

DAVID VITTER, LOUISIANA, CHAIRMAN
JEANNE SHAHEEN, NEW HAMPSHIRE, RANKING MEMBER

JAMES E. RISCH, IDAHO
MARCO RUBIO, FLORIDA
RAND PAUL, KENTUCKY
TIM SCOTT, SOUTH CAROLINA
DEB FISCHER, NEBRASKA
CORY GARDNER, COLORADO
JONI ERNST, IOWA
KELLY AYOTTE, NEW HAMPSHIRE
MICHAEL B. ENZI, WYOMING

MARIA CANTWELL, WASHINGTON
BENJAMIN L. CARDIN, MARYLAND
HEIDI HEITKAMP, NORTH DAKOTA
EDWARD J. MARKEY, MASSACHUSETTS
CORY A. BOOKER, NEW JERSEY
CHRISTOPHER A. COONS, DELAWARE
MAZIE K. HIRONO, HAWAII
GARY C. PETERS, MICHIGAN

MEREDITH WEST, REPUBLICAN STAFF DIRECTOR
ROBERT DIZNOFF, DEMOCRATIC STAFF DIRECTOR

United States Senate

COMMITTEE ON SMALL BUSINESS & ENTREPRENEURSHIP

WASHINGTON, DC 20510-6350

TELEPHONE: (202) 224-5175 FAX: (202) 224-5619

October 20, 2016

The Honorable Tom Perez
Office of the Secretary
United States Department of Labor
200 Constitution Avenue Northwest
Washington, DC 20210

Dear Secretary Perez,

As the Chairman of the Senate Committee on Small Business and Entrepreneurship, I strongly urge you to delay the December 1, 2016 implementation the Final Rule titled "Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees" published in the *Federal Register* on May 23, 2016 (81 *Fed. Reg.* 32391). I have previously communicated my serious concerns with your overhaul of this particular regulation and maintain my belief that it will absolutely have a detrimental impact on the ability of small businesses, non-profits, and churches to operate effectively. As written, this rule must not be implemented.

It is particularly concerning that you completely disregarded the recommendations of the Small Business Administration (SBA) Office of Advocacy after they conducted several roundtables and listening sessions that were attended by Department of Labor (DOL) officials. I also have concerns that you failed to adequately consider the rule's impact on faith-based places of worship. Church Ministry often takes place after normal working hours, and staff members need the flexibility of adjusting their schedules in order to respond to the many needs of the congregation and the community.

Despite repeated requests from concerned parties across the country to extend the public comment period, reconsider the proposed rule, and now to delay the implementation of the final rule, it is obvious that the Obama Administration will charge ahead to make these extreme changes to the Fair Labor Standards Act before the end of the President's term.

While this rule still has more than a month before it is enforced, many firms across the country are undertaking massive lay-offs specifically targeting the hourly wage and administrative positions this rule was designed to help. Media outlets have reported thousands of firings at major companies in an effort to plan ahead for the significant impact the rule will have on their budgets. I believe this is just the start. The burden and cost of complying with the new rule will have a much greater impact on smaller firms. For these reasons and the others that I have communicated to you previously, I strongly urge you to delay the implementation of this rule.

Thank you for your attention.

Sincerely,

David Vitter

David Vitter
United States Senate