



July 11, 2023

Sean McGarvey
President

Brandon W. Bishop
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Cement Masons'*

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LiUNA

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SMART

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

Honorable Jamie Raskin, Ranking Member
U.S. House of Representatives
2242 Rayburn HOB
Washington, DC 20515

Dear Chairman Comer and Ranking Member Raskin:

On behalf of the over 3 million skilled craft professionals that comprise North America's Building Trades Unions (NABTU), I write in strong opposition to H.R. 1209, the so-called Fair and Open Competition Act.

H.R. 1209 would prohibit the federal government, or those receiving federal funding, from utilizing a highly effective construction project management tool, the project labor agreement (PLA). In every state, whether in a rural or urban area and for almost 100 years, government officials and private companies have consistently proven why they utilize PLAs: because they increase the likelihood for a return on investment whether that be for shareholders, the end users or the American taxpayer.

The facts speak for themselves. Projects constructed or maintained under a PLA often avoid needless delay and disruption as they not only institute conflict resolution procedures between employees and management, but also provide clarity and certainty for both parties with regards to wages, benefits, and a steady supply of highly skilled labor. PLAs have been used to construct and maintain all types of complex projects from Ford's and General Motors' manufacturing facilities to the construction and maintenance of Cape Canaveral, the Hoover Dam and Tennessee Valley Authority's massive energy infrastructure portfolio.

Unfortunately, this bill has zero basis in fact. Supporters of it claim unfair competition and contractor bidding prohibitions on PLA projects. However, they fail to acknowledge that current federal law actually protects contractors. To be clear, any contractor, union or non-union, can bid for contracts on projects under a PLA. Any claims to the contrary are flat wrong. Furthermore, the federal government is legally prohibited from mandating that any workers join a union as a condition of working on a project. The only thing this bill would provide is uncertainty and delay, which in the construction industry is avoided at all costs because of the costs.

For these reasons and numerous others, I strongly urge members to VOTE NO on this misguided legislation.

Sincerely,

A handwritten signature in black ink that reads "Sean McGarvey". The signature is written in a cursive, flowing style.

Sean McGarvey
President