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September 25, 2017

SUBMITTED VIA REGULATIONS.GOV

The Honorable R. Alexander Acosta
Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: Comments Regarding RIN 1235-AA20

Dear Secretary Acosta:

We respectfully submit the following information in response to the U.S. Department of Labor's (Department) Wage and Hour Division's July 26, 2017, Request For Information (RFI) regarding regulations which define and delimit exemptions from the *Fair Labor Standards Act's* (FLSA) minimum wage and overtime requirements for certain executive, administrative, professional, outside sales, and computer employees. The Committee on Education and the Workforce (Committee) has considered carefully matters related to overtime compensation for workers under the FLSA and we welcome this opportunity to submit materials to assist the Department as it considers RIN 1235-AA20.¹

The Committee has long supported updating and streamlining existing regulations to provide better clarity for workers and employers. Unfortunately, the Obama administration failed to consider adequately the rule's economic consequences for small businesses, nonprofit organizations, and institutions of higher education. If implemented, the rule would have harmed

¹ Included in our materials are excerpts from the hearing records of H. Comm. on Educ. and the Workforce, "The Administration's Overtime Rule and its Consequences for Workers, Students, Nonprofits, and Small Businesses," (June 9, 2016) and H. Subcomm. on Workforce Protections, "Federal Wage and Hour Policies in the Twenty-First Century Economy" (Feb. 16, 2017).

The Honorable R. Alexander Acosta
September 25, 2017
Page 2

those workers it claimed to protect by curtailing workplace flexibility and jeopardizing opportunities for career advancement.²

The Committee remains committed to working with the Department to update wage and hour regulations to meet the needs of a modern and innovative economy. To that end, we appreciate the Department's decision to conduct a RFI on the overtime regulations and respectfully submit information we believe will be valuable to the Department as it further considers RIN 1235-AA20. The enclosed materials from two Committee hearing records demonstrate how the Obama administration's final rule would have done more harm than good — particularly because of its negative impact on lesser-skilled workers and younger Americans, small business job creators, and nonprofit organizations providing crucial services.

Sincerely,



Virginia Foxx
Chairwoman



Bradley Byrne
Chairman
Subcommittee on Workforce Protections

Enclosures

² On Aug. 31, 2017, U.S. District Judge Amos Mazzant invalidated the Obama administration's final rule on overtime (which was originally to take effect on Dec. 1, 2016), effectively making permanent the District Court's Nov. 22, 2016, temporary injunction.