

[Committee Print]

112th 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 (the “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*
- (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.

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

Oversight is a constitutional prerogative and responsibility of the Congress. Oversight is 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 other House committees having concurrent or germane jurisdiction. In its oversight proceedings, the Committee will make full use of formal hearings in Washington, D.C. and in 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, among others, the Congressional Research Service, Government Accountability Office, United States Attorney General, and Offices of the Inspectors General of the Departments of Labor, Education, and Health and Human Services.

The Committee has identified several particular areas for oversight and investigation in the 112th Congress. These areas are discussed below:

Protecting the Financial Interests of Students and Taxpayers. The Committee seeks to ensure the financial interests of students, their families, and taxpayers are protected. The Committee will conduct a comprehensive review of programs and projects at the U.S. Department of Education to ensure they are limited to the appropriate federal role; operating in an effective and efficient manner; and following Congressional intent in their scope, activities, and operations. In particular, the Committee will monitor the implementation of the many new programs and projects created over the last two years that resulted in an almost doubling of the Department’s budget, including the Education Jobs Fund, the State Fiscal Stabilization Fund, the Race to the Top program, and other funding initiatives included in the American Recovery and Reinvestment Act (ARRA). The Committee will monitor the implementation of recent laws enacted to reauthorize the Child Nutrition Act, Corporation for National and Community Service, and Child Abuse Prevention and Treatment Act. The Committee will also monitor the transition of all institutions of higher education to the Direct Lending program, including examining the growth of the size of the Department of Education as a result of this policy.

Protecting Access to Educational Options for Students. The Committee will seek to protect educational options for students from elementary school to higher education. To do this, the Committee will investigate federal policies that inhibit or prevent students’ access to a high-quality elementary and secondary education or postsecondary education that best meets their individual needs. The Committee will examine the actions of the Department of Education to review the policies, regulations, and guidance being offered so elementary and secondary students are able to attend the school of their choice as allowed by law, parents are able to access

programs that provide additional academic support to students, and students are able to attend programs to start or further their careers.

Department of Labor. The Committee will continue its oversight of the various programs and statutes administered and enforced by the U.S. Department of Labor, including all of the workplace laws within its jurisdiction. The Committee will closely monitor and review implementation of the Department of Labor's regulatory initiatives; in particular, those relating to regulations under the Fair Labor Standards Act, regulations implementing recent legislative changes to the Family and Medical Leave Act, and those impacting temporary worker programs.

Workplace Safety. The Committee recognizes that safe workplaces are vital to the well-being of our nation's workers and the strength of our economy. Accordingly, the Committee will continue its efforts to ensure federal workplace safety laws, including both the Occupational Safety and Health Act and the Mine Safety and Health Act, adequately protect American workers. The Committee will also take steps to ensure the agencies responsible for administering and enforcing these statutes do so fairly, effectively, and efficiently.

Union Democracy. The Committee will conduct investigations, as appropriate, to ensure that protections afforded to both employees and employers under the National Labor Relations Act are applied consistently and without bias. The Committee will also closely monitor the Department of Labor's administration and enforcement of the Labor-Management Reporting and Disclosure Act. If employees choose to be represented by a union, the Committee will work to ensure all union members are free to fully participate in their union. Additionally, the Committee will work to ensure union officers and employees are accountable to their members and hold union assets solely for the benefit of the union and its members.

Health Care. The Committee will perform oversight of the new health care law, the Patient Protection and Affordable Care Act, and its impact on the economy, employers, workers, and their families. Rising health care costs continue to place significant strains on large and small businesses and Americans' family budgets, making it more difficult to access quality, affordable health insurance coverage. The new law expands the role of the government in the health care system and makes significant changes to the coverage provided by most employer-sponsored health benefit plans, many of which are administered under the Employee Retirement Income Security Act of 1974 (ERISA), which serve as many as 170 million participants. The Committee will examine the effects of the new health care law, and will monitor implementation efforts by executive agencies including the Department of Labor.

Retirement Security. The Committee will continue to monitor the Department of Labor's activities with respect to its efforts to protect the integrity and viability of private pension and welfare plans covered under the Employee Retirement Income Security Act of 1974 (ERISA). The Committee will also continue to oversee developments affecting single and multiemployer defined benefit pension programs. In addition, the Committee will continue its oversight of the Pension Benefit Guaranty Corporation and its efforts to encourage growth of defined benefit pension plans and provide timely and uninterrupted payments of pension benefits to American workers.

In addition, the Committee reserves the right to review and investigate general legislative, administrative, and regulatory issues within the jurisdiction of the Committee.