

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ARMED SERVICES
BUDGET
ENERGY AND
NATURAL RESOURCES
INTELLIGENCE
RULES AND ADMINISTRATION

February 7, 2018

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

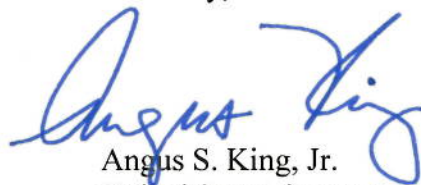
Dear Secretary Acosta:

I write today to express concern regarding the Department's reported omission of a completed quantitative analysis from the tip pooling proposed rule (RIN 1235-AA21). Given that the Office of Management and Budget has determined that this proposed rule is economically "significant" under Executive Order 12866, it is particularly important that the public be given as clear a picture as possible of the rule's potential impacts on workers and employers. I respectfully urge you to re-open the public comment period on this proposed rule for at least 15 days after such date that the Department publishes a full quantitative cost-benefit analysis in the record.

While I understand that the Department may have reservations about its ability to project the rule's effect on employers' behavior, these reservations should not be grounds for leaving out an estimate entirely. The rulemaking process will be insufficiently transparent if the Department waits until after the end of the comment period to publish an analysis. The public deserves the opportunity to draft comments with a projection in hand, rather than being forced to fly blind on a rule with potentially wide-reaching effects on tipped workers' income. The Department should publish its completed cost-benefit analysis in the proposed rule's public record and subsequently re-open the comment period so that the public can offer feedback on the basis of this new information.

I would appreciate your consideration of this request, so that the public can fully evaluate the projected impact of this proposed rule. Should you have any questions about this specific request, or if you would like to discuss the broader issue of promoting the growth and security of Americans' wages, please direct your staff to contact Will Woodworth in my office at 202-224-5344.

Sincerely,



Angus S. King, Jr.
United States Senator