



May 18, 2022

The Honorable Robert Scott  
Chairman  
House Committee on Education and Labor  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Virginia Foxx  
Ranking Member  
House Committee on Education and Labor  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Scott and Ranking Member Foxx:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 69 chapters representing more than 21,000 members, I write to express opposition to H.R. 7701, the Wage Theft Prevention and Wage Recovery Act.

ABC knows the importance of employer compliance with the Fair Labor Standards Act and the critical protections the FLSA provides America's workers. Unfortunately, H.R. 7701 seeks to enforce this compliance by imposing potentially devastating penalties that would result in lengthy, costly litigation and could bankrupt many smaller businesses for potentially inadvertent overtime and minimum wage violations.

We are already seeing the federal government propose and impose a crippling regulatory agenda on our nation's small businesses and calls for tax increases that would devastate many smaller and family-owned businesses throughout the country. Bills like H.R. 7701 would further target employers and feed into the pervasive uncertainty that has affected many ABC members and their businesses at a time when we are experiencing inflation at a 40-year high, increasing material prices, and persistent workforce shortages.

Congress and the federal government should facilitate more cooperative rather than punitive measures to ensure further compliance with the FLSA and provide workers with the pay they have earned and deserve. Regrettably, last year, the Biden administration abruptly terminated the U.S. Department of Labor's Wage and Hour Division Payroll Audit Independent Determination Program, a nationwide program that allowed employers to voluntarily correct inadvertent errors that may have resulted in FLSA violations to ensure full compliance with the law and provide backpay to employees. This program sought to resolve these violations expeditiously and without extensive litigation and the delays it can often cause.

ABC appreciates the opportunity to comment on H.R. 7701 and hopes that Congress will take this opportunity to pursue a more bipartisan effort that will best serve all of America's workers.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristen Swearingen", written in a cursive style.

Kristen Swearingen  
Vice President of Legislative & Political Affairs