

Repeal Davis-Bacon Act Expansion Regulation

October 18, 2017

The Honorable R. Alexander Acosta
Secretary of Labor
Frances Perkins Building
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretary Acosta:

As the Department of Labor implements Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs," issued by President Trump on January 30, 2017, the undersigned organizations respectfully recommend the repeal of All Agency Memorandum (AAM) 212, issued by the Wage and Hour Division on March 23, 2013.

AAM 212, which expanded the Davis-Bacon Act to members of survey crews, is a "significant guidance document" resulting in a costly and unnecessary change in more than 50 years of accepted and settled policy. When implemented by the Obama Administration, AAM 212 unilaterally expanded the application of the Davis-Bacon Act to a class of workers who had never previously been considered "laborers and mechanics." Rather, survey crews work under the responsible charge of licensed, professional surveyors, their services are not directly involved in construction, and their work predominately applies knowledge for analysis and interpretation while collecting data to exercise discretion and judgment, and is not "manual or physical in nature."

AAM 212 was issued without action by Congress, ruling by a court, or any other activity to change a 50+ year policy. It was promulgated without public notice, hearings, or notification and engagement of affected stakeholders.

We respectfully recommend the rescission of the costly and ill-advised AAM 212.

Sincerely,

Jim Martin
Chairman and Founder
60 Plus Association



Dick Patten
President
American Business Defense Council



Grover Norquist
President
Americans for Tax Reform
AMERICANS
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