

# Congress of the United States

## Washington, DC 20515

October 18, 2022

Mr. William Clark  
Director  
Office of Government-wide Acquisition Policy  
General Services Administration  
1800 F Street NW  
Washington, DC 20405

Re: Docket No. FAR-2022-0003, Notice of Proposed Rulemaking on Federal Acquisition Regulation (FAR); FAR Case 2022-003, Use of Project Labor Agreements for Federal Construction Projects [RIN: 9000-AO40]

Dear Mr. Clark,

As members of Congress, we write to express our strong opposition to Executive Order 14063 and the Federal Acquisition Regulation proposed rule (FAR Case 2022-003, Use of Project Labor Agreements for Federal Construction Projects RIN: 9000-AO40) requiring controversial government-mandated project labor agreements on federal construction contracts funded by taxpayers of \$35 million or more.

The proposed rule will undermine taxpayer investment in public works projects financed by the American Rescue Plan Act, the Infrastructure Investment and Jobs Act and other recent infrastructure legislation passed by Congress. None of these laws included language requiring or encouraging the use of PLAs. Further, the proposed rule will have a disproportionately negative effect on small and diverse contractors that both the federal government and our states have worked hard to grow and include in the competitive bidding process to build construction projects directly for federal agencies.

We support policies that ensure robust competition for taxpayer-funded construction projects that welcome all of America's construction industry to compete to rebuild our nation's infrastructure on an even playing field. We aim to provide value to taxpayers as we partner with the federal government to deliver roads, bridges, communications, water, energy and transportation systems safely, on time and on budget, but we cannot deliver the best results with onerous and unnecessary constraints.

H.R. 1284, The Fair and Open Competition Act, would help to ensure the best value for hardworking taxpayers through a fair and open bidding process for federal construction projects. Notably, FOCA prevents federal PLA mandates, but also ensures federal agencies can still award contracts to businesses that voluntarily enter into a PLA. Twenty-four states have enacted similar measures that ensure accountability, oversight and a fact-based decision-making process on public works projects. FOCA laws lead to better investment in local infrastructure and the creation of more construction industry jobs—a vital part of economic recovery. FOCA measures curb waste and favoritism in the procurement of construction projects and ensures responsible management of taxpayer dollars. Further, FOCA laws allow markets to determine the appropriateness of a PLA, not government.

Currently, 87.4% of the U.S. construction workforce does not belong to a union. Mandating PLAs will prevent qualified contractors from fairly competing for contracts on taxpayer-funded projects. Reducing

competition from qualified construction firms and workers in our states will exacerbate the construction industry's skilled labor shortage, delay projects and have an inflationary influence on construction costs by estimates of 12% to 20% per project. This will result in fewer infrastructure improvements, reduced construction industry job creation and less value for taxpayers.

In addition, we oppose other Biden administration policies on PLAs independent of this rulemaking. These include promoting PLAs on federally assisted projects via federal agency guidance and competitive grant programs that state and local governments can utilize to help fund critical infrastructure projects.

We call on the Biden administration to give equal treatment to America's construction workers and small and large businesses whether union or nonunion. The proposed rule mandating PLAs is overtly exclusionary and unnecessary and will damage economy and efficiency in federal contracting.

We ask the administration to withdraw this partisan policy that is not required or authorized by law and to instead design policies that support job growth for all qualified contractors.

Sincerely,



Ted Budd  
Member of Congress



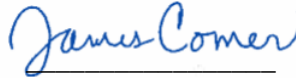
Richard Burr  
U.S. Senator



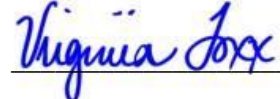
Ted Cruz  
U.S. Senator



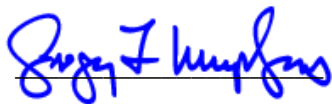
James M. Inhofe  
U.S. Senator



James Comer  
Member of Congress



Virginia Foxx  
Member of Congress



Gregory F. Murphy, M.D.  
Member of Congress



Ken Buck  
Member of Congress



John Moolenaar  
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Scott Perry  
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Robert J. Wittman  
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Ralph Norman  
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Eric A. "Rick" Crawford  
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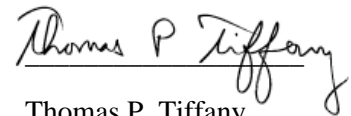
Warren Davidson  
Member of Congress



Nancy Mace  
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Carlos A. Gimenez  
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Thomas P. Tiffany  
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Debbie Lesko  
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John H. Rutherford  
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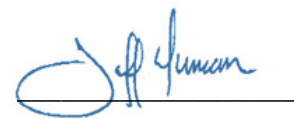
Lauren Boebert  
Member of Congress



Fred Keller  
Member of Congress



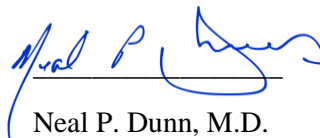
Julia Letlow  
Member of Congress



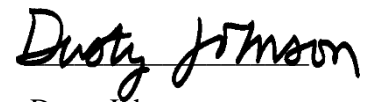
Jeff Duncan  
Member of Congress



Diana Harshbarger  
Member of Congress



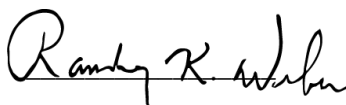
Neal P. Dunn, M.D.  
Member of Congress



Dusty Johnson  
Member of Congress



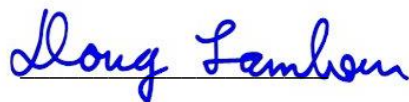
Roger Williams  
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Randy K. Weber  
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W. Gregory Steube  
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Doug Lamborn  
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Tom McClintock  
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Andy Biggs  
Member of Congress



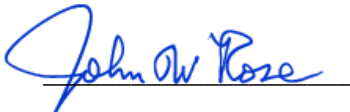
Ben Cline  
Member of Congress



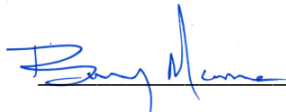
Michael Cloud  
Member of Congress



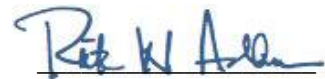
Barry Loudermilk  
Member of Congress



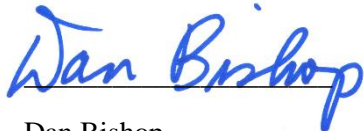
John Rose  
Member of Congress



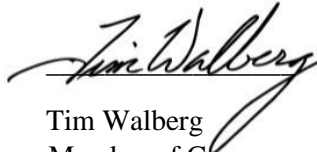
Barry Moore  
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Rick W. Allen  
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Dan Bishop  
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Tim Walberg  
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Andy Harris, M.D.  
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Darrell Issa  
Member of Congress



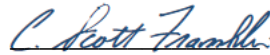
French Hill  
Member of Congress



Lloyd Smucker  
Member of Congress



Jody Hice  
Member of Congress



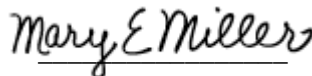
C. Scott Franklin  
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