

Opening Statement of Ranking Member Robert C. "Bobby" Scott (VA-03)

Full Committee Markup

H.R. 1723, *Tribal Labor Sovereignty Act*

H.R. 2958, *Balance the Scales Act*

H.R. 2869, *EBSA Investigations Transparency Act*

H.R. 2844, *Michael Enzi Voluntary Protection Program Act*

H.R. 3495, *Direct Seller and Real Estate Agent Harmonization Act*

H.R. 5169, *Retire through Ownership Act*

2175 Rayburn House Office Building

Wednesday, September 17, 2025 | 10:15 a.m.

Thank you, Mr. Chairman.

The most recent data on inflation, unemployment, and jobs show that Americans are struggling as a result of this Administration's reckless policies and priorities. As such, I would have hoped the Majority would try to advance common-sense, evidence-based initiatives to improve workers' lives and strengthen the economy. Instead, we are here today, nearly all the bills we are considering tilt the scales in favor of corporate interests at the expense of workers. Committee Republicans also failed to hold legislative hearings on some of these bills. In sum, today's markup represents a missed opportunity.

The first bill we are considering is the *Tribal Labor Sovereignty Act* (H.R. 1723), which would strip hundreds of thousands of workers employed by Indian-owned enterprises, such as casinos, hotels, and mines, of their rights under the *National Labor Relations Act*. At the heart of this issue are two important and deeply rooted principles: the sovereign rights of Native American tribes and the rights of workers to organize, speak up, and collectively bargain. Rather than seeking a fair and balanced approach to honoring both, which the National Labor Relations Board's current standard already accomplishes, this bill simply eliminates NLRA protections for all workers. Also, the Committee's failure to have a hearing on this issue has robbed our new Members of the opportunity to fully discuss and deliberate on the impact of this regressive legislation. We can and must do better than force a false choice between tribal sovereignty of tribes and worker rights. For these reasons, I oppose this bill.

Next, we will consider the *Balance the Scales Act* (H.R. 2958), which would amend the *Employee Retirement Income Security Act* (ERISA) to severely limit the Employee Benefits Security Administration's (EBSA) ability to communicate with attorneys representing workers or retirees in any matters brought under ERISA. There is no similar limitation with respect to attorneys representing corporations. So, in essence, this bill would put a thumb on the scales and disadvantage those workers and retirees who are seeking justice. For that reason, I oppose this bill.

The third bill noticed for today's markup is the *EBSA Investigations Transparency Act* (H.R. 2869). This bill requires EBSA to complete an extraneous report focusing on the length of its investigations. The bill's supporters argue that EBSA's investigations are simply too long, but this completely ignores the reality that in some cases the reality in which these investigations take place.

Mr. Chairman, it must be noted that while some investigations may take a lot of time, the consistent underfunding of EBSA and the steady decline of full-time employees undermine its ability to protect working families who rely

on the agency to protect their hard-earned health and retirement benefits. Further, many investigations are long because they are complex. Spending sufficient time analyzing the facts and circumstances of the case during an investigation is not only justified but is required by law. Justice cannot always be expedited. The bill is not in the best interests of workers, retirees, and their families, and I will oppose that bill too.

I support transparency and accountability on behalf of working families, but these two EBSA bills do not accomplish that goal. The best way to increase transparency and accountability is to ensure EBSA has the funding and personnel it needs to fulfill its statutory mission.

The fourth bill we will consider is the *Michael Enzi Voluntary Protection Program Act* (H.R. 2844), which would expand a program that exempts certain employers from routine safety inspections. But voluntary programs can't replace clear, enforceable standards. In 2023 alone, over 140,000 workers died from workplace hazards. OSHA must stay focused on protecting workers. Workers' safety cannot be optional. We cannot exchange proven enforcement for voluntary promises. And so, I'll oppose that bill.

The fifth bill under consideration, which is entitled the *Direct Seller and Real Estate Agent Harmonization Act* (H.R. 3495), attempts to legislate a complex and evolving workforce sector. Yet no Committee hearing has occurred this Congress, or in recent previous Congresses, to clearly show that the application of the *Fair Labor Standards Act* (FLSA) has disrupted the real estate, direct sales, or news delivery industries. In fact, the FLSA already includes an outside sales exemption from minimum wage and overtime requirements—so even in the highly unlikely instance that a real estate agent or a direct seller was treated as an employee, the commission-based pay practices would still be allowed.

However, it does seem possible that other workers – such as those at call centers – might be inadvertently swept up by this legislation and lose their rights to decent pay and safe working conditions. This bill weakens labor protections and invites serious unintended consequences. For those reasons, I urge opposition to it.

The final bill we will consider is the *Retire through Ownership Act* (H. R. 5169). My fellow Virginian colleague, Senator Kaine, leads this bill in the Senate with Senator Marshall. This measure would amend ERISA to permit an employee stock ownership plan – or an ESOP – to rely in good faith on an independent valuation of its employer stock if that valuation relies on certain longstanding IRS guidelines. That's reasonable, and so I support that bill.

Lastly, I would like to extend my condolences to all the families and communities affected by the senseless gun violence, a public health crisis that has been experienced in schools and universities, the workplace, the movies, supermarkets, and even houses of worship. According to Mass Shooting Tracker, since January 2025, there have been 361 mass shootings, meaning gun violence that involves four or more people being shot. The reason why I must cite the Mass Shooting Tracker is that not one single federal agency collects and analyzes mass shootings.

Mr. Chairman, I am *again* requesting that the Secretary of Health & Human Services, Robert F. Kennedy, Jr., appear before this Committee, which has broad jurisdiction over many programs that directly impact mental health and public health. We must have the chance to speak with the Secretary about the Department's annual budget, especially since he has proposed eliminating many mental health programs, including the total dissolution of the Substance Abuse and Mental Health Services Administration.

So, Mr. Chairman, I will yield for an update on the timing of that hearing that we have been asking for a long time.

Thank you, Mr. Chairman. I urge the Chairman to move quickly on scheduling this important hearing. And with that, I yield back.