

September 2022

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DAWN BUCKINGHAM

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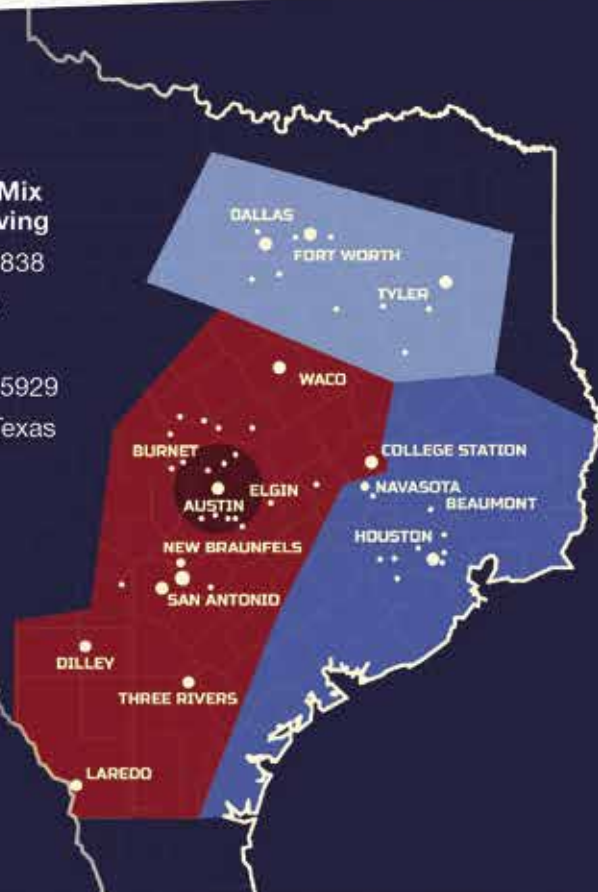
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14 Democrats' Deal on Reckless Tax and Spend Reconciliation Package

06 Senator Dawn Buckingham Q&A

Throughout her service, Texas State Senator Dawn Buckingham has been a champion for small-business owners and the construction industry. She discusses her past achievements and ambitions to become the next Land Commissioner for the General Land Office.

13 Biden's Federal Construction PLA Mandate Rulemaking Imminent

The Biden administration's Executive Order 14063, requiring project labor agreements on federal contracts of \$35 million or more, is one step closer to being published in the Federal Register for public comments.

MORE

- 04 Letter from ABC of Texas Chairman
- 05 Letter from ABC of Texas President
- 11 ABC PAC
- 15 House Passes CHIPS+ Bill
- 16 Spread the Word: The National 988 Suicide Lifeline Has Launched
- 18 Thank You Russell and Terri!
- 19 New ABC Website

INDEX OF ADVERTISERS

- 18 Andrews Myers
- 12 FL Crane & Sons Inc.
- 12 Gardner Law
- 16 Marek Sawing & Drilling, LLC
- 12 RSM US LLP
- BC SEDALCO, Inc.
- 02 Texas Materials Group

LETTER from the Chairman



SMITH

Dear ABC members,

As the November election and 2023 legislative session approach, the impressive pace of growth across Texas continues to create great challenges – and great opportunity. The people and companies relocating to Texas seeking economic opportunity will shape how our businesses and government must evolve over the coming decade. We must embrace this critical moment to ensure that growth does not weigh Texas down, but propels innovation to keep our state and our communities successful. Texans will vote in

November with the opportunity to send many new leaders to Austin for the 88th Legislative Session. We should expect the members of both the Texas House and Texas Senate to demonstrate commitment to working together to make productive decisions for Texas – many of which will revolve around the construction industry. Both chambers must work hard to implement solutions to our greatest challenges and avoid the unproductive distractions that continue to paralyze Congress and ensnare leaders of some of our cities.

As our ABC members throughout Texas work to refine our legislative priorities, we will focus on opportunities to take strong action to support good jobs for Texans. We will work to ensure that the need for tremendous investments in infrastructure is taken seriously and executed effectively. And, we will continue working to ensure that the Legislature takes seriously its responsibility to limit and reform unproductive, costly and unnecessary regulations that make it harder for our members to do their jobs and build our communities. Both workforce and regulatory issues are critical to ensuring the future success of Texas and opportunity for Texans.

I am proud of what our ABC members and staff have accomplished over the recent years. We are pleased to welcome several key new executives within ABC chapters across the state; they will be key to leading ABC's future success. The commitment that our members and chapter leaders have made to creating opportunities for more representatives of our industry to take an active role in serving Texas and Texans is extremely important and appreciated.

Thank you,

David Smith

2022-2023 ABC of Texas Chairman
Austin Commercial

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LETTER from the President



TAHUAHUA

Dear ABC members,

Nearly a year ago I took the helm as your new president for ABC Texas. In that time, I've met with hundreds of our members across our state and our eight chapters and heard directly from you about our successes last session and the opportunities we have this November and next session.

As we look toward the 88th Legislative Session in January, we will have over 30 newly elected officials in both the House and Senate. That is why our PAC came out early in many of these races and backed key candidates with our dollars – and **ABC Texas-supported candidates were successful in nearly every single race.** To date, ABC Texas has issued over \$50,000 in PAC contributions just this election cycle, and we will continue to support key candidates in races leading into November. We are moving the needle in Texas politics, and your hard work and financial support means better legislation for the construction industry and the critical work we do in our communities.

In May, we were invited to testify in front of the Senate Finance Committee on the effects of inflation and materials shortages on our industry. This was a great opportunity for our association to share how we're adapting in an ever-changing economy and has led to several follow-up conversations with Senate leadership. You can read the full testimony on our website.

At the July ABC Texas Board meeting we presented an initial list of legislative priorities for the next session. The board and our Legislative Task Force will be meeting over the next few weeks to finalize the legislative priorities. The best way you can stay up to date on everything happening at ABC Texas is through our local chapters and our website, ABCTexas.org, which recently received a facelift and will be regularly updated with new information.

Lastly, and on a personal note, my family welcomed the birth of our second child, Eli, in April. In true Texas fashion, he made his appearance on San Jacinto Day (April 21) and is a blessed addition to our family.

Thank you,

Geoffrey Tahuahua
President, ABC Texas





SENATOR DAWN

BUCKINGHAM Q&A

Senator Buckingham, you have been a staunch supporter of the construction industry for years. Why do you think our industry is important to the future of Texas?

As a mom, physician and senator who believes we need to preserve the Texas we know and love for future generations, I also know we need to look ahead with a plan to address Texas' rapid growth. Also, as a small-business owner, I understand how crucial your industry is to realizing so many Texans' American Dreams. It has been my pleasure to champion your industry's issues as a member of the Texas Legislature.

The construction industry plays a vital role in the future of Texas' economy and labor market. By investing in infrastructure, Texas brings in new businesses that generate rising opportunities for employment and economic development. New businesses create the need for constructing new facilities and buildings, which allows the construction industry to provide the physical opportunity for business workforce growth and expansion. The construction of these new buildings and facilities also means more Texas jobs in the construction industry to support these new builds. My priority is a strong, resilient and safe Texas. The construction industry is key to that future.



You recently served as vice chair of the Sunset Commission and have the unique distinction of having served on Sunset both as a citizen and elected official. What can you tell us about that process, and what do you feel were your main accomplishments during the most recent Sunset process?

I believe in limited government and the free market. My experience with Sunset makes me uniquely qualified to run the General Land Office (GLO). With nearly 1,000 employees and a budget over \$3 billion, the GLO funds education and our veteran programs, stewards millions of acres of state lands and protects our history. Most importantly though, the GLO oversees all of the HUD-related disaster recovery from hurricanes, floods and fires. This is the area where the construction industry interfaces most with the agency. Sunset focuses on how the agency is run. After doing a deep dive into over 80 agencies, my priority is to ensure that the resources are efficiently delivered to Texans in need. We have seen where agencies drift from their mission. My plan is to ensure the GLO stays true to its mission and serves Texans well.

Through Sunset, the Legislature looks closely at the need for and performance of state agencies. Sunset shines a light on these state agencies and programs to see if they are still relevant in a changing world. If the answer is yes, Sunset recommends improvements to make them more effective and efficient. If the answer is no, Sunset recommends abolishing the agency or transferring its functions to another agency with related functions. About 130 entities are subject to Sunset review, with 20-30 going through the Sunset process every two years. During the 2020-2021 Sunset review cycle, we examined, improved or eliminated 19 state agencies, such as the Texas Department of Agriculture, Texas Department of Licensing and Regulation and Texas Parks and Wildlife, just to name a few. I am proud to say that the 87th Legislature enacted 78% of the Sunset Commission's statutory recommendations to streamline and improve state government.

What pieces of legislation were you most proud of during the last session (or special sessions)?

As a tireless fighter for a strong economy, quality education and safe communities this past legislative session, I worked



“The Texas Legislature accomplished a vast amount, and it gives me great pride to say the 87th Legislative Session was a successful one.”

hard addressing major issues in our great state relating to health care, backing our fine police officers, expanding broadband access, enhancing border security, protecting life, education, ERCOT reform, individual property owner rights and many other key issues. The Texas Legislature accomplished a vast amount, and it gives me great pride to say the 87th Legislative Session was a successful one.

Much of your past legislation focuses on limiting government overreach and overregulation. What do you see as some of our biggest challenges with government continuing to get more involved in the business and construction industry?

As a business owner myself, I have always worked to ensure that Texas continues to have as light of a regulatory hand as possible that allows our economy to thrive, which is why I sponsored HB 2439

in the 86th Legislative Session. HB 2439, the so-called “Brick Bill,” protects Texans by prohibiting cities and counties from requiring specific vendors or materials be used in construction in the name of industry safety minimums. Simply put, cities should not be in the business of picking winners and losers in the market. Building codes should not be abused by cities and used by select product manufacturers to buck market trends and use the heavy hand of government



to capture market share. As for more government getting involved in the business and construction industry, I think one of the main challenges the industry will face is tax raises on small businesses, as proposed by Congressional Democrats earlier this month. Raising taxes on small and family-owned businesses will have a devastating effect on the construction industry and the nation's economy.

You will be leaving the Senate and are running to be our next Land Commissioner for the General Land Office. If elected, what do you hope to accomplish as our next Land Commissioner?

As a conservative fighter with a proven record of results, I look forward to becoming the first female Land Commissioner and continuing to strive for the best for all Texans. When elected, I won't stop fighting to keep our communities safe by doing what is possible on state-owned lands to secure our southern border and stop the flow of



drugs, criminals and human trafficking. I will unleash Texas energy and do what is possible to increase oil and natural gas production to fight President Biden's inflation and lower costs for Texas families. I will also ensure the Permanent School

Fund is managed well and continues to fund our children's public education. Finally, I will be a good steward of Texas history and do everything in my power to deliver results for Texans affected by natural disasters.

Meanwhile, my opponent has made it clear he is seeking this office to radically transform our state. Whether it's his views on upending our state in the name of climate change, or risking our system of funding public education to finance his Green New Deal policies, his policies would be a disaster for hardworking Texans and our public schools.

Is there anything else you would like to share with our members?

I greatly appreciate the Associated Builders and Contractors of Texas and their knowledge, expertise and advocacy that they bring to the Texas Legislature. I have thoroughly enjoyed working with ABC Texas during my time in the Texas Senate, and I plan to continue our relationship at the Texas General Land Office as your next Land Commissioner.





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Dawn Buckingham - Texas Land Commissioner

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Frederick Frazier - TX HD 61
Reggie Smith - TX HD 62
Ben Bumgarner - TX HD 63

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R. Wes Johnson, President & CEO, Gardner Law, is responsible for the content of this advertisement.

Biden's Federal Construction PLA Mandate Rulemaking Imminent

The Biden administration's controversial rule requiring anti-competitive and costly government-mandated project labor agreements (PLAs) on federal construction projects of \$35 million or more is one step closer to being published in the Federal Register for public comments.

On July 22, the White House Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) concluded its review of the Federal Acquisition Regulation Council's *FAR Case 2022-003, Use of Project Labor Agreements For Federal Construction Projects*. The rulemaking will eventually implement President Biden's Feb. 4, 2022, Executive Order 14063, which requires controversial PLAs on federal contracts of \$35 million or more.

ABC blasted the Biden administration's pro-PLA EO, calling it anti-competitive for small businesses and costly for taxpayers, and has met with OIRA, other federal agency stakeholders and lawmakers in opposition to the EO and forthcoming regulation. ABC predicts the rule, once finalized, is likely to increase infrastructure costs by 12% to 20%, exacerbate the construction industry's skilled labor shortage of

650,000 workers in 2022, and undermine efforts by merit shop firms, associations and stakeholders to invest in workforce development, including government-registered apprenticeship programs.

Once published in the Federal Register, ABC will analyze the impact of the rule, encourage members to comment on it, and conduct industry outreach and educational webinars on the issue and rulemaking.

Since the EO was announced, ABC, merit shop stakeholders and GOP governors have pushed back on Biden administration schemes to mandate PLAs on federal contracts and encourage PLA mandates on over \$94 billion in state and local projects receiving federal assistance.

ABC and industry stakeholders are urging lawmakers to co-sponsor federal legislation restricting government-mandated PLAs on federal and federally assisted construction projects via this ABC grassroots campaign.

Learn more about government-mandated PLAs and Biden administration pro-PLA policies via ABC's PLA FAQs document and coalition website, BuildAmericaLocal.com.

For questions or comments about the forthcoming rulemaking, email noplasfed@abc.org.



Democrats’ Deal on Reckless Tax and Spend Reconciliation Package:

On July 27, Senate Majority Leader Chuck Schumer, D-N.Y., and Sen. Joe Manchin, D-W.Va., announced a potential deal on a reconciliation package that would expand on the already agreed upon Medicare drug pricing and Affordable Care Act (ACA) subsidy portion of the proposal, implementing new tax hikes on America’s businesses and spending billions on recycled “Green New Deal” energy priorities that would also impose prevailing wage and registered apprenticeship requirements on energy construction projects supported by the bill.

ABC released a statement opposing the legislation on July 28 (see letter to the right). As Senate Democrats work to move this package forward, the bill will have to go through the Senate parliamentarian and “Byrd bath” requirements, but the Senate is hoping to have a final product on the floor by mid to late next week. This would be the second partisan reconciliation bill passed by Democrats during President Biden’s administration, with the \$1.9 trillion reconciliation package passed in March of 2021 being widely criticized as a contributing factor to inflation.

The main labor requirements in the bill impact energy-related tax credits that would provide a five times increased credit for facilities that impose Davis-Bacon prevailing wage requirements and registered apprenticeship labor hour quotas ranging from 10-15% of total labor hours on qualifying construction projects. Additionally, the bill could add lengthy analysis and more environmental considerations that could further slow the federal permitting process for critical infrastructure and construction projects.

ABC: Democrats’ Reconciliation Deal Would Plunge U.S. Into Recession

Thursday, July 28, 2022 1:23 p.m.

Posted in Policy, Politics and Policy, News Release 2022

WASHINGTON, July 28 – Associated Builders and Contractors today released the following statement regarding the Senate Democrats’ reckless tax and spending spree:

“The Democrats’ deal to hike taxes in support of hundreds of billions more in government spending while we are already contending with record-high inflation would plunge the U.S. economy into a recession,” said ABC Vice President of Legislative & Political Affairs Kristen Swearingen. “Forcing restrictive labor policies on America’s job creators in this economy would be an additional blow to the construction industry and our workforce.”

“Severe tax hikes on American companies would further exacerbate high materials prices for construction projects, which have increased by 20% during the past 12 months,” said Swearingen. “Further, this bill delivers political favors to the president’s and Democrats’ labor backers, penalizing employers that believe in fair and open competition and pay wages based on experience, quality and market rates, and limiting opportunities for thousands of industry-skilled apprentices. For an industry facing a workforce shortage of 650,000 in 2022, this is no time to impose the short-sighted, costly labor policy proposals continually offered by Democrats in Washington.”

“ABC opposes these ill-advised efforts and encourages the Senate to reject this reconciliation bill and work to support common-sense policies that combat rising inflation and recessionary trends, lift our economy and create jobs throughout the country,” said Swearingen.



House Passes CHIPS+ Bill:

On July 28, the House passed the CHIPS+ legislation by a bipartisan 243-187 vote. As the \$280 billion package to incentivize the semiconductor industry will be signed into law by President Biden in the coming days, ABC remains concerned over provisions in the bill that would expand Davis-Bacon requirements into the private sector. In a letter to U.S. senators and representatives (see letter to the right), ABC highlighted these concerns. ABC is reaching out to key Senate and House members to pursue other legislative opportunities to push back against the expansion of Davis-Bacon in this bill and other legislation.

ABC had also opposed detrimental labor provisions included in previous versions of the bill in the House and Senate that were not included in the final version of the legislation.

*U.S. Senate
Washington, D.C. 20510
Tuesday, July 19, 2022*

*U.S. House of Representatives
Washington, D.C. 20515*

Dear U.S. Senators and Representatives,

On behalf of Associated Builders and Contractors (ABC), a national construction industry trade association with 68 chapters representing more than 21,000 member businesses, I write to express our concerns regarding efforts to pass the funding package to support the semiconductor industry.

ABC remains concerned over unnecessary and restrictive labor policies that could dilute the effectiveness of the legislation and limit opportunities for much of the construction industry to participate in programs and projects authorized under this new funding.

Currently, it appears that the "Semiconductor Incentives" section of the package would apply section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212), or Davis-Bacon Act prevailing wage requirements, to certain construction projects, expanding these requirements onto private industry construction projects receiving federal assistance. The unprecedented expansion of Davis-Bacon regulations onto private construction projects will decrease value to taxpayers, fail to improve the flawed, unscientific wage survey process, drive up the cost of construction projects, lengthen the time for projects to be completed and discourage participation by small and minority-owned contractors opposed to the regulatory uncertainty accompanying Davis-Bacon red tape. ABC supports removing the bill's Davis-Bacon prevailing wage requirements and urges you to ensure that these provisions are stripped from the bill before final passage.

ABC understands the importance of ensuring the ability of the United States to counter China's global influence and manufacture critical components for our nation's technology here at home and our allies abroad. ABC members stand ready to assist in these efforts and believe that the elimination of restrictive labor provisions will aid our ability to complete these important projects on time and on budget.

Thank you for your consideration.

Sincerely,

Kristen Swearingen
Vice President of Legislative & Political Affairs



SPREAD THE WORD:
THE NATIONAL 988 SUICIDE LIFELINE HAS LAUNCHED

There's a brand-new 988 Suicide & Crisis Lifeline for anyone experiencing a mental health crisis. The 988 lifeline connects callers to an existing network of more than 200 local crisis call centers across the United States, and the National Suicide Prevention Lifeline's number – 1 (800) 273-8255 – will route calls to 988. The goal is to aid those seeking help through safe, immediate intervention, similar to the 911 hotline for emergencies.

ABC has made it a strategic priority for all of its members and chapters to commit to reducing suicide in the construction industry through its Total Human Health Initiative. ABC and the American Foundation for Suicide Prevention formed a collaborative partnership in March to address mental health and suicide prevention throughout the U.S. construction industry.

In 2020, the Centers for Disease Control reported that the construction industry had one of the highest rates of suicide among its workers. The predominance of construction workers have similar demographics to the broader at-risk population:

- Construction workers are mostly males. Males are more likely to die by suicide.
- The average age of a construction worker is over 40 and increasing at a faster rate than the average age for all workers in the United States. Suicide is highest among older individuals.

- Military veterans and targeted youth populations are coming into the construction trades and face physical and psychological challenges, as well as social risk factors and influences. These factors lead to higher suicide rates in these populations.

The U.S. workforce spends many hours at the workplace each week, making it a vital touchpoint for providing access to mental health resources for working-age adults. In fact, the Surgeon General's 2012 National Strategy for Suicide Prevention specifically targets employers as critical stakeholders in the prevention of suicide. Across the construction sector, we must rise to meet this challenge by incorporating mental health and wellness as core business values.

Learn more about how to prevent construction suicide at www.preventconstructionsuicide.com. Access resources for raising awareness of the 988 hotline and other mental health crisis services from the Substance Abuse and Mental Health Services Administration, including public service announcements and social media shareables.

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Gen Z & Construction

BY MOLLY MUTH, E&M CONSULTING, INC.

Between shifts in workforce demographics and continued issues with the skills gap, the construction industry is in need of new workers.¹ Gen Z workers – the eldest of whom are now in their mid-twenties – have proven difficult to recruit to the construction industry. With the current backlog of 650,000 skilled trades workers needed in the United States, management is moving quickly to make careers in construction more appealing.² A full rebrand may be necessary; reportedly, less than 20% of Gen Zers would consider a career in the trades.³

To appeal to Gen Z, it is important to know what they value. Two major factors that Gen Zers consider during the job search are stability and work-life balance.⁴ Members of Gen Z have grown up surrounded by financial fluctuations and are less likely than millennials to prioritize work as their main source of fulfillment and instead couch their identities in other aspects of their lives.⁵ Four additional areas to focus on in changing Gen Z's perceptions of the



industry are exposure, financial stability, accessibility and gender equality.⁶ Construction companies, as well as schools and counselors, should present Gen Z with information about the benefits of a career in construction.

Sources:

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7,000⁺

The Texas Merit Shop Journal reaches more than 7,000 contractors and construction-related businesses.

737,300⁺

More than 737,300 construction professionals are employed across the state of Texas.

\$100.9 B⁺

In Texas, construction contributed over \$100.9 billion of the state's GDP.

THANK YOU **RUSSELL** AND **TERRI**!

Earlier this year it was announced that two of our chapter presidents would be retiring in 2022. Both were recognized for their years of service at our April board meeting.



Russell Hamley led our ABC Greater Houston Chapter for 26 years and retired in July.

Hamley was presented with a Texas flag flown in his honor by State Representative Lacey Hull.

The new chapter president is Jeff Nielsen, who took over in March.



Terry McAlister led our ABC Texas Gulf Coast Chapter for 22 years and retired in April.

McAlister was presented with a Texas flag flown in her honor by State Representative Cody Vasut.

The new chapter president is Jimmie Lapier, who took over in April.

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