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Congress of the United States
House of Representatives

January 10, 2014

Committee On Appropriations
Chairman, Subcommittee on Labor, Health
and Human Services, Education,
and Related Agencies
Defense Subcommittee
State, Foreign Operations,
and Related Agencies Subcommittee

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The Honorable Thomas E. Perez
Secretary of Labor
Frances Perkins Building
200 Constitution Ave., NW
Washington, DC 20210

Dear Mr. Secretary,


Concerns have been raised to me regarding the issuance of AAM 212, defining members of survey crews as "laborers and mechanics" under the Davis-Bacon Act. The professional surveyors in my state are troubled by the Department's decision to reverse a long standing policy without a legislative or legal mandate to do so and without an open dialogue with affected parties.

The lack of transparency is very concerning. It is my understanding that the following information requests are still outstanding:

- On June 10, 2013, Professional Surveyor magazine, a trade journal covering the surveying profession, filed a Freedom of Information Act (FOIA) seeking documents related to AAM 212. The Department still has not responded to or complied with the request.
- On July 11, 2013, three House chairmen sent a letter to the Department of Labor requesting documents regarding the new Davis-Bacon policy affecting survey crews. While a deadline of July 25 was set, the Department still has not provided any documentation or explanation of its new policy to Congress.
- The National Society of Professional Surveyors (NSPS) met with staff of the Wage and Hour Division of the Department on August 16 and followed up with a letter on August 20 seeking information on AAM 212. The Department has not responded to this request. In the August 16 meeting, it was also revealed that the only stakeholder with which the Department consulted was the International Union of Operating Engineers.

I respectfully urge you to engage with all the affected stakeholders in the surveying profession, provide the requested information, and ensure an open and transparent process. Thank you for your time and consideration of this request.

Sincerely,


Jack Kingston
Member of Congress