

**Opening Statement of Ranking Member Scott (VA-03)**

Full Committee Markup

H.J. Res. 116, *Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Labor relating to "Employee or Independent Contractor Classification Under the Fair Labor Standards Act"*

H.R. 6418, *Empower Charter School Educators to Lead Act*

H.R. 3724, *Accreditation for College Excellence Act of 2023*

H.R. 7683, *Respecting the First Amendment on Campus Act*

2175 Rayburn House Office Building

Thursday, March 21, 2024 | 10:15 a.m.

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Thank you, Dr. Foxx, and good morning.

Similar to most of the markups we have had this Congress, Committee Republicans are rallying behind another set of bills that shirk our responsibilities to workers, students, and their families.

The first proposal we will consider is, H.J. Res. 116, will repeal the Biden Administration's final rule determining whether a worker is classified as an employee or an independent contractor.

Under federal law, employees have a wide range of basic workforce protections, including minimum wage, overtime, employer-sponsored health care insurance, pension benefits, collective bargaining, worker's compensation, unemployment compensation, and health and safety protections. But, when workers, who *should* be employees under the law, are instead misclassified as independent contractors, they lose out on these protections. This can mean a significant loss of income, benefits, and compensation.

It's not just workers who are harmed by misclassifications.

For decades, unscrupulous employers have used misclassification as a strategy to cut down on labor costs and exploit both insufficient penalties and the limited capacity of underfunded enforcement agencies. There are in fact, as many as 10-30 percent of employers are currently misclassifying their employees.

Those unscrupulous employers who misclassify workers can save about 30 percent in labor costs and gain an unfair competitive disadvantage over employers who play by the rules. They have less incentive to invest in training their workforce to be safer and more efficient.

And finally, worker misclassification harms our economy by depriving our government of billions of dollars in badly needed tax revenue that could be spent on improving our economy.

H.J. Res. 116 would lead to more worker misclassification, harming workers, law-abiding business owners, and our economy.

We will next consider H.R. 6418, which expands pre-planning grants for charter schools with even less transparency and accountability than already permitted under current law. My colleagues want to expand charter schools despite numerous audits that identify accountability and transparency issues within charter schools that lead to waste, fraud, and misuse of taxpayer dollars. This is yet another demonstration of the Majority's efforts to expand school choice instead of improving public schools while ignoring the need for guardrails and exposing children to low-quality educational experiences.

Committee Democrats will introduce amendments that will add basic guardrails and help students access a fair and just education.

The next bill we will consider is H.R. 3724, is a veiled attack on diversity and academic freedom in college curricula. It mirrors language in Republicans' so-called *College Cost Reduction Act*, which forces colleges and universities to ban diversity, equity, and inclusion (D-E-I) initiatives as a condition for accreditation.

Finally, the last bill before us, H.R. 7683, will create a new standard of "free speech" and other First Amendment protections for institutions of higher education. The bill's "solutions" are not designed to protect the free marketplace of ideas on college campuses but rather lift up speech that conservatives support and eliminate speech that conservatives oppose. Additionally, H.R. 7683 gives preferential treatment to religious student organizations, exempting them from nondiscrimination rules that apply to all other student groups. If passed, it could result in a situation where students are forced to support their tuition and fee groups that can discriminate against them in the name of religion.

H.R. 7683 is inconsistent with the principles of the First Amendment this country was founded on, and for those reasons, I oppose this bill.

These four proposals will do nothing to improve the lives of American students, workers, and families and for that reason I oppose all of them and urge my colleagues to as well.

Thank you, Madam Chair, and I yield back.