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THE CONSTRUCTION
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July 10, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, DC 20515

The Honorable Jamie Raskin
Ranking Member
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, DC 20515

RE: VOTE “YES” ON H.R. 1209 DURING JULY 12 MARKUP

Dear Chairman Comer and Ranking Member Raskin:

The Associated General Contractors of America (AGC)—representing both union and open-shop contractors—urges you and your committee colleagues to support the *Fair and Open Competition Act* (H.R. 1209) during the July 12 markup. This bill would ensure fair and open competition on federal construction contracts by preventing federal agencies from mandating contractors to sign a project labor agreement (PLA) as a condition of winning a federal construction contract or by implementing a preference policy for bids with a PLA.

Collective bargaining agreements (CBA) between construction employers and unions are the product of the give and take of negotiations between parties who have legitimate but competing interests and reflect local market conditions and practices. Conversely, government-mandated PLAs interfere with that balance and may impose terms and conditions such as inefficient work rules, staffing requirements, and other inefficiencies that have been bargained away over the years to make union construction more competitive. They also compel an employer to work under a CBA that they had no ability to shape or influence as the agreement is negotiated by a government agency and a group of unions. Government mandates for PLAs can even hurt union contractors by disrupting the often-complex relationships between union contractors and their counterparts in the building trade unions.

AGC neither supports nor opposes contractors’ voluntary use of PLAs on government projects, but strongly opposes any government mandate for contractors’ use of PLAs. If a PLA would benefit the construction of a particular project, the contractors otherwise qualified to perform the work are in the best position to decide whether a PLA should be used on a project and are the most qualified to negotiate such an agreement. AGC is committed to free and open competition for publicly funded work and believes that the lawful labor relations policies and practices of private construction contractors should not be a factor in a government agency’s selection process.

Again, I urge you and your colleagues to vote “yes” on H.R. 1209 to ensure all construction firms are eligible to bid or work on federally funded construction projects regardless of their lawful labor policies.

Sincerely,

Jimmy Christianson
Vice President, Government Relations

CC: Members of the House Committee on Oversight and Accountability