



July 13, 2022

U.S. House of Representatives
Washington, DC 20515

Dear Representative:

On behalf of Associated Builders and Contractors, a national trade association with 68 chapters representing more than 21,000 members, I am writing to express our concerns regarding several amendments to H.R. 7900, National Defense Authorization Act for Fiscal Year 2023, which have been made in order for consideration on the House floor. ABC urges you to reject these amendments should they come up for a vote **and will be considering all of these amendments as “KEY VOTES” for our scorecard on the 117th Congress.**

Union-Only Preference:

[Amendment No. 3](#), offered by Rep. Jan Schakowsky, D-Ill., seeks to eliminate nonunion contractors from contending for DOD contracts, instituting a new preference for employers that have entered into agreements with a labor organization; remain neutral in union-organizing activities; and do not replace any workers involved in a strike, picketing operation, or other refusal to work. This amendment signifies a drastic step against free enterprise. It would also prevent otherwise qualified contractors from winning work by unnecessarily limiting competition and would significantly increase costs for taxpayers.

Debarring Contractors:

[Amendment No. 413](#), offered by Rep. Pramila Jayapal, D-Wash., directs the head of all federal agencies to initiate a debarment proceeding with respect to a covered firm pursuing a contract of \$500,000 or more with two or more willful or repeated violations of the Fair Labor Standards Act within the last five years under certain circumstances, including for matters that have not been fully adjudicated, are based on inadvertent errors or involve legitimate disagreements over complex areas of law.

ABC supports efforts to ensure compliance with labor laws and a level playing field for federal contractors; however, this flawed “blacklisting” proposal will threaten federal contractors’ due process rights; override current, proven compliance, suspension and debarment processes; and create dangerous incentives for initiating baseless allegations against contractors. The Jayapal amendment may lead to delays, increased costs and a reduction in goods and services critical to the mission of the DOD and our national security.

[Amendment No. 2](#), a similar proposal offered by Rep. Mondaire Jones, D-N.Y., would prohibit contracts for businesses found to have violated the National Labor Relations Act in the last three years. Again, this would override current compliance processes and cause undue harm to many qualified contractors.

Restrictive Workforce Requirements:

[Amendment No. 4](#), offered by Rep. Andy Kim, D-N.J., would impose a new requirement and preference for construction industry contractors and subcontractors that hire more than half their workforce from local areas. “Local hire” preferences can harm jobsites and further delay and increase costs on projects that are already facing significant material price increases and skilled labor shortages. ABC supports the goal of ensuring more local workers can be hired for construction projects in their communities, but the federal government should not impose restrictive requirements that ignore the reality of the workforce shortage of 650,000 workers facing the construction industry in 2022. Instead, ABC supports a focus on policies that truly expand workforce development and construction career opportunities for all of America’s workers, ensuring more local workers have the skills and experience needed to fill jobs in their communities.

ABC members stand ready to do the important work needed in military construction to better serve our nation’s troops and defense infrastructure and remains concerned that these restrictive labor policies would have negative consequences not only for the DOD contractor community but the construction industry as a whole. Such costly and controversial policies should be rejected by the House and **ABC must urge a NO VOTE on these amendments and will consider them “KEY VOTES” for our scorecard on the 117th Congress.**

Sincerely,



Kristen Swearingen
Vice President, Legislative & Political Affairs