

Opening Statement of Ranking Member Robert C. "Bobby" Scott (VA-03)

Full Committee Markup

H.R. 2870, Working Family Flexibility Act of 2025

H.R. 2312, Tipped Employee Protection Act of 2025

H.R. 2299, Ensuring Workers Get PAID Act of 2025

2175 Rayburn House Office Building

Thursday, November 20, 2025 | 10:15 a.m.

Thank you, Mr. Chairman.

Today, we are here to mark up three labor bills. The consistent theme across these bills appears to be one message, and that is: "How do we, as Congress, further tip the scales in favor of corporations to harm workers and their ability to earn a decent wage?"

These bills are particularly egregious, given this morning's announcement that the economy continues to slow, and the new numbers show that the Trump Administration has managed two months of job loss this year, the first months of job loss since the last time Trump was President. The Biden Administration created more jobs in four years than any other president in history, and actually more jobs in four years than any Republican president created, whether they served four or eight years. And President Biden did not have a single month of job loss in his entire four-year term. And so, with this news, we consider three bills.

H.R. 2870, *Working Family Flexibility Act of 2025*

The first bill, the *Working Families Flexibility Act*, which undermines protections under the *Fair Labor Standards Act* by allowing employers to give employees compensatory time (or "comp time") instead of paying them time-and-a-half for overtime that they have earned.

Under this bill, instead of getting paid for overtime work in the next scheduled paycheck, the employee loses the overtime pay and might not even get the "comp time" until much later, when the employer decides to let them take that "comp time."

So, let's be clear: Contrary to the bill's title, the "flexibility" it provides is not for working families. The "flexibility" is for employers who can decide whether an employee can take "comp time" on a requested date or not. This is because the employer determines whether the "comp time" would be an undue disruption to the business.

Moreover, this bill likely will result in inequities in the workplace, making it more likely that the only employees asked to work overtime are those who agree to get "comp time" instead of those who want extra hours at time-and-a-half extra pay.

This bill represents a huge step backwards and does nothing to address the needs of working families, such as legislation raising the minimum wage or guaranteeing access to affordable health care. Moreover, it does nothing to address the cost of living.

So, I will be voting no on this bill as I've consistently done when Republicans marked up similar bills in prior Congresses. I urge my colleagues to do the same.

H.R. 2312, *Tipped Employee Protection Act of 2025*

The next bill we will consider, H.R. 2312, the *Tipped Employee Protection Act of 2025*, would redefine the *Fair Labor Standards Act* to make workers more vulnerable to wage theft and give employers an excuse not to pay workers what they would otherwise be owed.

Specifically, this would expand the pool of workers employers can pay a subminimum wage, or tipped wage, rather than a full minimum wage. This is problematic because tipped workers get paid less per hour and have less access to benefits such as paid sick leave, health care, short-term disability, or life insurance. In fact, the federal tipped minimum wage is \$2.13 per hour. Even though employers are *supposed* to pay more if a worker's tips in a workweek don't bridge the gap between this subminimum wage and the full minimum wage, many employers ignore these rules, and many employees who want to keep their jobs are reluctant to complain.

Workers are already struggling to make ends meet. Regrettably, wages have stagnated despite workers' increased productivity. That's why many Americans feel as though they cannot afford the current cost of living. Instead of giving workers a leg up, this bill offers bad actors an opportunity to cut corners further and shortchange their workers. So, that's why I oppose this bill and encourage my colleagues to do the same.

H.R. 2299, *Ensuring Workers Get PAID Act of 2025*

The final bill is called the *Ensuring Workers Get PAID Act*, which is anything but what its title suggests. This bill codifies the Trump Administration's Payroll Audit Independent Determination (or PAID) program, which was at the Department of Labor (DOL). The PAID program would allow employers, who willingly acknowledge that they have committed wage theft, to simply conduct a self-audit and repay *only* the wages they already owe, with no penalties. The program would also preempt state and local labor enforcement agencies from bringing their own enforcement actions against lawbreaking employers. This adds up to no real accountability and no meaningful deterrent.

There's also evidence that the PAID program was far from a success. The Government Accountability Office (GAO) evaluated the PAID program when it was piloted by the first Trump Administration and found that only 74 employers participated and that it recovered only \$4 million in back wages. Comparatively, the Department of Labor's Wage and Hour Division – which is charged with combating wage theft – completed over 20,000 enforcement actions in Fiscal Year 2023 and recovered over \$210 million in back wages for employees.

Wage theft is one of the largest forms of theft in the United States, costing workers an estimated \$50 billion each year. At a time when families are struggling in an increasingly unfavorable economy, the last thing Congress should do is codify a flawed and ineffective program. We should be focusing on stopping wage theft—not excusing it.

Mr. Chairman, I will be opposing this bill as well and urge my colleagues to do the same.

Today's jobs report confirms what millions of workers already know: that today's economy is not working for them. Instead of addressing the increasing cost of living, the bills we will consider today will further tip the scales against workers, making it harder for them to earn a decent living and be protected from wage theft.

With that, Mr. Chairman, I yield back the balance of my time.