

[COMMITTEE PRINT]

116th CONGRESS

**SUBMISSION OF OVERSIGHT PLAN
OF THE
COMMITTEE ON EDUCATION AND LABOR**

MR. SCOTT, from the Committee on Education and Labor, submitted to the Committee on Oversight and Reform and the Committee on House Administration the following.

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Preparation and Submission of Oversight Plan

Each standing committee of the U.S. House of Representatives (other than the Committee on Appropriations, the Committee on Ethics, and the Committee on Rules) is required to prepare and submit an oversight plan at the beginning of each Congress. Specifically, clause 2(d)(1) of Rule X of the Rules of the House of Representatives states:

- (d)(1) Not later than March 1 of the first session of a Congress, the chair of each standing committee (other than the Committee on Appropriations, the Committee on Ethics, and the Committee on Rules) shall—*
- (A) prepare, in consultation with the ranking minority member, an oversight plan for that Congress;*
 - (B) provide a copy of that plan to each member of the committee for at least seven calendar days before its submission; and*
 - (C) submit that plan (including any supplemental, minority, additional, or dissenting views submitted by a member of the committee) simultaneously to the Committee on Oversight and Reform and the Committee on House Administration.*

Jurisdiction of the Committee on Education and Labor

Rule X of the Rules of the House of Representatives vests in the Committee on Education and Labor (Committee) jurisdiction over issues dealing with students, education, workers, and labor policy. Specifically, clause 1(e) of Rule X vests the Committee with jurisdiction over the following subject-matter:

- (1) Child labor.*
- (2) Gallaudet University and Howard University and Hospital.*
- (3) Convict labor and the entry of goods made by convicts into interstate commerce.*
- (4) Food programs for children in schools.*

- (5) *Labor standards and statistics.*
- (6) *Education or labor generally.*
- (7) *Mediation and arbitration of labor disputes.*
- (8) *Regulation or prevention of importation of foreign laborers under contract.*
- (9) *Workers' compensation.*
- (10) *Vocational rehabilitation.*
- (11) *Wages and hours of labor.*
- (12) *Welfare of miners.*
- (13) *Work incentive programs.*
- (14) *Organization, administration, and general management of the Department of Education.*
- (15) *Organization, administration, and general management of the Department of Labor.*

General Oversight Responsibilities

Clause 2 of Rule X of the Rules of the House of Representatives provides in part:

- (a) *The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in—*
 - (1) *its analysis, appraisal, and evaluation of—*
 - (A) *the application, administration, execution, and effectiveness of Federal laws; and*
 - (B) *conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and*
 - (2) *its formulation, consideration, and enactment of changes in Federal laws, and of such additional legislation as may be necessary or appropriate.*
- (b)(1) *In order to determine whether laws and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis—*
 - (A) *the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;*
 - (B) *the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction;*
 - (C) *any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction (whether or not a bill or resolution has been introduced with respect thereto); and*
 - (D) *future research and forecasting on subjects within its jurisdiction.*
- (2) *Each committee to which subparagraph (1) applies having more than 20 members shall establish an oversight subcommittee, or require its subcommittees to conduct oversight in their respective jurisdictions, to assist in carrying out its responsibilities under this clause. The establishment of an oversight subcommittee does not limit the responsibility of a subcommittee with legislative jurisdiction in carrying out its oversight responsibilities.*

Exercise of Oversight Responsibilities

The Constitution of the United States vests in Congress the authority and responsibility to make laws and ensure that those laws are properly enforced and enacted. Oversight is a constitutional prerogative, an important responsibility of the Congress, and a core objective of the Committee. Accordingly, the Committee will thoroughly oversee and investigate the various departments, agencies, and programs within its jurisdiction. In so doing, the Committee will actively consult with House committees that have concurrent or related jurisdiction.

In its oversight proceedings, the Committee will make full use of hearings in Washington, D.C. and of regional field hearings to ensure all relevant voices are heard and included as part of the official record. Among other investigative techniques, the Committee will visit relevant sites, correspond with affected parties, request briefings by federal agencies and departments, review assessments and analyses by the Congressional Research Service (CRS), and review audits and investigations by the Government Accountability Office (GAO) and the Offices of the Inspectors General of the U.S. Departments of Education (ED), Labor (DOL), Health and Human Services (HHS), Agriculture (Ag), and Justice (DOJ).

The Committee will lead aggressive oversight in its areas of jurisdiction, which include programs and statutes administered and enforced by ED, DOL, HHS, Ag, DOJ, and various independent agencies as well as the organization, administration, and general management of ED and DOL. The Committee will work to ensure that these programs and statutes are administered consistent with constitutional requirements of faithful execution of laws passed by Congress and long-established principles of federalism. Additionally, the Committee will conduct oversight to ensure that they are operated and executed in an effective, efficient, and transparent manner as well as follow congressional intent in their scope, activities, and operations.

The Committee has identified priority areas for oversight and investigation in the 116th Congress. These areas include, but are not limited to, the following:

- **Implementation of the Every Student Succeeds Act:** Since the passage of the bipartisan *Every Student Succeeds Act* (ESSA) in 2015, there have been no oversight hearings at which ED officials have testified regarding ESSA's implementation. In the 116th Congress, the Committee will conduct oversight on ESSA's implementation.
- **Recommendations on School Safety:** The Committee will conduct oversight on the Federal School Safety Commission's report as well as on ED's interest in redirecting taxpayer money legislatively directed to schools for mental health treatment, anti-bullying programming, and drug prevention to the purchasing of guns for teachers and school staff.
- **Education in the Wake of Natural Disasters:** The Committee will assess and conduct oversight on the recovery and rebuilding of schools in Puerto Rico and the U.S. Virgin Islands following the 2017 hurricane season, the Northern Mariana Islands following Super Typhoon Yutu, and other areas impacted by disasters.

- **Students and Workers with Disabilities:** The Committee will conduct oversight on ED's rulemaking to impede implementation of the *Individuals with Disabilities Education Act's* significant disproportionality requirements that were enacted to address disparities in the treatment of disabled students of color. The Committee also will monitor the activities of DOL's Office of Disability Employment Policy (ODEP) to ensure it is fulfilling its mission to improve educational opportunities for people with disabilities and provide technical assistance to employers to support people with disabilities.
- **Student and Taxpayer Protections:** The Committee will conduct oversight on ED's efforts to roll back consumer protections and expose taxpayers to greater risk of waste, fraud, and abuse of federal funds through *Higher Education Act* rulemaking.
- **Student Aid:** The Committee will conduct oversight on the policies and priorities of the Office of Federal Student Aid (FSA), especially as they relate to for-profit colleges, the administration of federal financial aid programs including the servicing of federal student loans, the Public Student Loan Forgiveness program, and the Experimental Sites Initiative.
- **Department of Labor's Training and Enforcement Programs:** The Committee will conduct oversight on DOL's workforce training programs and the Department's enforcement policies and practices as they impact our nation's workers. This includes reviewing the policies and expenditures of apprenticeship programs operated by DOL, including both the Registered Apprenticeship Program and the newly developed Industry Recognized Apprenticeship Program. The Committee will review the Occupational Safety and Health Administration's actions impacting health and safety standards, the Wage and Hour Division's actions regarding overtime pay, workers' rights to retain tips, and child labor protections under the *Fair Labor Standards Act*. The Committee will evaluate whether the Mine Safety and Health Administration's standards and policies are sufficient to stem rising rates of black lung disease and changes to its enforcement policies.
- **Guestworker Programs:** The Committee will conduct oversight on the implementation of the provisions in the *Immigration and Nationality Act* that protect the wages and working conditions of both U.S. and foreign workers.
- **Collective Bargaining Rights:** The Committee will conduct oversight and investigations to ensure that the National Labor Relations Board is fairly enforcing the *National Labor Relations Act*.
- **Retirement Security and Multiemployer Pensions:** The Committee will continue to monitor the impact to retirement savers from the Fifth Circuit Court of Appeals' decision to vacate DOL's fiduciary rule. The Committee will also continue to examine the costs and consequences to workers, retirees, businesses, and communities, as well as to the

Pension Benefit Guaranty Corporation, if Congress does not address the multiemployer pension crisis.

- **Opioid Prescribing Policies:** The Committee will conduct oversight on DOL's policies regarding opioid prescribing in federal workers' compensation programs.
- **Black Lung Benefits Program:** The Committee will review factors impacting the solvency of the Black Lung Disability Trust Fund, including the December 31, 2018, sunset of the black lung excise tax.
- **International Labor Rights:** The Committee will investigate, where appropriate, international labor issues, including those involving trade agreements and labor rights abuses, and oversee the management and operations of the International Labor Affairs Bureau within DOL.
- **Affordable Care Act:** The Committee will conduct oversight on the Administration's implementation of the Affordable Care Act (ACA) as well as the Administration's efforts to undermine the law's protections for Americans with pre-existing conditions.
- **Short-Term, Limited Duration Health Plans:** The Committee will conduct oversight to assess the impact on workers and consumers of the Administration's rule to expand the use of short-term health plans.
- **Association Health Plans:** The Committee will conduct oversight on DOL's rule to promote enrollment in Association Health Plans (AHPs) and its impact on consumers and the health care system.
- **Civil Rights:** The Committee will oversee the implementation of civil rights laws pertaining to education, labor and employment, and health care to ensure that such protections are sustained and robustly enforced. Oversight shall include reviewing the policies and priorities of ED's Office for Civil Rights, DOL's Office of Federal Contract Compliance Programs, and the U.S. Equal Employment Opportunity Commission.
- **Juvenile Justice:** The Committee will carefully monitor and conduct oversight on the implementation of the bipartisan Juvenile Justice and Delinquency Prevention Act (JJDP), which was enacted in 2018.
- **Unaccompanied Minors:** The Committee will assess and conduct oversight on the provision of education and related services to unaccompanied minors in secure detention due to the Administration's family separation policy.
- **Child Nutrition:** The Committee will monitor and conduct oversight on the Department of Agriculture's administration of child nutrition programs within the Committee's jurisdiction and any proposed policies and regulations that impact these nutrition programs.

The Committee reserves the right to review and investigate general legislative, administrative, and regulatory issues affecting its jurisdiction.