

is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS  
(INCLUDING RESCISSION OF FUNDS)

SEC. 401. Of the unobligated balances in section 2005 in title X, of Public Law 112-10 and division H in title IV of Public Law 112-74, \$150,768,000 are hereby rescinded: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 402. Availability of funds.—Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

TITLE V  
GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 504. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 505. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 506. Hereafter, none of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 507. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 508. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required

to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 509. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 510. None of the funds made available in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries or successors.

SEC. 511. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to exercise the power of eminent domain (to take the private property for public use) without the payment of just compensation.

SEC. 512. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 513. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

SEC. 514. None of the funds provided in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 515. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction,

unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 516. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

Mr. CULBERSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 65, line 16, be considered as read, printed in the RECORD, and open for amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIR. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 517. None of the funds made available by this Act may be used by any Government authority or agent thereof awarding a construction contract on behalf of the Government, in any solicitations, bid specifications, project agreements, or other controlling documents, to require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations; nor shall such funds be used to discriminate against or give preference to such bidders, offerors, contractors, or subcontractors based on their entering or refusing to enter into such agreements. The previous sentence does not apply to construction contracts awarded before the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. GRIMM

Mr. GRIMM. I offer my amendment to strike the anti-Project Labor Agreement language in section 517.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, beginning on line 17, strike section 517.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. GRIMM. Mr. Chairman, construction is an inherently complex endeavor. Any owner funding a construction project faces a variety of challenges, such as time and cost constraints, maintaining quality control, safety, and of course recruiting a skilled workforce. Public and private project owners are always looking for effective ways to meet demand and manage risks to the financial investors of those projects, whether they're funded through private investors or by the taxpayers, as is the case here with military construction projects.

Project labor agreements are a proven tool to accomplish these objectives. The PLA is a pre-hire agreement and business model that increases efficiency and quality while decreasing the overall cost of a construction project since it is based on employing skilled craftsmen and -women. Use of a PLA increases the chance that a project will be done right the first time, on time, and on budget. This also helps to ensure future building maintenance costs are reduced, providing long-term benefits to the taxpayer.

However, section 517 in practical terms would deny the DOD and other Agencies the option to use a PLA business model even if they determine that using one would best serve the interest of taxpayers. At a time when Federal Agencies are required to do more with less, it does not make sense to remove this proven, cost-effective, and efficient option that saves taxpayers money.

Also, enacting a strict prohibition on the use of PLAs represents a regulatory barrier imposed by the Federal Government on free market participation. Companies like Wal-Mart, Toyota, Boeing, just to name a few, all currently use this type of business model because of these very same advantages that I mentioned.

Recently, I toured the 75-story Beekman building in New York City which, without the use of a PLA, would have been capped at 40 stories. And since we're talking about public projects, according to an audit commissioned by the New York City School Construction Authority, these agreements saved taxpayers over \$221 million—\$221 million—from 2005 to 2009. In 2009, Mayor Bloomberg projected that PLAs would save New York City over \$300 million.

And as a veteran myself, I have to point out that this is one of the only business models that guarantees the hiring of military veterans and results in career job training. Taking this option away would disadvantage the DOD, the VA, and, most importantly, our returning servicemen and -women seeking jobs to support themselves and their families.

Therefore, I urge you to vote "yes" on this amendment and to strike the language from the bill that disadvantages the DOD, VA, American taxpayers, and our military veterans.

I yield to the gentleman from New Jersey (Mr. PASCARELL).

**Mr. PASCARELL.** Mr. Chairman, I stand today with my colleague from New York (Mr. GRIMM) to support the working men and women of this great Nation.

You might take a quick look at section 517 of this legislation, the appropriations bill, and think it doesn't stop the Department of Defense from using a project labor agreement. But you must know, in reality, this confusing language is carefully hiding a back door, a back door opening to do away with PLAs.

Specifically, while currently the Department of Defense can choose whether they want to use a PLA, this language would prohibit even the option of choice whether to use a PLA. That's unacceptable.

This amendment doesn't dictate using PLAs. It just gives the Defense Department back the option to use them. Agencies like the Department of Defense need the flexibility and choice to use PLAs because of the variables they face in doing their job—from security issues, a very critical part of every contract; onsite safety, just as critical; to the skills needed to build unique facilities and structures.

Furthermore, the use of PLAs establishes a required skill level for what the project and the government require or desire, ensuring that these highly sensitive and complex projects are performed on time and on budget.

Let's cut to the chase, Mr. Chairman. The jobs where PLAs are used require higher skill sets.

The Acting CHAIR. The time of the gentleman from New York has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. GRIMM was allowed to proceed for 2 additional minutes.)

Mr. GRIMM. I yield to the gentleman from New Jersey.

□ 1810

Mr. PASCARELL. I thank the gentleman for yielding.

The jobs where PLAs are used require higher skills, higher wages for engineers and laborers. Undercutting their ability to bid on contracts will not only hurt the project and the Department of Defense's bottom line, but it will also hurt the working men and women who are building our future.

I urge a "yes" vote on the Grimm amendment.

Mr. GRIMM. Mr. Chairman, I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

**Mr. CULBERSON.** Mr. Chairman, I'm the first one to be a strong advocate of the 10th Amendment. As a Jeffersonian, I really believe very strongly in the whole idea of individual liberty and letting local governments make local decisions and State governments make decisions at the State level.

In some States, as in New Jersey and New York, certainly the labor union movement is very strong and PLAs may work in those States. It certainly may make sense in New York or New Jersey, but Texas is a right-to-work State, and proudly so. We don't have many labor unions—in fact, very few at all. In the construction industry in particular, there really are no unionized construction firms. There are none.

So if the President's executive order—which he issued almost as soon as he came in, President Obama signed an executive order that said the Presi-

dent of the United States—now, just imagine if you're the head of a local VA and you get an order from the President of the United States saying the President recommends that you, as the head of the VA, hire a construction firm that uses a project labor agreement, you're probably going to follow that advice. It is impossible to do that in the State of Texas.

My friend from Arizona, Arizona is a right-to-work State. Many States across the country are right to work. We don't have labor unions. I believe Georgia is a right-to-work State. We don't have a State income tax in Texas. We don't have many labor unions. Trial lawyers have to really have a good lawsuit before they can go to the courthouse. Taxes are generally low. The streets are safe. We've got, in Texas, a thundering economy.

If I recall right, Texas has created most of the jobs in this Nation over the last 10 years. And one of the reasons Texas' economy is so strong is we don't have many labor unions. But of course that's up to us in Texas. And people have been voting with their feet and moving to Texas. We've had tremendous influx of people from other parts of the country.

The language that is in the bill, my good friend from New York, my friend from New Jersey, the language in the bill does not prohibit the use of project labor agreements; it really doesn't. The language was carefully written so that the government cannot discriminate against or give preference to a construction firm that uses PLAs. Nor can the government—and I'm going to read it here exactly—nor can the government require a contractor to enter into or adhere to a project labor agreement.

A project labor agreement—I need to make sure folks understand what we're talking about—is essentially a requirement that if you want to do business with the Federal Government, you have to unionize your shop. That doesn't make any sense in Texas, it doesn't make any sense in Georgia, it doesn't make any sense in Arizona where we have no unionized contractors—or virtually none, to my knowledge. You can't build a house, you can't build a building in Houston, Texas, if you require the use of a unionized contractor. They don't exist.

**Mr. DICKS.** Will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Washington.

Mr. DICKS. The distinguished chairman—who does a great job, and we're trying to work together—if we understand this, a non-union shop can be considered for work under a project labor agreement. You don't have to be a union shop. So a non-union company can do it. All they have to do is to agree to the terms that are part of the project labor agreement; in other words, that they will use the wages and other standards that the project labor agreement has. If they will abide by that, then they can be considered for



work. So that doesn't mean that there aren't any.

Thank you for yielding.

Mr. CULBERSON. Reclaiming my time, you're right. And that's the problem, my friend, Mr. DICKS, from Washington State. Truly, you're exactly right. The VA can and will require a nonunion contractor in Texas to unionize before they can even—

Mr. DICKS. No, no, no, no. If the gentleman will yield?

Mr. CULBERSON. I yield to the gentleman from Washington.

Mr. DICKS. They don't have to unionize. They just have to agree to the prevailing wage and other things that are part of the project labor agreement, but they don't have to be unionized.

Mr. CULBERSON. Yes, sir. That's correct. I'm about to run out of time.

The Acting CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. CULBERSON was allowed to proceed for 2 additional minutes.)

Mr. CULBERSON. If I could point out, the gentleman from Washington is correct; on this vote, they're not required to unionize, but they're required to adopt the higher prevailing wage. They're required to adopt all the other higher, more expensive standards that a union may require. That puts that contractor at an immediate competitive disadvantage with all of the other contractors out there.

There are no unionized—or very few unionized contractors in Houston, Texas—throughout the whole State, and that's the problem. While perhaps in New York, while perhaps in New Jersey, while perhaps in Washington State PLAs may actually wind up saving you money—for reasons mysterious to me as a free market guy, but it may save you money.

This language does not prohibit the use of a unionized contractor in New York. Let me repeat, in the brief time I've got left: none of the funds in this act can be used to discriminate against or give preference to a union shop, and the government cannot require a contractor to enter into an agreement. So, you see, the language, as written, we're all on the same page here, guys. This language does not require unionization. It doesn't force a non-union shop to adopt a prevailing wage, for example. And it enables everyone to bid without discrimination.

Our concern is, with the President's executive order, which says that the President of the United States encourages the local VA to hire a contractor that follows union guidelines, they don't exist in Texas. That makes no sense. That's why the gentleman from Arizona wrote this amendment this way. And that's why it's important that the House defeat this amendment to save taxpayer dollars and to allow non-union contractors in right-to-work States to compete for these government construction projects.

Mr. Chairman, I yield back the balance of my time and thank you for the extra time.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Mr. Chairman, I rise in strong support of this amendment.

The language included in the bill says that none of the funds made available by this act may be used by any government authority or agent thereof awarding a construction contract on behalf of the government, and any solicitations, bids, specifications, project agreements, or other controlling documents, to require or prohibit bidders, offerers, contractors, and subcontractors to enter into or adhere to agreements with one or more labor organizations. Language currently included essentially nullifies the decisionmaking ability of not only the Department of Defense, but also the Department of Veterans Affairs, the American Battle Monuments Commission, the Court of Appeals for Veterans Claims, and Arlington National Cemetery to use a PLA business model.

To put it another way, all of these agencies currently have two choices: yes, we want to use a PLA, or no, we don't want to use a PLA. Without this amendment, the agencies will no longer be able to make that yes or no choice. If this language is maintained, then every agency in this bill will literally not be able to make a decision on the business model that they want to use for their construction projects.

The language is a backdoor way to ensure that the project labor agreement business model is not available as an option for the Federal Government to even consider using on any of the construction projects in the bill.

Keeping this language would be a mistake since PLAs ensure that construction projects are built correctly the first time, on time, and as a result, on budget for the end-user. Furthermore, PLAs prevent costly delays that usually result from an unskilled workforce's lack of knowledge regarding the use of building materials or tools, as well as job site safety measures.

Furthermore, Mr. Chairman, we don't know the effect this language could have on VA projects. And I don't believe that this Congress should include any language that could further delay vital Veterans Affairs projects.

I find this language to be unclear and believe it will only add uncertainty and confusion to the construction process. I don't understand why we would take this option off the table. If a project labor agreement is good for Toyota, or Boeing, or Wal-Mart, why isn't it good enough for the Federal Government?

□ 1820

I urge all the Members to vote "yes" on the Grimm amendment. It's sound, and it will help us to get our construction done on time and on budget and safely.

I yield back the balance of my time.

Mr. FLAKE. I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, I have enjoyed hearing this, and I would say, if the gentleman from New York, if what he were saying were correct, he would be right and I think all of us would vote for this amendment. But he's not. He's not right.

The amendment, the language he seeks to strike does not forbid or prohibit the use of PLAs. You don't have to take my word for it. I was the author of the amendment, and we expressly did it so as not to prohibit or allow or anything. It would simply be neutral.

And this is what CRS said. So you can say all you want about motives or anything else, but this is what CRS said. They wrote back to us and said:

Based on the plain language of the amendment's text, PLAs for military construction projects would not be forbidden.

Again, "would not be forbidden." It is expressly—let me read that again so I'll be clear.

Based on the plain language of the amendment's text, PLAs for military construction projects would not be forbidden, as it expressly provides that "[n]one of the funds made available by this act may be used by any government authority . . . to require or prohibit . . . bidders . . . to enter into . . . agreements with one or more labor organizations."

Here we have it. It's neutral. That's what we're intending to do. The problem is what we sought to correct with the amendment in committee was when the President issued this executive order. The executive order, in itself, does not expressly prohibit non-union organizations or shops from getting a contract. But what Federal agencies have interpreted it as meaning is that they should favor PLAs. And so certain Federal agencies have written guidance, based on the President's executive order, that actually favor PLAs. And that's wrong.

And so all the amendment seeks to do is put it back on neutral ground, to keep the thumb of the President or this body or Republicans or Democrats or anybody off the scale in this regard. That's what this language that the gentleman is seeking to strike does. It brings neutrality that has been missing after the President's executive order.

Again, when the President issued his executive order, some Federal agencies took that to mean that they would have to or could require the use of PLAs, and that means that the thumb is placed on the scale in favor of PLAs. So this language was drafted to make it neutral again. That's what it does.

If this amendment here is adopted, it will put a thumb back on the scale, and we can't have that. So you can say all you want about motives, what they really want to do, or this is a back door or whatever. But if you look at the amendment, again, from CRS, not from

me, says that it doesn't require or prohibit, so it's neutral.

Mr. GRIMM. Will the gentleman yield?

Mr. FLAKE. I will yield first to the gentleman from Washington, but only briefly.

Mr. DICKS. It will be very brief.

The Office of General Counsel of the Department of Defense says about the gentleman's amendment:

If enacted, the attached provision would prohibit the Department from soliciting bids for FY13-funded construction contracts where, as a mandatory condition of award, the awardee must negotiate a project labor agreement with one or more labor organizations for the term of the resulting construction contract.

Mr. FLAKE. Reclaiming my time.

Mr. DICKS. That means they can't do it.

Mr. FLAKE. No. There's an important word there, "mandatory." It wouldn't allow the mandatory use. It's back to neutrality.

Mr. DICKS. That's not what they think. They think that if your language does what I think you—

Mr. FLAKE. That's what you just read.

Mr. DICKS. Well, that's not how they interpret it.

Mr. FLAKE. I'm not sure if they know what they're interpreting then. But CRS, which looks at this, says it's neutral, so make no mistake—

Mr. GRIMM. Will the gentleman yield for a question on CRS?

Mr. DICKS. If it's neutral, what does it do then?

Mr. GRIMM. Did CRS actually speak to these agencies?

Mr. FLAKE. If they spoke to the agency—

Mr. GRIMM. Does the gentleman know if they spoke to the agencies? Did the gentleman speak to these agencies to see how they would interpret it?

Mr. FLAKE. We don't have to because the agencies have issued guidance that we can look at where they have interpreted the President's executive order as to require the use of PLAs. That's why we offered the amendment.

Mr. GRIMM. Exactly. And the amendment that you have in is going to be interpreted to preclude them from using PLAs.

Mr. FLAKE. No, it doesn't.

Mr. DICKS. Well, what does it do then?

Mr. FLAKE. It simply takes the thumb off the scale that's there right now because these agencies have issued guidance. Now, you can say that the agencies may take this as a thumb on the other side of the scale.

Mr. GRIMM. That's exactly what I'm saying.

Mr. FLAKE. Nobody can control what they're doing. But this language simply makes it neutral, and that's what I'm trying to correct here.

I yield back the balance of my time.

Mr. LATOURETTE. I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Chairman, I hadn't planned on speaking on this amendment—there are plenty of other voices to do it—but I argued against this amendment in committee. I repeatedly argue against this amendment. I really don't know why we have to repeat this exercise, other than it won by one vote the other time, and we're going to correct that mistake tonight, I will tell you.

But the author of the amendment—the amendment is a wolf in sheep's clothing in that the gentleman offering the amendment isn't in favor of project labor agreements. As a matter of fact, all the people who have spoken—

Are you in favor of project labor agreements? I don't want to slight you if you are.

I yield to the gentleman.

Mr. FLAKE. Wherever they make sense, that's fine. I just don't want a finger on the scale either way.

Mr. LATOURETTE. I hear you. And if that was true, the wording of your amendment would be—

Mr. DICKS. Will the gentleman yield just briefly on that point?

Mr. LATOURETTE. I yield to the gentleman from Washington.

Mr. DICKS. Just briefly, the President doesn't require that they use a project labor agreement. He just suggests that they might be able to use it. That's pretty neutral.

Mr. LATOURETTE. Reclaiming my time, well, let me say this. You know, I do agree with the gentleman from Arizona, which I very rarely do, that, in fact, under this administration, there's sort of a feeling that we should have PLAs, which I happen to think is a good thing into my part of the world. However, this language is almost identical to the Bartlett amendment that was in the defense authorization.

To my belief, this was written by the Associated Builders and Contractors, and the Associated Builders and Contractors are not in favor of project labor agreements. Neither are most of the people, including Mr. CULBERSON. He's very proud of the fact that they don't have any unions in Texas. Well, we've got them in Ohio.

And I'll tell you, here's the difficulty with this and why this is a wolf in sheep's clothing. What the problem is, if an agency determines that they want to proceed with a project labor agreement, this language prohibits them from doing it because it prohibits any contractor or subcontractor who may bid a piece of that job to be required to enter into a union contract. And that's the difficulty, because if the agency, independent, without any thumbs on the scale, says, You know what—well, I've got to tell you, CRS is wrong. CRS is flat-out wrong. They're a great organization. They're flat-out wrong.

But what this does is say that if the agency, and let's just take one that's in the news here in Washington, D.C.

So the Metropolitan Airport Authority that controls the three airports in this area decides they want to do a project labor agreement, the board votes that way to do a project labor agreement on the silver line which is going out to Dulles Airport and it's covered by this bill, they cannot do a project labor agreement because this language isn't neutrality. This language says you can't have a project labor agreement because nobody, subcontractors can't be required to the terms and conditions that would be in a project labor agreement.

So make no mistake about it, CRS notwithstanding, this is to kill project labor agreements. And if you have that position, that's a great position. You can have that position. Mr. CULBERSON, I believe, has that position.

Mr. CULBERSON. I do.

Mr. LATOURETTE. He does. I know he does, and we've talked about this. And you know what? He can have that position.

But what you can't do is bring an amendment to the floor that pretends to do one thing and, in fact, does another.

If you don't want project labor agreements to even be considered, vote against Mr. GRIMM's amendment. If you think that they should be in the mix, you need to vote for it.

Mr. CULBERSON. Will the gentleman yield?

Mr. LATOURETTE. I am happy to yield to my friend from Texas.

Mr. CULBERSON. Our point was that in right-to-work States where we have virtually no labor unions, we don't want contractors to be required to adopt prevailing wages or adopt union guidelines in order to bid on a contract. And in States like yours, Ohio, New York, New Jersey, you should be free to do so.

And I think the way, truly, if I may, the way the amendment is written, we have obviously a difference of opinion, but it is written very clearly that the government cannot require or prohibit contractors from adopting these PLAs, so it leaves it really up to the local VA to decide whether they're going to bid it out to a nonunion shop or a union shop, depending on the State. In your State, fine. In Texas, you know, we're a nonunion State.

Mr. LATOURETTE. Let me take back my time and say that I think it's unfortunate that Texas doesn't feel they have to pay living wages for construction jobs. But beyond that, let me say that, if the language said that, we wouldn't be having this discussion. But the language doesn't say that.

□ 1830

So let's say the VA down in Texas makes a determination that they want to do a project in Texas under a project labor agreement. They can't do it. They can't do it under this language. They are deprived of doing it because, to have a project labor agreement, they would be forced to require the contractors and subcontractors to abide by the



terms and conditions of that agreement. I'm telling you that that's what it says, JOHN, honest to gosh. There is a better way to write this. This wasn't written by friends of PLAs, and it needs to be passed.

The Acting CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. LATOURETTE was allowed to proceed for 2 additional minutes.)

Mr. LATOURETTE. I yield to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. I think we're headed in the same place, which is that you'd like to preserve the ability to hire union contractors in Ohio, New York, and New Jersey. We share that. I have no objection. Under the 10th Amendment, if that's what you guys want to do, God bless you.

So what I would ask is that perhaps we could postpone the consideration of this amendment briefly. Would you guys come up with some language to amend Mr. FLAKE's language to make it even clearer in your mind; so let New Jersey run New Jersey and New York run New York and Ohio run New York, and let Texans run Texas?

Mr. LATOURETTE. We don't want Ohio to run New York. I think the gentleman misspoke.

Mr. CULBERSON. I want Ohio to run Ohio.

Mr. LATOURETTE. We've got enough stuff going on in Ohio.

Mr. CULBERSON. Will you offer an amendment, because you're a very capable legislator, and may we postpone the consideration of this amendment briefly so that you could amend his language to let Texans run Texas and Arizona run Arizona and Ohio run Ohio?

Mr. LATOURETTE. And you're a gifted orator.

A couple of things. One, I appreciate the gentleman's invitation, but I don't want to postpone the consideration of the amendment.

Mr. CULBERSON. We've got other work.

Mr. LATOURETTE. There is going to be a rolled vote, I assume. You're not going to take extra real time.

Mr. CULBERSON. No, but we could fix this, though. Let's fix this.

Mr. LATOURETTE. There is going to be a rolled vote, and I will be happy to work with the gentleman; but we're going to stand on the Grimm amendment in case we can't come to some accommodation, which I hope we can, not written by the ABC.

I yield back the balance of my time.

Mr. LYNCH. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. In my own experience before coming to Congress, I was actually an ironworker for about 18 years. I have actually run work on projects with PLAs. I've been a general foreman on a large, complex construction

project such as the ones that are covered by this bill. These large projects are \$25 million and over, so it's not somebody who's throwing up a house here or there. I also worked in Louisiana, and we had a PLA where half the job was union and half the job was nonunion. There are situations in which PLAs are extremely important and extremely helpful. This bill would prohibit that from happening.

The gentleman from Ohio (Mr. LATOURETTE) is absolutely correct in his interpretation of the language of the bill. For instance, if the VA, which is right now considering building a spinal cord injury hospital in Brockton, Massachusetts, would like to put an agreement on that project that says they want 30 percent of the workers or 50 percent of the workers on this job to be United States veterans, they would not be able to put that language into effect because they would not be able to require a contractor to sign an agreement to hire veterans on a VA project. That's exactly what's wrong with the bill.

Mr. GRIMM has a very good amendment. It is on point. He is absolutely right. I know this from my own work on PLA projects. This amendment seeks to strike a provision from the underlying bill which would prevent any Federal agency from requiring contractors to sign a project labor agreement.

Now, PLAs have been highly efficient in coordinating many, many contractors on these complex construction projects. Despite the arguments of some, PLAs are not a guarantee of union employment. Under a PLA agreement, construction contractors can hire people regardless of union or nonunion status. What it does do is requires that contractors abide by the law. There is also great scrutiny on these projects. They are required to properly classify their workers, as the gentleman from Texas pointed out, on some jobs where there otherwise might be illegal immigrant workers on those projects. That doesn't happen on a PLA project because they've all got to be citizens.

We have a Helmets to Hardhats program that's run by the building trades. They actually make sure that especially our returning veterans from Iraq and Afghanistan get the first crack at those jobs—Helmets to Hardhats, from the military right into those apprenticeship programs—so that we train our young men and women coming back from Afghanistan and Iraq a skilled trade. The PLAs are most commonly used on large, multiyear projects that are complex and that present considerable difficulty for contractors to bid those jobs.

The key here is that under current law Federal agencies—the VA at the spinal cord injury hospital or the DOD if they're building a defense complex—can use a PLA when appropriate. They can put an agreement together that makes sure, if you've got a plumber on the job, he's properly licensed, or if

you've got an electrician on the job, he's properly licensed; and they abide by a drug-free workplace program. They can put in a lot of good things that make sure that that project comes in on budget and ahead of schedule. What this would do would be to prevent the VA or the DOD from requiring that on a job.

It's the worst contractors who are afraid of this agreement because they would be required to comply with the law. They would be required to have workers' comp. They would be required to meet with the OSHA and safety regulations. The construction industry—I worked in it for 18 years—is a very dangerous industry, and sometimes it costs more to run a safe job.

Look, PLAs are a good idea. We should continue, when appropriate, to allow these Federal agencies to use them on these construction projects. They're a good idea, and up to now they've been evenly administered. This bill would change that dynamic. It would basically ban the VA from requiring that veterans be used on those projects or ban the DOD from saying, Look, we want to have veterans on this project; 50 percent of the workers on this project we want to be veterans. It's entirely appropriate for the VA or the DOD to do that. They would be prohibited from doing that under the language in this bill.

I yield back the balance of my time. Mr. WALBERG. I move to strike the last word.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Before I let a train of thought go, I yield 30 seconds to my good friend from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I just want to say first that the gentleman mentioned that he thought that this bill had been written by the Associated Builders and Contractors. That's not the case. This issue was first brought to my attention after a meeting my office had with the Army Corps of Engineers. So a government agency brought it to our attention.

Second, we are trying to bring back the same neutrality that existed during the Bush administration, which was before this President put the finger on the scale. During the Bush administration, during that 8 years in which we had the neutrality like this amendment of mine returns to, there were contracts awarded with project labor agreements and there were contracts awarded without them. That's what neutrality does. Where it makes sense to use a PLA, it's used. When it doesn't make sense, it isn't. It's neutrality. That's what this bill returns to. That's why this amendment should be rejected.

Mr. WALBERG. I thank the gentleman from Arizona, and I thank him for his amendment. I support it, but I respectfully do not support the Grimm amendment.

I'm from Michigan. Michigan takes no backseat in this country to union labor. It is the returning auto capital of the world. It's a proud union State, and there is a proud, solid union workforce in Michigan. Just this past summer, the State legislature, in majority with the Governor's concurring and signing, signed into law a prohibition against the mandatory requirement of PLAs in government contracts. The State of Michigan, with its 10th Amendment responsibilities, did that.

Now, unlike what took place under the past Bush administration, as the gentleman from Arizona correctly pointed out, the Federal appellate court ruled in favor of doing away with the mandate and leaving neutrality there. That's all the provision of this section 517 does. It simply restores the neutrality. That's all we're asking: that when PLAs make sense and ultimately bring about a better project and an outcome, fine; but when they don't, for whatever reason that is, there should be no mandate, and there ought to be the opportunity within these contracts and within a State like Michigan to make a decision not to go with a PLA if that's the best outcome or result.

□ 1840

Again, this provision in the bill does not prohibit PLAs. It is neutrality. Studies have found that PLA mandates increase the cost of construction between 12 percent and 18 percent compared to non-PLA projects subject to prevailing wage laws. That's a decisionmaking process. That's a point that ought to be considered. It doesn't do away with PLAs, but it says it ought to be considered in the cost. Shouldn't taxpayers have that consideration? Shouldn't quality have that consideration?

PLA mandates typically restrict jobs to construction workers referred from union hiring halls, effectively shutting out in Michigan and other places 86 percent of the Nation's construction workforce. I don't think that's right. However, if it's necessary to have the union workforce with a PLA agreement and it will work better and be more efficient—contrary to these studies—if that's the case, then this provision in the act does not do anything except allow neutrality.

Mr. Chairman, that's what we're asking for, to continue what this Congress put in place by a vote last week in saying we believe that PLAs are good sometimes, may not be as good other times, and there ought to be neutrality and an opportunity for decisionmaking on the local level, at the State level, at the contract-construction level that meets the best of abilities. Federal agencies should not mandate that contractors enter into project labor agreements as a condition of winning Federal contracts.

Again, we're looking at nearly \$16 trillion in debt. And when our construction industry still suffers—and I

can tell you that's the case in Michigan in my district—from a 14½ percent unemployment rate, we in Congress should not be tying the hands of taxpayers and construction workers by making requirements—with the thumb of the President of the United States on the scale—that really disregard the will and the opportunity of States like Michigan to make their own decisions here.

I thank the Chair for this opportunity, and I yield back.

Ms. KAPTUR. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes. Ms. KAPTUR. First, I want to thank Mr. GRIMM for offering this bipartisan amendment.

Last year, we saw the same effort to attack project labor agreements in the military construction appropriations bill. This House on a bipartisan basis made the right choice, and we voted to support negotiated contract labor agreements. Why? It's the American way. It's the American way to respect the dignity of the individual. Yes, we respect their lives, their liberty, and indeed their pursuit of happiness. In northern Ohio, we've seen how important project labor agreements are. We use them to save lives as skilled laborers perform extremely dangerous work that I would dare say almost no one in this House is capable of performing.

These agreements are absolutely essential for workplace safety, for ensuring quality construction, and protecting the lives and rights of those men and women who perform extremely difficult, sophisticated, and superhuman work on a regular basis. I'm reminded in Toledo, Ohio, not so long ago we were replacing a major interstate lift bridge—the largest transportation project in Ohio history—over \$400 million over several years.

We knew we needed a project labor agreement to complete the job with as few accidents as possible because we were replacing a lift bridge along one of the region's most important interstate highway systems adjoining three States. We insisted, and I worked so hard, to achieve a project labor agreement for the construction of this complex skyway bridge over the Maumee River, the largest river that flows into the Great Lakes. I didn't want it to be like Mackinaw Bridge, with the names listed for posterity of all the dead workers who were responsible for building that bridge, and whose names are left to history.

We hoped and worked so hard to try to limit the danger to the men and women who would build our bridge. We knew we needed a project labor agreement to write the rules of the road for that construction project. People were literally placing their lives at great risk every single day. If you don't believe me, you should have seen those talented individuals lofted at hundreds of feet in the air and then in bitterly

freezing weather trying to put the pieces together above the river to construct the giant spires, physically creating the modern architectural wonder of the Glass City Skyway, which was dedicated to all the veterans of our country. But despite all our noble efforts and the safety precautions, our community still lost precious lives in two separate tragedies that were avoidable.

In the middle of February in 2004, one of the cranes collapsed, killing four workers and injuring four others. Why did they collapse? Because the company decided to cut corners and created a contest between which parts of the roadbed would be built faster by separate teams of workers. All the inspectors missed what was happening. Four workers were killed. I went to every single funeral. I never want to have to do that again. I never want to have to try to comfort the families of the tragedy that happened. Three years later, another man died when the platform he was working on collapsed. I know we would have lost more lives, were it not for the project labor agreement, but we shouldn't have even lost those lives. Yet, we would have lost more lives if there had not been a project labor agreement in place.

I don't believe in neutrality. Some of my colleagues have talked about neutrality. No, there should be no neutrality when it comes to workers lives. These workers were helping to build our country's future for the benefit of us all. They deserve a safe work environment. They deserve to have their lives represented in a contract agreement. The value of a completed project is worth more than the concrete, it's worth more than the spires, and it's worth more than the metal. It should be measured in the dignity of life. But workers were crushed to death. Thank God we had an agreement in place. It wasn't neutral. It defended those workers who lived. It defended the workers whose lives were saved because we knew we were a Nation of laws and that their lives were worth everything to us. That's the American way.

When we as a Nation invest in our physical infrastructure, those that are actually building up our country deserve to have their lives protected through contracts. Values derives not just from the cost of the concrete, but the value of their lives. Support project labor agreements, support this amendment.

I ask my colleagues to vote for the Grimm amendment, and I yield back the balance of my time.

Mr. HARRIS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. HARRIS. Mr. Chairman, this discussion is not about safety, and it's not about making projects safe or making them more efficient. This is about politics. This is about an Executive order the President put in place that takes

jobs out of the First Congressional District of Maryland and other districts where there may not be union workforces.

Mr. Chairman, the unemployment rate is high enough in the First Congressional District.

Mr. DICKS. Will the gentleman yield?

Mr. HARRIS. No, I will not yield.

The unemployment rate in the First Congressional District of Maryland—lower shore of Maryland—is higher than the national average, and we don't have union workers. So if some bureaucrat in Washington, because of a Presidential Executive order, says we have to have a project labor agreement on a project under this bill, under this appropriation, unemployed workers in my district aren't going to work on that project, and the hardworking taxpayers in my district, as the gentleman from Michigan has said, will be paying 12 percent to 18 percent more of their hard-earned tax dollars to pay for a project labor agreement in a district that they don't want that some bureaucrat in Washington decided they need.

Mr. Chairman, we can't afford that. This country can't afford it. We have a \$1.3 trillion deficit. We have a debt that approaches \$50,000 per person in this United States. And we're debating tonight about whether just to be neutral about language regarding project labor agreements.

□ 1850

The gentleman from Arizona is absolutely right. This is plain English reading. It just says that the bureaucrat, for curing that contract, can't require a project labor agreement. If someone wants to know bid on it, they can bid union labor. They can bid all the union labor they want. It just says you can't require it as a condition of the contract.

Mr. Chairman, we got sent here to do the right thing for our hardworking taxpayers back at home, those who want to have a job, who want to be involved in some of these Federal contracts. Without this provision, if this amendment passes, and this provision is struck from the underlying appropriations bill, people in the First Congressional District, those unemployed workers are not going to have the opportunity to work on those projects for the simple reason that they don't belong to a labor union.

That's what will disqualify them. Not that they're unemployed, not that they don't want to work, not that they don't know all the safety rules, not that they can't do the job, not that they don't have a plumbing license or an electrician's license, because they all have to have that license to hold a job. And the proponents of this amendment know that full well.

It's only because they don't belong to a labor union. That's what this fight is all about.

Mr. Chairman, I hesitate to rise to oppose the amendment of the gen-

tleman from New York, but in the First Congressional District of Maryland this hurts our unemployment situation. This hurts our hardworking taxpayers. I rise to oppose the amendment because in districts around America, just like the First Congressional District of Maryland, this amendment doesn't do justice to those unemployed workers.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Let's get back to some facts here. Under the CRS report that was referenced earlier, the National Labor Relations Act, as we know, gives most private sector workers the right to join or form a labor union and to bargain collectively.

A project labor agreement is a collective bargaining agreement that applies to a specific construction project and lasts only for the duration of that project. In February 2009, President Barack Obama signed an executive order that encourages Federal Agencies to consider requiring the use of project labor agreements on large-scale construction projects.

The EO describes a large-scale project as one where the total cost to the Federal Government is \$25 million or more. The order States that Agencies are not required to use project labor agreements. Regulations implementing the executive order went into effect in May 2010.

Now, if that isn't neutrality, what is neutrality? I think this is a big to-do about nothing.

I mean, this amendment is not necessary. The President didn't mandate anybody to do anything. The Agencies decide if it is in the interests of the government to do this in a particular case. This administration has hardly done any project labor agreements as far as my understanding is, at least with the Department of Defense.

Again, I don't quite understand all of this concern, especially when nonunion contractors can be part of the agreement. They can bid, they can be part of the agreement as long as they will abide by the law, but with the prevailing wage agreements or things of that nature.

Mr. FLAKE. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Arizona.

Mr. FLAKE. I thank the gentleman for yielding.

The reason it's needed, as I mentioned, is because some of the Federal Agencies have taken the President's language in the executive order to mean that they can require or should require PLAs.

Mr. DICKS. There is no evidence of that.

Mr. FLAKE. Yes, there is.

Mr. DICKS. Tell me who's done project labor agreements?

Mr. FLAKE. There is. In fact, there was a project in St. Louis, I will mention one specifically, under the stimulus funds, frankly, and that was a shovel-ready project. But then—and a nonunion shop actually offered the low bid, but was refused the contract because the language that the President issued, or the executive order, was taken to mean that they had to look for a PLA, that they should be encouraged to use PLA.

Mr. DICKS. That's not what it says. That's not what the President's statement says.

Mr. FLAKE. But that's how it has been interpreted. That's why we're saying let's make it clear that we can neither forbid nor deny.

Mr. DICKS. Reclaiming my time, I would just point out that the Department of Defense thinks the gentleman from Arizona's language is prohibitive, that it doesn't give them any leeway, that they must not do a project labor agreement.

May I ask the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from Washington has 1½ minutes remaining.

Mr. DICKS. I yield to the gentleman from New York (Mr. GRIMM), the author of the amendment, if he would like to make any further comments here.

Mr. GRIMM. Actually, I would, and I thank the gentleman for yielding.

I think the point is we're making each other's point that you feel the language of the President is somehow restricting nonunion shops from bidding. I firmly feel and strongly feel that the language in your amendment absolutely prohibits the use of PLAs.

I think what we are both looking for is neutrality; but if language on either side is not working, we need to come up with a way to make this neutral so that everyone can bid and no one is prohibited. I think we're saying the same thing, and I think we're working towards that. I'm going to work with the chairman.

For now, my amendment is going to stand, and we're going to work as quickly with haste to see if we can come up with something that we can all agree with.

Mr. DICKS. The best and safest thing to do is to defeat the Flake amendment. That's kind of a standard. That's the surest way of protecting the executive order.

I yield back the balance of my time.

Mr. CARNAHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. CARNAHAN. I want to first say thank you to the gentleman from New York for his efforts on this amendment and also that he has done this in a bipartisan way. I also want to thank President Obama for his executive order in doing this to encourage project labor agreements, not require



them. I think they speak for themselves.

My friends on both sides of the aisle have a responsibility to the American people to get both low cost and high quality in job-creating military construction projects. Project labor agreements have a proven track record to ensure that. We should come together to support the Grimm amendment. We can help create fewer cost overruns, faster project completion and a fair day's wage for an honest day's work for American workers.

I support the Grimm amendment that strikes the anti-PLA measures in the Military Construction appropriations bill.

PLAs are simply rules of the road for workers and management on construction projects. We know they cut taxpayer spending. They save time; they save headaches. They create good, local jobs and better quality and value. Why would we not want that?

Very simply, unions prefer PLAs because they treat workers like human beings instead of investment capital. Some people here think unions are unacceptable. I think those people are wrong. History shows unions have largely helped create America's middle class and workers' rights enjoyed by all Americans, whether they are members of a union or not.

I urge my colleagues on both sides of the aisle, if you want to help cut spending and improve efficiency, stand with American taxpayers and with American workers. Vote for the Grimm amendment. Remove the anti-PLA language to fix this bill. Let's get it right.

I yield back the balance of my time.  
**Mr. DAVIS of Illinois.** Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. DAVIS of Illinois. The longer I listen to this debate, the more confusing it becomes.

□ 1900

I remember a wise man telling me once, You can't get blood out of a turnip, but you can slice it, you can dice it, whip it, and do everything, but it still ends up being turnip juice.

I rise in strong support of Mr. GRIMM's amendment, and I do so because there seems to be a tremendous lack of clarity. It's amazing how we can all read the same words but arrive at a different meaning. And we can read them over and over and over again. So it would seem to me that the best way to have clarity is to make absolutely certain that these agencies understand that yes, they do in fact have the authority to say yea or nay, yes or no, to entering into project labor agreements.

I'm a strong supporter of organized labor. It doesn't mean that I think labor unions are perfect. Oftentimes, many of the people in the community where I live feel that they cannot access labor unions; that they can't get

in, that they can't get membership. Yet and still, I think that project labor agreements are the best way to get the quality and the assurance that we're getting the best bang for the buck.

So, again, I reiterate my support for the Grimm amendment, and I yield back the balance of my time.

**Ms. HIRONO.** Mr. Chair, I rise today in support of the bipartisan Grimm Amendment on Project Labor Agreements, or PLAs.

In construction, contractors often do not have a permanent workforce.

This makes it hard to predict the length and cost of a project.

On large projects with many employers, a labor dispute with just one can delay the entire project.

PLAs are short-term agreements for the length of a project that can reduce a project's length and cost.

PLAs lead to higher-quality work by spelling out the work requirements, pay, benefits, and dispute resolution in advance.

PLAs prevent worker strikes and reduce turnover.

In 2009, President Obama issued an Executive Order on PLAs.

The Executive Order encouraged Federal agencies to consider requiring PLAs for large Federal construction projects of \$25 million or more.

In Hawaii, last week Governor Neil Abercrombie announced a PLA plan for five large state construction projects.

This can help save taxpayer money and create Hawaii jobs, while minimizing project uncertainty.

While PLAs are regarded as cost efficient, sadly, this Majority in Congress has tried again and again to undermine the use of Project Labor Agreements.

Today's FY 2013 MilCon-VA bill forbids military construction contracts from requiring PLAs.

The bipartisan Grimm Amendment would remove this prohibition to allow Federal contractors a choice on PLAs.

Today's amendment vote feels like déjà vu. Congress has had vote after vote on this issue.

Last year at this time we debated the FY 2012 MilCon-VA bill.

I supported at that time a similar bipartisan amendment to preserve PLAs.

That amendment by Mr. LATOURETTE, Republican of Ohio, passed 204 to 203, with over two dozen Republican votes.

This issue shouldn't be about Democrats and Republicans. It's about supporting flexibility, common sense, and job creation.

We need to put our differences aside and do the right thing.

In Hawaii we call this laulima—cooperation.

I'm proud to stand with Republican Congressman MICHAEL GRIMM and Republican Congressman STEVE LATOURETTE on this issue.

I urge all my colleagues to support the Grimm Amendment today as well.

**Mr. LANGEVIN.** Mr. Chair, I rise in support of the Grimm Amendment to H.R. 5854, the Military Construction and Veterans Affairs Appropriations Act. This amendment strikes a provision in the underlying bill that would prevent Federal Government agencies, including the Department of Defense and Veterans Affairs, from requiring the use of project labor agreements.

A project labor agreement (PLA) is a pre-hire agreement that establishes the terms and conditions of employment during a construction project. Any contractor—union or non-union—can work on projects under a PLA, as long as they abide by the wages, benefits and other terms of employment negotiated in the agreement. They have been used in all 50 states and the District of Columbia on both private and public projects.

In February 2009, President Obama signed an Executive Order that encourages Federal agencies to consider requiring the use of PLAs on large-scale construction projects of \$25 million or more. The order states that agencies are not required to use PLAs.

In its current form, H.R. 5854 would strike these regulations, and instead discourage commonsense labor agreements on large-scale construction projects. The Grimm Amendment would allow agencies to require project labor agreements when they determine that it is in their interest to do so, which would follow the path of private businesses.

Successful corporations use PLAs to ensure high-quality, on-time work through good jobs with meaningful training programs for local workers. Boeing, Disney, Harvard University, and Toyota are among the large number of private entities that use PLAs. If the agreements make sense for these successful organizations, why would we compromise Federal agencies' ability to use them, especially when we are looking to reduce government spending?

Mr. Chair, the priority of Congress should not only be to create jobs, but to raise the living standards of the middle class and working families across America. I urge my colleagues to vote for the Grimm Amendment.

**Mr. MORAN.** Mr. Chair, the amendment before us would correct a fundamental misunderstanding that has been allowed to slip into H.R. 5854, the FY 2013 Military Construction/VA Appropriations bill.

The Grimm Amendment would not have the effect of mandating that public contracting entities adopt Project Labor Agreements, as its opponents claim. In fact, as has been amply pointed out by my colleagues, Section 517 of the bill would prevent the Department of Defense, Veterans Affairs, and related agencies from requiring the use of project labor agreements (PLA).

Similar efforts to bar PLAs have been tried in other venues, including a recent attempt in Michigan which was declared unconstitutional by a U.S. District Judge. The court correctly ruled that federal law explicitly allows for PLAs in the construction industry, when the government entity determines that it is in the best interest—in terms of efficiency, quality, safety or any number of other factors—of the local community.

But it isn't only constitutional; it is also smart. There is ample evidence demonstrating that PLAs can serve as an important tool to manage large construction projects and maximize efficiency by creating collective bargaining benefitting both contractors and workers. Washington Nationals Park, Disney World, and the Trans-Alaska Pipeline all benefited from the use of PLAs.

In Northern Virginia, taxpayer interests were best served by employing a PLA in the first phase of the massive construction project on the rail extension to Dulles Airport. Facilitating better access to Dulles Airport is important to



my constituents in Northern Virginia, and it is important to me that the project makes the most of public money it receives. The PLA utilized has helped to accomplish this goal.

Academic research confirms that PLAs can contribute to the quality of large, complex infrastructure projects. The Cornell School of Industrial Labor Relations released a study stating that PLAs “make sense for public works projects” and their use increases the efficiency of planning while reducing labor costs. The Federal Government does not mandate PLAs. Executive Order 13502 specifies that federal agencies may require them to be used on construction projects that are valued at more than \$25 million. This is smart policy. It provides flexibility for local norms. At this time of concern over budgets as well as employment, we should retain that flexibility to make use of PLAs.

PLAs can contribute to efficiencies, quality and cost savings. We should not be forcing Federal, State or local governments to rule them out for large construction projects, based on misguided, ideological grounds, which assume that everything that benefits workers must be bad for everyone else.

I support the Grimm Amendment because it will ensure that government contracting authorities are not barred in a disingenuous effort to tie their hands with regard to the use of PLAs where they might be appropriate.

**Mr. HOLT.** Mr. Chair, I rise in strong support for Project Labor Agreements (PLAs).

Today the Republican majority is again playing politics. They have brought to the House floor a bill to support our Nation’s veterans and provide them with the care they earned. This bill should be approved by a unanimous vote; we all support our veterans and want to fully fund the various programs that care for them after they cared for us.

But in a cynical and politically motivated attack on working women and men across the country the Majority has tucked into this bill a ban on the use of PLAs. They are attempting to ban PLAs based on their ideology not based on any evidence. This is one more part of their anti-worker agenda.

I have always supported PLAs. PLAs are important, they have been used for many years and they work. PLAs ensure high skilled workers complete high quality work and provides fair local wages and benefits for all workers. I will be voting to support working women and men by repealing this anti-PLA provision.

On February 6, 2009 President Obama signed Executive Order 13502 encouraging federal agencies to consider requiring the use of PLAs for large-scale construction projects. In the Executive Order, President Obama noted correctly that by setting the terms and conditions of employment and coordinating the various employers, PLAs provide stability and help contribute to the efficient completion of Federal construction projects.

Last year, I joined a majority of my colleagues in the House to beat back this same anti-worker attack on PLAs and I am hopeful that we will be successful again today. President Obama has already indicated that he will veto this bill if the attack on PLAs reaches his desk.

While Republicans play politics today, I will be standing up for and voting for working women and men across the country and opposing this continued attack on them.

**Ms. RICHARDSON.** Thank you, Mr. Chair, for allowing me to speak on the Grimm Amendment to the Fiscal Year 2013 Military Construction/Veteran Affairs Appropriations bill.

I also want to thank Chairman CULBERSON and Ranking Member BISHOP for their efforts in bringing this bill forward.

Last year, I worked with Congressman LATOURETTE on defeating anti-Project Labor Agreements (PLAs) language in the MilCon/VA Appropriations bill.

This year, I rise in support of the Grimm Amendment. This amendment simply saves taxpayers money!

The Grimm Amendment ensures that funds for large-scale construction projects utilize the most cost-effective and efficient process for the awarding of Federal contracts.

Section 517 of H.R. 5854 prohibits agencies from being able to use all available methods to ensure that federal contracts are cost-efficient.

Section 517 raises the risk of project cost overruns and delays. Section 517 of this legislation fails to protect our workers.

Mr. Chair, however one feels about Project Labor Agreements, the MilCon/VA bill is not the appropriate vehicle to have this debate.

The MilCon/VA bill is intended to reflect our commitment to our veterans and our service members in uniform and should be limited to that purpose.

I would like to inform my colleagues about the benefits of Project Labor Agreements.

There is no credible evidence that Project Labor Agreements decrease the number of bidders on a project, or increase the costs of construction projects.

In fact, Project Labor Agreements promote cost-effectiveness and efficiency in construction projects.

Project Labor Agreements prevent labor disputes and project delays by having an agreement negotiated prior to starting a construction project.

Project Labor Agreements establish working conditions and safety standards for workers.

Project Labor Agreements are used by both union and non-union contractors.

Project Labor Agreements promote providing employment to workers in our local communities and help address the employment situation in many of our economically distressed communities.

Mr. Chair, the Grimm Amendment simply allows Federal agencies to use all tools at their disposal in awarding large-scale contracts that ensure taxpayer funds are used efficiently and that projects are completed on time and on budget.

All of us in Congress are looking at ways to rein in our deficit. This amendment protects workers and taxpayer funds.

Mr. Chair, I urge my colleagues to support the Grimm Amendment.

**Mr. CONNOLLY of Virginia.** Mr. Chair, the Military Construction and Veterans Affairs Appropriations before us will fund a number of vital infrastructure projects, including a facility at Fort Belvoir in my district. Unfortunately, the bill also inextricably contains language that would actually make it more difficult to deliver this and other projects in a safe, cost-efficient manner.

In today’s cost-constrained environment, we ought to be placing a premium on completing infrastructure projects on time and on budget.

We ought to place a premium on creating safe working conditions and good relations between management and labor to achieve those results.

Since they were first employed by the Federal Government to help defeat the Germans during World War I, Project Labor Agreements have been used by both the public and private sectors to reduce costs on major infrastructure projects.

Iconic American projects like the Hoover Dam, the Trans-Alaska Pipeline and Walt Disney World were completed under Project Labor Agreements. Wal-Mart and Toyota have touted the benefits of PLAs, and findings from the GAO and Cornell University show PLAs maximize productivity and minimize risk to yield savings. Right here in the National Capital Region, a PLA for the drawbridge on Woodrow Wilson Bridge helped complete that portion of the project 6 months ahead of schedule. Construction on the Dulles Rail project, which will link our Nation’s capital with the premier international airport, also is being performed under a PLA.

I urge my colleagues to support the Grimm amendment and strike this restrictive language in the bill so we can make use of this valuable tool to control project costs, promote worker safety and realize savings for taxpayers.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. GRIMM).

**The question was taken; and the Acting Chair announced that the ayes appeared to have it.**

**Mr. CULBERSON.** Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. LYNCH. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. Mr. Chairman, while I strongly support some of the programs supported by this funding bill, it contains a number proposals that I believe are detrimental.

Firstly, H.R. 5854 includes language that will amount to an unwarranted extension of the pay freeze that’s currently in effect for Federal employees. Specifically, sections 129, 231, and 232 would freeze the pay for Federal civilian employees across the Departments of Defense and Veterans Affairs through FY 2013 even though these employees, like all Federal employees governmentwide, have already sacrificed their fair share when it comes to reducing the Federal budget deficit. In this Congress alone, Federal employees have given up over \$75 billion towards deficit reduction efforts and to offset the costs of unemployment benefits for millions of other workers.

Let us remember that our Federal employees are in the second year of a 2-year Federal pay freeze that will save the Federal Government \$5 billion by the end of fiscal year 2012 and an estimated \$60 billion over the next 10 years. For the average middle-income