

Congress of the United States
Washington, DC 20515

December 11, 2017

The Honorable R. Alexander Acosta
Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

RE: Request for Extension of Comment Period for Notice of Proposed Rulemaking, RIN 1235-AA21, Tip Regulations under the Fair Labor Standards Act (FLSA)

Dear Secretary Acosta:

As Members of the U.S. House of Representatives, we write to respectfully request that the Department of Labor extend the public comment period for the above-referenced proposed rule by a minimum of 30 days to allow for a complete economic analysis of its impact.

The Department's Notice of Proposed Rulemaking (NPRM) rescinds parts of the Department's 2011 Tip Regulations that clarify tips are the property of an employee, regardless of whether an employer takes a tip credit against its obligation to pay the minimum wage or pays the tipped worker the full minimum wage. This proposed rule reverses the Department's position of more than 40 years and would, according to estimates in the NPRM, impact nearly 1.3 million tipped workers.

Under section 2(b) of Executive Order 13563, Improving Regulation and Regulatory Review, the Department must "afford the public a meaningful opportunity to comment . . . with a comment period that should generally be at least 60 days." Instead, the Department has provided for only a 30-day comment period, to end January 4, 2018. Additionally, the Department's departure from its long-standing policy and the potential impact on more than a million workers requires a robust economic analysis. However, the NPRM fails to include any quantitative analysis of the NPRM's benefits or costs, as expressly required under Section 1(c) of Executive Order 13563.

To comply with comment period requirements and given the absence of a quantitative analysis, the Department should extend the comment period for not less than 30 days, or at least until February 3, 2018, to allow stakeholders to conduct and review a quantitative analysis and provide meaningful input on the impact of the proposed rule.

Please provide us with your decision regarding our request **no later than Friday, December 15, 2017**. If you have any additional comments or questions, please contact Udochi Onwubiko at Udochi.Onwubiko@mail.house.gov or (202) 225-3725.

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Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member
Committee on Education and the Workforce



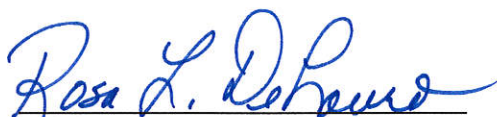
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SUZANNE BONAMICI
Vice Ranking Member
Committee on Education and the Workforce



ROSA L. DELAURO
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MARCY KAPTUR
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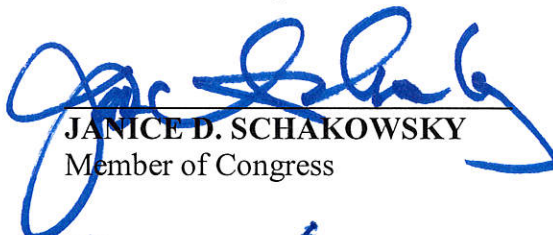
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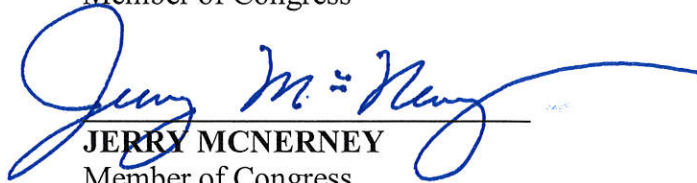
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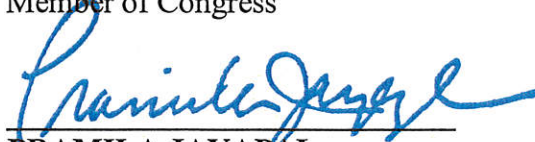
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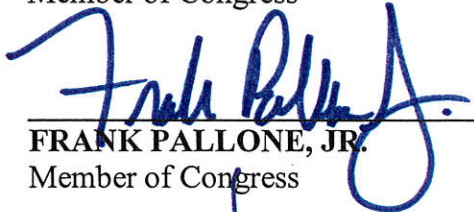
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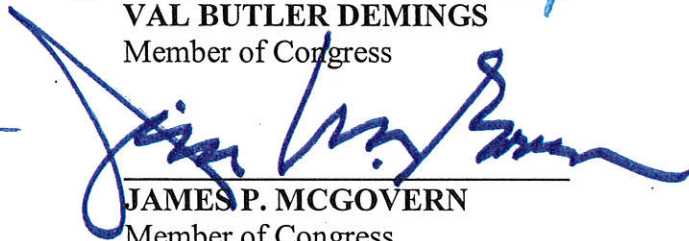
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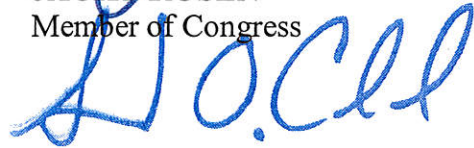
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