

# Congress of the United States

Washington, DC 20510

January 28, 2008

President Barack Obama  
The White House  
Washington, DC 20500

Dear Mr President,

We are writing you today regarding Project Labor Agreements (PLAs), specifically with regard to disaster recovery contracts, coastal restoration and hurricane protection projects.

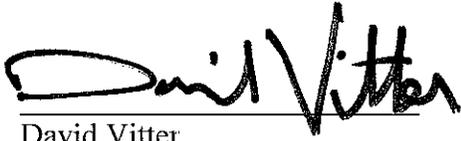
As you may know, your campaign promise to repeal President Bush's Executive Order #13202 and consideration of implementing an executive order that would require or strongly encourage the use of PLAs on federal and federally funded projects has numerous consequences to the State of Louisiana and the state's recovery from past and future disasters. Executive Order #13202 declares that neither the federal government, nor any agency acting with federal assistance, shall require or prohibit construction contractors to sign union agreements as a condition of performing work on government construction projects. The Executive Order put an end to government-mandated union-only PLAs on federal construction projects, as well as federally-funded or assisted projects.

The recovery process after Hurricanes Katrina, Rita, Gustav and Ike has been extensive and in many cases is still ongoing. Executive Order #13202 has substantially assisted in stopping further delays in this recovery process. In Louisiana, just 12.6-percent of private construction workers belong to a construction labor union. If PLAs are attached to federal construction projects in Louisiana, over 87-percent of local workers will be locked out of the rebuilding process.

It is inexcusable that local Louisiana firms and their workers would be barred from freely bidding on construction projects in their own town or parish. These federal rebuilding construction projects offer the type of jobs and wages that will enable Louisiana families to rebuild their lives in these communities and work to protect themselves from further disasters through coastal restoration projects. It is critical that local Louisianans are a part of the rebuilding process and coastal restoration in Louisiana.

We respectfully urge your administration to consider taking steps in barring PLAs from disaster contracts and coastal restoration projects.

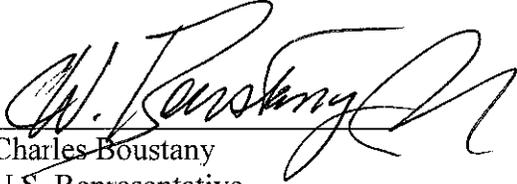
Sincerely,



David Vitter  
U.S. Senator



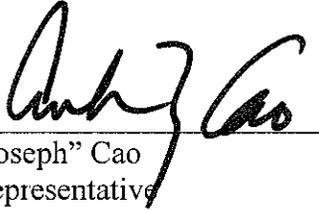
Rodney Alexander  
U.S. Representative



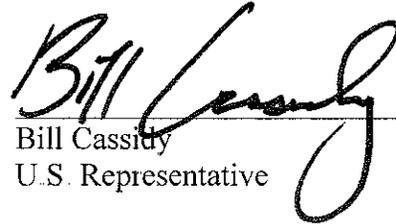
Charles Boustany  
U.S. Representative



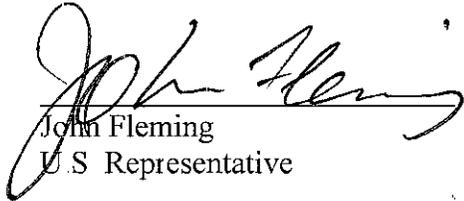
Steve Scalise  
U.S. Representative



Anthony "Joseph" Cao  
U.S. Representative



Bill Cassidy  
U.S. Representative



John Fleming  
U.S. Representative

Construction Labor Report: All Issues > 2009 > 02/04/2009 > Lead Report > Project Labor Agreements: Louisiana GOP Seeks Stay on Reversal Of Bush Administration PLA Executive Order

54 CLR 3129

### Project Labor Agreements

## Louisiana GOP Seeks Stay on Reversal Of Bush Administration PLA Executive Order

Republican members of the House and Senate Louisiana caucus Jan. 28 urged President Obama to consider barring the use of project labor agreements from disaster contracts and coastal restoration projects.

The letter, asking Obama not to fulfill a campaign promise to repeal President George W. Bush's Executive Order 13202, was signed by Sen. David Vitter, and Reps. Rodney Alexander, Charles Boustany, Bill Cassidy, Anh "Joseph" Cao, John Fleming, and Steve Scalise.

President Bush issued Executive Order 13202 shortly after he became president to prohibit making a project labor agreement a bid specification on a federal construction project. However, a successful bidder on a federal project may elect to perform the work under a project agreement once the contract has been awarded.

The order effectively precluded the inclusion of a project agreement in bid specifications for several contracts left to be awarded on the Wilson Bridge project near Washington, D.C., and raised questions about the validity of project agreements already in place on federal projects (46 CLR 1587, 02/21/01).

Section 1 of the Bush order stated that "nothing in this section shall prohibit contractors or subcontractors from voluntarily entering into" project agreements on federal projects.

Building trade unions sued in federal court to block the executive order, arguing that the order "is directly contrary to the NLRA, which grants employers in the construction industry and building trade unions the right to enter into [Section 8(f)] prehire agreements that are binding on all employers performing work on that particular project."

The executive order "facially violates" U.S. laws and is "outside the president's authority either to pursue procurement under the Procurement Act or to administer federal spending programs," the building trades asserted. The unions won at the district court level, but lost at the appellate level. Their petition for certiorari was denied by the U.S. Supreme Court (48 CLR 1413, 1/29/03).

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**"If PLAs are attached to federal construction projects in Louisiana, over 87-percent of local workers will be locked out of the rebuilding process."**

***GOP Members of the Louisiana Caucus  
in a Jan. 28 letter to President Obama***

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### Letter Warns of Inadvertent Impact

The signatories to the Vitter letter credited the executive order with preventing delays in disaster recovery contracts and coastal restoration and hurricane protection projects. "In Louisiana, just 12.6-percent of private construction workers belong to a construction labor union. If PLAs are attached to federal construction projects in Louisiana, over 87-percent of local workers will be locked out of the rebuilding process," the letter said.

"The Louisiana Delegation letter communicates the benefits of free and open competition during reconstruction of areas devastated by natural disasters," said Ben Brubeck, labor and state affairs director for the Associated Builders and Contractors, in a Feb. 3 e-mail to BNA. "Union-only project labor agreements (PLAs) on federal projects in Louisiana would exclude almost 9 out of 10 Louisiana construction workers," he said.

"The repeal of Executive Order 13202 and new procurement policies that promote union-only PLAs will not help our struggling industry and more than eight out of 10 construction workers across the country that would be shut out from federal PLA projects," Brubeck said.

Vitter also proposed a legislative provision on the issue. The Senate voted 59-38 to table an amendment offered by

### Related Terms

#### Topics:

[Bricklayers](#)  
[Building Trades](#)  
[Project Labor Agreements](#)

#### Associations:

[Associated Builders and Contractors](#)

#### Unions:

[Bricklayers and Allied Craftworkers](#)  
[Building and Construction Trades Department, AFL-CIO](#)

Vitter to the Lilly Ledbetter Fair Pay Act, to codify the Bush administration executive order, before the bill was approved on a 61-36 vote Jan. 22 (54 CLR 3102, 01/28/09). The Ledbetter legislation (Pub. L. No. 111-2/S. 181), which was designed to overturn a U.S. Supreme Court decision that limited the time frame for bringing pay discrimination claims, was signed into law Jan. 28.

Building and Construction Trades Department, AFL-CIO President Mark Ayers commended the Senate for tabling the amendment, which he said, would have prohibited project labor agreements on federal construction projects. The Senate's action, he said, "offers hope for the re-birth of a pragmatic approach to governance."

According to Ayers, the Vitter amendment "[W]as exactly the type of special interest-driven politics and policy that American voters rejected overwhelmingly last November." He called it a "wrong-headed idea."

ABC, in a Jan. 21 statement, expressed its support for the amendment, which the open shop contractors association said "would codify into law Executive Order 13202 and permanently protect taxpayers from costly and discriminatory union-only PLA requirements on federal and federally funded construction contracts."

ABC National Chairman Jerry Gorski, president of Gorski Engineering, Inc., Collegeville, Pa., urged President Barack Obama to preserve Executive Order 13202, saying that the administration could ensure that federal dollars are being administered responsibly by maintaining the principles of open competition in awarding federal and federally funded construction projects. "This directive has fostered a federal procurement environment for construction contracts rich with free and open competition without costly and discriminatory government-mandated, union-only project labor agreements," Gorski said.

Representatives of the Building Trades, Jan. 30 attended a ceremony at the White House with President Obama and Vice President Joseph Biden, to witness the reversal of three Bush administration executive orders, John Flynn, president of the Bricklayers and Allied Craftworkers, told BNA in an e-mail. President Obama Jan. 30 officially launched a White House task force aimed at raising the living standards of middle class working families (See related story in this issue.).

*By Sheila R. Cherry*

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