

[COMMITTEE PRINT]
118th CONGRESS
SUBMISSION OF OVERSIGHT PLAN
OF THE

COMMITTEE ON EDUCATION AND THE WORKFORCE

Mrs. Foxx, from the Committee on Education and the Workforce, submitted to the Committee on Oversight and Accountability 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, each standing committee (other than the Committee on Appropriations, the Committee on Ethics, and the Committee on Rules) shall, in a meeting that is open to the public, adopt its authorization and oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Oversight and Accountability and the Committee on House Administration—

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 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 (USDA), and Justice (DOJ); and independent agencies under the Committee's jurisdiction including the National Labor Relations Board (NLRB), the Equal Employment Opportunity Commission (EEOC), the Pension Benefit Guaranty Corporation (PBGC), the National Council on Disability, and the Corporation for National and Community Service (CNCS).

The Committee will lead aggressive oversight in its areas of jurisdiction, which include programs and statutes administered and enforced by ED, DOL, HHS, USDA, 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 programs 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 118th Congress. These areas include, but are not limited to, the following:

- **Student Loans:** The Committee will conduct oversight on the Biden Administration's actions related to the federal student loan program. Since March 2020, all payments and collections on federally-held student loans have been suspended. Since then, the Biden Administration has made substantial changes to the program, including waivers for loan forgiveness and repayment programs; issuing new regulations that include, among others, borrower defense to repayment, public service loan forgiveness, and closed school discharges; creating "Operation Fresh Start" for defaulted borrowers; and, by executive action, broad-based cancellation of up to \$20,000 for over 40 million borrowers. Coupled with their proposal for a new income-driven repayment plan, these actions will fundamentally alter the nature of the Direct Loan program and the Committee will investigate whether these actions go beyond the authority provided in statute. Further, the Committee will investigate and monitor FSA's implementation of its Unified Servicing and Data Solution, as well as the Department's plans to smoothly transition borrowers back into repayment through timely guidance and communications to both borrowers and servicers.
- **Student Aid:** The Committee will conduct oversight on the policies and priorities of the Office of Federal Student Aid at the Department of Education, especially as they relate to timely implementation of the *FUTURE Act* and the *FAFSA Simplification Act*, monitoring institutional accountability, preventing executive overreach on policies that Congress has not addressed, and monitoring institutional compliance with reporting foreign gifts and contracts.

- **Preserving the First Amendment on Campus:** The First Amendment is under attack at American institutions of higher education. Yet, institutions receive billions of dollars in federal funding only to promote or turn a blind eye to policies that undermine constitutional freedoms. The Biden Administration has not made it a priority to encourage campuses to foster the free exchange of ideas. The Committee will conduct oversight on the status of the Religious Liberty and Free Inquiry Rule and how institutions may be falling short of providing a learning environment with the complete protections of the First Amendment.
- **Monitoring Use of COVID Relief Funds:** Data, including declining scores on the ACT and the National Assessment of Educational Progress, have shown significant learning loss among students affected by school closures during the COVID pandemic. We will conduct oversight over how states and school districts are using the hundreds of billions of taxpayer dollars that were meant for reopening schools and addressing students' lost learning.
- **Faithful Implementation of Title IX:** The Committee will conduct oversight of the Department of Education's expected release of final rules under Title IX of the *Education Amendments of 1972*. These regulations are expected to redefine the term "sex," roll back policies that ensure fair and impartial campus judicial proceedings and create less safe and equal educational environments for women.
- **Department of Labor's Workforce Development Programs:** The Committee will conduct oversight on DOL's workforce development programs. This includes reviewing the policies and expenditures of apprenticeship programs operated by DOL and evaluating the various programs under the *Workforce Innovation and Opportunity Act*, including Job Corps, the Adult and Dislocated Worker program, and the Re-entry Employment Opportunities program.
- **Anti-Poverty Programs:** The Committee will conduct oversight to eliminate fraud and ensure programs are fiscally responsible, and narrowly targeted toward lifting low-income Americans out of poverty and on a path to self-sustainability.
- **Child Abuse Prevention and Treatment:** The Committee will conduct oversight to ensure that HHS is not encouraging states to violate parental rights.
- **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, including any new regulations published.
- **National Labor Relations Board:** The Committee will conduct oversight and investigations to ensure that the NLRB is properly implementing and enforcing the *National Labor Relations Act*. Following two years of the Biden administration, the NLRB and its Office of General Counsel are particularly in need of scrutiny. This needed oversight includes the Committee's review of the NLRB's regulatory proposals on joint

employers; changes to representative election procedures; its efforts to normalize mail, telephone, and online elections; and Board decisions which could illegally implement provisions of the *Protecting the Right to Organize Act* (PRO Act). The Committee will also review the General Counsel's use of field memoranda and injunctions to tilt NLRB policy decidedly in favor of organized labor. Finally, the Committee will investigate instances of NLRB corruption, including Board Members' conflicts of interest.

- **Administration Bias Promoting Big Labor:** The Biden administration has taken an all-of-government approach to increase union membership and assist union organizing campaigns at the expense of employee free choice. Whether it be Secretary of Labor Walsh's inappropriate appearance on the picket line at the Kellogg's plant in Lancaster, Pennsylvania, the NLRB General Counsel's aggressive actions, or the empaneling of a so-called "worker organizing and empowerment" task force, the Biden administration has shown its clear one-sided bias in favor of Big Labor. The Committee will conduct oversight to consider the extent to which the administration has weaponized federal policies in favor of unions and to ensure it moves back to its appropriate role of administering the law in an impartial manner.
- **Union Accountability and Transparency:** Approximately 7.2 million private sector workers are represented by unions, and they are entitled to accountability and transparency. DOL's Office of Labor-Management Standards is the chief federal agency responsible for protecting the rights of union members against anti-democratic procedures within labor organizations and safeguarding labor union funds and assets. The Committee will monitor OLMS's implementation of the *Labor-Management Reporting and Disclosure Act* to ensure the law is being appropriately applied and enforced. The Committee will also conduct oversight on unions, as needed, to ensure they are properly managing their members' dues, education funds, and pension programs.
- **Wage and Hour:** The Committee will engage with workers, employers, and other stakeholders to consider how best to modernize federal wage and hour laws. The Committee will also conduct oversight on the DOL Wage and Hour Division's regulatory and enforcement activity, including its proposals to revise the independent contractor and overtime pay rules under the *Fair Labor Standards Act* and prevailing wage requirements under the Davis-Bacon and Related Acts.
- **Retirement Security and Pensions:** The Committee will engage with workers, employers, retirees, and other stakeholders to consider how best to strengthen laws governing retirement security. Committee oversight will review DOL's regulatory actions on the definition of the term "fiduciary" and on environmental, social, and governance investing. The Committee will also closely examine PBGC as it implements the *American Rescue Plan Act* and conduct vigorous oversight of multiemployer pension plans that receive taxpayer dollars.
- **Health Care:** The Committee will conduct oversight to ensure that employers have the flexibility and tools to offer workers and their families affordable, employer-sponsored health care coverage that fits their individual needs. It will ensure that plans governed by

the *Employee Retirement and Income Security Act* are not improperly regulated by HHS and closely monitor any new coverage mandates imposed by unelected bureaucrats. The Committee will also closely oversee the Biden administration's implementation of laws governing mental health and substance abuse treatment coverage and banning surprise medical billing. The Committee will further conduct oversight to ensure the administration properly winds down the COVID-19 public health emergency declaration and ensures previously appropriated COVID relief funding has been properly used. Additionally, the Committee will closely monitor any attempt by the administration to coerce employers to provide abortion or transgender benefits.

- **Equal Employment Opportunity:** The Committee will monitor EEOC and DOL's Office of Federal Contract Compliance Programs to ensure they are properly implementing and enforcing employment non-discrimination laws. Specifically, the Committee will monitor EEOC's attempts to expand the "Employment Information Report" (EEO-1) form to include employee pay data. The Committee will also oversee OFCCP's policies concerning religious organizations seeking to participate in federal contracting.
- **Workplace Safety and Health:** The Committee will conduct oversight on the Occupational Safety and Health Administration (OSHA) to confirm it is ensuring safe and healthy workplaces by properly setting standards and providing education, outreach, and assistance to workers and employers without excessive red tape. Committee oversight will review OSHA's regulatory actions on heat illness prevention, recordkeeping, workplace violence prevention, and process safety management. The Committee will also review any further attempts by OSHA to promulgate a COVID-19 standard for the health care industry.
- **Mine Safety and Health:** The Committee will review the Mine Safety and Health Administration's (MSHA) implementation of federal mine safety laws to ensure it is properly promoting safe and healthy workplaces and working to eliminate mining fatalities. The Committee will also examine MSHA's regulatory and enforcement activity, including its promulgation of a rule on silica.
- The Committee will monitor DOL's Office of Workers' Compensation Programs (OWCP), which include the Federal Employees' Compensation Program, the Energy Workers Program, the Black Lung Program, and the Longshore Program. Specifically, the Committee will look for opportunities to improve the Federal Employees' Compensation Program management, simplify administration, and strengthen the program's integrity so that it can better serve the needs of injured federal workers. In addition, the Committee will oversee OWCP's implementation of the *Federal Firefighters Fairness Act*, which creates a new presumption of eligibility under the *Federal Employees' Compensation Act* for federal firefighters with certain occupational illnesses.

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

Expired Authorizations

The following is a list of the major laws that have authorizations of appropriations that have expired but continue to receive funding under the jurisdiction of the Committee on Education and the Workforce. Along with the oversight objectives previously outlined, the Committee will work to conduct oversight of these laws and determine the appropriate next steps.

- *Child Abuse Prevention and Treatment Act*
- *Child Care and Development Block Grant Act of 1990*
- *Child Nutrition Act of 1966*
- *Community Services Block Grant Act*
- *Domestic Volunteer Service Act of 1973*
- *Education Sciences Reform Act of 2002*
- *Elementary and Secondary Education Act of 1965*
- *Family Violence Prevention Services Act*
- *Head Start Act*
- *Higher Education Act of 1965*
- *Individuals with Disabilities Act*
- *Low-Income Home Energy Assistance Act of 1981*
- *Museum and Library Services Act*
- *National and Community Service Act of 1990*
- *National Foundation for the Arts and Humanities Act of 1965*
- *Richard B Russell National School Lunch Act*
- *Runaway and Homeless Youth Act*
- *Special Olympics Sport and Empowerment Act of 2004*
- *Workforce Innovation and Opportunity Act*

The following is a list of major laws that have authorization of appropriations that will expire during the 118th Congress:

- *Carl D Perkins Career and Technical Education Act of 1998*
- *Juvenile Justice and Delinquency Prevention Act of 1974*
- *Missing Children's Assistance Act*
- *Morris K Udall Scholarship and Excellent in National Environmental and Native American Public Policy Act*