

[COMMITTEE PRINT]

117th 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.*

Addressing Issues of Inequities

Pursuant to H. Res. 8, adopted by the House of Representatives in the 117th Congress, Clause 2(d)(2)(F) of Rule X of the Rules of the House of Representatives added the following new requirement to committee oversight plans:

- (F) give priority consideration to including in the plan a discuss of how the committee’s work will address issues of inequities on the basis of race, color, ethnicity, religion, sex, sexual orientation, gender identity, disability, age, or national origin.

This Committee has and will continue to work toward an America where everyone can succeed, not just the wealthy few, by conducting oversight to ensure that federal laws are applied without illegal discrimination and federal programs are implemented to improve the lives of all children, students, workers, retirees, and families. The Committee’s commitment to realize equity in and access to quality education, achieve safe and inclusive workplaces where workers can earn a livable wage and collectively bargain, and expand access to quality and affordable health care are fundamental to its oversight activities.

In the 117th Congress, the Committee will continue to deliver on its promise to the people across this great nation by shedding light on longstanding inequities and achievement gaps in education, unsafe and exclusionary workplaces, and limited or no access to quality and affordable health care for those who need it most. As it has always done, the Committee will continue to use its oversight authority to ensure that the federal government and its partners are delivering for the people, and it is pleased that this provision has been added to the Rules to ensure that other committees are doing the same.

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, DC 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 117th Congress. These areas include, but are not limited to, the following:

- **COVID-19 Relief:** To respond to the COVID-19 pandemic, Congress appropriated significant resources in the 116th Congress. The Committee will oversee the implementation of these laws and future COVID-19 relief legislation to ensure that students, teachers, patients, workers, and their families are adequately protected. As part of this work, the Committee will continue to conduct oversight of ED's COVID-19 relief efforts to ensure it appropriately distributes funds to Puerto Rico.
- **Civil Rights:** The Committee will oversee the implementation of civil rights laws pertaining to education, labor and employment, and health 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. In addition, the Committee will investigate the Trump Administration's rollback of civil rights policies and ensure the Biden Administration works to benefit all workers and students. The Committee will assess the longstanding education gaps that have deepened due to institutional educational inequities rooted in racism. The Committee will also conduct oversight on DOL's, ED's, and HHS' rules and use of faith-based exemptions to ensure that they are not used to discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or any other protected class in federal programs and contracts. Further, the Committee will investigate maternal and infant issues, food insecurity, and other institutional inequities that impact access to quality health care and community supports.
- **Implementation of the Every Student Succeeds Act:** ED has not implemented the bipartisan *Every Student Succeeds Act* (ESSA) with fidelity. Accordingly, the Committee will ensure ED fully and appropriately implements ESSA, with a focus on ESSA's accountability and supplement not supplant provisions.
- **Restarting Student Loan Payments:** Congress and President Trump have suspended all payments and collections on federally-held student loans since March 2020 due to the pandemic-induced recession. This will present operational challenges when servicers are charged with reinitiating collections and payments for the entire student borrower portfolio. The Committee will investigate whether servicers are sufficiently prepared to resume collecting student loan payments and, when payments resume, will conduct

oversight to ensure servicers are complying with all statutory and contractual requirements.

- **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 institutional accountability, monitoring of the incentive compensation ban, reducing abuse among institutions reliant on online program management companies, and monitoring institutional financial solvency. Further, the Committee will continue to investigate and monitor FSA's procurement of components of the NextGen initiative, FSA's implementation of the Public Service Loan Forgiveness (PSLF) program, and FSA's implementation of the Teacher Education Assistance for College and Higher Education (TEACH) grants program.
- **For-Profit Institution Conversions:** Over the last decade, for-profit institutions have converted to non-profit institutions at an accelerated rate and with insufficient monitoring from ED. Some of these conversions have allowed for-profit owners and executives to improperly benefit from non-profit organizations and have posed financial risks to students and taxpayers. The Committee will investigate recently converted institutions and those seeking new conversions to evaluate and mitigate risks.
- **Borrower Defense:** The Trump Administration repealed student borrower protections and replaced them with corporate-friendly regulations that made obtaining meaningful relief for defrauded borrowers nearly impossible. The Committee will oversee ED's implementation and re-regulation of these provisions to ensure borrowers are protected from institutional misconduct and made whole when evidence of fraud is uncovered.
- **Students and Workers with Disabilities:** The Committee will conduct oversight on ED's implementation of the Individuals with Disabilities Education Act's significant disproportionality requirements. Though this requirement was meant to protect Black and Latino students from overrepresentation in special education, ED has failed to effectively enforce this provision. 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 in the workplace.
- **Department of Labor's Workforce Development Programs:** The Committee will conduct oversight on DOL's workforce training 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 Dislocated Worker program, and the Re-entry Employment Opportunity program.
- **Worker Wages:** The Committee will conduct oversight on the DOL's Wage and Hour Division's (WHD) actions regarding overtime pay, protections for tipped workers, and child labor protections under the *Fair Labor Standards Act*. The Committee will evaluate the WHD's enforcement of prevailing wage laws.

- **Workplace Safety and Health:** The Committee will conduct oversight on the Occupational Safety and Health Administration’s (OSHA) actions regarding workplace health and safety standards, including infectious disease protections, occupational heat stress, workplace violence in health care and social service settings, and hazardous substances. The Committee will assess the adequacy of OSHA’s COVID-19 policies and the effectiveness of its enforcement efforts at high-risk worksites, including warehouses, meat packing plants, and nursing homes.
- **Mine Safety and Health:** The Committee will evaluate the Mine Safety and Health Administration’s actions to stem the rising rates of black lung disease and assess whether changes to its enforcement policies have compromised miners’ safety.
- **Workers’ Compensation Programs:** The Committee will evaluate risks to the solvency of the Black Lung Benefits Disability Trust Fund, review the adequacy of COVID-19 compensation coverage under the Federal Employees’ Compensation Act (FECA) and the Longshore and Harbor Workers’ Compensation Act, and evaluate DOL’s implementation of recommendations issued by the Government Accountability Office with respect to the Office of Workers’ Compensation Programs.
- **Retirement Security and Pensions:** The Committee will 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. The Committee also will continue to monitor the impact of “midnight” rules (retirement investment advice, environmental, social, and governance (ESG) investing, and proxy voting) that were finalized by DOL during the final months of the Trump Administration.
- **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.
- **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 and ethically enforcing the *National Labor Relations Act*. This includes ensuring that any structural changes to the National Labor Relations Board are aligned with its mission to protect workers.
- **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 during the COVID-19 pandemic.

- **Health Care:** The Committee will conduct oversight to ensure that all people are receiving equitable and affordable access to health care, including investigating inequities that prevent individuals and communities from accessing needed health care. This includes ensuring that all individuals and families can access needed prescription drugs.
- **Supporting Communities:** The Committee will conduct oversight to ensure that community support programs and federal funding targeted to improving equity for vulnerable populations achieves that goal.

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