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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

January 17, 2018

The Honorable R. Alexander Acosta  
Secretary  
U.S. Department of Labor  
200 Constitution Ave, NW  
Washington, DC 20210

Dear Mr. Secretary:

I am writing to express concern about a recent executive order revoking important protections for veterans that ensure federal contractors are compliant with the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA).

VEVRAA protects veterans from employment discrimination and requires employees to actively recruit, hire, and promote recently separated, active duty wartime, Armed Forces service medal, and disabled veterans. It is one of the two key federal laws that expressly prohibit discrimination against veterans who are returning from active service and entering civilian life.<sup>1</sup> In 2014, the Department of Labor found the existing regulatory frameworks providing information on the responsibilities of contractors "were inadequate for addressing the alarming rates of veterans' unemployment."<sup>2</sup> The Department strengthened the rule to require certain federal contractors and subcontractors to set hiring benchmarks and invite veterans to voluntarily self-identify on job applications.<sup>3</sup> It also requires employers subject to VEVRAA to track their success at attracting and hiring protected veterans.<sup>4</sup> The Department stated that the 2014 regulations "help to level the playing field for veterans who are entitled to a fair shot at applying for, obtaining, and keeping good jobs with federal contractors."

VEVRAA was further strengthened by the 2014 Fair Pay and Safe Workplaces executive order that required federal agencies to consider past contractor violations of VEVRAA when

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<sup>1</sup> Americans with Disability Act National Network, *Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA)* (2015) ([adata.org/factsheet/VEVRAA](http://adata.org/factsheet/VEVRAA)).

<sup>2</sup> Department of Labor Office of Federal Contract Compliance Programs, *Fact Sheet: New Regulations on Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA)* ([www.dol.gov/ofccp/regs/compliance/factsheets/VEVRAA\\_FactSheet\\_QA\\_508c.pdf](http://www.dol.gov/ofccp/regs/compliance/factsheets/VEVRAA_FactSheet_QA_508c.pdf)) (accessed on Jan. 8, 2018).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

awarding federal contracts.<sup>5</sup> The executive order required contracting officials to consider information regarding VEVRAA violations, corrective actions, and previous penalties when “determining whether an offeror is a responsible source that has a satisfactory record of integrity and business ethics.”<sup>6</sup> It also required the contracting agent to “require that every 6 months contractors subject to this order update the information provided” regarding VEVRAA violations, as well as any administrative merits determination, arbitral award or decision, or civil judgment rendered.<sup>7</sup>

In March 2017, President Trump revoked the Fair Pay and Safe Workplaces executive order and required all executive departments and agencies to “consider promptly rescinding any orders, rules, regulations, guidance guidelines, or policies implementing or enforcing the revoked executive orders.” The executive order offers no explanation for the revocation.<sup>8</sup>

We must do everything possible to protect veterans and empower them in their transition into civilian life. Federal contractors and subcontractors cannot discriminate against veterans, and the federal government should make every effort to discourage this unlawful behavior. To that end, please provide a briefing and a narrative explanation of how you plan to ensure that VEVRAA continues to be implemented and enforced despite the rollback of the 2014 Fair Pay and Safe Workplaces executive order on or before February 7, 2018:

Thank you for your attention to this important matter. If you have any questions, please contact Saundra Shropshire or Lucy Balcezak at 202-224-2627. Please send official correspondence to [Lucy\\_Balcezak@hsgac.senate.gov](mailto:Lucy_Balcezak@hsgac.senate.gov).

Sincerely,



Claire McCaskill  
Ranking Member

cc: Ron Johnson  
Chairman

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<sup>5</sup> Exec. Order No. 13673, 82 Fed. Reg. 51358 (Jul. 31, 2014). The 2014 Fair Pay and Safe Workplaces executive order also required federal agencies to consider past contractor violations of 12 additional federal labor laws. *Id.*

<sup>6</sup> Exec. Order No. 13673, 82 Fed. Reg. 51358 (Jul. 31, 2014).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*