

[COMMITTEE PRINT]

116th CONGRESS

SUBMISSION OF OVERSIGHT PLAN

OF THE

COMMITTEE ON EDUCATION AND LABOR

MINORITY VIEWS

The American people deserve an open, accountable government that works efficiently and effectively. Congress must use its constitutional authority to ensure that laws are properly enforced, taxpayer money is spent wisely in accordance with congressional intent, and government policy does not harm the American people. Congressional oversight of federal programs and activities is a critical part of this authority. Oversight is a constitutional prerogative, an important responsibility of the Congress, and a core objective of the Committee. Accordingly, the Committee should responsibly oversee, investigate, and hold accountable the various agencies, departments, and programs within its jurisdiction.

Oversight may not be glamorous or exciting, but it is important to be diligent, thoughtful, and responsible in its implementation. It is equally important to be objective. It would be inappropriate and a misuse of our authority to fall prey to rumors or presume conclusions to the Committee's investigations and inquiries before they are completed. If the Committee's work is to be effective, then it is important for all members to keep open minds, examine potential problems, assess the actual facts and evidence, and finally determine if there are concerns that need to be addressed.

Exercise of Oversight Responsibilities

Under the Rules of the House of Representatives, 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 should continue to ensure these programs and statutes are operated in an effective and efficient manner and administered consistent with the appropriate federal role and following congressional intent. In so doing, the Committee should actively consult with House committees that have concurrent or related jurisdiction.

The Committee should pursue several particular areas for oversight and investigation in the 116th Congress. These areas are discussed below:

- **Every Student Succeeds Act.** In 2015, Congress passed, and the President signed, a bipartisan, bicameral bill to replace *No Child Left Behind* with commonsense reforms to allow states and communities the flexibility needed to provide all students an excellent education. The Committee should continue to work with the Trump administration to

ensure the *Every Student Succeeds Act* is properly implemented, including following the significant changes made to the Preschool Development Grants.

- **Student Aid.** The U.S. Department of Education manages \$1.4 trillion in outstanding federal student loans and disburses billions in grants and work-study funds each year. The Committee should continue to monitor the costs and performance of these programs.
- **Higher Education Regulations.** Institutions of higher education are subject to myriad federal regulations and reporting requirements that are often burdensome and costly. The Committee should continue its oversight of regulatory policies and challenge those that enlarge the federal footprint in higher education, which tends to interfere with academic freedom, infringe on the authorities of the states, limit student choice, and unfairly target particular sectors of higher education.
- **Workforce Innovation and Opportunity Act.** In 2014, Congress passed, and the President signed, a bipartisan, bicameral bill to fix the nation's broken workforce development system. The *Workforce Innovation and Opportunity Act* was focused on helping workers attain skills for 21st century jobs, providing greater accountability to taxpayers, and helping to put Americans back to work. The Committee should continue to work with the administration to ensure the law is properly implemented.
- **Affordable Care Act.** The Committee should continue oversight of the *Affordable Care Act* and related health care issues. In particular, the Committee will focus on how the ACA regulations and sub-regulatory guidance have harmed employers' ability to provide high quality, affordable health care to employees, including educators and school-staff, and what the Trump Administration has done to provide relief from these costly and burdensome requirements.
- **Employer and Employee Protections.** The Committee should conduct oversight and investigations, as appropriate, to ensure employee and employer rights under the *National Labor Relations Act* (NLRA) are protected and applied consistently and without bias. The Committee should work to ensure the National Labor Relations Board properly fulfills its responsibilities, giving particular scrutiny to the Board's anticipated changes to the joint-employer standard, union election rules, unit determinations, and employees' right to decertify unions under the NLRA.
- **Retirement Security.** The retirement system works best when workers have access to voluntary, robust, portable, and secure savings options. The Committee should monitor the U.S. Department of Labor's activities to ensure regulations and sub-regulatory guidance benefit the long-term retirement security of working families and do not restrict access to affordable retirement advice.
- **Multiemployer Pensions.** Extreme and continuing underfunding in multiemployer defined benefit pension plans threaten the Pension Benefit Guaranty Corporation's (PBGC) solvency as well as benefits promised to workers and retirees who participate in these plans. To prevent further deterioration of the plans' funding and to protect the

security of worker and retiree benefits, the Committee should explore meaningful and responsible structural reforms, consistent with the *Employee Retirement Income Security Act of 1974* that ensure the future stability of multiemployer pension plans. The Committee should continue to monitor the implementation of the *Multiemployer Pension Reform Act of 2014* and the activities of the PBGC to develop needed bipartisan reforms that will protect both taxpayers and workers while encouraging employer participation.

- **Regulatory Process.** An open and transparent process for revising and implementing regulations will benefit students, institutions, employers, and workers alike. The Committee should work to ensure that stakeholders have sufficient time to review and provide public comment on regulatory actions within the Committee's jurisdiction.
- **Wage and Hour Laws.** Various federal labor laws were enacted during the past century for a very different workforce from the one that exists today. The Committee should continue to examine how these laws affect economic growth and job creation. In addition, the Committee should continue to encourage the agencies in its jurisdiction, especially the U.S. Department of Labor, to focus on compliance assistance to help employers understand and follow federal labor laws.
- **Government Spending.** The Committee should closely monitor all agencies under its jurisdiction to determine whether the expenditure of taxpayers' money is leading to efficient, high-quality outcomes for students and workers.
- **Union Transparency.** Workers who have chosen to be represented by unions want to be sure their dues are being properly managed. The Committee should examine the efficacy of current union reporting requirements and work to ensure that employees have access to information that clearly shows how their dues are being spent. In particular, the Committee should conduct oversight to ensure federal labor laws are properly applied to worker centers.
- **Executive Action.** The Obama administration took a number of executive actions that encroach on the constitutional authority of Congress to write the law. The Committee should continue to monitor and analyze those actions and work with the current administration to reign in those efforts and check executive authority. It should also be prepared to resist any executive actions in this administration that could encroach on the constitutional authority of Congress.

Along with the oversight objectives already outlined, the Committee should examine the programs within its jurisdiction whose authorizations have expired or will soon expire. Based upon the results of that oversight, the Committee should determine the appropriate next steps.

Conclusion

The minority believes responsible, fact-driven oversight of the agencies over which this Committee has jurisdiction is vitally important. The Committee must ensure that agencies are being good stewards of hard-working taxpayer dollars and are implementing the laws Congress

passed with fidelity. The minority looks forward to pursuing oversight opportunities that meet those goals and look forward to working with our majority colleagues in this endeavor.