

Union Calendar No. 519

112TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
112-714

REPORT ON THE ACTIVITIES
OF THE
COMMITTEE ON EDUCATION AND
THE WORKFORCE
together with
MINORITY VIEWS
FOURTH QUARTER OF THE 112TH CONGRESS



DECEMBER 20, 2012.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

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WASHINGTON : 2012

MEMBERSHIP, ORGANIZATION, AND SUBCOMMITTEE JURISDICTION
COMMITTEE ON EDUCATION AND THE WORKFORCE

JOHN KLINE, Minnesota, *Chairman*

THOMAS E. PETRI, Wisconsin	GEORGE MILLER, California,
HOWARD P. "BUCK" MCKEON, California	<i>Ranking Member</i>
JUDY BIGGERT, Illinois	DALE E. KILDEE, Michigan
TODD RUSSELL PLATTS, Pennsylvania	ROBERT E. ANDREWS, New Jersey
JOE WILSON, South Carolina	ROBERT C. "BOBBY" SCOTT, Virginia
VIRGINIA FOXX, North Carolina	LYNN C. WOOLSEY, California
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TREY GOWDY, South Carolina	MAZIE K. HIRONO, Hawaii
LOU BARLETTA, Pennsylvania	JASON ALTMIRE, Pennsylvania
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MARTHA ROBY, Alabama	
JOSEPH J. HECK, Nevada	
DENNIS A. ROSS, Florida	
MIKE KELLY, Pennsylvania	

Representative Bob Goodlatte (R-VA) rejoined the Committee on Education and the Workforce on May 25, 2011. Representative David Wu (D-OR) resigned from the Committee on Education and the Workforce on August 3, 2011. Representative Jason Altmire (D-PA) rejoined the Committee on Education and the Workforce on September 12, 2011. Representative Donald M. Payne (D-NJ) passed away on March 6, 2012. Representative Marcia L. Fudge (D-OH) was appointed to the Committee on Education and the Workforce on March 20, 2012.

Under Rule X, clause (e) of the Rules of the 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, and Gallaudet University and Howard University and Hospital.

SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

DUNCAN HUNTER, California, *Chairman*

JOHN KLINE, Minnesota	DALE E. KILDEE, Michigan,
THOMAS E. PETRI, Wisconsin	<i>Ranking Member</i>
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TODD RUSSELL PLATTS, Pennsylvania	CAROLYN MCCARTHY, New York
VIRGINIA FOXX, North Carolina	RUSH D. HOLT, New Jersey
BOB GOODLATTE, Virginia	SUSAN A. DAVIS, California
RICHARD L. HANNA, New York	RAÚL M. GRIJALVA, Arizona
LOU BARLETTA, Pennsylvania	MAZIE K. HIRONO, Hawaii
KRISTI L. NOEM, South Dakota	LYNN C. WOOLSEY, California
MARTHA ROBY, Alabama	MARCIA L. FUDGE, Ohio
MIKE KELLY, Pennsylvania	GEORGE MILLER, California <i>ex officio</i>

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.

SUBCOMMITTEE ON WORKFORCE PROTECTIONS

TIM WALBERG, Michigan, *Chairman*

JOHN KLINE, Minnesota,	LYNN C. WOOLSEY, California, <i>Ranking</i>
BOB GOODLATTE, Virginia	<i>Member</i>
TODD ROKITA, Indiana	DENNIS J. KUCINICH, Ohio
LARRY BUCSHON, Indiana	TIMOTHY H. BISHOP, New York
TREY GOWDY, South Carolina	MAZIE L. HIRONO, Hawaii
KRISTI L. NOEM, South Dakota	GEORGE MILLER, California
DENNIS A. ROSS, Florida	MARCIA L. FUDGE, Ohio
MIKE KELLY, Pennsylvania	

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; and 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.

SUBCOMMITTEE ON HIGHER EDUCATION AND WORKFORCE TRAINING

VIRGINIA FOXX, North Carolina, *Chairwoman*

JOHN KLINE, Minnesota	RUBÉN HINOJOSA, Texas,
THOMAS E. PETRI, Wisconsin	<i>Ranking Member</i>
HOWARD P. "BUCK" McKEON, California	JOHN F. TIERNEY, Massachusetts
JUDY BIGGERT, Illinois	TIMOTHY H. BISHOP, New York
TODD RUSSELL PLATTS, Pennsylvania	ROBERT E. ANDREWS, New Jersey
DAVID P. ROE, Tennessee	SUSAN A. DAVIS, California
GLENN THOMPSON, Pennsylvania	RAÚL M. GRIJALVA, Arizona
RICHARD L. HANNA, New York	DAVID LOEBSACK, Iowa
LARRY BUCSHON, Indiana	GEORGE MILLER, California
LOU BARLETTA, Pennsylvania	JASON ALTMIRE, Pennsylvania
JOSEPH J. HECK, Nevada	

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 Investment 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 HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

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GLENN THOMPSON, Pennsylvania	<i>Ranking Member</i>
TIM WALBERG, Michigan	DENNIS J. KUCINICH, Ohio
SCOTT DESJARLAIS, Tennessee	DAVID LOEBSACK, Iowa
RICHARD L. HANNA, New York	DALE E. KILDEE, Michigan
TODD ROKITA, Indiana	RUBÉN HINOJOSA, Texas
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MARTHA ROBY, Alabama	ROBERT C. "BOBBY" SCOTT, Virginia
JOSEPH J. HECK, Nevada	JASON ALTMIRE, Pennsylvania
DENNIS A. ROSS, Florida	GEORGE MILLER, California (<i>ex officio</i>)
JOHN KLINE, Minnesota (<i>ex officio</i>)	

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; employment-related health and retirement security including pension, health, and other employee benefits and the Employee Retirement Income Security Act (ERISA); and all matters related to equal employment opportunity and civil rights in employment.

LETTER OF TRANSMITTAL

COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, December 20, 2012.

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 am hereby transmitting the Report on the Activities of the Committee on Education and the Workforce for the Fourth Quarter of the 112th Congress. I circulated this report to all members on December 17, 2012, and received minority views, which are included in this report.

This report summarizes the activities of the Committee during the Fourth Quarter of the 112th Session with respect to its legislative and oversight responsibilities.

Sincerely,

JOHN KLINE,
Chairman.

Union Calendar No. 519

112TH CONGRESS }
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REPORT ON THE ACTIVITIES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE OF THE 112TH CON- GRESS

DECEMBER 20, 2012.—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 Rep. John Kline (R-MN), the House Committee on Education and the Workforce worked diligently to advance legislative initiatives that support workers and employers, remove barriers to job growth, and help more students access a quality education.

Throughout the 112th Congress, the committee explored the challenges facing our nation's education system and discussed commonsense solutions that will help prepare children and young adults for success. Earlier this year, the committee approved legislation to reform the Elementary and Secondary Education Act by empowering states and school districts to develop better learning systems for all students, supporting effective teachers, and eliminating wasteful and duplicative federal programs. Additionally, the committee held hearings to discuss the appropriate federal role in higher education in preparation for the upcoming reauthorization of the Higher Education Act. The committee will continue its efforts to reauthorize both laws in the 113th Congress.

With more than 12 million Americans out of work, improving the nation's job training system remains another top committee pri-

ority. After holding hearings in both Washington, D.C. and member districts, the committee approved legislation to reform and streamline the nation's workforce development programs to better serve workers and taxpayers. The policies in this legislation will serve as the foundation for the committee's work to reauthorize the Workforce Investment Act in the next Congress.

Ensuring employers have the certainty they need to create jobs and manage their businesses is another key component in the fight to reduce unemployment and rebuild our economy. Unfortunately, actions by the National Labor Relations Board continue to wreak havoc on workplaces and threaten employer free speech and worker free choice. The committee remains determined to advance initiatives that protect the rights of workers and employers and hold the labor board accountable for its radical policies that are having a chilling effect on the economy.

Congressional leaders have a responsibility to conduct oversight of federal agencies, and the House Committee on Education and the Workforce takes that responsibility seriously. Oversight of policies governing workplace safety, union transparency, and retirement security was a leading priority in the 112th Congress, along with oversight of the administration's actions affecting students and low-income families. The committee's efforts have helped shine light on a number of issues, including weaknesses in mine safety enforcement, missing reports pertaining to the multiemployer pension system, and problems with the management of the Federal Direct Loan program. Such aggressive oversight will continue in 2013.

As our economic recovery continues at a sluggish pace, it is more unacceptable than ever to ignore rules or regulations that stand in the way of job creation. With the national debt passing historic levels, we must continue to demand better uses of taxpayer resources. In the 113th Congress, the House Education and the Workforce Committee will continue to pursue policies that promote economic growth, support a stronger workforce, and improve education in America.

FULL COMMITTEE

HEARINGS

(LINKS ARE TO THE COMMITTEE WEBSITE)

In the fourth quarter of the 112th Congress, no full committee hearings were held.

MARKUPS

(LINKS ARE TO THE COMMITTEE WEBSITE)

In the fourth quarter of the 112th Congress, the full committee held one markup and filed two legislative reports. No subcommittee markups were held.

September 13, 2012—H.J. Res. 118, providing for congressional disapproval of the Administration’s July 12, 2012 waiver of welfare work requirements (Sponsor: Rep. Dave Camp)

The joint resolution provides for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the U.S. Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act with respect to the Temporary Assistance for Needy Families program. H.J. Res. 118 was ordered favorably reported to the House by a vote of 22–16, and the committee report was filed on September 18, 2012 (House Report 112–677, Part II).

December 4, 2012—H.R. 4297, the Workforce Investment Improvement Act (Sponsor: Rep. Virginia Foxx)

H.R. 4297 was ordered favorably reported, as amended, to the House by a vote of 23–15 on June 7, 2012. The committee report was filed on December 4, 2012 (House Report 112–699 Part I).

SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND
SECONDARY EDUCATION

HEARINGS

(LINKS ARE TO THE COMMITTEE WEBSITE)

July 24, 2012—“Education Reforms: Discussing the Value of Alternative Teacher Certification Programs” (Printed Hearing 112–66)

The purpose of the hearing was to examine the benefits of alternative teacher certification routes in addressing teacher shortages in certain geographic areas, academic fields, and classrooms with unique student needs; expanding the teacher pipeline; and strengthening the overall quality of the teaching profession.

Witnesses: Ms. Jennifer Mulhern, Vice President for New Teacher Effectiveness, TNTP, Baltimore, Maryland; Ms. Maura O. Banta, Director of Citizenship Initiatives in Education, IBM Corporation, Armonk, New York; Ms. Cynthia G. Brown, Vice President for Education Policy, Center for American Progress, Washington, D.C.; and Mr. Seth Andrew, Founder and Superintendent, Democracy Prep Public Schools, New York, New York.

SUBCOMMITTEE ON WORKFORCE PROTECTIONS

HEARINGS

No hearings were held during this time period.

SUBCOMMITTEE ON HIGHER EDUCATION AND WORKFORCE TRAINING

HEARINGS

(LINKS ARE TO THE COMMITTEE WEBSITE)

July 18, 2012—“Keeping College Within Reach: Exploring State Efforts to Curb Costs” (Printed Hearing 112–65)

The purpose of the hearing, the second in a series, was to examine the issue of rising college costs.

Witnesses: Mr. Scott Pattison, Executive Director, National Association of State Budget Officers, Washington, D.C.; Ms. Teresa Lubbers, Commissioner for Higher Education, State of Indiana, Indianapolis, Indiana; Mr. Stan Jones, President, Complete College America, Zionsville, Indiana; and Dr. Joe May, President, Louisiana Community and Technical College System, Baton Rouge, Louisiana.

September 12, 2012—“Expanding the Power of Big Labor: The NLRB’s Growing Intrusion into Higher Education” (Printed Hearing 112–68)

The hearing was held jointly with the Subcommittee on Health, Employment, Labor, and Pensions.

The purpose of the hearing was to examine three pending controversial National Labor Relations Act issues affecting higher education: whether university graduate student assistants are statutory employees under the National Labor Relations Act (NLRA); whether university faculty are employees covered by the NLRA or excluded managers; and what is the appropriate test to determine whether a university is a religious institution exempt from NLRA coverage.

Witnesses: Dr. Peter M. Weber, Dean, Brown University Graduate School, Providence, Rhode Island; Dr. Michael P. Moreland, Vice Dean and Professor of Law, Villanova University School of Law, Villanova, Pennsylvania (testifying on his own behalf); Mr. Christian Sweeney, Deputy Organizing Director, American Federation of Labor-Congress of Industrial Organizations, Washington, D.C.; and Mr. Walter Hunter, Shareholder, Littler Mendelson P.C., Providence, Rhode Island.

September 20, 2012—“Assessing College Data: Helping to Provide Valuable Information to Students, Institutions, and Taxpayers” (Printed Hearing 112–69)

The purpose of the hearing was to explore the importance and impact of data and transparency on students and their families, colleges and universities, and taxpayers.

Witnesses: Dr. Mark Schneider, Vice President, Education, Human Development and the Workforce, American Institutes for Research, Washington, D.C.; Dr. James Hallmark, Vice Chancellor for Academic Affairs, The Texas A & M University System, College

Station, Texas; Dr. José Cruz, Vice President for Higher Education Policy and Practice, The Education Trust, Washington, D.C.; and Dr. Tracy Fitzsimmons, President, Shenandoah University, Winchester, Virginia.

SUBCOMMITTEE ON HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

HEARINGS

(LINKS ARE TO THE COMMITTEE WEBSITE)

July 25, 2012—“Examining Proposals to Strengthen the National Labor Relations Act” (Printed Hearing 112–67)

The purpose of the hearing was to examine controversial National Labor Relations Board decisions and highlight legislation to improve worker rights and protect tribal sovereignty.

Witnesses: The Honorable Robert Odawi Porter, President, Seneca Nation of Indians, Salamanca, Seneca Nation; Mr. William L. Messenger, Staff Attorney, National Right to Work Legal Defense Foundation, Springfield, Virginia; Ms. Devki K. Virk, Member, Bredhoff & Kaiser, P.L.L.C., Washington, D.C.; and Dr. Tim Kane, Chief Economist, Hudson Institute, Washington, D.C.

September 12, 2012—“Expanding the Power of Big Labor: The NLRB’s Growing Intrusion into Higher Education” (Printed Hearing 112–68)

The hearing was held jointly with the Subcommittee on Higher Education and Workforce Training.

The purpose of the hearing was to examine three pending controversial National Labor Relations Act issues affecting higher education: whether university graduate student assistants are statutory employees under the National Labor Relations Act (NLRA); whether university faculty are employees covered by the NLRA or excluded managers; and what is the appropriate test to determine whether a university is a religious institution exempt from NLRA coverage.

Witnesses: Dr. Peter M. Weber, Dean, Brown University Graduate School, Providence, Rhode Island; Dr. Michael P. Moreland, Vice Dean and Professor of Law, Villanova University School of Law, Villanova, Pennsylvania (testifying on his own behalf); Mr. Christian Sweeney, Deputy Organizing Director, American Federation of Labor-Congress of Industrial Organizations, Washington, D.C.; and Mr. Walter Hunter, Shareholder, Littler Mendelson P.C., Providence, Rhode Island.

December 19, 2012—“Challenges Facing Multiemployer Pension Plans: Evaluating PBGC’s Insurance Program and Financial Outlook” (Printed Hearing 112–70)

The purpose of the hearing was to examine the ongoing challenges facing the multiemployer pension system and the Pension Benefit Guaranty Corporation.

Witness: The Honorable Joshua Gotbaum, Director, Pension Benefit Guaranty Corporation, Washington, D.C.

OVERSIGHT

(LINKS ARE TO THE COMMITTEE WEBSITE)

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 correspondence:

June 25, 2012—Letter to Secretary Arne Duncan, U.S. Department of Education, regarding questions for the record following the hearing “Reviewing the President’s Fiscal Year 2013 Budget Proposal for the U.S. Department of Education” held on March 28, 2012.

June 29, 2012—Letter to Secretary Arne Duncan, U.S. Department of Education, regarding guidance released in conjunction with the department’s waiver package relating to Title I–A funds and equitable participation requirements.

July 12, 2012—Letter to Administrator Cass R. Sunstein, Office of Management and Budget, regarding a request for information relating to the Spring 2012 Unified Agenda.

July 13, 2012—Letter to Secretary Arne Duncan, U.S. Department of Education, regarding the department’s monitoring of its grantees and their use of taxpayer dollars.

July 13, 2012—Letter to Secretary Arne Duncan, U.S. Department of Education, regarding putting on hold implementation of the gainful employment regulation.

July 17, 2012—Letter to Secretary Kathleen Sebelius, U.S. Department of Health and Human Services, regarding the status of three studies concerning state and local child abuse prevention systems, pursuant to the CAPTA Reauthorization Act of 2010.

July 18, 2012—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, regarding the effectiveness and usefulness of the research and tools produced by the Institute of Education Sciences.

July 20, 2012—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, regarding the regulatory burden of federal education regulations on elementary and secondary schools.

July 26, 2012—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, regarding the effectiveness of the federally funded science, technology, engineering, and mathematics education programs.

July 27, 2012—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, regarding the Special Supplemental Nutrition Program for Women, Infants, and Children and its standards for income determination.

July 30, 2012—Letter to Assistant Secretary Joe Main, Mine Safety and Health Administration, U.S. Department of Labor, regarding a request for additional information relating to the Mine Safety and Health Administration’s performance under the Protecting Our Workers and Ensuring Reemployment Initiative.

July 30, 2012—Letter to Secretary Hilda L. Solis, U.S. Department of Labor, regarding a request for information relating to the

Wage and Hour Division's proposed regulation entitled "Application of the Fair Labor Standards Act to Domestic Services."

July 31, 2012—Letter to Secretary Arne Duncan, U.S. Department of Education, regarding the effectiveness of the department's system to determine and evaluate at-risk and evidence-of-risk grantees.

July 31, 2012—Letter to Secretary Hilda L. Solis, U.S. Department of Labor, regarding a request for information relating to proposed rulemaking on federal contractors' nondiscrimination and affirmative action requirements pertaining to individuals with disabilities.

August 2, 2012—Letter to Secretary Hilda L. Solis, U.S. Department of Labor, regarding a request for information relating to misleading and incomplete information on the applicability of the WARN Act to sequestration provided in an Employment and Training Administration's Training and Employment Guidance Letter.

August 7, 2012—Letter to Secretary Hilda L. Solis, U.S. Department of Labor, regarding a request for information relating to the department's Office of Recovery for Auto Communities and Workers to ensure appropriate expenditure of taxpayer funds.

August 8, 2012—Letter to Chairman Mark G. Pearce, National Labor Relations Board, regarding a request for a briefing related to the Board's newly established Office of the Chief Financial Officer.

August 9, 2012—Letter to Secretary Arne Duncan, U.S. Department of Education, regarding a request for information on specified department officials in an effort to achieve more transparency and openness.

August 15, 2012—Letter to Secretary Leon Panetta, U.S. Department of Defense, regarding the FY2012 National Defense Authorization Act's disadvantaging of non-traditional high school graduates.

August 17, 2012—Letter to Assistant Secretary Joe Main, Mine Safety and Health Administration, U.S. Department of Labor, regarding the Mine Safety and Health Administration's efforts to ensure federal personnel do not provide mine operators with advanced notification of future mine safety inspections.

August 20, 2012—Letter to Secretary Hilda L. Solis, U.S. Department of Labor, regarding a timely response from the department to the committee's May 18, 2012 letter regarding questions for the record following the hearing "Reviewing the President's Fiscal Year 2013 Budget Proposal for the U.S. Department of Labor" held on March 21, 2012.

August 24, 2012—Letter to Secretary Hilda L. Solis, U.S. Department of Labor, regarding the department's use of American Recovery and Reinvestment Act funds to promote Job Corps' "Green Jobs" training initiatives on MSNBC.

August 27, 2012—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, regarding discrepancies in the awarding of planning and implementation grants related to the Promise Neighborhoods Program.

August 27, 2012—Letter to Mr. Mike Pigott, McNeely, Pigott, & Fox, LLC, regarding its work with the U.S. Department of Labor to promote Job Corps' "Green Jobs" training initiatives on MSNBC.

August 27, 2012—Letter to Secretary Arne Duncan, U.S. Department of Education, regarding the department’s circumvention of the decision in *Association of Private Sector Colleges and Universities v. Duncan*, pertaining to gainful employment regulations.

September 6, 2012—Letter to Secretary Hilda L. Solis, U.S. Department of Labor, regarding a request for information relating to the collection of compensation data from federal contractors.

September 7, 2012—Letter to Secretary Kathleen Sebelius, U.S. Department of Health and Human Services, regarding a request for information relating to the selection process for Head Start grant recipients.

September 12, 2012—Letter to Secretary Timothy Geithner, U.S. Department of the Treasury, and Director Joshua Gotbaum, Pension Benefit Guaranty Corporation, regarding a request for information relating to the federal government’s involvement in the restructuring of General Motors and pension benefits for Delphi Corporation employees.

September 14, 2012—Letter to Acting Director Jeffrey Zients, Office of Management and Budget, regarding a request for the administration to brief Chairman Kline and Representatives Foxx, Roe, and Walberg on the Department of Labor’s regulatory agenda.

September 17, 2012—Letter to Attorney General Eric H. Holder, U.S. Department of Justice, regarding allegations by the National Labor Relations Board Office of Inspector General that the Acting General Counsel for the National Labor Relations Board, Lafe Solomon, engaged in ethical and criminal misconduct.

September 18, 2012—Letter to Director Joshua Gotbaum, Pension Benefit Guaranty Corporation, regarding questions for the record following the hearing “Examining the Challenges Facing PBGC and Defined Benefit Pension Plans” held on February 2, 2012.

September 24, 2012—Letter to Secretary Hilda L. Solis, U.S. Department of Labor, regarding a request for information on misleading and incomplete guidance from the Employment and Training Administration relating to the applicability of the Worker Adjustment and Retraining Notification Act to potential sequestration caused layoffs.

October 5, 2012—Letter to Acting Director Jeffrey Zients, Office of Management and Budget, regarding a request for information relating to the Office’s September 28, 2012 guidance regarding “Allowable Contracting Costs Associated with the Worker Adjustment and Retraining Notification Act.”

October 11, 2012—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, regarding Individuals with Disabilities Education Act provisions to promote early and less costly methods of dispute resolution.

October 18, 2012—Letter to Secretary Kathleen Sebelius, U.S. Department of Health and Human Services, regarding a request for information relating to the results of the Head Start “Third Grade Follow-Up Study” conducted by the department.

October 18, 2012—Letter to Secretary Tom Vilsack, U.S. Department of Agriculture, regarding a request for information relating to meal pattern and nutrition requirements for the National School Lunch and School Breakfast programs proposed by the department.

October 19, 2012—Letter to Secretary Hilda L. Solis, U.S. Department of Labor, Secretary Timothy Geithner, U.S. Department of the Treasury, and Director Joshua Gotbaum, Pension Benefit Guaranty Corporation, regarding a timely issuance of reports by the Pension Benefit Guaranty Corporation as mandated under Section 4022 of the Employee Retirement Income Security Act of 1974 and Section 221 of the Pension Protection Act of 2006.

October 25, 2012—Letter to Acting Administrator Boris Bershteyn, Office of Information and Regulatory Affairs, Office of Management and Budget, regarding a request for information relating to the publishing of the Spring 2012 and Fall 2012 Unified Agendas.

October 26, 2012—Letter to Secretary Hilda L. Solis, U.S. Department of Labor, regarding a request for a briefing on, and information relating to, the union audit program under the Office of Labor Management Standards.

October 31, 2012—Letter to Comptroller General Gene L. Dodaro, U.S. Government Accountability Office, regarding a request for a report on the U.S. Department of Agriculture's updated nutrition standards for school meal programs under the National School Lunch Program.

November 5, 2012—Letter to Comptroller General Gene L. Dodaro, U.S. Accountability Office, regarding a request for a report on the U.S. Department of Education's administration of the Direct Loan program.

November 29, 2012—Letter to Chairman Mark G. Pearce, National Labor Relations Board, and Acting General Counsel Lafe Solomon, National Labor Relations Board, regarding Office of Inspector General's finding that personnel in the Division of Advice and Region 19 infringed upon statutory prohibitions regarding ex parte communications to Board Members.

December 17, 2012—Letter to Secretary Hilda L. Solis, U.S. Department of Labor, regarding a request for information on misleading and incomplete guidance from the Employment and Training Administration relating to the applicability of the Worker Adjustment and Retraining Notification Act to potential sequestration caused layoffs.

December 18, 2012—Letter to Secretary Timothy Geithner, U.S. Department of the Treasury, Secretary Hilda L. Solis, U.S. Department of Labor, and Secretary Kathleen Sebelius, U.S. Department of Health and Human Services, regarding a request for information concerning how employers determine whether their employees have worked an average of 30 hours per week thereby putting the employer at risk of paying new tax penalties created in Patient Protection and Affordable Care Act.

112TH CONGRESS LEGISLATION

LEGISLATION ENACTED INTO LAW—BILLS REFERRED TO COMMITTEE

P.L. 112-25—S. 365, Budget Control Act of 2011 (Sponsor: Sen. Tom Harkin)

P.L. 112-140—H.R. 6064, Temporary Surface Transportation Extension Act of 2012 (Sponsor: Rep. John Mica)

- P.L. 112-149—S. 2009, Insular Areas Act of 2011* (Sponsor: Sen. Jeff Bingaman)
- P.L. 112-176—S. 3245, a bill to extend by 3 years the authorization of the EB-5 Regional Center Program, the E-Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J-1 Visa Waiver Program* (Sponsor: Sen. Patrick Leahy)
- P.L. 112-204—H.R. 6570, To amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting requirements* (Sponsor: Rep. Scott Garrett)

LEGISLATION ENACTED INTO LAW—BILLS NOT REFERRED TO COMMITTEE

- P.L. 112-81—H.R. 1540, National Defense Authorization Act for Fiscal Year 2012* (Sponsor: Rep. Howard P. “Buck” McKeon)
- P.L. 112-141—H.R. 4348, MAP-21* (Sponsor: Rep. John Mica) (incorporates H.R. 4628, Interest Rate Reduction Act)
- P.L. 112-??—H.R. 4310, National Defense Authorization Act for Fiscal Year 2013* (Sponsor: Rep. Howard P. “Buck” McKeon)

LEGISLATION PASSED THE HOUSE—BILLS REFERRED TO COMMITTEE

- H.R. 2, Repealing the Job-Killing Health Care Law Act* (Sponsor: Rep. Eric Cantor)
- H.R. 1214, To repeal mandatory funding for school-based health center construction* (Sponsor: Rep. Michael Burgess)
- H.R. 2117, Protecting Academic Freedom in Higher Education Act* (Sponsor: Rep. Virginia Foxx)
- H.R. 2218, Empowering Parents through Quality Charter Schools Act* (Sponsor: Rep. Duncan Hunter)
- H.R. 2465, Federal Workers’ Compensation Modernization and Improvement Act* (Sponsor: Rep. John Kline)
- H.R. 2587, Protecting Jobs From Government Interference Act* (Sponsor: Rep. Tim Scott)
- H.R. 3094, Workforce Democracy and Fairness Act* (Sponsor: Rep. John Kline)
- H.R. 4157, Preserving America’s Family Farms Act* (Sponsor: Rep. Tom Latham)
- H.R. 4628, Interest Rate Reduction Act* (Sponsor: Rep. Judy Biggert)
- H.R. 4970, Violence Against Women Reauthorization Act of 2012* (Sponsor: Rep. Sandy Adams)
- H.R. 6079, Repeal of Obamacare Act* (Sponsor: Rep. Eric Cantor)
- H.R. 6371, Streamlining Claims Processing for Federal Contractor Employees Act* (Sponsor: Tim Walberg)

- H. Res. 833, Condemning the horrific attacks in Newtown, Connecticut and expressing support and prayers for all those impacted by this tragedy* (Sponsor: Christopher S. Murphy)
- H.J. Res. 118, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program* (Sponsor: Rep. Dave Camp)

LEGISLATION PASSED THE HOUSE—BILLS NOT REFERRED TO COMMITTEE, CONTAINING PROVISIONS WITHIN THE COMMITTEE'S JURISDICTION

- H. Res. 9, Instructing certain committees to report legislation replace job-killing health care law* (Sponsor: Rep. David Dreier)
- H. Res. 72, Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to the effect on jobs and economic growth* (Sponsor: Rep. Pete Sessions)
- H. Res. 107, Providing amounts for the expenses of the Committee on Education and the Workforce in the One Hundred Twelfth Congress* (Sponsor: Rep. John Kline)
- H. Res. 147, Providing for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress* (Sponsor: Rep. Dan Lungren)
- H. Res. 496, Adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress* (Sponsor: Rep. Dan Lungren)
- H. Con. Res. 34, Establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021* (Sponsor: Rep. Paul Ryan)
- H. Con. Res. 112, Establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022* (Sponsor: Rep. Paul Ryan)
- H.R. 1, Making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes (Full Year Continuing Appropriations Act, 2011)* (Sponsor: Rep. Harold Rogers) (incorporates prohibitions on the use of funds by the U.S. Department of Education to implement and enforce the gainful employment rule)

CONFERENCES WITH COMMITTEE MEMBERS AS CONFEREES

- P.L. 112–81—H.R. 1540, National Defense Authorization Act for Fiscal Year 2012* (Sponsor: Rep. Howard P. “Buck” McKeon)

P.L. 112-???—*H.R. 4310, National Defense Authorization Act for Fiscal Year 2013* (Sponsor: Rep. Howard P. “Buck” McKeon)

COMMITTEE ACTIVITY STATISTICS

Total Number of Bills and Resolutions Referred—639
Total Number of Hearings—73
Total Number of Field Hearings—7
Total Number of Bills and Other Committee Materials Considered
in Markup Session—14
Total Number of Conferences with E&W Members as Conferees—
2
Total Number of Filed Reports—15
Total Number of Bills Within the Committee’s Jurisdiction Enacted
into Law—5
Total Number of Bills Within the Committee’s Jurisdiction Passed
the House—14

MINORITY VIEWS

Throughout the 112th Congress, Committee Democrats have sought to work with this Committee's Majority whenever possible to advance measures that grow and strengthen America's middle class. Unfortunately, those opportunities for bipartisanship were few and far between. As a result, we end this Congress with deep concern over the growing backlog of unresolved legislative matters before this Committee which are critically important to our country's long-term economic strength.

K-12 Education. This Congress failed to reauthorize the Elementary and Secondary Education Act. Despite our history of bipartisanship on K-12 education policy, Committee Republicans chose a highly partisan and ideologically-driven ESEA reauthorization approach that, if it became law, would take the country back decades in education. When the Majority opted for partisanship over consensus-driven solutions, reauthorization predictably failed, leaving the country with an outdated law instead of the modern education system we know our schools, communities, families and nation desperately need. Because Congress failed to act, the Obama Administration instituted a waiver process to drive reforms among the states. But that patchwork of policies is no substitute for full ESEA reauthorization. Committee Democrats hope that in the 113th Congress, Committee Republicans change course and seek out a bipartisan reauthorization of ESEA to modernize the elementary and secondary education system in our nation.

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 meet these needs, Committee Democrats have continued to fight for full funding of the Individuals with Disabilities Act (IDEA), which provides schools with resources and supports so students with disabilities are held to high standards and gain access to general education curriculum. IDEA, however, is just one piece of the solution to improve outcomes for children with disabilities. Oversight work by Committee Democrats this Congress found, through a requested GAO study, that students with disabilities face challenges accessing federally-funded programs that can provide transition services as they leave high school for postsecondary education or the workforce. The senior Committee Democrat has urged the U.S. Departments of Education, Health and Human Services, the Social Security Administration, and Department of Labor to minimize these obstacles, and continues to monitor their progress.

Higher Education. Throughout this Congress, Committee Democrats fought to protect students' ability to obtain an affordable higher education. Republican budget proposals repeatedly threatened low and middle-income students' access to college finan-

cial aid. Fortunately, those cuts to Pell grants were successfully averted. And, with certain student loan interest rates set to double in July 2012, Committee Democrats successfully pressed for congressional action to stop that rate hike, making college more affordable for 7.4 million students next year. With respect to oversight of higher education and student aid programs, Committee Democrats have sought to both protect students and safeguard taxpayer funds, requesting investigative work on the quality of servicing provided by federal student loan servicers, the problems of predatory marketing practices and hidden fees in on-campus debit cards contracted by some institutions to disburse federal student aid, and issues confronting private student borrowers attempting to repay their debt. We hope that, with the Higher Education Act expiring during the next Congress, reauthorization efforts will be aided by this oversight work and that the Committee will work together to address the issues of college cost and affordability.

Early Childhood. Despite broad consensus by business, school, military, and economic leaders that additional strategic investments in early childhood education are essential to our country's economic growth and military readiness, Committee Republicans failed to take any action on this important policy issue. Not a single hearing focused on this area despite both Republican and Democratic witnesses at other education hearings stressing the critical importance of early childhood investments. The achievement gap we see throughout elementary and secondary education appears long before children enter kindergarten. Committee Democrats are committed to improving access to high quality early learning opportunities and hope Committee Republicans address this important topic in the 113th Congress.

Child Nutrition. Our jurisdiction over child nutrition gives this Committee a critical role in the fight against hunger and the childhood obesity epidemic. In the 111th Congress, Committee Democrats spearheaded efforts to address these issues through the enactment of the Healthy, Hunger-Free Kids Act. We continue to defend reforms ensuring food standards are based on nutrition and dietary science, not politics. Additionally, Committee Democrats have raised grave concerns regarding provisions in the House Republicans' Federal Agriculture Reform and Risk Management Act (FARRM) which change Supplemental Nutrition Assistance Program (SNAP) eligibility requirements. As a result of these changes, benefits for 2 to 3 million people, close to half low-income children, would be eliminated. The changes would also impact participants of the Free and Reduced Lunch Program, which provides needed food and nutrients to children so they can academically compete with their peers. These FARRM bill provisions would cause 280,000 low-income children to lose access to free school lunches. Committee Republicans have not acted to examine the effects of these policies on children's health, development, and education.

Child Safety. The safety of our children should be of the highest priority for this Committee. Despite numerous requests from Committee Democrats, Committee Republicans have not held hearings to examine a variety of threats to children's safety or legislation to address those threats, such as abusive seclusion and restraint practices in schools, child abuse in residential programs for teens, sex-

ual predators in schools, or the health risks for student athletes posed by concussions.

Jobs. Creating job opportunities and ensuring shared prosperity has been a top priority for Committee Democrats in this Congress. Committee Democrats repeatedly offered amendments in legislative markups to create construction jobs through funding for school repair and modernization, prevent layoffs of teachers, expand summer youth employment opportunities, and stem outsourcing. Unfortunately, all of these efforts were rejected by the Majority. From the President's American Jobs Act and the Local Jobs for America Act to the Pathways Back to Work Act and the Workforce Investment Act of 2012, Committee Democrats pursued strategies throughout the 112th Congress to create new jobs, build career pathways for workers, rethink sector-based workforce development, and strengthen the middle class. Unfortunately, Committee Republicans failed to act on these critical economic proposals.

National Labor Relations Board (NLRB). Committee Republicans committed disproportionate time and resources throughout the 112th Congress to criticize the NLRB, holding eight hearings attacking the agency and workers' rights to organize and collectively bargain. Many of these hearings were couched as oversight hearings. But, when reports came to light this year that a Republican NLRB Member had committed ethical and possibly criminal violations by providing inside information to outside parties for their private benefit, the Majority held no oversight hearings. This scandal was the most corrosive in the Board's history and struck at the heart of the agency's adjudicatory and rulemaking functions. Committee Democrats believe the resignation of Board Member Terrence Flynn in response to investigative findings by the Board's Inspector General was appropriate and necessary. Moreover, in lieu of moving the aforementioned jobs bills, Committee Republicans moved partisan bills to cripple the NLRB's ability to protect workers' rights. In the coming Congress, Committee Democrats will remain vigilant in overseeing the effective and efficient operation of the NLRB and promoting and strengthening workers' rights. The free exercise of those rights helped build America's middle class, and the highly politicized and divisive attacks on those rights that we have seen this past Congress and in legislatures around the country threaten the foundations of that middle class.

Wages and Hours. This past Congress saw a variety of attacks on the right of workers to a prevailing wage. Fortunately, efforts to strip Davis-Bacon protections for construction workers on federally-funded projects were repeatedly defeated on the House Floor. While Committee Republicans failed to call hearings or take other action on critically important wage and hour issues, ranging from wage theft to worker misclassification to the need for a minimum wage increase, Committee Democrats will press to give these matters urgently needed attention in the next Congress.

Mine Safety and Health. Committee Democrats pressed for bipartisan efforts to reform mine safety law this Congress, but those efforts were rebuffed by Committee Republicans. Despite repeated testimony before this Committee by the Assistant Secretary of Labor for Mine Safety asking for reform legislation that would give MSHA additional tools to protect miners in light of the 2010 Upper

Big Branch (UBB) mine disaster, Committee Republicans maintained they would wait for all of the UBB accident investigation reports to be completed before considering legislative reforms. Key reports have been in hand for more than a year, and yet there has been no legislative action. Family members of deceased UBB miners met with Republican and Democratic leaders of the Committee, asking them to take legislative action. Still, no action has been taken. Democrats introduced the Robert C. Byrd Mine Safety Protection Act, which includes 10 of the legislative recommendations made by the West Virginia Governor's Independent Panel. The legislation contains recommendations from MSHA and the DOL Inspector General. It is available for markup. In the meantime, Committee Democrats have continued their oversight of safety problems at the Massey Energy mines which were acquired by Alpha Natural Resources in June 2011, including an inspection of the Road Fork #51 mine in Wyoming County, West Virginia. Committee Democrats have also been investigating the problem of mine operators who refuse to pay overdue fines and penalties for mine safety violations. Several Kentucky mine operators, including the former operators of the Kentucky Darby #1 mine where 5 miners were killed in an explosion in 2006, have failed to pay in excess of \$1.5 million in penalties at several mines.

Occupational Safety and Health. In 2011, 4,609 workers were killed on the job from traumatic injuries, according to preliminary data from the Bureau of Labor Statistics, and there were at least 3.2 million occupational injuries/illnesses. Disabling injuries cost the economy between \$159 and \$318 billion in both direct and indirect costs. Rather than enacting pro-worker safety laws that would require employers to promptly abate violations, expand coverage for state and local government workers, provide for modern whistleblower protections or speed the adoption of standards to prevent combustible dust explosions, Committee Republicans have urged OSHA to roll back agency work on proposed standards to require employers to find and fix hazards as part of an injury and illness prevention program, to prevent silicosis, and to improve record-keeping of the estimated 962,000 musculoskeletal injuries each year, and called on OSHA to postpone enforcement of OSHA rules that would improve safety protections against fatal falls in residential roofing and repair.

Committee Democrats believe our nation's job safety laws must be strengthened. The Protecting America's Workers Act would bring the Occupational Safety and Health Act of 1970 into the 21st century. The Offshore Oil and Gas Worker Whistleblower Protection Act would implement a key recommendation from the National Commission on the Deepwater Horizon Oil Spill and Offshore Drilling. The Worker Protections Against Combustible Dust Explosions and Fires Act of 2011 would speed the adoption of regulations needed to prevent combustible dust explosions and fires. The Private Sector Whistleblower Protection Streamlining Act of 2012 would broaden whistleblower protections for workers to sectors of the economy that remain without such protections. Unfortunately, none of these important bills have received a hearing in this Congress.

Workers Compensation Programs. In response to requests from Committee Democrats and Republicans, the Government Accountability Office (GAO) has issued several reports which documented the impacts from proposed legislation which would cut workers' compensation benefits under the Federal Employees Compensation Act for federal and postal workers injured or killed in the line of duty. Committee Democrats have worked to ensure that federal and postal workers are not made economically worse off from injuries incurred in the line of duty than if they had not been injured in the first place, while ensuring taxpayers' interests are fairly protected through necessary program integrity measures.

Health Care. Since the Affordable Care Act was signed into law nearly three years ago, it has been under relentless assault by the Majority. House Republicans voted to repeal all or part of the law more than 30 times during this Congress. This Committee held a half dozen hearings to criticize the law. These efforts, however, have ignored the positive impact the ACA is already having on families across this country. The ACA is resulting in real savings and greater health care security for millions of families and has helped strengthen the economy. Its provisions protect American families against some of the worst abuses of the health insurance industry. The law's Medical Loss Ratio Requirement saved Americans nearly \$1.5 billion in 2011. One-hundred and five million Americans no longer face a lifetime limit on their coverage, 17 million children with pre-existing conditions can no longer be discriminated against or denied coverage due to that condition and 6.6 million young adults now have coverage through their parents' plan. Seniors have also seen greater access to coverage and lower costs. More than 5.8 million seniors who hit the prescription drug donut hole have saved more than \$5 billion. This year alone, nearly 3 million seniors have saved an average of \$677. More than 32 million have also received free preventative benefits. Some small employers have also seen their costs go down as a result of the law's small business tax credit. In 2011, 360,000 small employers received the small business tax credit to help them offer health insurance to 2 million workers. With ACA health exchanges due to open in 2014, Committee Democrats remain committed to ensuring that the ACA is fully and properly implemented.

Retirement Security. Retirement security remains a critical concern. Over half of Americans do not believe they will have adequate income to retire. The shift from defined benefit pensions to 401(k) type savings accounts that do not guarantee a pension has further exacerbated workers' retirement insecurity. Over half of workers have less than \$32,000 in retirement savings. The Majority has held several hearings related to retirement issues, but to date has put forth no legislation or any vision for improving our nation's retirement system. Committee Democrats support strong protections for workers' retirement funds and urge the Committee to take additional steps to expand workers' access to adequate retirement income.

The Committee's hearings related to retirement revealed weaknesses in funding for single and multiemployer pension plans and in the federal backstop, the Pension Benefit Guaranty Corporation (PBGC) which insures defined benefit pension plans. The Com-

mittee heard testimony from many witnesses who discussed weaknesses and offered solutions to improve workers' retirement security. Also, during this time, thanks to investigations initiated by Committee Democrats, the Inspector General of the PBGC issued several reports documenting weaknesses and mismanagement in the PBGC's oversight of its programs and the contractors hired to assist the PBGC. Democrats urge the Committee to work collaboratively to develop and put forth legislation to strengthen and expand employer based retirement plans, ensure adequate funding for such plans, and improve the effectiveness of federal programs that guarantee delivery of promised retirement benefits.

Civil Rights. Committee Republicans have remained largely silent on civil rights issues throughout the 112th Congress. Despite the fact that private sector bias charges are at an all-time high, the Majority only held one hearing this Congress on civil rights issues. The hearing was held to criticize efforts by the Office of Federal Contractor Compliance Programs (OFCCP) to strengthen civil rights protections for employees of Federal contractors. Strengthening this nation's civil rights laws remains a priority for Committee Democrats who will continue to press for the consideration of legislation to help fight workplace discrimination, such as the Paycheck Fairness Act, the Employment Non-Discrimination Act, and the Protecting Older Workers Against Discrimination Act.

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