



April 26, 2022

U.S. Senate
Washington, DC 20510

U.S. House of Representatives
Washington, DC 20515

Dear U.S. Senators and Representatives:

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 our concerns regarding the America COMPETES Act/United States Innovation and Competition Act as the conference committee begins its work to finalize this legislation.

[H.R. 4521](#), the America COMPETES Act, and [S. 1260](#), the United States Innovation and Competition Act, contain troubling, restrictive labor policies that would dilute the effectiveness of the legislation and limit opportunities for much of the construction industry to participate in programs and projects authorized under these bills. As the House and Senate continue negotiations, ABC urges you to ensure that these unnecessary, partisan provisions are stripped from the bills before final passage of the compromise legislation is considered. A one-pager with references to these sections that require swift removal from the bills is included below.

ABC understands the importance of ensuring the ability of the United States to counter China's global influence and manufacture critical components for our nation's technology here at home and our allies abroad. ABC members stand ready to assist in these efforts and believe that the elimination of these restrictive labor provisions will aid our ability to complete these important projects on time and on budget.

Thank you for your consideration.

Sincerely,

Kristen Swearingen
Vice President of Legislative & Political Affairs



H.R. 4521, the America COMPETES Act of 2022 / S. 1260, United States Innovation and Competition Act of 2021

In April, the House and Senate established a conference committee to continue debate on the House-passed [H.R. 4521](#), the America COMPETES Act, and the Senate-passed [S. 1260](#), the United States Innovation and Competition Act. Both bills contain troubling, restrictive labor policies that would dilute the effectiveness of the legislation and limit opportunities for much of the construction industry to participate in new programs authorized under these bills. ABC and our members urge the removal of these unnecessary, partisan provisions before a final compromise bill is considered.

National Apprenticeship Act

- Division J of H.R. 4521 includes the [ABC-opposed](#) National Apprenticeship Act which passed the House by a vote of 247-173. This proposal, drafted without bipartisan input, would further enshrine the rigidity of the federal registered apprenticeship system into law; limit access to apprenticeship opportunities for hardworking Americans; directly discriminate against the industry performing on a merit shop basis; allow unions involved in a collective bargaining agreement to restrict the pool of apprentices; limit the portability of registered apprenticeship programs throughout the country; and limit the availability of many Americans in the construction industry from furthering their career.

Card Check

- Section 20302 of H.R. 4521, “Solar Component Manufacturing Supply Chain Assistance,” authorizes a system, known as “card check,” which would result in the elimination of secret ballot elections as a method for determining if employees want to be represented by a union. Inclusion of this language would set a dangerous precedent for future legislation.
- Under a card check scheme, workers choose whether they want union representation by signing cards in public before their colleagues and union organizers, exposing workers to coercion, intimidation and harassment. A provision of the Protecting the Right to Organize Act, “card check,” has been historically rejected by Congress on a bipartisan basis.

Mandatory Arbitration

- Section 20302 of H.R. 4521 would implement mandated government interference in labor-management relations, which deprives workers of the opportunity to vote on their collective bargaining agreements by imposing mandatory arbitration when negotiations don’t meet a specified timeframe.

Union Neutrality

- Section 20204 of H.R. 4521, “Critical Supply Chain Resilience Program,” states that to be eligible for a grant, loan or loan guarantee, the recipient is required to “remain neutral in any union organizing effort for the term of the grant, loan, or loan guarantee” or maintain any existing collective bargaining agreement during the life of the loan and for two years after completing repayment of the loan.
- Neutrality agreements limit the ability of workers to hear both sides of the argument in a unionization effort, unfairly influencing and coercing employees while shutting employers out of the process.

Expansion of Davis-Bacon

- Sections 20302, 23911 and 20304 of H.R. 4521, and Section 2506 “Semiconductor Incentives” and Section 28 “Regional Hub Technology Program” of S. 1260, would all expand Davis-Bacon prevailing wage requirements, some into new areas of federally assisted, private industry construction projects.
- Expanding Davis-Bacon would decrease the value to taxpayers, fail to improve ongoing wage discrimination cases by the DOL, drive up the cost of construction projects, lengthen the time for projects to be completed and severely impact small and minority-owned businesses.
- ABC [supports](#) removing Davis-Bacon, prevailing wage requirements from H.R. 4521 and S.1260.