

Congress of the United States
Washington, D.C.

May 10, 2010

The Honorable Peter R. Orszag
Director
Office of Management and Budget
Old Executive Office Building
Washington, DC 20503

Dear Mr. Orszag:

On February 6, 2009 President Obama signed Executive Order 13502 “Use of Project Labor Agreements for Federal Construction Projects.” Section 7 of the Executive Order directs the Office of Management and Budget (OMB) to make recommendations about the use of project labor agreements (PLAs). Specifically, the President’s order stated:

Sec. 7. The Director of OMB, in consultation with the Secretary of Labor and with other officials as appropriate, shall provide the President within 180 days of this order, recommendations about whether broader use of project labor agreements, with respect to both construction projects undertaken under Federal contracts and construction projects receiving Federal financial assistance, would help to promote the economical, efficient, and timely completion of such projects.

On April 13, 2010 the Federal Acquisition Regulation Council (FAR Council) published a final regulation “*Use of Project Labor Agreements for Federal Construction Projects*.”^[1] The final rule cites studies by the then-General Accounting Office (GAO) and a private sector study, but it makes no reference to the study directed by the Executive Order. This noteworthy omission raises a question as to the Department’s compliance with the Executive Order. Moreover, it suggests the final rule was promulgated without consideration of information the President felt was materially relevant to the use of Project Labor Agreements on these federal projects.

^[1] See *Federal Register* 19168.

We are requesting a copy of the report and any other documents that OMB provided the FAR Council or DOL regarding the imposition of PLAs. In addition, we are requesting any communications between the agencies and outside parties regarding the PLA Executive Order and the referenced report.

Sincerely,



Rep. John Kline
Senior Republican Member
Committee on Education
and Labor



Rep. Darrell Issa
Ranking Member
Committee on Oversight and
Government Reform