

March XX, 2021

The Honorable Tom Carper  
Chairman  
U.S. Senate Committee on Environment  
& Public Works  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Shelley Moore Capito  
Ranking Member  
U.S. Senate Committee on Environment  
& Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

As you seek recommendations on policy priorities for a surface transportation reauthorization bill, we write to express our strong opposition to Project Labor Agreement (PLA) mandates and enthusiastic support for a fair and open competitive bidding process. Government-mandated PLAs pose a serious threat to our nation's workers and small construction businesses that are recovering from economic upheaval due to the COVID-19 pandemic.

Currently, 87.3% of the U.S. construction workforce does not belong to a union. Mandating PLAs would prevent qualified contractors from fairly competing for contracts on taxpayer-funded projects. These mandates also deny critical construction jobs to local workers and small businesses. The Fair and Open Competition Act (FOCA, S. 403) would guarantee the best value for hardworking taxpayers through a fair and open bidding process for federal construction projects. Notably, FOCA prevents federal mandates for PLAs, but also ensures federal agencies can still award contracts to businesses that voluntarily enter into a PLA.

Over 25 states have enacted measures that ensure accountability, oversight, and a fact-based decision making process that will lead to better investment in local infrastructure and the creation of more construction industry jobs, a vital part of economic recovery. These state laws curb waste and favoritism in the procurement of construction projects and ensure responsible management of taxpayer dollars. Further, they allow markets to determine the appropriateness of a PLA – not the federal government.

At a time when the global pandemic has upended our workforce, disrupted our businesses, and created economic turmoil, Congress should be designing policies that support job growth for all industries rather than instituting arbitrary discriminatory barriers to recovery. We appreciate your thoughtful consideration of our request to protect all American workers.

Sincerely,

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Todd Young  
United States Senator

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Tim Scott  
United States Senator