

[COMMITTEE PRINT]

**115th CONGRESS**  
**OVERSIGHT AND INVESTIGATION PLAN**  
**OF THE**  
**COMMITTEE ON EDUCATION AND THE WORKFORCE**

**1. Adoption of an Oversight Plan**

Each standing committee of the U.S. House of Representatives is required to formally adopt 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 in part:

*Not later than February 15 of the first session of a Congress, each standing committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Oversight and Government Reform and to the Committee on House Administration.*

**2. Jurisdiction of the Committee on Education and the Workforce**

Rule X of the Rules of the House of Representatives vests in the Committee on Education and the Workforce (Committee) jurisdiction over issues dealing with students, education, workers, and workplace 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; and*
- (13) Work incentive programs.*

### **3. 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.*

Clause 2 of Rule XI of the Rules of the House of Representatives provides:

*(n)(1) Each standing committee, or a subcommittee thereof, shall hold at least one hearing during each 120-day period following the establishment of the committee on the topic of waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize.*

*(2) A hearing described in subparagraph (1) shall include a focus on the most egregious instances of waste, fraud, abuse, or mismanagement as documented by any report the committee has received from a Federal Office of the Inspector General or the Comptroller General of the United States.*

*(o) Each committee, or a subcommittee thereof, shall hold at least one hearing in any session in which the committee has received disclaimers of agency financial statements from auditors of any Federal agency that the committee may authorize to hear testimony on such disclaimers from representatives of any such agency.*

*(p) Each standing committee, or a subcommittee thereof, shall hold at least one hearing on issues raised by reports issued by the Comptroller General of the United States indicating that Federal programs or operations that the committee may authorize are at high risk for waste, fraud, and mismanagement, known as the "high-risk list" or the "high-risk series."*

#### **4. Exercise of Oversight Responsibilities**

The American people deserve an open, accountable government that works efficiently and effectively. Congress must use its constitutional authority to ensure our laws are properly enforced, taxpayer money is spent wisely and not wastefully, and government policy does not harm the American people.

Congressional oversight of federal programs and activities is a critical part of this authority. Oversight is a constitutional prerogative, an important responsibility of the Congress, a core objective of the Committee. Accordingly, the Committee will thoroughly oversee and investigate the various agencies, departments, 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 made part of the official record. Among other investigative techniques, the Committee will visit relevant sites, correspond with affected parties, and review audits and investigations by the

Congressional Research Service, the Government Accountability Office, the U.S. Attorney General, and the Offices of the Inspectors General of the U.S. departments of Labor, Education, and Health and Human Services, among others.

The Committee will continue to demand and lead aggressive oversight in its areas of jurisdiction. Under the Rules of the House of Representatives, the Committee has jurisdiction over programs and statutes administered and enforced by the U.S. departments of Education, Labor, Health and Human Services, Agriculture, Justice, and various independent agencies. The Committee will continue to ensure these programs and statutes are administered consistent with the appropriate federal role and operated in an effective and efficient manner, as well as follow congressional intent in their scope, activities, and operations.

The Committee has identified several particular areas for oversight and investigation in the 115th Congress. These areas are discussed below:

- **Every Student Succeeds Act.** In 2015, Congress passed and the President signed a bipartisan, bicameral bill to replace *No Child Left Behind* with commonsense reforms to allow states and communities the flexibility needed to provide all students an excellent education. Unfortunately, the Obama administration has frequently ignored both the letter and intent of the *Every Student Succeeds Act* in its efforts to implement this bipartisan law. The Committee will work with the Trump administration to ensure the law is properly implemented, including following the significant changes made to the Preschool Development Grants.
- **Student Loans.** The U.S. Department of Education manages \$1.3 trillion in outstanding federal student loans and disburses billions in grants and work-study funds each year. The Committee will continue to monitor the costs and performance of these programs.
- **Higher Education Regulations.** Institutions of higher education are subject to myriad federal regulations and reporting requirements that are often burdensome and costly. The regulatory burden has only worsened with rules that interfere with academic freedom, infringe on the authorities of the states, limit student choice, and unfairly target particular sectors of higher education. The Committee will continue its oversight of regulatory policies and challenge those that enlarge the federal footprint in higher education.
- **Workforce Innovation and Opportunity Act.** In 2014, Congress passed and the President signed a bipartisan, bicameral bill to fix the nation's broken workforce development system. The *Workforce Innovation and Opportunity Act* helps workers attain skills for 21st century jobs, provides greater accountability to taxpayers, and helps put Americans back to work. The Committee will work with the new administration to ensure the law is properly implemented.
- **Affordable Care Act.** As Congress repeals and replaces the *Affordable Care Act*, the Committee will continue oversight of the previous administration's implementation of the law. In particular, the Committee will focus on how the law and the previous administration's regulations and sub-regulatory guidance harmed employers' ability to

provide quality, affordable health care to employees, including educators and school-staff.

- **Employer and Employee Protections.** The Committee will conduct oversight and investigations, as appropriate, to ensure employee and employer rights under the *National Labor Relations Act* (NLRA) are protected and applied consistently and without bias. The Committee will work to ensure the National Labor Relations Board properly fulfills its responsibilities, giving particular scrutiny to the Board’s changes to union election rules and unit determinations, decisions affecting joint-employer standards, and questions regarding whether graduate students are employees under the NLRA.
- **Retirement Security.** The retirement system works best when workers have access to voluntary, robust, portable, and secure savings options. The Committee will monitor the U.S. Department of Labor’s activities to ensure regulations and sub-regulatory guidance benefit the long-term retirement security of working families and do not restrict access to affordable retirement advice.
- **Multiemployer Pension Reform Act of 2014.** The *Multiemployer Pension Reform Act of 2014* (MPRA) helped improve the financial outlook of the Pension Benefit Guaranty Corporation (PBGC), but more work needs to be done. The Committee will continue to monitor the implementation of MPRA and the activities of the PBGC to develop needed reforms that will both protect taxpayers and workers while encouraging employer participation.
- **Regulatory Process.** An open and transparent process for revising and implementing regulations benefits employers and workers alike. The Committee will work to ensure that stakeholders have sufficient time to review and provide public comment on regulatory actions within its jurisdiction.
- **Labor Laws.** Various federal labor laws were enacted during the past century for a very different workforce than the one that exists today. The Committee will continue to examine how these laws affect economic growth and job creation, paying particular attention to their impact on the rapidly-emerging “sharing” economy.
- **Government Spending.** The Committee will closely monitor all agencies under its jurisdiction to determine whether the expenditure of taxpayers’ money is leading to high-quality outcomes for students and workers.
- **Union Transparency.** Workers who have chosen to be represented by unions want to be sure their dues are being properly managed. The Committee will examine the efficacy of current reporting requirements, and work to ensure that employees have access to information that clearly shows how their dues are being spent.
- **Executive Action.** The Obama administration took a number of executive actions that encroach on the constitutional authority of Congress to write the law. The Committee will

continue to monitor and analyze those actions and work with the current administration to reign in those efforts and check executive authority.

Along with the oversight objectives already outlined, the Committee will examine the programs within its jurisdiction whose authorizations have expired or will soon expire. Based upon the results of that oversight, the Committee will determine the appropriate next steps.

The following laws include programs within the jurisdiction of the Committee that currently receive funding despite having authorizations that are expired:

- *America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act;*
- *Assistive Technology Act of 1998;*
- *Carl D. Perkins Vocational and Technical Education Act of 1998;*
- *Child Abuse Prevention and Treatment Act;*
- *Child Nutrition Act of 1966;*
- *Community Services Block Grant Act;*
- *Developmental Disabilities Assistance and Bill of Rights Act of 2000;*
- *Domestic Volunteer Service Act of 1973;*
- *Educational Technical Assistance Act of 2002;*
- *Education Sciences Reform Act of 2002;*
- *Food and Nutrition Act of 2008;*
- *Head Start Act;*
- *Higher Education Act of 1965;*
- *Individuals with Disabilities Education Act;*
- *Juvenile Justice and Delinquency Prevention Act of 1974;*
- *Low-Income Home Energy Assistance Act of 1981;*
- *Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act;*
- *Museum and Library Services Act;*
- *National and Community Service Act of 1990;*
- *National Assessment of Educational Progress Authorization Act;*
- *National Environmental Education Act;*
- *National Foundation for the Arts and Humanities Act of 1965;*
- *Native American Programs Act of 1974;*
- *Public Health Service Act;*
- *Richard B. Russell National School Lunch Act;*
- *Runaway and Homeless Youth Act;*
- *Second Chance Act of 2007; and*
- *Special Olympics Sport and Empowerment Act of 2004.*

The following laws include programs within the jurisdiction of the Committee that receive funding but have authorizations that will expire in the 115th Congress:

- *Congressional Award Act*;
- *Missing Children's Assistance Act*; and
- *Victims of Child Abuse Act of 1990*.

The following laws include programs within the jurisdiction of the Committee that currently receive funding but have authorizations that will expire in the 116th Congress:

- *Child Care and Development Block Grant Act of 1990*;
- *Elementary and Secondary Education Act of 1965*;
- *Older Americans Act of 1965*;
- *Violence Against Women Act of 1994*; and
- *Workforce Innovation and Opportunity Act*.