

CLIENT ALERT

President Trump Signs Bill Revoking “Blacklisting Rule”

MARCH 28, 2017

On March 27, 2017, President Trump signed legislation striking down the U.S. Department of Labor’s so-called blacklisting rule, which would have given federal agencies greater latitude in denying federal contracts to companies with labor-law violations. A federal judge placed the rule on hold last fall, but congressional lawmakers moved forward with a resolution of disapproval under the Congressional Review Act—passing the House 236-197 and Senate 49-48—that invalidates the blacklisting rule and prevents a future administration from issuing a similar order or rules in the future.

The Department of Labor and the Federal Acquisition Regulatory Council originally published the Final Rule implementing President Obama’s 2014, Executive Order 13673, [Fair Pay and Safe Workplaces Executive Order](#) (Order) on August 25, 2016. The Final Rule would have required, among other things, that current and prospective federal contractors and subcontractors disclose labor violations and efforts to correct them—with the stated aim of ensuring that only responsible and compliant contractors are awarded taxpayer-funded contracts. On October 24, 2016, Judge Marcia Crone of the United States District Court for the Eastern District of Texas dealt the first blow to the Order and Final Rule when she issued a nationwide preliminary injunction, enjoining enforcement of key aspects of the Final Rule. The now-signed resolution of disapproval deals the final knockout blow to the blacklisting rule.

For more information on the Order and Final Rule, see our client briefings, [Final Rules and Guidance Issued on Fair Pay and Safe Workplaces Order](#) and [District Court Judge Blocks Fair Pay and Safe Workplaces Final Rule](#).

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