

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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May 16, 2023

Hon. Shalanda Young
Director
Office of Management and Budget
1650 Pennsylvania Avenue NW
Washington, D.C. 20502

Hon. Richard L. Revesz
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
262 Old Executive Office Building
Washington, D.C. 20503

Mr. Lesley A. Field
Acting Administrator
Office of Federal Procurement Policy
Office of Management and Budget
Washington, DC 20503

Dear Director Young, Administrator Revesz, and Acting Administrator Field,

We write to provide continued oversight of development and review of the Federal Acquisition Regulatory Council's (FAR Council) proposed rulemaking for project labor agreements (PLAs) in large-scale federal construction projects. President Biden's Executive Order 14063, "Use of Project Labor Agreements for Federal Construction Projects," charged the FAR Council to propose within 120 days a rule which could require PLAs in all federal construction projects worth \$35 million or more (PLA Rule).¹ This order threatens to raise taxpayer costs, cut non-union workers out of federal projects, and force right-to-work states to freeze local workers out of cooperative federal projects.

On June 16, 2022, in the wake of E.O. 14063, Committee Republicans requested you brief Committee staff on this matter before the Office of Information and Regulatory Affairs completed its review of the proposed rule.² You did not provide this briefing, but ultimately treated Committee Republicans' request letter as a public comment.³ Our concerns over the threatened rule remain and are indeed heightened by your failure to respond fully to our request.

¹ 87 Fed. Reg. 7363 (Feb. 9, 2022).

² Letter from Hon. James Comer, et al., Ranking Member, H. Comm. on Oversight and Reform, to Hon. Shalanda Young, Dir., U.S. Office of Management and Budget, Mr. Dominic Mancini, Dep'y Admin., U.S. Office of Information and Regulatory Affairs, and Mr. Lesley A. Field, Acting Admin., U.S. Office of Fed'l Procurement Policy (June 16, 2022).

³ Letter from Hon. Richard L. Revesz, Admin., U.S. Office of Information and Regulatory Affairs, to Hon. James Comer, Chairman, H. Comm. on Oversight and Accountability (Mar. 14, 2023).

On March 14, 2023, Office of Information and Regulatory Affairs (OIRA) Administrator Revesz communicated to the Committee that the FAR Council's rule is now in the final rule phase.⁴

We therefore request that you provide Committee staff a briefing on the draft final rule before the Office of Information and Regulatory Affairs completes review of the draft rule and no later than May 31, 2023. This briefing should include full information on whether and how our concerns were considered in review of the proposed rule and preparation of the draft final rule as well as how they are being considered now.

We also request that you provide the following documents and information to the Committee no later than five business days before the briefing:


1. Any analysis of the costs and benefits, or any other regulatory impact analysis, of the proposed or draft final PLA Rule prepared by the FAR Council, the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), or the General Services Administration (GSA) under Executive Order 12866 or Office of Management and Budget Circular A-4;
2. Any separate analysis prepared by the FAR Council, DOD, NASA, or GSA of impacts the proposed or draft final PLA Rule could have on taxpayer costs for federal construction projects;
3. Any separate analysis prepared by the FAR Council, DOD, NASA, or GSA of impacts the proposed or draft final PLA Rule could have on access by non-union workers to work on federal construction projects, including by local workers in states with Right to Work laws;
4. Any separate analysis prepared by the FAR Council, DOD, NASA, or GSA of impacts the proposed or draft final PLA Rule could have on America's economic recovery from the COVID-19 pandemic;
5. Any separate analysis prepared by the FAR Council, DOD, NASA, or GSA of impacts the proposed or draft final PLA Rule could have on competition by contractors or subcontractors for work on federal construction projects, including impacts inconsistent with competition policy established by Executive Order 14036, "Promoting Competition in the American Economy" or the terms of the Competition in Contracting Act of 1984, 41 U.S.C. 253;
6. All documents or communications prepared by or shared between the FAR Council, DOD, NASA, or GSA that address any analysis within the scope of requests 1-5 above or analyze or otherwise address concerns raised in our above-referenced letter of June 16, 2022 on the proposed PLA Rule; and

⁴ *Id.*

7. All documents or communications sent to or received from other U.S. agencies by the FAR Council, DOD, NASA, or GSA that address any analysis within the scope of requests 1-5 above or analyze or otherwise address concerns raised in our above-referenced letter of June 16, 2022 on the proposed PLA Rule.

The Committee on Oversight and Accountability has primary legislative jurisdiction over the “[o]verall economy, efficiency, and management of government operations and activities, including Federal procurement” pursuant to House Rule X. In addition, the Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

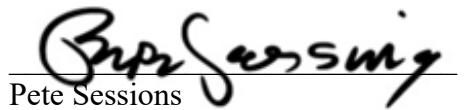
Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Glenn Grothman
Chairman
Subcommittee on National Security,
the Border, and Foreign Affairs



Pete Sessions
Chairman
Subcommittee on Government Operations
and the Federal Workforce



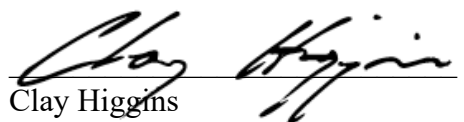
Nancy Mace
Chairwoman
Subcommittee on Cybersecurity,
Information Technology, and
Government Innovation



Lisa McClain
Chairwoman
Subcommittee on Health Care and
Financial Services



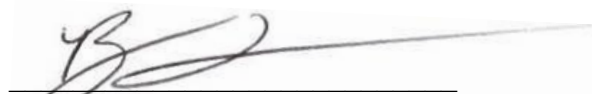
Virginia Foxx
Member of Congress



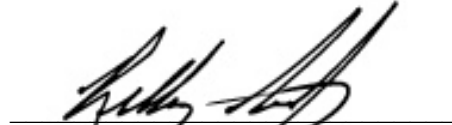
Clay Higgins
Member of Congress



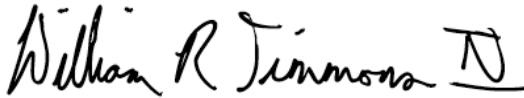
Jake LaTurner
Member of Congress



Byron Donalds
Member of Congress



Kelly Armstrong
Member of Congress



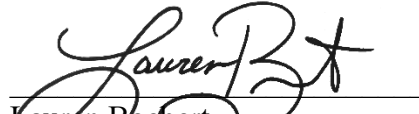
William R. Timmons, IV
Member of Congress



Tim Burchett
Member of Congress



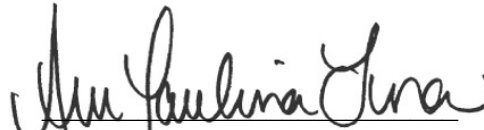
Marjorie Taylor Greene
Member of Congress



Lauren Boebert
Member of Congress



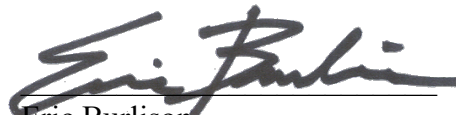
Russell Fry
Member of Congress



Anna Paulina Luna
Member of Congress



Chuck Edwards
Member of Congress



Eric Burlison
Member of Congress

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Robert Garcia, Ranking Member
Subcommittee on National Security, the Border, and Foreign Affairs

The Honorable Kweisi Mfume, Ranking Member
Subcommittee on Government Operations and the Federal Workforce

Director Young, Administrator Revesz, Acting Administrator Field

May 16, 2023

Page 5 of 5

The Honorable Gerald Connolly, Ranking Member
Subcommittee on Cybersecurity, Information Technology, and Government
Innovation

The Honorable Katie Porter, Ranking Member
Subcommittee on Health Care and Financial Services