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February 3, 2022

Speaker Nancy Pelosi
U.S. House of Representatives
Washington, DC 20515

Minority Leader Kevin McCarthy
U.S. House of Representatives
Washington, DC 20515

AGC KEY VOTE: Vote “NO” on the America COMPETES Act of 2022 (H.R. 4521)

Dear Speaker Pelosi and Minority Leader McCarthy

On behalf of the Associated General Contractors of America (AGC), I write to express the association’s disappointment with the addition of harmful policies—including those from the PRO Act—to the America COMPETES Act of 2022, H.R. 4521, in what should be a broadly bipartisan legislative endeavor: increasing America’s competitiveness with China. **As a result of these policies, discussed below, AGC urges all Representatives to vote “NO” on H.R. 4521 and will key vote this bill for the education of the association’s more than 27,000 members.**

Among other policy provisions in the bill, those that AGC takes greatest issue with would:

- 1. Eliminate the Use of Secret Ballots in Union Representation Elections:** The bill would in some instances take away a worker’s right to a federally supervised private ballot election when deciding whether or not to select union representation. Under current law, which AGC supports, an employer may voluntarily recognize a union if the union presents an adequate number of signed authorization cards, signatures on a petition, or other evidence of majority support. However, if the employer questions the validity of the showing of support, it can refuse to grant voluntary recognition, and the union must petition the National Labor Relations Board to conduct a secret ballot election.
- 2. Establish Artificial Constraints on Collective Bargaining:** The bill would in certain cases establish artificial and unrealistic time constraints on bargaining an initial collective bargaining agreement after a union is certified, and mandates arbitration to settle the terms of an initial agreement if the parties do not agree quickly enough. The agreement imposed on the parties by arbitration would be effective for two years. The impact is that unions will have little reason to agree to an employer’s proposals when they know that a group of outsiders will impose terms that consider factors that do not include the employer’s objectives or intent; and
- 3. Discriminate Against High-Quality Apprenticeship Programs:** The National Apprenticeship Act of 2022 (NAA), included in H.R. 4521, would use the power of the federal purse to discriminate against any U.S. Department of Labor registered apprenticeship program for the sole reason that they are not partnered with a labor or joint labor-management organization. AGC is proud of our contractor members’ support of union-affiliated joint apprenticeship training programs, but we believe all bona fide and high-quality apprenticeship programs that are registered with the U.S. DOL and are not affiliated with a union program are still important components to addressing the workforce development problem and should also be eligible for Title II grants under the NAA.

These provisions aside, there are several facets of H.R. 4521 that AGC supports. For example, the association supports the inclusion of tens of billions of dollars to invest in the construction of new and modernization of existing semiconductor chip manufacturing plants. Given the ubiquitous need for such chips and the incredible supply chain constraints, building greater capacity for their domestic manufacture is necessary to help the American economy thrive and to protect interests of national security.

This semiconductor manufacturing investment—absent the aforementioned construction labor provisions—received a significant bipartisan majority (68-31) in the Senate when it passed the United States Innovation and Competition Act of 2021, S. 1260 in June of 2021. Again, AGC is disappointed that the House waited so long to act on legislation that could clearly garner bipartisan support and put forth its own version of such legislation with so many detrimental provisions to the construction industry and, ultimately, to bipartisan support.

For these reasons, AGC urges all Representatives to vote “NO” on H.R. 4521. In the event the legislation passes, rest assured that AGC will work to remove provisions harmful to the construction industry, especially PRO Act policies, during the conference committee process.

Sincerely,

A handwritten signature in cursive script that reads "James V. Christianson". The signature is written in black ink and is positioned below the word "Sincerely,".

James V. Christianson
Vice President, Government Relations