

Opening Statement of Rep. Tim Walberg (R-MI), Chairman
Education and Workforce Committee
H.R. 1723, H.R. 2958, H.R. 2869, H.R. 2844, H.R. 3495, H.R. 5169
September 17, 2025

(As prepared for delivery)

Today the Committee will be marking up six important pieces of legislation that will provide certainty to Indian tribes, protect savers and retirees, encourage workplace safety, and clarify the status of direct sellers and real estate agents.

H.R. 1723, the *Tribal Labor Sovereignty Act*, was introduced by Representative John Moolenaar. It makes clear that the *National Labor Relations Act* does not apply to Indian tribes or any enterprise or institution owned and operated by an Indian tribe on tribal land, restoring a standard that was in place for decades. H.R. 1723 safeguards the sovereignty of Indian tribes by clarifying that businesses on tribal lands are subject to tribal jurisdiction. The bill offers long-needed clarity for Native American governments and the enterprises they oversee. The bill will also help restore parity among tribes and state and local governments, providing the same autonomy to tribal governments as other recognized governments.

H.R. 2958, the *Balance the Scales Act*, was introduced by Representative Michael Rulli. It amends the *Employee Retirement Income Security Act* to provide critical transparency to abusive practices that came to light under the Biden-Harris administration. Before offering advice, sharing information, or providing any form of assistance to a

private attorney for use in an ERISA civil action, the Department of Labor (DOL) must, under the bill, enter into a written agreement clearly defining the nature and extent of the adverse assistance. DOL must also provide a copy of the agreement to any employer, plan sponsor, or fiduciary that may be adversely impacted. In addition, DOL must file an annual report with Congress detailing any adverse assistance agreements in effect for the prior fiscal year, with private party details redacted.

H.R. 2869, the *EBSA Investigations Transparency Act*, was introduced by Representative Lisa McClain. It will enable the Committee to exercise effective oversight on investigations by the Employee Benefit Security Administration, restoring transparency and public confidence in the agency's actions. Despite robust oversight efforts by the Committee, the Biden-Harris administration refused to answer for its abuse of power when DOL conducted overreaching, endless, and aimless investigations. This legislation will restore transparency by requiring DOL to submit an annual report to Congress on the status of open employee-benefit-plan investigations. In addition, if an investigation lags for more than three years, DOL must explain the delay and give an estimated date of conclusion. This report will not include information identifying any private party involved in the investigation.

H.R. 2844, the *Michael Enzi Voluntary Protection Program Act*, was introduced by Representative Diana Harshbarger. The Voluntary Protection Programs (VPP) recognize employers and workers who have effective safety and health management systems. VPP participants must maintain exceptional safety standards. As a result of their investments in safety, program participants are exempt from Occupational Safety and Health Administration (OSHA) programmed inspections—as long as they maintain their high safety levels. This bipartisan bill codifies the VPP that thousands of workers and job creators enjoy and requires OSHA to use at least 5 percent of its funds in a fiscal year to carry out the program.

The next bill for consideration is H.R. 3495, the *Direct Seller and Real Estate Agent Harmonization Act*, which was introduced by Representative Kevin Kiley. In 1982, the *Tax Equity and Fiscal Responsibility Act* updated the Internal Revenue Code to make clear that direct sellers and qualified real estate agents are independent contractors. For 43 years, direct sellers and real estate agents have operated as independent contractors and received the tax treatment to match. But the *Fair Labor Standards Act* has failed to reflect this reality. H.R. 3495 fixes this gap by applying the well-established Tax Code framework to the FLSA, ensuring these workers finally receive the clarity and certainty they deserve.

Finally, we will consider H.R. 5169, the *Retire through Ownership Act*, which was introduced by Rick Allen, Chairman of the Subcommittee on Health, Employment, Labor, and Pensions. This bill helps savers and retirees who hold assets in Employee Stock Ownership Plans—or ESOPs. ESOPs have been seeking valuation guidance for over 50 years for employer stock that is purchased by their plans. H.R. 5169 points to tried-and-true Internal Revenue Service (IRS) guidelines for valuing employer stock. It also provides that ESOP fiduciaries can rely in good faith on a valuation provided by an independent valuation expert or business appraiser who relies on the IRS's guidelines for valuing the stock.