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August 13, 2025

Ali Khawar
Founder and President
FCP, LLC
1329 Quincy St. NW
Washington, DC 20011

Dear Mr. Khawar:

Thank you again for testifying before the Subcommittee on Health, Employment, Labor, and Pensions at the hearing titled "Restoring Trust: Enhancing Transparency and Oversight at EBSA." Enclosed are additional questions from Committee members following the hearing. Please provide written responses no later than September 3, 2025, for inclusion in the hearing record. The responses should be sent to Katerina Kerska of the Committee staff who can be contacted at (202) 226-9435 or Katerina.Kerska@mail.house.gov.

We appreciate your contribution to the work of the Subcommittee.

Sincerely,

A handwritten signature in blue ink that reads "Rick W. Allen".

Rick W. Allen
Chairman
Subcommittee on Health, Employment, Labor, and Pensions

**Questions for the Record from
REPRESENTATIVE ROBERT C. “BOBBY” SCOTT**

**Committee on Education and Workforce
HELP Subcommittee hearing titled: “Restoring Trust: Enhancing Transparency and
Oversight at EBSA”**

**Tuesday, July 22, 2025
10:15 A.M.**

**Representative Robert C. “Bobby” Scott (D-VA)
Questions for Mr. Ali Khawar**

1. In the *No Surprises Act*, Congress provided the Departments of Labor, Health and Human Services, and the Treasury with a combined \$500 million in supplemental funding. What was the impact of this additional funding on EBSA’s capacity and how will the refusal of the Trump Administration to extend this funding affect the agency moving forward?
2. During his confirmation hearing in June, the Trump Administration’s nominee for Assistant Secretary for EBSA told the Senate HELP Committee that he would “[end the war on ESOPs](#).” Could you respond to this? Do you believe that the Department has “declared war on ESOPs”?
3. One witness claimed during the hearing, without providing supporting evidence, that there is a “revolving door” between the plaintiffs’ bar and the Department of Labor. Please respond to this assertion.
4. In evaluating the timeliness of the Department of Labor’s handling of enforcement matters, one statistic cited by Republicans during the hearing was that a large number of cases remain open for extended periods of time. My understanding is that this might not paint a full picture—i.e. many of the cases described as “open” have effectively been closed. Could you clarify the meaning of when a case is considered “closed” by EBSA?
5. When ERISA was enacted in 1974, Congress emphasized the need for enforcement to protect participants, declaring that it was the intent of Congress to “provid[e] for appropriate remedies, sanctions, and ready access to the Federal courts.” Could you describe how ERISA is enforced by both EBSA and by participants? Why must this system be preserved and strengthened, rather than rolled back?
6. Under section 504 of ERISA, the Department of Labor has broad power to investigate potential violations of the law. Could you please describe the process of undertaking an ERISA investigation?

**Questions for the Record from
REPRESENTATIVE DONALD NORCROSS**

Representative Donald Norcross (D-NJ)

Questions for Ali Khawar

1. Under the *Mental Health Parity and Addiction Equity Act* (MHPAEA), health plans and insurers are prohibited from imposing barriers on access to mental health or substance use disorder benefits that don't apply to medical and surgical benefits. Yet, the Department has repeatedly found widespread noncompliance by the industry, and the Trump Administration has turned its back on this bipartisan legislation by slashing EBSA's workforce and refusing to enforce the Biden Administration's 2024 Final Rules.
 - a. Could you discuss the importance of Mental Health Parity for workers?
 - b. What additional tools does the Department need to improve its enforcement of the law?