

July 11, 2013

Seth D. Harris
Acting Secretary
U.S. Department of Labor
Frances Perkins Building
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretary Harris:

The undersigned organizations in the design and construction field strongly oppose the Department of Labor's expansion of the Davis-Bacon Act to members of survey crews.

We believe All Agency Memorandum (AAM) 212, issued by the Wage and Hour Division on March 23, 2013, expands the application of the Act to a class of workers who have never heretofore been considered "laborers and mechanics". This is costly and unnecessary, and sets a very dangerous precedent. More than 50 years of accepted and settled policy has been unilaterally overturned without a change in legislation, legal ruling by a court or the Comptroller General, or public input or comment.

Survey crews work under the responsible charge of licensed, professional surveyors. Their services are not directly involved in physical construction. We are deeply concerned that this decision sets a dangerous precedent that could significantly and adversely affect other design and construction activities in the future.

We strongly object to both the change in policy and the process used to make this change in policy. We respectfully urge you to rescind AAM 212 and restore the policy on application of the Davis-Bacon Act to survey crews established by Secretary Goldberg and accepted in the market for more than 50 years.

Sincerely,

Katharine Mottley
Director of Tax & Regulatory Affairs
American Council of Engineering Companies (ACEC)



Geoffrey Burr
Vice President, Federal Affairs
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