

**NOMINATIONS OF LISA GOMEZ,  
AND JOSE JAVIER RODRIGUEZ**

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**HEARING**  
OF THE  
**COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS**  
**UNITED STATES SENATE**  
**ONE HUNDRED SEVENTEENTH CONGRESS**

FIRST SESSION

ON

EXAMINING THE NOMINATIONS OF LISA M. GOMEZ, OF NEW JERSEY,  
AND JOSE JAVIER RODRIGUEZ, OF FLORIDA, BOTH TO BE AN ASSIST-  
ANT SECRETARY OF LABOR

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OCTOBER 7, 2021  
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## NOMINATIONS OF LISA GOMEZ, AND JOSE JAVIER RODRIGUEZ

Thursday, October 7, 2021

U.S. SENATE,  
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10 a.m., in room 216, Hart Senate Office Building, Hon. Patty Murray, Chair of the Committee, presiding.

Present: Senators Murray [presiding], Casey, Baldwin, Murphy, Kaine, Hassan, Smith, Rosen, Hickenlooper, Burr, Braun, Marshall, Scott, and Tuberville.

### OPENING STATEMENT OF SENATOR MURRAY

The CHAIR. Good morning. The Senate Health, Education, Labor, and Pensions Committee will please come to order.

Today, we are holding a hearing on the nominations of Lisa Gomez to be the Assistant Secretary for the Department of Labor's Employee Benefits Security Administration, or EBSA, and Jose Javier Rodriguez to be the Assistant Secretary for the Department of Labor's Employment and Training Administration, the ETA.

Ranking Member Burr and I will each have an opening statement, and then I will introduce our witnesses. And after they give their testimony, Senators will each have 5 minutes for a round of questions.

We are again unable to have this hearing fully open to the public or media for in-person attendance. Live video is available on our Committee website at [help.senate.gov](https://help.senate.gov). If you are in need of accommodations, including closed captioning, you can reach out to the Committee or the Office of Congressional Accessibility Services.

We received Ms. Gomez' formal nomination on July 28th, her Office of Government Ethics paperwork on August 9th, her Committee paperwork on September 15th.

We received Mr. Rodriguez' formal nomination July 13th, his Office of Government Ethics paperwork on July 27th, and his Committee paperwork on September 15th.

I would like to thank all of our witnesses for joining us, and also, welcome to your families. Ms. Gomez' husband, Alex Gomez, and their three children, Tina, Alyssia, and Adrian, are watching from home. And Mr. Rodriguez' wife, Sonia Succar, is here with him. Welcome to all of you.

EBSA and ETA both do critical work to make sure the economic security of families across the Country, so I am pleased to have be-

fore us two extremely qualified nominees who have shown they have what it takes to lead these important agencies.

EBSA has the massive task of overseeing more than 700,000 retirement plans, two million health plans, and 880,000 other welfare benefit plans. That is tens of trillions in assets overall, the management of which has huge consequences for the everyday lives and futures of millions of our families across the Country.

The agency also has a critical role to play in addressing threats to families' financial security, like unscrupulous financial advisors that may put their own interests above the financial security of those who turn to them for help, or the growing array of cybersecurity threats.

While Congress passed legislation to address the multi-employer pension crisis, which threatened to cut the hard-earned benefits of millions of workers who did nothing wrong, EBSA faces the challenge of helping retirement plan participants recover the benefits they are entitled to.

EBSA also enforces critical protections for people who get their healthcare coverage through their job, such as protections for people with pre-existing conditions; protections enacted in the ACA, including access to free preventive services; and mental health parity and addiction equity law, which ensures health plans cover those benefits at the same level they would cover other medical care.

Thanks to the law we passed last year banning surprise medical bills, EBSA will help make insurance companies—make sure insurance companies cannot leave patients with unexpected, exorbitant medical bills for out-of-network care and will have additional tools to enforce mental health parity.

While EBSA works to make sure the benefits millions of employers provide comply with Federal protections, ETA plays another critical role when it comes to providing economic security for workers and their families. It is charged with addressing our Nation's workforce needs and works to do this by providing high-quality job training and employment programs, administering worker dislocation programs, tracking labor market information, and supporting unemployment insurance and other state programs through Federal grants.

During the COVID-19 crisis, we have seen how unemployment insurance programs are a critical lifeline for workers when their financial security is upended. But also, how urgently—we urgently need to modernize our unemployment insurance system so relief is not delayed by outdated infrastructure. ETA has been at the forefront of these efforts.

As we work to recover from this pandemic, it also has a key role to play in our Nation's workforce—addressing our workforce shortages this pandemic has exacerbated in so many fields.

Our Nation has an enormous challenge ahead to build back from this pandemic stronger and fairer. It will take additional bold relief, which Democrats are continuing to fight for, and it will take experienced leaders like Ms. Gomez and Mr. Rodriguez at key agencies like EBSA and ETA.

I look forward to hearing from both of you about the challenges ahead and how we build an economy that truly works for working families.

Now, before I turn it over to Ranking Member Burr for his opening remarks, I seek unanimous consent to put in the record three letters in support of Ms. Gomez' nomination and 26 letters in support of Mr. Rodriguez' nomination. So ordered.

[The information referred to was not submitted.]

The CHAIR. Senator Burr.

#### OPENING STATEMENT OF SENATOR BURR

Senator BURR. Thank you, Madam Chair.

The purpose of this hearing is to consider the nominees to serve on the Employee Benefits Security Administration and Employment and Training. To our nominees today, welcome, and to your families, congratulations.

In my role as Ranking Member, this is usually where I either raise concerns about your qualifications or raise concerns about some terrible thing that the Administration is doing. There are enough concerns—excuse me. There are enough concerning things being done by the White House and the National Labor Relations Board to fill volumes of the Congressional Record.

But, today, I have to address the reckless spend—tax and spend agenda of the partisan majority that calls for \$3.5 trillion in additional spending and a massive transformation of the size and scope of the Federal Government. That is on top, on top, of the 3.5 trillion we spent combating COVID last year, all passed on a bipartisan basis. It may seem like a distant memory, but Republicans and Democrats actually worked together on those bills.

That is on top of the 1.9 trillion splurge by a partisan majority less than 7 months ago during its first taxpayer funding spree.

In the past 18 months, the Congress has added \$5.4 trillion to the national ledgers, and it is \$29 trillion in debt.

Social Security actuaries say Social Security will become insolvent in 2034, leading to cuts by as much as 24 percent in the retirement benefits of approximately 65 million Americans.

Medicare is equally in dire shape. Medicare's hospital trust fund is set to run out of money in 2026, just a few years down the road. The Medicare trustees, which include, by the way, Secretary Becerra, Secretary Yellen, and Secretary Walsh, admit that when Medicare cannot pay its bills, beneficiaries' access to health services will be rapidly curtailed.

But, instead of working to make these programs solvent, a narrow partisan majority wants to grow government even more and add another \$3.5 trillion, at least, in a massive socialist redesign of society.

We should be honest that this is a socialist agenda. You can dress it up with the label of progressive, but when you put government at the center of every decision a family makes about childcare and education, about healthcare, energy production, where we live, how we work, how much you can earn, how much you can save, and how much you can pass onto your children, that is not making a free society more free or more fair. That is making government bigger, to control our lives.

Rammed into this vision for progressive socialist America is an instruction to this Committee to report spending, legislative spending, of \$726 billion—three-quarters of a trillion dollars.

On August 23rd, every Republican on this Committee wrote, asking for a hearing and markups on any proposals to meet those instructions within the Committee's jurisdiction. Because if the Committee is tasked with spending three-quarters of a trillion dollars, when we are evenly divided in the U.S. Senate, you would think hearings and markups would in fact be on the docket. Based upon the Committee's public calendar and this week's letter from Senator Schumer, I suspect that we are not going to be given the opportunity.

I would like to remind my friends on the other side of the aisle—and, I might say, many of them are my friends—that Democrats have the barest of majorities. Democrats hold a three-seat majority in the U.S. House; and, only with the Vice President breaking a tie, do Democrats run the Senate.

This is not a mandate for sweeping partisan legislation to reshape every aspect of American family. It is not a mandate for grand socialist expansion of government designed and driven by the furthest left reaches of the Democrat socialist in your party.

Why am I so frustrated? It was not that long ago that the Senate came together in a bipartisan fashion to work on childcare. I remember. I was here.

In 2014, Barbara Mikulski and I led the reauthorization of the Childcare and Development Block Grant, a bipartisan law that has been the foundation of access to healthcare for over—or to childcare for over 30 years. Barbara and I held three hearings on the legislation. We marked it up. We worked all the issues out, and then we passed it, unanimously, in this hearing room. Unfortunately—we passed it in the U.S. Senate overwhelmingly, 96 to 2, and the final agreement, after conference, 88 to 1.

Republicans and Democrats on this Committee have proven overwhelmingly that we care about childcare and that we both want to help families have the opportunity to get high-quality care for their children.

In 2007, this Committee reauthorized Head Start and Early Start programs to make major improvements to critical programs for our Nation's youth.

As recently as 2015, this Committee, included in the Every Student Succeeds Act signed by President Obama, the preschool development grants to help states further their efforts to improve and coordinate childcare and early childhood development. More proof that Republicans and Democrats can work together on these issues if given the chance.

Last year alone, the Federal Government spent \$21.4 billion on childcare and early education in addition to 53.5 billion provided in childcare and early education funding provided through the CARES Act and other legislation.

We also have nine Federal programs and three tax expenditures with early childhood and preschool as their explicit purpose, and 35, 35, additional Federal programs that support early education and childcare.

Without a hearing, without a Committee vote, the progressive socialists are saying that Congress should ignore all the bipartisan work, the bipartisan support, that bipartisan foundation of millions of families across the Country for a poorly conceived effort to grow government.

We have massively successful programs that support a rich, mixed delivery system of providers, from family childcare providers, mom-and-pop operations, to churches, synagogues and mosques, to employer-based care and large center-based programs that span the Country.

Ending that successful system, destroying it from within, and especially shutting down faith-based providers as the House proposal does, is not worthy of a great Country, and it is certainly not worthy of a great Senate.

In higher education, the House bill again throws away decades of bipartisan efforts and collaboration. In higher education, we fund the student, not the institution. We give students Pell Grants and student loans, and they pick the college they want to go to. That started under the G.I. Bill of World War II and continues today. The House proposes to subvert that entirely and fund just some schools while commandeering state authority to advance this partisan objective of Washington control over more of our educational system.

Community colleges are the backbone of our communities, and I am proud to support them. We have some of the Nation's best community colleges in North Carolina. Our tuition is already affordable, and tuition is essentially free, free, with a Pell Grant.

But, as I look across the Country, most of these institutions have terrible completion rates. We should not just pour money into schools that cannot get their students out with a degree or a certificate, and we should not make that the only affordable option for low-income students.

Republicans and Democrats agree that college should be more affordable; that our graduation rate is too low; and accountability in higher education is lacking. We agree that our student loan repayment programs are too complex.

I am grateful to Senator Angus King, an Independent who sits on the Democrats' side of the aisle and agrees on a bipartisan solution as to how to fix it. We do not need to control state higher education policy from here. We do not need the Federal guardrails for the bad old days of No Child Left Behind in higher education.

We could, Heaven forbid, work together. That is the model this Committee famously stands for. Two previous Chairmen, my good friend, Ted Kennedy and Mike Enzi, called it the 80-20 rule. We usually agree on 80 percent; we disagree on 20. So, let's work on the 80.

But, these partisan efforts will change that. If Democrats succeed in ramming through partisan legislation like this, Republicans and Democrats will no longer agree on higher education or on childcare or on national service. Instead, we will seesaw back and forth in support and opposition. The cycle of anger will grow, and the very fabric of society will continue to tear itself apart.

We have shown we can work together on a bipartisan infrastructure bill—one trillion in spending, six—including 500 billion in new

spending; 110 billion for roads; 65 billion for high-speed internet; 40 billion for bridges; 39 billion for transit. There is about 66 billion in funding for Amtrak for the President.

But, the answer from the left, from the admirers of socialism and total government control, is no. If they cannot get everything they want, they would rather have nothing. They have even proudly said that last Saturday—last Friday, that nothing is better than something. Tell that to the families who are relying on jobs created by the infrastructure bill. Tell that to school children in rural communities that for the first time are going to get high-speed internet.

They used to say that it was my way or the highway. I guess it is now my way or no highway. And when traffic jams mount, when communities get—commutes get longer, you can thank the Democrats, who do not understand that most Americans do not want to live in a worker's paradise.

I say to my colleagues, let's set aside this disastrous budget. Let's set aside this reckless tax and spend agenda, designed by progressives. Let's tackle these challenges together, which is what the American people sent us here to do.

I yield back.

The CHAIR. Thank you.

We will now introduce today's witnesses. Our first witness is Lisa Gomez, President Biden's nominee to lead the Employee Benefits Security Administration.

Ms. Gomez is currently a partner at the law firm Cohen, Weiss and Simon, and the chair of the firm's management committee. At Cohen, Weiss and Simon, Ms. Gomez represents clients on issues running the gamut of employee benefits law. She has worked with Federal employee health benefits plans, multi-employer pension and welfare plans, single-employer plans, jointly administered training program trust funds, plans sponsored by unions for their internal staff, and more.

She is also a member of the American Bar Association's Labor and Employment Law Section Committee and the International Foundation for Employee Benefit Plans.

She was recognized in 2014 for her contributions to the employee benefits field by being inducted as a fellow of the American College of Employee Benefits Counsel.

She serves on the board of senior editors for the ABA and Bloomberg Law Employee Benefits Law Treatise and authoritative text in the field.

She is also a member of the Peggy Browning Fund's advisory board, an organization which helps law students pursue opportunities to fight for workers' rights.

Ms. Gomez received her undergraduate degree from Hofstra University and her law degree from Fordham University Law School, where she was an editor at the Fordham Urban Law Journal.

Ms. Gomez, we are glad you could join us today. Given your deep experience in employee benefits law, I believe you are a highly qualified pick to lead EBSA, and I look forward to your testimony.

We will also hear today from Jose Javier Rodriguez, who is nominated to lead the Employment and Training Administration. He is

a litigator and partner at the law firm Sugarman & Susskind, representing employees, labor unions, and pension and benefit funds.

He served for 8 years in the Florida legislature, first in the State House of Representatives and later in the State Senate, where he was vice chair of the Judiciary Committee.

During his time in the state legislature, Mr. Rodriguez proved himself as a strong advocate for workers and families.

He pressed for action on climate change and successfully worked to pass landmark environmental legislation.

He helped rally support for a ballot measure the state passed last year to raise the minimum wage to \$15 an hour.

He fought throughout this pandemic for financial support for struggling workers and families.

Mr. Rodriguez began his career in service. Before he joined the legislature, after receiving his undergraduate degree from Brown University, he served as a Peace Corps volunteer in Senegal.

After graduating from Harvard Law School, he began his legal career as a legal aid attorney for Florida Legal Services, where he litigated cases on behalf of workers who are paid low wages, tenants, and small businesses.

Mr. Rodriguez also served as an adjunct law professor throughout his career, most recently at St. Thomas University School of Law.

Mr. Rodriguez, I am pleased to have a champion for workers like you nominated for this critical role. I appreciate you joining us today and look forward to hearing from you.

Ms. Gomez, we will begin with your testimony.

#### **STATEMENT OF LISA GOMEZ, RARITAN TOWNSHIP, NJ**

Ms. GOMEZ. Good morning. Thank you, Chair Murray, for that introduction.

Chair Murray, Ranking Member Burr, and Members of the Committee, it is my honor to appear before you today as you consider my nomination for Assistant Secretary of the Employee Benefits Security Administration, EBSA.

If confirmed, I am committed to serving and protecting the participants and beneficiaries in America's employee benefit plans. I will dedicate myself to carrying out EBSA's mission of ensuring the security of the retirement health and other workplace-related benefits of America's workers and their families.

I thank President Biden and Vice President Harris for this tremendous opportunity, and Secretary Walsh for his support of my nomination. I am thrilled at the possibility of being able to contribute in a meaningful way to the important work of EBSA, the Department of Labor, and this Administration.

I would like to extend my love and deep gratitude to my amazing children, my daughters Tina and Alyssia, and my son, Adrian. I wish they could be here in person. They are and will always be my greatest accomplishments and the sources of my inspiration to make a difference and to lift others up.

I am forever thankful to Alex, my devoted husband, for always being by my side as my most ardent supporter and friend, as he is here with me today.

I want to also thank my family, friends, and colleagues, and my parents, Linda and Lou, for the tremendous love and support they have surrounded me with, especially during this process and as I move forward toward this incredible new chapter.

I was raised in a working class family and was the first to attend college. While I was not sure exactly what I wanted to do with my life, I knew I wanted to work to protect others and make a difference.

In law school, I learned about the struggle to protect America's workers and their hard-earned benefits. I came to understand that my father, who worked for a small printing shop, and my mother, who worked at a local uniform supply company after being home with us, did not have most of these basic protections. Despite years of hard work, they did not have any form of workplace retirement benefits to provide security in later years. It was not until my father was within a few years of retirement that he had any opportunity for a pension benefit.

I have spent the last 27 years, my entire legal career, representing employee benefit plans. My work has focused on protecting the benefits of workers and their families, and helping them to understand their benefits.

It has also centered on counseling plan sponsors so that they can comprehend and appreciate their responsibilities to participants and their families.

My extensive experience with plans, with employees, and employers in a broad and diverse range of industries, with different concerns and needs, has given me a fuller understanding of how to serve them all best.

Over nearly three decades, I have found that my substantive experience in the law must work hand in glove with managing challenging—challenges and empowering people.

One of the most rewarding aspects of my work is bringing parties with competing interests to consensus. To now have the honor of this nomination and the opportunity to serve and contribute on behalf of all Americans is an unbelievable dream job.

A key strength I bring to this position is my ability to assess difficult situations, see the clear path forward, and bring the parties to reach the end goal. Bringing people toward practicable, workable solutions, I strive to have people sincerely feel heard, no matter the ultimate outcome. My end goal is to help EBSA carry out its mission and do its part in Bringing Back Better.

If confirmed, it would be an honor to work with everyone at EBSA, the Department, the related agencies, Congress, and this Administration to make EBSA's mission a reality.

Former Secretary of Labor, Frances Perkins, said, There is always a large horizon. There is much to be done. It is up to you to contribute some small part to a program of human betterment for all time.

It would be my privilege to do so through this role.

Thank you, and I look forward to your questions.

[The prepared statement of Ms. Gomez follows:]

## PREPARED STATEMENT OF LISA GOMEZ

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I was raised in a working class family and was the first to attend college. While I wasn't sure what I wanted to do in life, I knew I wanted to work to protect others and make a difference. In law school, I learned about the struggle to protect America's workers and their hard earned benefits. I came to understand that my dad, who worked for a small printing shop and my mom, who worked at a local uniform supply company after being home with us, did not have most of these basic protections. Despite years of hard work, they did not have any form of workplace retirement benefits to provide security in later years. It was not until my father was within a few years of retirement that he had any opportunity for a pension benefit.

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Over nearly three decades, I have found that my substantive experience in the law must work hand-in-glove with managing challenges and empowering people. One of the rewarding aspects of my work is bringing parties with competing interests to consensus.

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Thank you, and I look forward to your questions.

The CHAIR. Thank you.  
Mr. Rodriguez.

**STATEMENT OF JOSE JAVIER RODRIGUEZ, MIAMI, FL**

Mr. RODRIGUEZ. Chair Murray, Ranking Member Burr, and Members of the Committee, I am honored to appear before you

today as nominee for Assistant Secretary of Labor for Employment and Training.

I thank President Biden for nominating me. I share his commitment and that of his Administration to a strong and competitive American workforce. If confirmed, I look forward to serving the American people during these times that have been so challenging for workers and their families, for businesses, and for communities.

I thank my wife, Sonia, who is in the Committee room with us today. She traveled with me from Miami. Both of us say hello to our two boys, who will watch from home after school today with family.

I am also grateful to my parents. I grew up bicultural and bilingual. My mother, Joyce, grew up in rural Indiana, and until her retirement, she worked in bedside nursing at our local public hospital. She and our family instilled strong values in my brother and I, and helped inspire my public service.

My father, Guillermo, left communist Cuba alone as a boy during Operation Pedro Pan, a program that evacuated unaccompanied Cuban children in the early 1960's. After paying his way through college, serving in the U.S. Corps—Army Corps of Engineers, and working as a corporate executive, my father went on to start and run a successful small business. From him, I learned the value of hard work and making the most of opportunity that no other country offers.

The American Dream is that hard work will meet with success if given the opportunity. That is my family story, and it has motivated a career of service dedicated to making sure those opportunities remain open.

Before law school, I served in the Peace Corps in West Africa, first training small business owners, and then helping design training programs in the Employment Section at Senegal's Ministry of Labor.

I returned home to Miami after earning a Harvard Law degree. I worked as a Legal Aid lawyer, representing employees, homeowners, and small businesses who could not afford a lawyer but needed help as they sought to improve their economic futures.

I later went into private practice. I am currently a partner at a labor and employment firm where, among many other matters, I have had the chance to work with joint apprenticeship and training committees.

For 8 years, I had the honor of serving my fellow Floridians in the state legislature. In my first campaign, my platform included reform of our state jobs programs. So, I was thrilled when one of the first bills I presented after arriving at the capitol became part of that year's bipartisan economic development and jobs reform.

That year, I also proposed legislation that would have been part of modernizing our unemployment system. I am proud to report that some of that work bore fruit before I left. Much of that work, however, remains to be done. The pandemic made that painfully clear.

Like many colleagues, I took pride in the constituent service that I did throughout my legislative—through my legislative office. Last year, during the pandemic, my team and I served small businesses together with our local workforce board. We also served hundreds

of constituents that desperately needed an economic bridge but were failed by an inadequate and unreliable unemployment system.

If confirmed, I hope to serve the many Americans who need and deserve a responsive, modern workforce system.

They are workers willing to put in the time to earn a higher wage.

They are disadvantaged youth or returning citizens who will thrive in the workforce with some assistance overcoming barriers.

They are young people who want a career rather than a series of low-paying jobs.

They are employers in growth industries that need skilled workers, or employers in industries battered by change that need to upskill their current workforce.

They are hard-hit communities, looking for the added economic stability that temporary support programs can provide.

They are workers who will be able to compete and lead as our Nation tackles the climate crisis.

Delivering on all of these is the business of the Employment and Training Administration. If confirmed, I would be honored to lead this critical mission.

I look forward to addressing any questions that you have. Thank you.

[The prepared statement of Mr. Rodriguez follows:]

PREPARED STATEMENT OF JOSE JAVIER RODRIGUEZ

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If confirmed, I hope to serve the many Americans who need and deserve a responsive, modern workforce system.

They're workers willing to put in the time to earn a higher wage.

They're disadvantaged youth or returning citizens who will thrive in the workforce with some assistance overcoming barriers.

They're young people who want a career rather than a series of jobs.

They're employers in growth industries that need skilled workers.

Or employers in industries battered by change that need to upskill their current workforce.

They're hard-hit communities looking for the added economic stability that temporary support programs can provide.

They're workers who will be able to compete and lead as our Nation tackles the climate crisis.

Delivering on all of these is the business of the Employment and Training Administration. If confirmed, I would be honored to lead this critical mission.

Thank you. I look forward to addressing any questions you have.

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The CHAIR. Thank you very much, Mr. Rodriguez.

We will now begin our round of 5-minute questions, and I will ask my colleagues to please keep track of the clock and stay within those 5 minutes. And I will begin.

Four in every 10 women expect the pandemic will have a long-term impact on their finances and inequities throughout our economy, and this has really left women, on average, less financially secure in retirement than men as a result of that. The COVID-19 pandemic has really made all of this worse. It was a problem before.

I recently reintroduced the Women's Retirement Protection Act to address some of these long-standing inequities by expanding eligibility for employer-sponsored retirement plans to more part-time workers, most of them who are women, and expanding protections to prevent one spouse from undermining a couple's retirement resources without the other's knowledge and consent.

Ms. Gomez, if you are confirmed, how will you plan to address some of the challenges that women face in saving for retirement?

Ms. GOMEZ. Thank you, Chair Murray, for your thoughtful introduction. And I appreciated our discussion, and I thank you for your commitment to workers' rights, and particularly to issues related to protecting women in retirement, as you mentioned.

I am fully supportive of efforts to increase financial security for those who face systemic barriers, including women, or who have been economically or socially marginalized, particularly as a result of the pandemic. And, if confirmed, I would look forward to work-

ing with Congress to better understand the challenges and to address those challenges so that women have more financial security in retirement.

I thank you again for this very important issue and for that question.

The CHAIR. Thank you.

Mr. Rodriguez, for the past several decades, workers have experienced growing inequality, a trend that has increased exponentially during this pandemic. Women, workers of color, workers with disabilities are increasingly being left behind.

Workers who could benefit the most from workforce training programs are more likely facing challenges to access them. These programs are often not accessible to workers who work multiple jobs or have other demands on their time, like caregiving for their kids and other family members. Some workers may not be able to afford to take time off from working, or may not have access to transportation needed to reach training centers.

I wanted to ask you, if you are confirmed, what steps will you take to expand access to workforce training programs for those workers who stand to benefit the most from those programs?

Mr. RODRIGUEZ. Senator, thank you for your question, and thank you also for your introduction.

The President and the Secretary have made equity central to their agenda. It is one of the reasons why, if confirmed, I would be thrilled to join the Department of Labor.

When it comes to equity and reform of our public workforce system, reauthorization of the central framework of our public workforce system is a priority for the President, and he has laid it out in his proposed budget. And, as I said, equity is at the center. Federal resources must deliver equitable outcomes for workers and communities historically underserved and most adversely affected by inequality and poverty. The President has proposed historic investments in the system, prioritizing the—those who have traditionally been underserved.

Just as an example, in Florida, where I come from, we have seasoned workforce providers that work with returning citizens and are very attuned to the onramps that those ending a term of incarceration need to get to the right place in the workforce, whether that is adult basic education, whether that is career counseling, whether that is paid work opportunities.

I would mention that throughout the programs that ETA administers, the President's executive order on equity has really set the tone. And, I would mention that, for example, in apprenticeship, where the President has proposed significant expansion of apprenticeship slots—apprenticeship, of course, is the premiere earn-as-you-learn training strategy.

But, it is extremely important for many reasons, but one of them is because it is a great way to increase the representation of folks who have traditionally been unrepresented in the workforce. And the Secretary has partnered ETA and the Women's Bureau, for example, specifically to have a strategic approach to making sure that women are also better represented in apprenticeship.

The CHAIR. Thank you very much to both of you.

Senator Burr.

Senator BURR. Thank you, Madam Chair.

To both of you, you come from a tremendously strong and impressive family background, so it begs me to remind you of something you may not know, or maybe you have forgotten.

In 2009, Democrats had 60 votes in the U.S. Senate, 256 in the House. They used reconciliation to pass massive legislation inserting government deeply into healthcare. For all of the many problems with that legislation, at least it was done in the light of day, starting on June 17th and ending almost an entire month later on July 15th. This Committee spent 13 legislative days working on a record number of amendments.

We even adopted a bipartisan amendment, even though it was abundantly clear that no Republicans were going to vote for the massive government expansion that made healthcare more expensive for millions; made millions more dependent on government; robbed Americans of the power to choose their own insurance; raised taxes on seniors, innovators, and any person who did not want or could not afford to purchase healthcare.

We had a similarly exhausting process in the Senate Finance Committee. In 2017, when Republicans moved to pass the job—the Tax Cuts and Jobs Act, we did it in the light of day. The Senate Finance Committee had a markup that lasted 4 consecutive days with 23 hours and 34 minutes of Committee time. Three hundred and fifty amendments were filed while 69 amendments were considered. Thirty-five bipartisan amendments were adopted as part of the chairman's mark.

Now, we sit in Congress that has the narrowest margins in a century and not a single committee in the Senate is going to consider the current reconciliation legislation. No committee in the entire U.S. Senate will have a hearing or a markup on a bill that would massively grow government, massively grow dependence on government, massively shove government into decisions individuals, parents, families, and every company make every day of their lives.

Ronald Reagan and Milton Friedman developed the adage that there was nothing so permanent as a temporary government program.

Well, the Democrats are determined to prove them right. Under COVID, we temporarily expanded taxpayer subsidies for insurance companies. Now, they want to make them permanent without a markup.

Democrats must not want to confront the reality that their proposals have actually cost millions of Americans to lose their health insurance plans and increase healthcare costs overall. They did not make healthcare more affordable; they made it more expensive. And, they just shifted the cost to taxpayers and younger Americans, making insurance free for some but grossly unaffordable for others. It is just a nationwide game of robbing Peter to pay Paul.

PolitiFact even called it the Lie of the Year when President Obama and nearly every Democrat in Congress said that if you like your plan, you can keep your plan. Now, Democrats propose to literally take over health insurance, away from people in states that do not like it, and shove them into a government-run plan.

The great philosopher, C.S. Lewis, warned us against this type of arrogance in government when he said that a tyranny exercised for good of its victims may be the worst oppressive; and warned us against those who torment us for our own good because they will torment us without end so that they do so with the approval of their own conscience.

Democrats failed to force all states into Medicare—Medicaid expansion scheme. They failed to make healthcare costs cheaper, failed to make health insurance cheaper. But, not to worry. The technocrats', bureaucrats', professors' lounge is on top of it. If they did not get it right, no worries. They will just try again, and again, no matter what you want because they know best.

They have also decided that states should no longer be responsible for licensing and approving of who runs healthcare in their states. Democrats trust the Federal Government to make decisions for you, but out in the real world, we think people should have the ability to make these types of decisions for themselves.

After 12 months of constant debate and struggles over health insurance, you would think someone on that side of the aisle would actually understand the concept of how insurance works. A 3-year long open enrollment season is only aimed at killing private insurance. There cannot be any other explanation.

Enrollment seasons exist so insurance companies know who is purchasing coverage in order to negotiate rates with providers and hospitals so they can plan ahead, so they can have a viable network, and not go out of business. All of this creates predictability and lowers premiums.

I understand Democrats think subsidies can fix any problem. But, no matter how much they want, it is impossible to repeal the laws of economics. So, instead, they propose to take insurance markets they break, break them further, and cut checks to insurance companies with the hopes they will not notice. This is an exceedingly bad idea.

I hope I have given you a little insight into the past.

I yield back.

The CHAIR. Senator Smith.

Senator SMITH. Thank you, Madam Chair, and welcome to our two nominees. It is wonderful to be here. And welcome to your family, as well. Thank you for your willingness to serve our Country in this way.

I am going to try to ask each of you a question, and I am going to start with Ms. Gomez. I would like to follow-up on the conversation you and I had, I think it was earlier this week. It has been a long week.

After I was appointed to the Senate in 2018, one of the first things I did was go to Duluth, Minnesota to meet with a group of Teamsters retirees, and they told me about their deep concerns about the impending insolvency of their pension plan, the Central States Pension Plan.

Here is this group of individuals who had worked hard, done everything right, paid into their pension, and now, that hard-earned pension was at risk of insolvency, through no fault of their own or the management of the pension.

Vickie, one of the retirees, told me about how if she lost this pension, if it was not there for her, she says, I don't have a Plan B. Plan B for me is living under a bridge.

Now, earlier this year, I am so grateful that we were able to pass landmark legislation to provide a lifeline to these retirees and to keep multi-employer pension plans solvent for at least the next 30 years. And now, we turn to implementation, which is always challenging, and we need to make sure that implementation works.

Ms. Gomez, if you are confirmed, what will you do to address the implementation challenges that we are seeing here and to work with us to make sure that these plans get the full funding that they need to stay solvent for 30 years?

Ms. GOMEZ. Yes. Thank you, Senator, for that question, and I did enjoy our conversation however many days ago that may have been. I have lost—sort of lost track.

Before the American Rescue Plan was passed, there were millions of Americans who were in the same situation as the worker you described, who had worked their entire careers toward a pension that was now at risk of being lost, with plans approaching insolvency, and with the PBGC being itself at risk.

If confirmed, I expect to be fully briefed on the current status of the rulemaking process, and to work with the other Departments in making sure that we implement a program that achieves the mission of that law and has the appropriate safeguards so that plans that are entitled to this relief and eligible for this relief will receive the assistance that they need; assistance that really gave a sigh of relief, not to use the word loosely, but to both the unions and the employers that were contributing to those funds so that they could make sure that they lived up to the promise that they made to those employees.

I look forward to, if I am fortunate enough to be confirmed, working to implement those safeguards in moving forward. Thank you.

Senator SMITH. Thank you. I look forward to working with you on that, as well. I appreciate that very much.

Ms. GOMEZ. Thank you.

Senator SMITH. Mr. Rodriguez, I would like to talk with you briefly about registered apprenticeship programs. And I want to draw your attention to some great work that is happening in Little Canada, Minnesota, which is being done at the Finishing Trades Institute of the Upper Midwest, which is led by IUPAT, the International Union of Painters and Allied Trades.

What they are doing is pretty unique. They are—it is an authorized institution of higher education in the State of Minnesota, and they are running an official registered apprenticeship program around industrial painting and coatings and glazing and others, other activities. And, so, they are getting—developing skilled tradespeople and helping students earn their degree and qualifications. And it is also cutting edge because they are doing great work to advance equity and serving people who have historically been underserved and underrepresented in these trades.

I would welcome my colleagues, including my Republican colleagues, if you are interested in joining with me and working with me to support this type of apprenticeship college, I would be delighted to work with you on this.

This is my question, Mr. Rodriguez. Can you speak to how you would approach the workforce education system, including registered apprenticeships, under your purview at the ETA?

Mr. RODRIGUEZ. Senator, thank you so much for your question and for your commitment to apprenticeship and to the training of the workforce.

I am familiar with the Finishing Trades Institute in Florida, as well. And the reason—reasons that you mentioned that apprenticeship is the benchmark earn-as-you-learn strategy are not only because it is cost-effective for government; it is a win-win for employers and employees. But, also, because it is an extremely effective tool that we have to address underrepresentation in many occupations.

I absolutely would, if confirmed, would be honored to work with you. And, I know that the Administration has as a priority the National Apprenticeship Act, which would be the first effort to do so since the 1930's.

Senator SMITH. Thank you very much.

I yield back, Madam Chair.

The CHAIR. Yes.

Senator Tuberville.

Senator TUBERVILLE. Thank you, Madam Chair.

Thank you both for being here today.

Mr. Rodriguez, Congress right now is in the middle of debating a \$3.5 trillion bill with all kind of programs in it. My Democratic colleagues continue to talk about pay-fors in ways that they somehow can justify spending that much money. I know you are a big fan of expanding unemployment benefits, and you want to make—as we all want to make sure everybody has access.

We also know that over the past year and a half, we saw tons of fraud in unemployment. In California alone, we know there has been found out to be 11.4 billion in fraudulent payments sent out; possibly over 20 billion. I am sure other states were in similar positions. The Department of Labor Inspector General estimates that more than 63 billion have been paid out through fraud.

Mr. Rodriguez, what is being done to recover the money? Will people be prosecuted? And what will you personally do if confirmed?

Mr. RODRIGUEZ. Senator, thank you so much for your question and for your concern for the 53 unemployment systems.

It is absolutely the case that transnational criminal syndicates exploited the unreadiness of states with respect to security concerns. That is especially true with remote identity verification. The just—again—

A footnote from Florida, as well. We learned that there was a—that the identities of 58,000 claimants were impacted by a data breach. So, these are live issues. They are very, very important.

The pandemic exposed these long-standing challenges in our unemployment system, not just about access, as you mentioned, but also in security. The design of our systems was out of touch with the modern workforce, but also, the architecture of these systems was outdated and inflexible, and the fact that they were ill-equipped for security threats was part of that.

The Administration has moved forward with support from Congress, most recently through ARPA, to address equitable access, but also to root out the fraud plaguing the systems.

It has provided immediate technical assistance to states, sending teams of specialists.

It has also had a focus on increasing the capacity of states, particularly with identity verification, and is developing open modular technology to help update and protect the systems, in addition to deploying grants to states.

If confirmed, I would also look forward to working with the modernization office that the Secretary has established, as well as working with state unemployment systems on these solutions. They are critically important.

But, I would note one of the reasons why it is so important to get this right is that despite the failures in our unemployment systems, they nevertheless were the reason why 53 million workers were able to stay afloat during the pandemic and helped stave off an even deeper recession. So, we do need to tackle these challenges.

Senator TUBERVILLE. Yes. Mr. Rodriguez, we cannot afford that many billion in fraud. And it will get worse. We know that organization is the key to winning in this situation, so I know you will be well organized.

Ms. Gomez, please briefly walk me through what it means to be a fiduciary as it is defined by ERISA.

[Technical difficulties.]

Ms. GOMEZ. There is a five-part test for determining whether an individual is a fiduciary, and there is really no—there is nothing that is more central to ERISA than defining who is a fiduciary.

But, in determining exactly who is a fiduciary in different contexts has been the source of some disagreement, and it has been a long road to get there. And I look forward, if I am fortunate enough to be confirmed, to working with the SEC, as well as with the Department to be briefed on the efforts of looking at the definition of a fiduciary in different contexts and taking another look at the conflict of interest rule and how it would apply in different situations.

Senator TUBERVILLE. Would you agree that a fiduciary should always act in the best economic interest of investors and work to maximize the investors' total return on a risk-adjusted basis? Yes or no. I am running out of time.

Ms. GOMEZ. Thank you, Senator, for that question. I think, unfortunately, that is not a yes or no question.

Fiduciaries have various fiduciary duties, one of which is to act in the best interests of the participants and the beneficiaries of the plan, which has different nuances as to exactly how that would work. And I would need to look at the circumstances of the situation in order to address any given question as to how to act in a—as a fiduciary in that—with respect to that decision that is being made.

Senator TUBERVILLE. You would hope it would be in their best interest after you have made all your decisions, is what you are saying?

Ms. GOMEZ. It—yes, thank you, Senator, for that clarification. It should be—the cornerstone of being a fiduciary is acting in the best

interests of the participants and beneficiaries. How one does that may differ depending on the decision that is being made.

But, I would look forward to—I would commit to making sure to always work with fiduciaries to make sure that they are acting in the best interests of the participants and their families with respect to these plans. And thank you.

Senator TUBERVILLE. Thank you.

Thank you, Madam Chair. It went over a little bit, but thank you.

The CHAIR. Thank you.

Senator HICKENLOOPER.

Senator HICKENLOOPER. First, thank you, Madam Chair.

Thank you both for your commitment to public service and your willingness to go through this ordeal.

First, Mr. Rodriguez, I was going to ask you a question. I believe we have come to a point where we really need to help this Country reimagine and think holistically about workforce training and how it interfaces with education and training, really on a cradle-to-grave circumstance.

Apprenticeships provide an opportunity for workers to earn while they learn, with a job waiting at the end of the program. And apprenticeships with the trades is how we create electricians and plumbers and all manner of tradespeople. But, also, in business now, increasingly we see more apprenticeships.

My friend, Senator Braun, and I just held a hearing on innovative adult and youth apprenticeships. We want to make sure that—or at least I want to make sure that you recognize and you are willing to work with us to expand the range of apprenticeship opportunities to new industries, recognizing that we owe so much to the apprenticeships that have been created by our trade unions. In other words, they have created a template that is very valuable.

My goal, to figure out ways that, even as we expand those opportunities, that we—within organized labor, we also look at making sure that we expand that to businesses more traditional, like banks or insurance companies.

Mr. RODRIGUEZ. Senator, thank you. I enjoyed our conversation last week, and I also enjoyed watching the Subcommittee hearing. This is exciting stuff in terms of what the future of workforce training looks like.

Yes, absolutely. The easy answer is yes, if confirmed, it would be an honor and a thrill to assist you in this.

The President has made it a priority to invest in apprenticeships, has advocated for the National Apprenticeship Act, and the collaboration that goes into this type of work is exactly what will get that done.

I will mention in terms of the broadening from the industries where apprenticeship was born or is traditionally associated with it part of the, President and Secretary's agenda includes expanding on these pipelines, in IT, healthcare.

I would mention that if you just look at the apprenticeable occupations where registered apprenticeships have been coming online in Florida, they are cybersecurity support tech, customs broker, medical assistant, childcare development specialist, surgical technologist.

The model is absolutely there. There is a lot of excitement and interest around what we can do in apprenticeship. And, as I said, I would be—if confirmed, it would be an honor and a thrill to continue working on this.

Senator HICKENLOOPER. Thank you. And I agree. I enjoyed our conversation very much. I ended that Zoom with a sense of exhilaration and potential that we could really get something done and really make real progress on this.

I have other questions that I will submit to paper, but I want to make sure I ask Ms. Gomez a question, as well.

*The Pugh Charitable Trusts highlighted a 2017 survey that cost was the chief concern, the most significant concern, among small business owners when they were setting up a retirement plan.*

How best can we streamline costs? How can we lower the overall costs for plan administration for small businesses who, in the end, are employing roughly half—creating half the American jobs?

Ms. GOMEZ. Thank you, Senator, for that question.

As I mentioned in my testimony, both of my own parents, who I hope are watching today, worked for small businesses for most of their—most or if not all of their working lives and left those jobs without the benefit of a pension. So, this issue is very important to me personally.

If I am fortunate enough to be confirmed, I would want to be briefed on EBSA's work in this area. But, I think that it is really important to make sure that all small business owners are educated and aware of the tools and the options that are currently available to them; and to dispel any myths that might be out there about the administrative and cost burdens in offering such a plan; and to the extent that there are burdens, to work together to offer cost-effective solutions that still protect—that do not offer a reduced cost at the detriment of not protecting the participants—

Senator HICKENLOOPER. Right.

Ms. GOMEZ [continuing]. And beneficiaries in that plan.

But, I thank you for that question and I look forward to working with you if I am fortunate enough to be confirmed.

Senator HICKENLOOPER. Yes, me, too. I mean, there are so many possibilities. Again, I have other questions I will submit, but I am out of time, so I will yield back to the Chair. Thanks.

Ms. GOMEZ. Thank you.

The CHAIR. Thank you.

Senator Braun.

Senator BRAUN. Thank you, Madam Chair.

We have had several conversations over the last few months, and all of the journey we have come through in trying to keep small businesses healthy and alive. And I do not know how closely we are paying attention to how the economy was working pre-COVID, but it was heading on many cylinders in the right direction. We were raising wages in some of the toughest places that we could not do before. We had lowered certain regulations that seemed to impede the health of small businesses. And the proof was in the pudding. It was working.

Now, through COVID, it seems like we are trying to pile more and more onto the agenda of small businesses. It is going to make it tougher rather than easier. And my observation is small busi-

nesses, medium-size businesses, large businesses, have put protocols in place that have finally given them the rhythm to come through what was a devastating national health issue, but also, that was probably as devastating, if not more so, to certain parts of the economy—small businesses being one.

A lot of what I see coming down the pike looks like it is trying to get the Federal Government more and more involved in what almost any business owner would say that is one of their biggest challenges to begin with, is to run a good business, try to raise wages, compete. And things seemed to be working.

There are not many here that actually have been small business owners in the Senate, and especially that have grown a business into a national company over a period of nearly 4 decades. And, so much of what I see, and when I am in Indiana, which is the biggest manufacturing state per capita in the Country, great business climate, much of what we are doing here, or proposing to do through the Biden administration, makes absolutely no sense. Generally speaking, it looks to me like it is a way to Federalize what we do on Main Street well, and where it was working better than it ever was.

I know so much of what comes from here is done with good intentions. Everything I see—you can call it Build Back Better—it looks like it is building back government better. And it is coming with all of this stuff that we have had to contend with over year—over the years, including competition, trying to make a better living for our employees. And it was working because the proof was in the results, pre-COVID.

I want to ask each of you a simple question. Do you think—and I asked the Secretary of Education, do you think parents should be the primary stakeholders in their own kids' education?

Who should be the primary driver in small business? Should it be the states in the business climate that they try to nurture, or should it be the Federal Government, which appears to be the Biden agenda?

What should be more important, directives from the top down, from the Federal Government to Main Street, or should that be the business of local and state governments primarily? Which, it is clear there, too. The report card is out. You have got half the states that got good business climates, had low unemployment rates, did not need a Federal bailout.

I would just like your—each of you to give an opinion on that basic question. Should it be driven from the top down, Federal Government, or should local and state governments be the drivers behind what works for small business?

Mr. Rodriguez, you can go first.

Mr. RODRIGUEZ. Thank you, Senator. I appreciated our conversation a few weeks ago. I know that Main Street small businesses are very important to you. As I mentioned in my opening, I was raised by a small business owner.

If you look at the workforce programs that the ETA administers, fundamentally, it is a partnership. It is a partnership between the public and private sector. It is a partnership between local, state, and Federal. And that is how our system really works best.

If you look at the investments that the President is proposing and that the system already makes, the data-driven effective investments in meeting the challenges that, it helps small business compete more effectively.

Small businesses tend to be the beneficiaries of the labor exchange services that ETA manages, as well as the on-the-job training. But, the system is designed as a—to have dual customers—businesses that need talent, and workers that need quality jobs or the training they need to get them.

It is not simply about helping small businesses compete, but these targeted investments based on data to make sure that we are getting a good return on investment are also about the self-sufficiency of our workers.

Senator BRAUN. Thank you. Ms. Gomez.

Ms. GOMEZ. Thank you, Senator Braun. And again, thank you for the—taking the time to speak with me a week or so ago and talking to me about your own experiences as a small business owner.

I will just use a few words from Senator Burr earlier today that I think the most important thing is to tackle these challenges together; and that there are a number of different parts that will work toward that.

If I am fortunate enough to be confirmed, my role would be working as the Assistant Secretary with respect to EBSA, and I would do everything within my control to work to make sure that EBSA is doing its part in reaching all of the goals that you have talked about. And I look forward to working with you.

Senator BRAUN. Thank you.

The CHAIR. Thank you.

Senator Kaine.

Senator KAINE. Thank you, Madam Chair.

A couple of my colleagues have used this as an opportunity to kind of poke at Build Back Better, so let me tell you why I am such a strong supporter of it. I do not think it is about growing government at all. The—

We are doing an infrastructure bill that is bipartisan, that is fantastic. Both of you in your capacities with DOL will have work to do. Who is going to build the infrastructure? I mean, I am looking at an awful lot of newspaper articles right now that say we cannot hire school bus drivers; we cannot hire truck drivers. There is incredibly tight labor markets right now.

Who is going to build the infrastructure? If we make an infrastructure investment like this once in a generation and we do not have the workforce to do it, we will have really missed this huge opportunity.

Let's look at Build Back Better. It is significant in terms of training today and tomorrow's workforce.

The investments in childcare help people get back into the workforce.

The investments in pre-K help get people back into the workforce.

The investments in community college and career and technical education and workforce development programs help expand a workforce that can do what we want to do with the bipartisan infrastructure bill.

The immigration reform components of Build Back Better help us with the workforce.

Child tax credit does not grow government. It puts dollars in the hands of families who have children. It does not grow government at all. It is about helping families.

Funding for childcare and pre-K does not grow government because this is a mixed-delivery model. If church-based childcare is high quality, they are going to be able to get assistance to do an even better job, or educate more kids.

I look at the Build Back Better bill as a necessary component to the infrastructure bill to create the workforce of today and tomorrow that will enable us to do it. And overwhelmingly, overwhelmingly, the Build Back Better components are support directly to families, and especially families with children; not growing agencies. And that is why I am so excited about it.

Look, it is going to undergo some sandpapering and changing and all of that, but at the core, this is about having the workforce that we need to be competitive, to help people get good jobs, be competitive globally.

I want to ask you, Ms. Gomez. You have had an interesting experience because you were a legislator, a state legislator. Your position at ETA will require you to work with a lot of stakeholders. So, talk to me about your work as a legislator and what you did in a partisan environment in your state legislature to build bridges across partisan aisles and involve stakeholders in the work that you were doing.

Ms. GOMEZ. I think I will turn that over to Mr. Rodriguez.

Senator Kaine. Oh, he was the legislature—legislator. Sorry about that.

Ms. GOMEZ. No worries.

Mr. RODRIGUEZ. Yes, sir. No. Thank you.

Thank you for the question, Senator. And as Ms. Gomez also mentioned the Ranking Member did talk about working together on economic relief, on infrastructure, as you mentioned.

I think that, if confirmed, I would be looking at my record of service in Florida, I believe that I would bring a track record of working across party and ideological lines. Those of us who do so, do so out of a commitment to those who entrusted us to serve.

I would mention that on—I mentioned the reform of our jobs programs, other economic issues that required bipartisan collaboration. At the local level, working with our local workforce board and local Chambers of Commerce, especially during the early days of the pandemic to help promote layoff-aversion programs that really work.

I am proud of some of the letters of support that were submitted to this Committee include both labor and industry. And I think that, to me, I am very honored by that because, that type of collaboration and work is what the American people demand and I think will move the agenda forward.

As you mentioned, fundamentally, Building Back Better is about a more competitive, more fair, and more resilient economy, post-pandemic. And, again, if confirmed, I would be honored to join that mission.

Senator Kaine. Just one last comment that is something that we have to grapple with, and some of my colleagues have mentioned this. When Congress did this dramatic expansion of the UI program, enhanced benefits, extra weeks of benefits, but especially the expanded universe of people who could qualify for UI, there was fraud in the program in most states. And most of the fraud came in that third category when we, as Congress, demanded that states expand to cover the self-employed and the independent contractor and the part-time gig worker. We needed to do that during COVID, but sadly, a lot of people, tried to get over on us and we need to enforce against them.

However, I do think we do have significant reforms to do going forward to make sure our UI universe extends to cover the way people work today. My colleague, Senator Warner, always points out that the traditional UI system only covers about one-third or 35 percent of people who work today because they work in different ways. And with appropriate safeguards and with appropriate financing mechanisms, we need to figure out a way to have a UI system that is designed for the way people work today, not for the way people worked 50 years ago.

I would look forward to working together with both of you on that important and challenging project should you be confirmed. Thank you.

The CHAIR. Thank you.

Senator Marshall.

Senator MARSHALL. Yes. Thank you, Madam Chair.

I want to start by echoing Ranking Member Burr's comments, concern that for all practical purposes, this Committee is going to spend a trillion dollars over the next 10 years, and there has been no input from the minority.

I was sent here to save Medicare, and I am afraid what I am seeing could destroy Medicare; that already, Medicare is on its way to a financial crisis. I am concerned that when we expand Medicare, it is going to dilute it for those senior citizens that we have already.

I want to turn now and talk about unemployment and vaccine mandates. As you all know, we had record unemployment through the COVID epidemic, partially, mainly because of government shutdown. And Kansas, like many states, just did horrible trying to filter through the unemployment issues. Our office got more calls and complaints about trying to access the unemployment program than any other issue. It dominated our phones and our emails for over a year.

Probably the biggest fraud we are going to see from the trillions of dollars we have appropriated for COVID will be unemployment fraud. Kansas is estimated to have \$700 million of fraud. I am going to guess that nationwide it will be \$70 billion. Seventy billion dollars that could have went toward hard-working Americans who needed the help.

On top of this, now, the White House has issued a vaccine mandate, which is going to—so many people are going to lose their jobs and going to go back to unemployment now. My phone again, blowing up from small businesses, from big businesses. They are telling me maybe 30 to 50 percent of their line workers, the blue collar

workers, are not vaccinated. They do not plan on getting vaccinated. This is a personal choice they have made.

This vaccine mandate is a slap in the face of so many people that ran to the battle—the nurses, the doctors, the ambulance drivers, our police officers. They developed natural immunity because there was no vaccine—the natural immunity well proven to be better than vaccines—but the CDC and this White House will not acknowledge natural immunity.

You can see that we are on the path to more record numbers of people becoming unemployed because of Joe Biden's vaccine mandate.

My question, obviously, is for Mr. Rodriguez. You have little, if any, experience dealing with unemployment. How will this experience, when we see unemployment rates spike again here in the next several months due to this vaccine mandate, what is your plan to help Kansas and other states be able to handle the problem better?

Mr. RODRIGUEZ. Senator, thank you for your question, and thank you for the concern you have for your constituents during very difficult times.

The President and the Administration are so committed to making sure and reducing the number of unvaccinated Americans, decreasing hospitalization, making sure—and it is primarily because they are trying to protect life, but also because it allows us to make sure schools can remain open, to make sure—

Senator MARSHALL. That is not my question. I think—look, I am in favor of the vaccine. I have been vaccinated. My parents vaccinated. I hope they get the booster shot this week. But, there is a group of people, no matter how much you pontificate, no matter how much Dr. Fauci pontificates, that is not going to get the vaccine. There is going to be a spike in unemployment.

What are you going to do to help prevent this fraud from reoccurring and help Kansans get their unemployment insurance in a timely fashion?

Mr. RODRIGUEZ. Absolutely the strength of the unemployment system is not where it needs to be, still. Prior to the pandemic, we know that there were long-standing challenges—

Senator MARSHALL. What is your solution? Why do we—we do not need to describe the problem again. I have described the problem. What are your solutions to the problem?

Mr. RODRIGUEZ. If confirmed, my goal would be to carefully monitor the 53 unemployment systems to make sure the right people are getting the right benefits on time.

It would be to support the Administration's ongoing efforts to provide assistance to states. I described a little earlier, particularly with security and identify verification issues, but also to help states streamline their systems. A lot of these systems are outdated. In some states, they were outdated when they came online. We are talking about 1980's technology in some states.

Also, to enforce the laws regarding unemployment to make sure that they are fairly administering the programs.

I share your commitment to making sure that these systems work. We hope that we do not have another crisis, but the Administration has been committed—and you see it in the President's

budget proposal—to making sure that we—the 21st Century unemployment system also has mechanisms to automatically ramp up, and currently, our systems are not able to do that. But, they should be able to. It is an Administration’s priority.

They have also said that they want to adjust the funding mechanisms to make sure that our unemployment systems are more nimble when it comes to staffing and resources, et cetera.

If confirmed, I would be honored to work with you in making sure that our systems are strong, secure, and accessible.

Senator MARSHALL. Thank you. I yield back.

The CHAIR. Okay.

Senator Baldwin.

Senator BALDWIN. Thank you, Chair Murray.

I hope to also get one question each for you, but starting with Ms. Gomez.

Employee retirement savings have become increasingly concentrated into one of three large index funds. These big three manage money for over 63 percent of all employee-sponsored retirement plans. As a result, one of the big three funds is the largest shareholder in nine out of 10 publicly traded companies in the United States, giving these funds the power to swing votes at almost every annual meeting in America, and they use workers’ retirement savings to do it.

Analysis of these voting records reflect that many funds vote to advance their own business interests at the expense of workers’ retirements and efforts to address long-term risks, like climate.

I have proposed legislation in the form of the EMPOWERS Act to allow workers to nominate and elect trustees to represent them and set proxy voting guidelines that align with their values and their inherently long-term investment strategies.

Ms. Gomez, if confirmed, would you work with me to give workers more power, more say, over their retirement savings to ensure that their fiduciaries are investing for the long term and not in their own short-term business interests?

Ms. GOMEZ. Yes. Thank you, Senator, and I really enjoyed our conversation and the various things that we discussed. And I appreciate your commitment, and I share in your commitment to support workers and their families both in the short term with respect to health benefits, and then the longer term with respect to their retirement benefits.

I am understanding of the EMPOWERS Act and how you are working toward—through that act to allow workers to have representatives at the table, working alongside with the plan sponsor to try to manage the plan—those plans and the decisions that are made by those plans.

If I am confirmed, fortunate enough to be confirmed, I would commit to working with you and with Congress to better understand the implications of the existing rules and how the EMPOWERS Act could play a part. And with, again, my main focus being protecting the interests of the participants and beneficiaries and making sure that we are acting in their interests with respect to all decisions, including decisions made with respect to investments.

Thank you for that question.

Senator BALDWIN. Thank you.

Mr. Rodriguez, the Senate passed the bipartisan Infrastructure Investment and Jobs Act, and it makes historic investment in building and rebuilding American roads, bridges, ports, drinking water systems, broadband, and more. In Wisconsin, and elsewhere, we will need a fully trained workforce if we are going to reap the full benefits of this investment.

I am going to associate myself with the eloquent words of Senator Kaine about how the Build Back Better budget works hand in glove with that infrastructure bill. And, I would also add to that the USICA, which is the U.S. Innovation and Competitiveness Act, which I think will bring more manufacturing jobs back to the United States.

I have introduced legislation called the America's College Promise Act that creates a new Federal-state partnership to provide 2 years tuition-free at a community or technical college, helping students get a certificate or a credential, a 2-year degree, or transferable credits toward a 4-year degree.

Community and technical colleges are a cornerstone of the job training ecosystem in America, and I believe that we need to include tuition-free community and technical college in the Build Back Better Act so that we can train the workers that we need to fill the jobs created by USICA and the bipartisan infrastructure bill.

The Employment and Training Agency provides high-quality training to American workers through several programs. How do you view the role of community and technical colleges in this training system? And how important is it that we invest in these institutions so that they can prepare workers for the historic investments that we are planning in infrastructure and manufacturing?

Mr. RODRIGUES. Senator, thank you for your question and for your commitment to not just infrastructure, but our workforce needs that is going to help us get there.

Our public workforce system is set up as a partnership between Federal, state, and local, and our 1,200 community college systems, our career and technical institutions, as well, are critical partners in that.

I come from a community where there are strong partnerships, public, private, across institutions. I had a close working relationship with my community college when I was in the legislature. They play a critical role in tackling our local workforce needs, including apprenticeship. And, I guess they will be happy that I am on their mailing list because, on my way out the door to catch the plane, the newsletter from my local community college was sitting right there where I have all the mail and featured was one of the many auto tech apprenticeships coming online.

Our community college—colleges, plural, have been really central partners in deploying all of the workforce strategies now and in the past, whether it is a trade adjustment assistance, apprenticeship.

I do look forward to, if confirmed, working with you on those critical priorities.

The CHAIR. Senator Murphy.

Senator MURPHY. Thank you very much, Madam Chair.

I caught the end of Senator Marshall's remarks. I appreciate that he shares a view on vaccines with many other Republicans. I will

just say my constituents see it differently in Connecticut. They see the lack of our ability to get over this pandemic because of our inability to get people vaccinated, as a barrier to folks going back to work. Folks—people do not feel safe in settings in which they do not feel fully protected.

Vaccine mandates, whether they be public sector or private sector mandates that is a way to get people back into the workforce; a way to get people off the sidelines.

Ms. Gomez, two questions for you, the first on the issue of mental health parity. This is something that Senator Cassidy and I have worked together on over the years. At the end of last year, we included in the end-of-year spending bill some additional authorities for the Department of Labor and other Departments to use in order to assess whether insurers are complying with the Mental Health Parity Act of 2008.

What we have seen over the years is that there are all sorts of what we call non-quantitative treatment limitations, red tape and bureaucracy, that gets put in front of families that are trying to access substance abuse treatment, mental health treatment, that frankly you do not run into when you are trying to get reimbursement for an orthopedic procedure, right, or treatment for heart disease.

You have got staff limitations while you are trying to oversee 2.5 million health plans. I just want to get a sense from you as to whether this is a priority for you, using these new authorities to try to make sure that plans are in compliance with the mental health parity law and how to make sure that you maximize oversight given the staff limitations that you have.

Ms. GOMEZ. Yes, and thank you, Senator, for that question.

If I am fortunate enough to be confirmed, I would expect that this would be one of the first briefings that I receive, and I would hope that it would be that because it is something that is a huge priority for the Administration, as well as for the Secretary of Labor. He and many Congresspeople have spoken about their own personal experiences with respect to both mental health and substance use disorder issues.

This is a top focus for me, as well. I cannot think of any one family, including my own, who has not been personally touched by the—by issues involving mental health and substance use disorder. And particularly in light of the pandemic, it has just become a more challenging issue.

Once I can better understand the current opportunities that the Department has, as well as the challenges that they are facing that you refer to, I would look forward to working with folks in the Department and Congress on what would be most helpful, where they need additional assistance in being able to make the promise of mental health parity a reality since it has been a while coming.

I do think that many plans do want to make good on those promises, and that EBSA has been working with them to try to give them the tools to be able to do so. At this point, we are seeing the need for more enforcement in that area.

Senator MURPHY. Yes.

Ms. GOMEZ. I would commit to working with them on that.

Senator MURPHY. Great. Thank you very much. An opportunity for bipartisan engagement here. The Trump administration requested some additional authorities that I hope you would look into, as well, and I hope this Committee will take seriously.

Last, I just wanted to get into the weeds on an issue that I am learning about, and this is the pension risk transfer industry. This is this growing practice by which private equity firms, led by Apollo Global Management, essentially buy up the pension liabilities and transfer them into annuities. But, these entities are sort of seeking to profit off of the spread between the investment returns and the benefits that are paid, and they often end up moving the assets away from traditional, secure investments into much riskier investments. Some of the companies that do this were amongst those that we had to bail out in 2008 and 2009.

As I said, I am learning about this, but I have heard a lot of concern about this growing practice, about the risk that it puts many pension benefits in, especially since you lose ERISA and PBGC protection when they get moved into these annuities.

I just wanted to know if you are familiar at all with this practice and whether you might commit to working with Members of the Committee to look into this market, and to figure out if it does provide a benefit or a real downside risk to pension holders.

Ms. GOMEZ. Yes. And thank you, Senator, for that follow-up question.

I am familiar with the issue. I do think that, as with everything on every issue, I commit to support workers and their families and making sure that we are acting in their interests. And I would look forward to working with you and other Members of Congress, as well as with the Department, to look into this issue and see what needs to be done to make sure that we are working in the interests of these—the workers and their families.

Senator MURPHY. Great. Thank you to both of you for your willingness to serve.

Thank you, Madam Chair.

The CHAIR. Thank you.

Senator Rosen.

Senator ROSEN. Thank you, Chair Murray, Ranking Member Burr, for, of course, holding this hearing; and, for you nominees, for being here today, your willingness to serve. We thank you.

Mr. Rodriguez, I want to start with you and talk about expanding registered apprenticeships in STEM and cybersecurity because, as a former computer programmer and systems analyst, I really understand the need for robust and diverse STEM and cyber workforce. We have so many challenging demands in these sectors.

Like you said, some of those programs were written in the 1980's when I was a young programmer myself. And, so, we understand the rise in crippling cyberattacks against our small businesses, our healthcare systems, the workforce shortages. And these are great jobs, high-paying jobs, and I think really creative jobs.

I have introduced a lot of bipartisan bills to expand these registered apprenticeships in cybersecurity, increase the number of STEM educators, of course not just in Nevada, but across the Country, and to improve interest in STEM and cybersecurity among young students and training the next generation.

As you know, the Employment and Training administration, they have jurisdiction over registered apprenticeships. So, if confirmed, how do you plan to tackle the workforce shortages in STEM and cybersecurity? And will you commit to working with me to expand those registered apprenticeships and worker training opportunities?

Mr. RODRIGUEZ. Senator, thank you so much for your question and for your commitment to an expansion of the registered apprenticeship model.

As I had mentioned earlier, I enjoyed watching the Subcommittee hearing on employment and workforce safety, and I did note that you mentioned cybersecurity and advanced manufacturing apprenticeships.

The registered apprenticeship model really is a fountain of innovation in terms of branching out from those industries where traditionally apprenticeship has been, and the reason for that is that it is the benchmark earn-as-you-learn training strategy. Not just the track record, but the fact that it responds more quickly and more effectively to workforce needs than other strategies. It is also an important tool to help increase access to good jobs for underrepresented populations.

There are many things that the Administration has proposed and is doing that I am committed to that would increase the apprenticeship and on-the-job training in on-demand—in in-demand areas, including STEM professions, as well.

I would note that our—where apprenticeships are traditional—in the construction trades, for example—that if you ask—if you look at earning potential, lifetime earning potential for apprentices going through a joint labor management construction apprenticeship, it is comparable to a college education.

I think that the Administration is very committed, as we Build Back Better, to high-quality jobs. And the types of strategies that you are talking about in growth industries are absolutely important for us to meet the needs of employers and be competitive, but also deliver on those quality jobs to make sure that, when workers are getting credentials, that those are credentials that are portable across the labor market, which is one of the hallmarks of a registered apprenticeship.

Senator ROSEN. Well, I am glad that you brought up regular apprenticeships because when we Build Back Better and we pass the Investment Infrastructure—Infrastructure Investment and Jobs Act, we are going to be doing a lot of building, so we need construction. And, so, Job Corps, we have our Job Corps, our construction and renovation—it is a huge backlog we have going on.

According to 2019 data issued by Employment and Training Administration, there is a \$700 million backlog in facilities maintenance projects at Job Corps centers across the Country, including more than a \$6 million backlog for much-needed repairs for us at the Sierra Nevada Job Corps center in Reno, Nevada.

This backlog, it not just limits our physical building infrastructure, but our ability to train and prepare and get more and more students in these really important programs, high sector—in demand—jobs that are in high demand—advanced manufacturing, healthcare, and labor.

How do you plan, if confirmed, Mr. Rodriguez, to approach this problematic backlog and repairs at our Job Corps centers in Nevada and across the Country? And will you commit to working with me to expand these—also these important resources?

Mr. RODRIGUEZ. Senator, thank you for your question about Job Corps. Job Corps is a priority for the Administration, as well as the Secretary. If confirmed, I would look forward to getting fully briefed on the status of the unfunded backlog. I know that it is a priority for the Administration and, as I said, the Secretary.

I would also look forward to moving forward on the priorities that the Administration has in terms of rebranding and expanding access to Job Corps programs. There are 121 Job Corps centers in all 50 states, Puerto Rico, DC, and I know that everybody probably has a—several stories that they can bring to mind of individuals that have been impacted. They are life-changing experiences for those who go through the program.

If you speak to the president of the Miami-Dade Chapter of the NAACP, who is a workforce professional in our school system, she will tell—she is a 1999 graduate of the Gainesville program, and she will tell you, it accounts—she accredits it with the guidance that she needed to be successful.

It is absolutely a priority, and I would be honored to work with you if confirmed.

Senator ROSEN. Well, thank you very much.

I see my time is over. Thank you, Madam Chair.

The CHAIR. Thank you.

Senator Burr, do you have any additional remarks?

He does not.

I just want to make a couple comments. I want to—Senator Kaine mentioned the UI system and that it—that, as we saw last year, saw unprecedented use of that system, and we need to—it is not perfect. We need to update that. And Mr. Rodriguez, I look forward to working with you on that.

Finally, I just want to say, we have had a lot of, as Senator Kaine said, pokes at the Build Back Better agenda. We heard a lot of comments about getting back to normal, or somehow normal was better, and I just do not feel that. I feel like normal was not great before the pandemic.

The pandemic really exacerbated many of the issues families face today, and we have a responsibility as a Country to make sure that our workforce can go to work, and that is why childcare is such an important piece of this. If you do not have anywhere to send your kids, and we have childcare deserts across this Country, you cannot go to work. Or, if you do go to work, you worry about what is happening to your child rather than being competent at work.

We have—we do not have a family leave—paid family leave in this Country, so many family members go to work when they are sick. We saw what happened during this pandemic when that occurred.

Senator Baldwin, who is here, has been a champion of making sure that our community college and technological—technical colleges are there for people to get the kinds of skills they need to be at work.

That is why this is such a critical time for us to address this as a Nation, and I look forward to working with all of our colleagues as we continue to put that package together and move it through the Senate.

That will end our hearing today. And I want to thank my colleagues, as well as our witnesses today—Ms. Gomez and Mr. Rodriguez—for your thoughtful answers. I look forward to working with both of you once you are confirmed to help our families and our workers and our retirees across the Country.

For any Senator who wishes to ask additional questions, questions for the record will be due tomorrow, on October 8th, at 5 p.m. The hearing record will remain open until then for Members who wish to submit additional material for the record.

With that, the Committee stands adjourned.

[Whereupon, the hearing was adjourned at 11:37 a.m.]

