

November 6, 2014

The Honorable Thomas Perez
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Ms. Cecilia Muñoz
Assistant to the President and
Director of the Domestic Policy Council
Executive Office of the President
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Re: Concerns with the Fair Pay and Safe Workplaces Executive Order (E.O. 13673)

Dear Secretary Perez and Ms. Muñoz,

The undersigned organizations represent a broad cross-section of the federal contractor community. We are writing to follow up on the views expressed at the October 10, 2014 White House listening session regarding the President's "Fair Pay and Safe Workplaces" Executive Order (E.O.) 13673. Our organizations appreciate your outreach to the contractor community and are encouraged by your commitment to pursuing a transparent and full rulemaking process. However, our members have strong concerns with this E.O. and believe it suffers from a number of fundamental flaws.

First and foremost, the President does not have the legal authority to make the regulatory changes that will follow from this E.O. By directing the Department of Labor (DOL) to develop guidance that will establish degrees of violations not included in the underlying statutes, the E.O. significantly amends the enforcement mechanisms Congress established in these laws. Simply put, the President is not authorized to change enforcement mechanisms in a statute without specific Congressional approval.

In addition to exceeding statutory authority, the E.O. disregards existing enforcement powers the administration already has through the Federal Acquisition Regulation (FAR) and various labor laws. The DOL and the federal agencies have sufficient authority under the FAR to consider contractor compliance with federal labor laws and share relevant information with federal contracting officers or agency suspension and debarment officials. In the most egregious cases, these authorities include the ability to initiate suspension and debarment proceedings against federal contractors, based upon violations of established business ethics standards, including violation of the laws covered by

We are also deeply concerned that implementation of the E.O. will create widespread disruptions in the federal procurement process and significantly increa

- Cc The Honorable Beth Cobert, Deputy Director for Management, Office of Management and Budget
- The Honorable Anne Rung, Administrator, Office of Federal Procurement Policy, Office of Management and Budget
- The Honorable Howard Shelanski, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget
- The Honorable Frank Kendall, Under Secretary for Acquisition, Technology and Logistics, Department of Defense
- The Honorable Lafe Solomon, Senior Labor Compliance Advisor, Department of Labor