

111th CONGRESS
1st Session

REPORT OF OVERSIGHT AND INVESTIGATION PLAN
OF THE
COMMITTEE ON EDUCATION AND LABOR

Mr. GEORGE MILLER of California, from the Committee on Education and Labor, submitted to the Committee on Oversight and Government Reform and the Committee on House Administration the following.

REPORT
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1. Adoption of an Oversight Plan

Each standing committee of the House is required to adopt formally 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 Labor

Rule X of the Rules of the House of Representatives of the House vests in the Committee on Education and Labor (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.

[. . .]

(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 doing so, the Education and Labor 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, both in Washington, D.C. and in regional field hearings, to ensure that all relevant voices are heard and made part of the official record. Among other investigative techniques, the Committee will visit relevant sites, correspond with impacted parties, and review audits and investigations by, among others, the Congressional Research Service, Government Accountability Office (“GAO”), the United States Attorney General, and the Offices of the Inspectors General (“IGs”) of the Departments of Labor, Education, and Health and Human Services (“HHS”).

The Committee has identified several particular areas for oversight and investigation in the 111th Congress. These areas are discussed below.

Protecting the Financial Interests Students and Taxpayers: The Committee seeks to ensure that the financial interests of students, their families, and taxpayers are protected. To do this, the Committee will monitor the implementation of provisions of the Higher Education Opportunity Act signed into law last year, specifically provisions included to prohibit conflicts of interest among colleges and student loan lenders and to enhance consumer disclosures and protections for both Federal and private loans. The Committee will also monitor the implementation of the Ensuring Continued Access to Student Loans Act, especially as experience with this Act might inform broader reform of the student lending industry, and look more broadly at the adequacy of mechanisms in place to ensure lender and guaranty agency compliance with laws and regulations. The Committee will seek to protect taxpayers and keep funds available for deserving students by exploring allegations of educational programs that receive federal student aid for “ghost students” purportedly participating in programs, but whom do not exist. Finally, looking to protect students beyond traditional higher education financing, the Committee will assess and investigate as warranted, non-student loan business relationships between colleges, lenders, and students.

Safeguarding the Federal Child Nutrition Programs: The Committee will seek to keep children safer by ensuring that the foods they receive through federal child nutrition programs are safe. In light of last year’s unprecedented food safety-related recalls affecting large numbers of schools and districts nation-wide and concerns about infant formula, the Committee will continue to review the safety of the food that is served as part of the federal child nutrition programs and investigate as appropriate.

Protecting Workers’ Right to Organize Effectively: The Committee will investigate as appropriate to ensure the protection of the right of workers to organize and collectively bargain. The Committee will also investigate as appropriate to ensure that unions provide workers with the effective and ethical representation workers deserve.

Safeguarding Workers' Retirement Investments: The Committee held a number of hearings on the issue of retirement security during the 110th Congress. In an effort to further advance this important issue, the Committee will investigate as appropriate to uncover any impropriety in the selling and operation of the various retirement products and investments offered to workers, including the disclosure and appropriateness of fees and the disclosure of the risks and costs associated with such products.

Securing Pensions: Last Congress, the Committee requested a GAO investigation into whether corporate officers affiliated with terminated pension plans failed to act in the best interests of all stakeholders. It is imperative that executives of companies considering terminating pension plans not self deal to the detriment of employees and communities. The Committee will investigate issues related to the security of pensions as appropriate.

Protecting Workers from Exploitation and Wage Theft: In the 110th Congress, the Committee held a hearing on the Department of Labor's enforcement of federal wage and hour laws. The Committee charged GAO with investigating this issue and will continue this work. The Committee will investigate and highlight the last administration's enforcement of wage and hour laws to further Congress' efforts to encourage and assist the new administration in protecting vulnerable workers from exploitation.

Strengthening the Middle Class: The Committee will investigate trends in economic conditions and employment practices generally that affect the ability of the nation's workers to acquire and maintain decent standards of living for themselves and their families, including respect for fundamental workers' rights, trade issues and compensation, benefits, and other workplace policies and practices.

Promoting Legislative Oversight of the Executive Branch: The Committee plans to lay the foundation and establish a baseline for program oversight in the new administration. The Committee will explore with GAO ways in which GAO can identify and prioritize programs that may most benefit from an in-depth review. The Committee will also work with the new administration to ensure the effectiveness and efficiency of the programs under the Committee's jurisdiction.

Fraud, Waste and Abuse: Where appropriate, the Committee will investigate specific concerns raised by Members, staff, informants, and others regarding allegations of fraud, waste and abuse. The Committee will remain vigilant over the taxpayer's investment in government, and the health and safety of the Nation's workers, students, and children. The Committee's vigilance will include monitoring the expenditure and use of funds appropriated under any economic recovery legislation.

The Committee reserves the right to review and investigate as appropriate any issues within the general legislative, administrative, and regulatory jurisdiction of the Committee.