



One **Powerful** Message



FAIR AND OPEN COMPETITION

ABC believes that in order to create the conditions for innovation and free enterprise, we must promote open competition, efficiency, fairness and equality in government contracting. Mandating project labor agreements limits the pool of qualified bidders able to deliver the best possible product and price.

Government-mandated PLAs unfairly discourage merit shop contractors from competing to win taxpayer-funded construction contracts. This needlessly increases construction costs by between 12% and 18%.

In February 2009, President Obama issued Executive Order 13502, which strongly encourages federal agencies, on a case-by-case basis, to require PLAs on federal construction projects exceeding \$25 million in total value and allows state and local governments to mandate PLAs on federally assisted projects.

Twenty-five states have enacted measures increasing competition and guaranteeing fair treatment of all contractors and their employees on taxpayer-funded construction projects, ensuring an estimated \$111.3 billion worth of state and local projects are free from PLA mandates and preferences on an annual basis.

WHITE HOUSE PRIORITY:

ABC urges President Trump to rescind Executive Order 13502 and replace it with a new order that will ensure government neutrality in federal and federally assisted contracting and allow all Americans to rebuild their communities.

Congressional priorities



HOUSE



SENATE

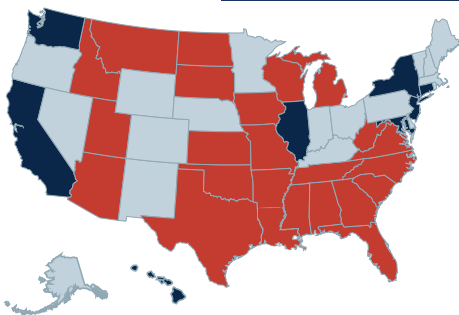


COSPONSOR: The Fair and Open Competition Act (H.R. 1858/S. 907), introduced by Rep. Ted Budd (R-N.C.) and Sen. Todd Young (R-Ind.), would prevent the government from mandating a PLA as a condition of winning federal or federally assisted construction contracts.

OPPOSE: Any attempts to include legislative language encouraging or mandating PLAs during the 116th Congress.

SUPPORT: To deliver the highest quality projects at the best cost to taxpayers, any infrastructure proposal should be free from government-mandated PLAs on federal and federally assisted projects, allowing all qualified contractors and Americans to fairly compete to build and work on these taxpayer-funded jobs.

25 States Welcome All Americans to Compete on Construction Projects



- Enacted bill or executive order prohibiting government-mandated PLAs
- Enacted pro-PLA bill or executive order
- Has not enacted a policy on government-mandated PLAs

WORKFORCE DEVELOPMENT

ABC member contractors invested an estimated \$1.6 billion in workforce development to educate and upskill nearly one million course attendees in 2018. ABC and its members are using industry-recognized and government-registered apprenticeships to build a safe, skilled and productive workforce. ABC uses innovative learning models that are essential to hiring the approximately 440,000 additional workers the construction industry needs in 2019.

Polymakers must commit to supporting an all-of-the-above strategy for workforce development. Apprenticeships, both industry-recognized and government-defined, should have equal access to incentives such as tax breaks, tuition assistance, scale wages and increased access to career and technical education programs.

The construction industry provides limitless opportunities for students, veterans and people re-entering the workforce or changing careers to reach their full potential. Once they decide on a career in construction, workers can participate in multi-skill programs to learn more than one skill and gain a competitive advantage in the marketplace.

The need for a skilled workforce is real: 92% of ABC contractors reported a skilled labor shortage in 2018, with a quarter of all contractors characterizing the shortage as “very severe.”

ABC will continue to support its mission of providing opportunities to everyone in America to build successful careers in construction. In partnership with NCCER, a not-for-profit 501(c)(3) education foundation, ABC chapters offer 800 education programs at more than 1,400 locations across the United States. NCCER’s curricula are accepted globally as the gold standard for industry-recognized education modules.

To bring more Americans into skilled construction careers and help companies find the workers they desperately need, the public and private sectors need to educate the construction professionals of the future using innovative and flexible apprenticeship models.

Congressional priorities



SUPPORT: The USA Workforce Tax Credit Act (H.R. 1739), introduced by Rep. Lloyd Smucker (R-Pa.), would allow tax-deductible charitable donations to nonprofit organizations providing workforce development and education scholarships for all forms of apprenticeships.

SUPPORT: The Skills Investment Act of 2019 (H.R. 898), introduced by Reps. Derek Kilmer (D-Wash.) and G.T. Thompson (R-Pa.), would allow parents and students to save money in lifelong learning accounts that can be used for all forms of apprenticeships.

COSPONSOR: The Workforce for an Expanding Economy Act (H.R. 1740), introduced by Rep. Lloyd Smucker (R-Pa.), would create a new visa program, capped at 85,000 positions annually, while providing important protections for employers and employees and ensuring that jobs remain available for hardworking Americans.




SUPPORT: The Skills Investment Act of 2019 (S. 275), introduced by Sens. Amy Klobuchar (D-Minn.) and Ben Sasse (R-Neb.), would allow parents and students to save money in lifelong learning accounts that can be used for all forms of apprenticeships.

OPPOSE: Any policies that favor government-defined apprenticeships rather than supporting an all-of-the-above approach that encourages any apprenticeship in which workers can earn a wage while learning a skill.

PRO ACT



 **OPPOSE:** The Protecting the Right to Organize (PRO) Act (H.R. 2474/S. 1306), introduced by Rep. Bobby Scott (D-Va.) and Sen. Patty Murray (D-Wash.)

On May 2, 2019, Democrats introduced the PRO Act, which contains several radical provisions that would:








- Threaten workers right to a secret ballot;
- Force employers to hand over workers' home addresses, shift schedules, telephone numbers and personal email addresses to the union;
- Codify into law the National Labor Relations Board's controversial joint employer standard, which has threatened our country's small and local businesses;
- Curb opportunities for people to work independently through gig economy platforms or more traditional independent contractor roles;
- Interfere with attorney-client confidentiality and

make it harder for businesses - particularly small businesses - to secure legal advice on complex labor law matters;

- Eliminate "right-to-work" protections for workers across the country, including in the 27 states that have enacted "right-to-work" laws;
- Prohibit arbitration agreements in employment contracts;
- Strip away "secondary boycott" protections that prevent unions from targeting businesses for anti-competitive purposes other than organizing

This is not the first time unions have tried to take away workers' rights to a secret ballot. Over a decade ago, they repeatedly pressed Congress to pass the Employee Free Choice Act, but it was ultimately rejected. Similar to EFCA, the PRO Act would drastically reshape the construction industry and America's workplaces. It represents the decades-long attempt by labor activists to increase dues-paying union members at the expense of employees.

OTHER ABC PRIORITY ISSUES

STANCE	ISSUE
 SUPPORT	The Voluntary Protection Program Act (S. 904/H.R. 1956), introduced by Sen. Mike Enzi (R-Wyo.) and Rep. Phil Roe (R-Tenn.), to codify the Department of Labor's Voluntary Protection Program, which would lead to safer workplaces and better collaboration between OSHA and contractors.
 SUPPORT	The Jobs and Premium Protection Act (H.R. 2447/S. 80) to repeal the health insurance tax (HIT) under the Affordable Care Act. The HIT is a direct tax on fully insured carriers that is passed along to the customer—small and mid-size businesses and the millions of hardworking Americans and their families that are enrolled in this type of employment-based coverage. Also support the two-year HIT delay legislation, the Health Insurance Tax Relief Act (S. 172/H.R. 1398).
 SUPPORT	6jdUfhgub"Y[.]gUhcb'hc Vda VUhjg fdfjg'V]"Jb[Z'ck Yf\YUH WfY Vdgz Ubx]bWfYUy/ fUbgdUfYbVnjb\YUH WfY"" 6ch H\Y<ci g/ Ubx G'rbUH' \U Y dfcdcg'X XfUzhV]"ghUhgY_ hc UXXfYgghY [fck Jb[] Jgg Y cZg fdfjg'a YXJW V]"Jb[z k \JW\UddYbgk \Yb]bg fYX dUfYbghfYVW]] Y i bYI dYVWX WUf[YgXi Y hc U'a Ya Yf cZU\YUH WfY H\Ua H\Uf HfYUH\H\Ya bchVY]b[] U b]bYfk cf_dfcj XfY" Ci HcZbYfk cf_Vdgja i ghVY XJgNcgX'hc dUfYbghfVYZcfY\Ubx.
 OPPOSE	Government takeover of the health care system that would end employer-sponsored health care coverage and impose new tax mandates on employers and employees.
 OPPOSE	The Corporate Transparency Act of 2019 (H.R. 2513), introduced by Rep. Carolyn Maloney (D-N.Y.). This legislation would impose duplicative reporting burdens on millions of small businesses in the United States and threaten the privacy of law-abiding, legitimate small business owners.
 SUPPORT	Full repeal of the estate tax by passing the Death Tax Repeal Act (S. 215/H.R. 218), introduced by Sen. John Thune (R-S.D.) and Rep. Jason Smith (R-Mo.). This common-sense legislation will help family-owned American businesses keep and create jobs, grow the economy and relieve families of an unreasonable financial burden.
 SUPPORT	Make the Tax Cuts and Jobs Act's tax deduction for qualified business income permanent by passing the Main Street Tax Certainty Act (H.R. 216), introduced by Rep. Jason Smith (R-Mo.).