



September 5, 2025

Catherine L. Eschbach  
Director, Office of Federal Contract Compliance Programs  
200 Constitution Avenue NW  
Washington, D.C. 20210

**Re: Comment on Modifications to the Regulations Implementing Section 503 of the Rehabilitation Act of 1973, as Amended  
Docket OFCCP-2025-0003**

Dear Director Eschbach:

On behalf of the Competitive Enterprise Institute, I respectfully submit these comments to the Department of Labor (“the Department”) concerning its proposed rule entitled Modifications to the Regulations Implementing Section 503 of the Rehabilitation Act of 1973, as Amended, 90 Fed. Reg. 28,494 (proposed July 1, 2025) (to be codified at 41 C.F.R. pts. 60-30 and 60-741).

In the Office of Federal Contract Compliance Program’s chapter of the Code of Federal Regulations, chapter 60 of title 41, eight of the twelve parts deal with different types of requirements and violations. Three of the parts have their own procedures for enforcement, while part 60-30 “provides the rules of practice for all administrative proceedings, instituted by the OFCCP.” 41 C.F.R. § 60-30.1. The Department sensibly proposes to remove cross references to part 60-30 in section 60-741.65(b)(1) and to add the administrative enforcement proceedings for section 503 of the Rehabilitation Act to part 60-741 except where duplicative of current part 60-741 provisions. 90 Fed. Reg. at 28,494. The Department also proposes to rescind part 60-30 at a delayed effective date. *Id.*

Part 60-741 should also be amended to remove from section 60-741.62 procedures for the issuance of show cause notices to contractors. Those procedures conflict with the Administrative Procedure Act, which provides that in hearings “the proponent of a rule or order has the burden of proof.” 5 U.S.C. § 556(d).

These regulatory reforms would fulfill the directives of President Trump—not only EO 14173 but also his order Directing Repeal of Unlawful Regulations. Memorandum on Directing Repeal of Unlawful Regulations, Compilation of Presidential Documents 202500466 (Apr. 9, 2025).

Thank you for your consideration of these comments.

Cordially yours,  
David S. McFadden  
Attorney, Competitive Enterprise Institute