

AFL-CIO

LEGISLATIVE ALERT

February 1, 2017

Dear Representative:

The AFL-CIO urges you to oppose the Congressional Review Act resolution of disapproval of the regulations implementing the Fair Pay and Safe Workplaces Executive Order.

The Fair Pay and Safe Workplaces regulations implement the common-sense proposition that companies wanting to receive lucrative taxpayer-funded government contracts should comply with the law and respect workers' rights. The Executive Order and implementing regulations establish a process for reviewing the records of companies bidding for federal business and ensuring that companies that receive this business comply with the law and respect workers' rights. The regulations improve the contracting process and establish more fairness, so that companies that respect workers' rights do not have a competitive disadvantage when competing against companies that cheat by misclassifying their workers as independent contractors, ignoring health and safety hazards, or engaging in wage theft. Repealing these regulations will remove an important incentive for companies to pay their workers what they are due, protect their health and safety, and comply with the law.

The regulations are needed because the current procurement system does an inadequate job screening prospective contractors and their compliance (or non-compliance) with the law. According to the U.S. Government Accountability Office, federal contracts have been awarded to companies with significant records of violating wage and hour, health and safety, and other worker protection laws. A report by the Committee on Health, Education, Labor and Pensions similarly found that the government regularly awards federal contracts to companies with significant violations of worker protection laws.

Wiping out these regulations using the Congressional Review Act is a draconian and unnecessary act. If Congress adopts this resolution, agencies will be forever barred from adopting similar regulations in the future. This is overkill. If Congress has concerns about aspects of the regulations, it can work with the Trump Administration to modify those provisions through the regular rulemaking process. Congress should not use the blunt instrument of the CRA to wipe out the rules and prevent their adoption in the future.

Sincerely,



William Samuel, Director
Government Affairs Department

WS/LR/lkr

American Federation of Labor and Congress of Industrial Organizations

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