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DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Parts 775, 776, 779, 782, 783, 784, 789, 793, and 794

[Docket No. WHD-2025-0002]

RIN 1235-AA52

Statements of General Policy or Interpretation Not Directly Related to Regulations; Withdrawal of Proposed Rule

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Department of Labor (Department) is withdrawing its notice of proposed rulemaking (NPRM) published on July 2, 2025 (90 FR 28985), which proposed to remove parts located in Title 29, Chapter V, Subchapter B of the Code of Federal Regulations (CFR) that were not originally issued, or subsequently amended, through notice-and-comment rulemaking. With this action, the Department is formally discontinuing this rulemaking process and removing this proposal from further consideration.

DATES: The proposed rule published on July 2, 2025 (90 FR 28985) is withdrawn as of **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: The docket for this withdrawn proposed rule is available at *https://www.regulations.gov/docket/WHD-2025-0002*.

FOR FURTHER INFORMATION CONTACT: Daniel Navarrete, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division (WHD), U.S.

Department of Labor, Room S-3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693-0406 (this is not a toll-free number). Alternative formats are available upon request by calling 1-866-487-9243. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Background

Since the 1940s, the Department's Wage and Hour Division (WHD) has provided "Statements of General Policy or Interpretations Not Directly Related to Regulations" in Title 29, Chapter V, Subchapter B of the CFR (Subchapter B), which presently spans parts 775 to 795. Most of the parts in Subchapter B provide interpretive guidance and policy statements on topics related to the Fair Labor Standards Act (FLSA) that Congress has not specifically delegated rulemaking authority to the Department to address. While some of these parts, or provisions therein, were originally issued or subsequently amended through notice-and-comment rulemaking, many were not.

II. Summary of the Notice of Proposed Rulemaking

On July 2, 2025, the Department published an NPRM titled "Statements of General Policy or Interpretation Not Directly Related to Regulations" (90 FR 28985), in which it proposed to remove parts located in Subchapter B that were not originally issued, or subsequently amended, through notice-and-comment rulemaking. These parts consist of interpretive rules and policy statements regarding the FLSA that do not carry the force and effect of law. The Department proposed to repurpose these parts as subregulatory guidance, remove them from the CFR, and post or provide them elsewhere.

The Department also sought comment on what provisions in Subchapter B should be retained in the CFR, and, if the rule were finalized as proposed, what kind of subregulatory guidance the Department should use to preserve interpretive rules and policy statements removed from the CFR.

The NPRM provided a 30-day comment period that ended on August 1, 2025.

III. Summary of Comments

The Department received six substantive comments addressing the NPRM, of which two supported the proposal and four opposed it.[1] The commenters included stakeholders from the non-profit and private sectors, as well as individuals. Among other things, commenters focused on whether the proposal was needed and would add clarity for the regulated community, provided feedback on the best location for the interpretive guidance and policy statements at issue, and some addressed specific CFR parts or industry-specific issues.

IV. Rationale for Withdrawal

The Department has reevaluated the proposals contained in the NPRM and has concluded that further rulemaking action with respect to them no longer aligns with the Department's needs, priorities, and objectives. As a result, the Department is withdrawing the NPRM.

The Department's reassessment of the NPRM also finds support in several comments. Commenters raised a variety of concerns, including the impact of the proposed removal of certain longstanding regulations from Subchapter B on specific

[1] The Department also received 10 comments requesting to extend the comment period, which the Department ultimately denied. *See* WHD-2025-0002-0012.

industries. The Department appreciates the comments received and will continue to consider more effective means to modernize and update its longstanding interpretive guidance, as well as to address some of the issues raised by commenters.

In sum, based on its reevaluation of the NPRM, the Department concludes that it would be inadvisable to move forward at this time with its proposal to remove certain parts from Subchapter B and repurpose them as subregulatory guidance outside of the CFR. Thus, the Department is withdrawing its proposed rule.

V. Conclusion

By withdrawing the proposed rule, the Department is formally concluding this rulemaking proceeding. If the Department determines in the future that revisions to any of the parts located in Subchapter B are warranted, it will undertake new regulatory action.

Accordingly, the NPRM published in the *Federal Register* on July 2, 2025, at 90 FR 28985, is withdrawn.

Dated: September 28, 2026.

Andrew B. Rogers,

Administrator,

Wage and Hour Division.

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