necessary in order to reach the growing number of elderly

¹³Council of Economic Advisors. *The Effects of Conflicted Investment Advice on Retirement Savings*, (February 2015) available at: https://www.whitehouse.gov/sites/default/files/docs/cea_coi_report_final.pdf.

Americans who need OAA services. Unfortunately, a stagnant funding trend and Congress's reliance on a continuing resolution for the beginning of FY 2017 places these needed authorized funding increases at risk. Committee Democrats will continue to work toward enhancing and protecting programs and services that assist older Americans.

Responsible Contracting. Committee Democrats defended the integrity of Executive Order 13673 on Fair Pay and Safe Workplaces at a joint hearing before the Workforce Protections and Health, Employment, Labor, and Pensions Subcommittees on February 26, 2015. Committee Democrats rejected Committee Republicans' mischaracterization of the executive order by making clear that its aim is to improve the federal contracting process by ensuring that prospective contractors' history of violations with regard to employment, labor, anti-discrimination, and safety laws are disclosed and evaluated by contracting officers when selecting a contractor. The Executive Order seeks to ensure that taxpayer dollars are not used to award contracts to unscrupulous companies that have a pervasive practice of engaging in wage theft, cheating workers out of overtime, or putting workers' safety in jeopardy. Specifically, the Department of Labor offered an extensive comment and review period to ensure that responsible contractors are not unfairly undercut by contractors who cut corners and treat violations of labor laws as the cost of doing business.

Committee Democrats and House Armed Services Committee Democrats worked to secure the removal of Section 1095 of the House version of FY 2017 National Defense Authorization Act (and Senate Section 829) which would have eliminated or diminished the application of the Fair Pay and Safe Workplaces Executive Order to defense contractors. Committee Democrats worked closely with the House Armed Services Committee Democrats to remove Section 1094 of the House version of FY 2017 National Defense Authorization Act, which was misleadingly labeled, "Protections Relating to Civil Rights and Disabilities." With a total of 89 House Members, Committee Democrats called for the removal of this section which would have allowed contractors that are religious organizations to circumvent workplace non-discrimination provisions under the Civil Rights Act of 1964 and the Americans with Disabilities Act, allowing *private* religious employers to discriminate in hiring using federal funds.

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