



April 21, 2026

The Honorable Roger Williams
Chair
House Committee on Small Business
U.S. House of Representatives
Washington, DC 20515

The Honorable Nydia Velázquez
Ranking Member
House Committee on Small Business
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Williams, Ranking Member Velázquez and Members of the U.S. House Committee on Small Business:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 67 chapters representing 24,000 members, I thank you for holding today's hearing, "[Independent Work, Real Opportunity: The Gig Economy and the Future of Entrepreneurship](#)." ABC appreciates the committee's focus on the vital role independent contractors play in industries around the country.

The independent contractor model is essential to the construction industry. It creates entrepreneurial opportunities for the workforce, rewards contractors that offer specialized skills and helps bring stability to an industry that regularly experiences fluctuations in workforce and project demand. Large and small contractors alike rely on independent contractors to help deliver construction projects safely, on time and on budget for both government and private customers.

ABC strongly supports the U.S. Department of Labor's proposed rule to rescind the Biden-era 2024 Employee or Independent Contractor Classification Under the Fair Labor Standards Act final rule and replace it with a more practical, commonsense framework similar to the 2021 final rule. The 2024 rule established an ambiguous and difficult-to-interpret standard for determining independent contractor status. Its multifactor test leaves employers and workers guessing which factors carry the greatest weight, creating uncertainty across the industry.

Rather than promoting economic growth or protecting legitimate independent contractors, the 2024 rule has led to confusion and increased the risk of expensive, time-consuming and unnecessary litigation. This uncertainty harms businesses and workers by making it harder to determine who properly qualifies as an independent contractor.

By contrast, DOL's new proposal would simplify and clarify the standard for determining when a worker is an independent contractor versus an employee under the FLSA. A clearer, more predictable framework would better protect legitimate independent contractors, reduce avoidable disputes and allow construction businesses to continue meeting workforce needs efficiently while preserving important opportunities for skilled, entrepreneurial workers. ABC appreciates the DOL's effort to restore clarity and fairness to this issue and looks forward to providing comments on the proposed rule.

We thank you for shining light on this important issue and remain committed to defending the rights of legitimate independent contractors who power the construction industry.

Sincerely,

Kristen Swearingen
Vice President, Government Affairs