



AMENDMENT NO. _____

Calendar No. _____

Purpose: To establish the Office of Employee Ownership.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.**S. 1728**

To amend the Employee Retirement Income Security Act of 1974 to expand the membership of the Advisory Council on Employee Welfare and Pension Benefit Plans to include representatives of employee ownership organizations.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SANDERS

Viz:

1 At the end, add the following:

2 **SEC. 3. OFFICE OF EMPLOYEE OWNERSHIP.**

3 (a) ESTABLISHMENT OF THE OFFICE OF EMPLOYEE
4 OWNERSHIP.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of enactment of this Act, the Secretary of
7 Labor shall establish the Office of Employee Owner-
8 ship in the Department of Labor, outside of the Em-
9 ployee Benefits Security Administration.

10 (2) DIRECTOR.—The Secretary of Labor shall
11 appoint the Director of the Office of Employee Own-

1 ership to serve as the head of the Office at the
2 pleasure of the Secretary of Labor.

(3) STAFF.—The Director of the Office of Employee Ownership may select, appoint, and employ such employees as are necessary to carry out the functions of the Office.

(b) FUNCTIONS.—The Director of the Office of Employee Ownership shall be responsible for carrying out the Employee Ownership Initiative established under section 346 of the SECURE 2.0 Act of 2022 (29 U.S.C. 3228).

11 SEC. 4. ADVISORY COUNCIL ON EMPLOYEE OWNERSHIP.

12 (a) IN GENERAL.—

(1) **ESTABLISHMENT.**—There is hereby established an Advisory Council on Employee Ownership (hereinafter in this section referred to as the “Council”) consisting of 7 members appointed by the Secretary of Labor.

18 (2) MEMBERSHIP.—

19 (A) IN GENERAL.—Of the 7 members of
20 the Council—

21 (i) 4 shall be appointed to represent
22 employees;

23 (ii) 1 shall be appointed to represent
24 companies that have established an em-

1 ployee stock ownership plan or eligible
2 worker-owned cooperative;

3 (iii) 1 shall be appointed to represent
4 employee stock ownership plan providers;
5 and

6 (iv) 1 shall be appointed to represent
7 associations or other membership organiza-
8 tions for employee stock ownership plans
9 or eligible worker-owned cooperatives.

10 (B) POLITICAL AFFILIATION.—Not more
11 than 4 members of the Council shall be mem-
12 bers of the same political party.

13 (3) TERMS.—Members of the Council shall
14 serve for terms of 2 years.

15 (4) APPOINTMENT; REAPPOINTMENT.—A mem-
16 ber of the Council may be reappointed to serve addi-
17 tional terms.

18 (5) VACANCIES.—A member of the Council ap-
19 pointed to fill a vacancy shall be appointed only for
20 the remainder of such term.

21 (6) QUORUM.—A majority of members of the
22 Council shall constitute a quorum and action shall
23 be taken only by a majority vote of those present
24 and voting.

25 (b) DUTIES AND FUNCTIONS.—

1 (1) IN GENERAL.—It shall be the duty of the
2 Council to advise the Secretary of Labor with re-
3 spect to the carrying out of the functions of the Sec-
4 retary of Labor under this Act and to submit to the
5 Secretary of Labor recommendations with respect to
6 carrying out such duties.

7 (2) MEETINGS.—The Council shall meet at
8 least 4 times each year and at such other times as
9 the Secretary of Labor requests.

10 (3) REPORT.—The Council shall annually sub-
11 mit a report to the Secretary of Labor on the rec-
12 ommendations described in paragraph (1).

13 (c) EXECUTIVE SECRETARY; SECRETARIAL AND
14 CLERICAL SERVICES.—The Secretary of Labor shall fur-
15 nish to the Council an Executive Secretary and such secre-
16 tarial, clerical, and other services as are determined nec-
17 essary to conduct the business of the Council. The Sec-
18 retary of Labor may call upon other agencies of the Fed-
19 eral Government for statistical data, reports, and other
20 information which will assist the Council in the perform-
21 ance of its duties.

22 (d) COMPENSATION.—

23 (1) IN GENERAL.—Members of the Council
24 shall each be entitled to receive the daily equivalent
25 of the annual rate of basic pay in effect for level IV

1 of the Executive Schedule under section 5315 of title
2 5, United States Code for each day (including travel
3 time) during which they are engaged in the actual
4 performance of duties vested in the Council.

5 (2) TRAVEL EXPENSES.—While away from
6 their homes or regular places of business in the per-
7 formance of services for the Council, members of the
8 Council shall be allowed travel expenses, including
9 per diem in lieu of subsistence, in the same manner
10 as persons employed intermittently in the Govern-
11 ment service are allowed expenses under section
12 5703 of title 5, United States Code.

13 (e) TERMINATION.—Section 1013 of title 5, United
14 States Code, relating to termination, shall not apply to
15 the Council.

16 (f) DEFINITIONS.—In this section:

17 (1) ELIGIBLE WORKER-OWNED COOPERA-
18 TIVE.—The term “eligible worker-owned coopera-
19 tive” has the meaning given the term in section
20 1042(c)(2) of the Internal Revenue Code of 1986.

21 (2) EMPLOYEE STOCK OWNERSHIP PLAN.—The
22 term “employee stock ownership plan” has the
23 meaning given the term in section 4975(e)(7) of the
24 Internal Revenue Code of 1986.