

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO THE COMMITTEE PRINT OF
THE OVERSIGHT AND INVESTIGATION PLAN OF THE COMMITTEE ON EDUCATION
AND THE WORKFORCE FOR THE 115TH CONGRESS
OFFERED BY MR. SCOTT

Strike all, and insert the following:

[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 House 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

America's working families deserve an open, accountable, and efficient government that enforces federal civil rights, education, and labor laws. Furthermore, government must spend taxpayers' money efficiently and effectively to implement publicly-funded programs that are responsive to the needs of workers, families, and students. Congress must use its constitutional authority to ensure our laws are properly enforced, to improve the lives of vulnerable Americans, and to promote government policy that protect and promote the rights of all.

Congressional oversight of federal programs and activities is a critical part of this effort. Oversight is a constitutional prerogative and responsibility of the Congress and is a core objective of the Committee. Accordingly, the Committee will thoroughly oversee and investigate the various agencies, departments, and programs and budgets within its jurisdiction. In so doing, the Committee will actively consult with House committees having 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 United States 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 House Rules, 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, budgets, 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 President Obama signed a bipartisan, bicameral bill to replace *No Child Left Behind* with reforms to provide states and local communities new flexibilities, supported by strong federal guardrails to ensure accountability for implementing federal funds to provide all students, including low-income students, minority students, students with disabilities, and English learners, with an excellent education. The Obama Administration moved forward expeditiously to promulgate regulations and guidance necessary to implement the *Every Student Succeeds Act* effectively, giving states and school districts the stability and clarity necessary to fulfill Congressional intent. The Committee will work with the Trump Administration to ensure the law is properly implemented, including implementation of regulations finalized by the outgoing administration and enforcement of federal protections for vulnerable students.

- **Student Financial Aid.** The U.S. Department of Education manages \$1.3 trillion in 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, to ensure that the Department fulfills its responsibilities to protect students and taxpayers.
- **Higher Education.** Institutions of higher education are subject to federal regulations and reporting requirements necessary to protect students and taxpayers, promote program quality, and improve equity in higher education. The Committee will continue its oversight of these regulatory policies to ensure that the U.S. Department of Education meets the needs of students and taxpayers.
- **Workforce Innovation and Opportunity Act.** In 2014, Congress passed and the President signed a bipartisan, bicameral bill to update and improve the nation's workforce development and vocational rehabilitation systems. 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.** The Affordable Care Act has made historic progress in both improving access to health insurance for working families, and strengthening protections in employer-sponsored insurance. The Committee will work to ensure that this progress is protected through effective implementation of the law. This includes continuing availability of financial assistance for the millions of Americans accessing coverage on the Marketplace, and maintaining key benefits that workers now enjoy in their job-based health coverage, such as the elimination of lifetime and annual caps on coverage, allowance for young adults to stay on a parent's policy until age 26, and free preventive care.
- **Workplace Benefits, Wage and Hour, and Safety and Health Protections.** The Committee will conduct oversight of the Department of Labor's enforcement activities. Over the past eight years, the U.S. Department of Labor (DOL) has taken critical steps to strengthen enforcement of wage and hour laws, such as the Fair Labor Standards Act, the Davis Bacon Act, and the Service Contract Act. In addition, the Occupational Safety and Health Administration has improved enforcement by focusing inspection efforts on the highest hazard workplaces. Oversight is also needed to strengthen enforcement of the provisions of 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, as appropriate, to ensure that the National Labor Relations Board (NLRB) will fairly enforce the National Labor Relations Act in order to ensure that working people have full freedom of association, that their right to collectively bargain is protected, and that the NLRB, where appropriate, enjoins unfair labor practices.
- **Civil Rights.** Robust enforcement of the country's civil rights laws levels the playing field for students and working people. The Committee will oversee the implementation of

civil rights laws pertaining to education, employment, and health care and ensure that such protections are not curtailed or retracted. The Committee will also uphold the principles of the First Amendment of the U.S. Constitution which ensures that the government will not establish religion or prohibit the free exercise thereof.

- **Juvenile Justice.** The Committee has jurisdiction over the implementation of the *Juvenile Justice and Delinquency Prevention Act of 1974*. It will oversee efforts at the Department of Justice to ensure that states are in compliance with the law and providing the required protections to juveniles in detention.
- **Retirement Security and Pension Reform.** The retirement system works best when workers have access to robust, portable, and secure savings options. That is why it remains essential for the U.S. Department of Labor's conflict of interest (COI) rule to be implemented on schedule. The Committee will continue to monitor and oversee the implementation of this long overdue rule to ensure that working people and their families receive retirement investment advice that's in their best interest. The Committee will also continue to work toward bipartisan solutions that address the multiemployer pension crisis, which impacts millions of American workers.
- **Mineworkers Health Care and Pensions.** The mineworkers pension plan will soon face insolvency absent congressional intervention, thereby jeopardizing the solvency of Pension Benefit Guaranty Corporation's (PBGC) multi-employer pension insurance fund and the many pensioners who depend on the PBGC to pay benefits. Legislation has been introduced to ensure that there is a permanent fix for both retiree health care and pensions. The Committee will assess remedies needed to ensure coal miners receive the benefits that they have earned through years of hard and dangerous work.
- **Workers' Compensation Programs.** The Department of Labor operates four major workers' compensation programs, including the Federal Employees' Compensation Act, the Energy Employees' Occupational Illness Program Act, Black Lung Benefits Act and the Longshore and Harbor Workers' Compensation Act, three of which have had no meaningful oversight in more than a decade. The Committee will continue to oversee these programs to ensure programmatic weaknesses are eliminated.
- **Implementation of New Rules and Regulations.** The Departments of Labor, Education, and Health and Human Services have issued rules to protect retirement savings, modernize wage and hour rules, improve workplace and mine safety, protect student borrowers, protect people's retirement savings, ensure equal educational opportunity for elementary and secondary school students, implement job training programs, and implement head start and health care laws. President Obama also put in place critical Executive Orders to raise wages, prevent discrimination on the basis of sexual orientation and gender identity, and provide paid sick days for workers of federal contractors, among other goals. The Committee shall examine and oversee implementation of such rules and assess the costs and benefits of any proposed changes. The Committee will provide oversight to achieve the full implementation of these protections, including by urging the

incoming administration to vigorously defend those rules and regulations that are being challenged in the courts. This oversight is critical to ensuring the safety and economic security of millions of Americans.

- **Trump Administration Conflicts of Interest.** 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. The Committee will continue to monitor and analyze those actions and work with the Trump administration to reign in those efforts and check executive authority. Such efforts include ensuring all elected officials play by the rules and maintain the highest ethical standards. In light of President Trump's refusal to release his tax returns and divest himself of his own corporate interests, concerns remain regarding financial conflicts of interest and whether he and his Administration will engage in official government business in which they or their families stand to personally profit. The Committee will conduct responsible oversight and investigations to identify, expose, and end conflict of interests within its jurisdiction.

Along with the oversight objectives already outlined, the Committee will examine the budgets and 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 currently receiving funding, but whose authorizations have expired and are within the jurisdiction of the Committee on Education and the Workforce.

- *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*
- *Special Olympics Sport and Empowerment Act of 2004*

Additionally, the following laws include programs currently receiving funding, but whose authorizations will expire in the 115th Congress and are within the jurisdiction of the Committee on Education and the Workforce:

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

Additionally, the following laws include programs currently receiving funding, but whose authorizations will expire in the 116th Congress and are within the jurisdiction of the Committee on Education and the Workforce:

- *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*
- *Workforce Innovation and Opportunity Act*