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AND THE WORKFORCE
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July 13, 2012

The Honorable George Miller
Senior Democratic Member
Committee on Education and the Workforce
2101 Rayburn House Office Building
Washington, D.C. 20515-6100

Dear Senior Democratic Member Miller:

I received your July 12 letter requesting a hearing to investigate whether federal laws adequately protect children from physical and sexual abuse in light of the Special Investigative Counsel report on The Pennsylvania State University scandal. Like you, I am alarmed and appalled by the report's findings, and continue to closely monitor all developments in this case.

The Department of Education is currently conducting a thorough investigation of The Pennsylvania State University to determine whether any violation of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act occurred. As you know, the Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. When the department concludes its investigation, we will assess the need for committee action. To prematurely convene a hearing prior to obtaining this information would make it more difficult to adequately address any shortcomings in federal law.

Meanwhile, the committee is also taking steps to determine whether the foremost federal law against child abuse (the Child Abuse Prevention and Treatment Act, also known as CAPTA) is being implemented effectively. The 2010 reauthorization of the law requires the Department of Health and Human Services (HHS) to study and report on three important aspects of state and local child abuse prevention systems: the effectiveness of programs receiving state grants for child abuse or neglect prevention and treatment; efforts to improve coordination of child abuse and neglect agencies and organizations; and how state and local laws and regulations on immunity from prosecution facilitate or deter individuals from cooperating, consulting, or assisting in reporting known instances of child abuse or neglect.

In May, I asked HHS Secretary Kathleen Sebelius to provide the committee with an update on the status of the aforementioned study on the efficacy of state and local laws and regulations on the

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reporting of child abuse, which is now several months overdue. Regrettably, the secretary has failed to provide any response. I would like to invite you to join me in a renewed request for information on the enforcement of federal child abuse prevention law by signing the enclosed letter to Secretary Sebelius.

Rest assured, I share your goal of protecting children from abuse and will keep your request in mind as we gather more information about the efficacy of current federal laws.

Sincerely,



JOHN KLINE

Chairman

July 16, 2012

The Honorable Kathleen Sebelius
Secretary
United States Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Sebelius:

The recent Special Investigative Counsel report on The Pennsylvania State University scandal has raised serious concerns among members of the House Committee on Education and the Workforce about the enforcement of federal child abuse prevention laws.

As you know, the Child Abuse Prevention and Treatment Act, also known as CAPTA, is the foremost federal law governing child abuse reporting and prevention efforts. The most recent reauthorization of the law, the CAPTA Reauthorization Act of 2010, requires your department to study and report on three important aspects of state and local child abuse prevention systems:

- Section 110(a) authorizes a study on efforts to improve coordination of agencies and organizations that are responsible for programs and activities related to child abuse and neglect, which was supposed to be delivered to Congress on December 20, 2011.
- Section 110(b) authorizes a study on the effectiveness of programs receiving state grants for child abuse or neglect prevention and treatment, which is due to Congress on December 20, 2012.
- Section 110(d) authorizes a study to determine how state and local laws and regulations on immunity from prosecution facilitate or deter individuals from cooperating, consulting, or assisting in reporting known instances of child abuse or neglect, including any recommendations for statutory or regulatory changes that the secretary deems necessary. This report was also supposed to be delivered to Congress on December 20, 2011.

In May, the committee asked you to provide an update on the status of the study required in Section 110(d), which is almost seven months overdue. Regrettably, we have not received a response to our request. The committee is deeply disappointed in the department's lack of

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response on such an important issue. Such inaction calls into question the department's commitment to monitoring the implementation of laws designed to protect children from abuse and neglect.

To ensure the committee is kept abreast of the department's effort to properly administer federal child abuse prevention laws, we hereby reiterate our request for an update on the status of the report required in Section 110(d). Furthermore, we request an update on the remaining two reports, one of which is similarly overdue. Each of these reports will provide critical information that will aid the committee's ongoing efforts to identify any inadequacies in current federal law.

Thank you for your prompt attention to this matter. If you have any questions, please contact Lindsay Fryer (lindsay.fryer@mail.house.gov) on the committee staff at 202-225-6558.

Sincerely,