

July 11, 2023

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

The Honorable Jamie Raskin
Ranking Member
U.S. House Committee on
Oversight and Accountability
Washington, DC 2051

Dear Chairman Comer, Ranking Member Raskin and Members of the U.S. House Committee on Oversight and Accountability:

The undersigned diverse group of construction and business associations strongly support the Fair and Open Competition Act (H.R. 1209/S. 537)¹ introduced by Chairman James Comer, R-Ky., and Sen. Todd Young, R-Ind. and urges members of the House Committee on Oversight and Accountability to vote in support of this legislation at the markup expected to occur on July 12.

FOCA would prevent federal agencies and recipients of federal assistance from requiring or encouraging contractors to sign a controversial project labor agreement as a condition of winning a federal or federally assisted, taxpayer-funded construction contract.

Supporting FOCA is critical in light of President Joe Biden's Executive Order 14063, which requires PLAs on federal construction projects of \$35 million or more.² In addition, the Biden administration is promoting PLAs on federally assisted infrastructure projects procured by state and local governments via more than \$250 billion worth of competitive grant programs administered by federal agencies containing pro-PLA language. la0 GTJETQq0.00000912 0 612 792 reW*nBT/F2 11.00000912 0 612 792 reE

to 20% compared to similar non-PLA projects already subjected to prevailing wage regulations. Simply put, hardworking taxpayers are getting less and paying more when PLAs are encouraged or mandated during the procurement of federal and federally assisted construction projects.

FOCA seeks to counteract special-interest favoritism by prohibiting federal agencies and recipients of federal assistance from mandating PLAs and implementing PLA preferences. However, this legislation would allow federal agencies to award contracts to contractors that voluntarily utilize PLAs before or after a fair and open competitive bidding process – a common industry practice permitted by the National Labor Relations Act.

Likewise, 25 states have laws¹⁷ like FOCA, which curb waste and favoritism during the state and local government procurement of construction contracts and ensure taxpayer dollars are spent responsibly by letting the market determine if a PLA is appropriate.

The undersigned organizations support fair and open competition and oppose government-mandated PLAs on federal and federally assisted projects, because hardworking taxpayers deserve more efficient and effective policies that will encourage all qualified contractors and their skilled workforces to compete to build long-lasting, quality projects at the best price.

If you would like to promote fairness, efficiency and transparency in government contracting, please support FOCA during its forthcoming markup and consider co-sponsoring the bill by contacting Sarah Coffman (

Plastics Pipe Institute
Power and Communication Contractors Association
Precast/Prestressed Concrete Association
Security Industry Association
Small Business and Entrepreneurship Council
U.S. Chamber of Commerce
U.S. Pan Asian American Chamber of Commerce

cc: Members of the U.S. House Committee on Oversight and Accountability