



February 3, 2022

U.S. House of Representatives
Washington, DC 20515

Dear Representative:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 69 chapters representing more than 21,000 members, I write to express opposition to H.R. 4521, the America COMPETES Act of 2022. This bill contains harmful language that would impose unnecessary restrictions and requirements on the nation's construction industry and its workforce needed to complete critical government-funded projects. **H.R. 4521 would also strip away workers' free choice in union elections by instituting "card check," which would force employees to sign union authorization cards instead of holding an election. ABC urges members to oppose H.R. 4521. This bill will be considered a "KEY VOTE" for our scorecard on the 117th Congress.**

ABC and its members are committed to providing apprenticeship programs for the construction industry that uphold the highest standards of safety and quality. ABC chapters and affiliates across the country offer more than 800 apprenticeship, craft, safety and management education programs—including more than 300 federal and state registered apprenticeship programs across 20 different occupations—to build the people who build America. Through these programs in 2020 alone, ABC members invested \$1.3 billion to educate approximately 500,000 course attendees.

Unfortunately, H.R. 4521 includes language from the [ABC-opposed](#), House-passed National Apprenticeship Act (H.R. 447), which would hurt many construction businesses throughout the country, including women-, minority- and veteran-owned small businesses that have struggled during the COVID-19 pandemic.

A significant number of ABC members rely on federally registered apprenticeship programs to provide their employees with the skills needed to advance in their careers. Unfortunately, several of the apprenticeship provisions in the bill could prove detrimental for the construction workforce and potentially limit apprenticeship opportunities for hardworking Americans. This is especially concerning at a time when the construction industry faces a significant workforce shortage that will only increase with the new investment in the country's infrastructure.

Further and most egregious, H.R. 4521 would require funding recipients and their contractors and subcontractors to agree to recognize any union without a secret ballot election via "card check," and force them to agree to let an arbitration panel set the terms of collective bargaining agreements if parties do not come to an agreement within 120 days. Both of these anti-worker provisions were a part of the Employee Free Choice Act (EFCA), which Congress rejected years ago and should be rejected again.

The bill also contains unnecessary provisions to expand Davis-Bacon prevailing wage requirements to fund the construction of projects funded by this bill. While ABC supports much-needed funding of critical infrastructure projects, we are concerned that expanding the application of federal Davis-Bacon Act requirements would decrease the value to taxpayers while failing to require the Department of Labor to improve its ongoing wage determination issues. The flawed and inflationary wage determination process currently used to determine the prevailing wage increases the cost of construction and can have a chilling impact on competition, particularly for small and minority-owned businesses.

ABC must urge a no vote on this bill and will consider it a "KEY VOTE" for our scorecard on the 117th Congress.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristen Swearingen'.

Kristen Swearingen
Vice President of Legislative & Political Affairs