



FOR IMMEDIATE RELEASE
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**FEDERAL JUDGE ISSUES NATIONWIDE INJUNCTION AGAINST DEPARTMENT OF
LABOR'S OVERREACHING DAVIS-BACON RULE**

*Associated General Contractors of America Argues New Rule Exceeds Statutory Authority Under the
Davis-Bacon Act, Court Agrees*

The Associated General Contractors of America (AGC) celebrates a significant legal victory in its ongoing efforts to protect members from overreaching federal regulations. Today, the U.S. District Court for the Northern District of Texas in Lubbock has [granted](#) AGC's motion for a nationwide preliminary injunction, temporarily blocking the AGC-challenged provisions to a rule issued by the U.S. Department of Labor expanding coverage of the Davis-Bacon Act (DBA).

AGC [originally filed](#) a narrowly tailored lawsuit in federal court against the Department, challenging the agency's unlawful expansion of coverage to truck drivers and material suppliers owned and operated by general contractors or subcontractors. The association also challenged the operation of law provisions making DBA requirements applicable to construction contracts even when the prime contract makes no reference to the DBA. All of these are provisions of the massive Department Davis-Bacon final rule that took effect on new contracts on or after October 23, 2023.

As the federal court declared, "Defendants engaged in egregious violations of Article II, section 3 of the Constitution, because rather than taking care to faithfully execute the DBA, Defendants instead usurped Congress' law-making power and attempted substantive amendments to the DBA. Presidents and their agencies act *ultra vires* and do violence to the Constitution when they attempt to unilaterally amend Acts of Congress to suit their policy choices. Under Article I, section 1 of the Constitution, Presidents and their agencies cannot amend by executive fiat acts of Congress. Doing so violates the Constitution, and this preliminary injunction shall be issued to prevent this blatantly unlawful action."

"Our concern remains that the Department is expanding the scope of the rule well beyond what Congress ever intended," said Jeffrey Shoaf, the association's chief executive officer, "this injunction restores the original intention of the Davis-Bacon Act."

AGC of America was joined by co-plaintiffs Associated General Contractors of Texas, and J. Lee Milligan, Inc. and the Lubbock Chamber of Commerce and worked with lead counsel Robert Roginson of Ogletree, Deakins, Nash, Smoak & Stewart P.C., and local counsel for plaintiffs, Fernando M. Bustos of Bustos Law Firm.

The original press release on the lawsuit and complaint can be found [here](#).

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