

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2
OFFERED BY MR. ESPAILLAT OF NEW YORK**

At the end of subtitle F of title I of division B of the bill, add the following:

1 **SEC. ____. U.S. EMPLOYMENT PLAN.**

2 (a) IN GENERAL.—Chapter 53 of title 49, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 5341. U.S. Employment Plan**

6 “(a) DEFINITIONS.—In this section:

7 “(1) COMMITMENT TO HIGH-QUALITY CAREER
8 AND BUSINESS OPPORTUNITIES.—The term ‘com-
9 mitment to high-quality career and business oppor-
10 tunities’ means participation in a registered appren-
11 ticeship program.

12 “(2) COVERED INFRASTRUCTURE PROGRAM.—
13 The term ‘covered infrastructure program’ means
14 any activity under program or project under this
15 chapter for the purchase or acquisition of rolling
16 stock.

17 “(3) U.S. EMPLOYMENT PLAN.—The term ‘U.S.
18 Employment Plan’ means a plan under which an en-

1 tity receiving Federal assistance for a project under
2 a covered infrastructure program shall—

3 “(A) include in a request for proposal an
4 encouragement for bidders to include, with re-
5 spect to the project—

6 “(i) high-quality wage, benefit, and
7 training commitments by the bidder and
8 the supply chain of the bidder for the
9 project; and

10 “(ii) a commitment to recruit and hire
11 individuals described in subsection (e) if
12 the project results in the hiring of employ-
13 ees not currently or previously employed by
14 the bidder and the supply chain of the bid-
15 der for the project;

16 “(B) give preference for the award of the
17 contract to a bidder that includes the commit-
18 ments described in clauses (i) and (ii) of sub-
19 paragraph (A); and

20 “(C) ensure that each bidder that includes
21 the commitments described in clauses (i) and
22 (ii) of subparagraph (A) that is awarded a con-
23 tract complies with those commitments.

24 “(4) REGISTERED APPRENTICESHIP PRO-
25 GRAM.—The term ‘registered apprenticeship pro-

1 gram’ means an apprenticeship program registered
2 with the Department of Labor or a Federally-recog-
3 nized State Apprenticeship Agency and that com-
4 plies with the requirements under parts 29 and 30
5 of title 29, Code of Federal Regulations, as in effect
6 on January 1, 2019.

7 “(b) BEST-VALUE FRAMEWORK.—To the maximum
8 extent practicable, a recipient of assistance under a cov-
9 ered infrastructure program is encouraged—

10 “(1) to ensure that each dollar invested in in-
11 frastructure uses a best-value contracting framework
12 to maximize the local value of federally funded con-
13 tracts by evaluating bids on price and other tech-
14 nical criteria prioritized in the bid, such as—

15 “(A) equity;

16 “(B) environmental and climate justice;

17 “(C) impact on greenhouse gas emissions;

18 “(D) resilience;

19 “(E) the results of a 40-year life-cycle
20 analysis;

21 “(F) safety;

22 “(G) commitment to creating or sustaining
23 high-quality job opportunities affiliated with
24 registered apprenticeship programs (as defined
25 in subsection (a)(3)) for disadvantaged or

1 underrepresented individuals in infrastructure
2 industries in the United States; and

3 “(H) access to jobs and essential services
4 by all modes of travel for all users, including
5 disabled individuals; and

6 “(2) to ensure community engagement, trans-
7 parency, and accountability in carrying out each
8 stage of the project.

9 “(c) PREFERENCE FOR REGISTERED APPRENTICE-
10 SHIP PROGRAMS.—To the maximum extent practicable, a
11 recipient of assistance under a covered infrastructure pro-
12 gram, with respect to the project for which the assistance
13 is received, shall give preference to a bidder that dem-
14 onstrates a commitment to high-quality job opportunities
15 affiliated with registered apprenticeship programs (as de-
16 fined in subsection (a)(3)).

17 “(d) USE OF U.S. EMPLOYMENT PLAN.—Notwith-
18 standing any other provision of law, in carrying out a
19 project under a covered infrastructure program, each enti-
20 ty that receives Federal assistance shall use a U.S. Em-
21 ployment Plan for each contract of \$10,000,000 or more
22 for the purchase of manufactured goods or of services,
23 based on an independent cost estimate.

24 “(e) PRIORITY.—The head of the relevant Federal
25 agency shall ensure that the entity carrying out a project

1 under the covered infrastructure program gives priority
2 to—

3 “(1) individuals with a barrier to employment
4 (as defined in section 3 of the Workforce Innovation
5 and Opportunity Act (29 U.S.C. 3102)), including
6 ex-offenders and disabled individuals;

7 “(2) veterans; and

8 “(3) individuals that represent populations that
9 are traditionally underrepresented in the infrastruc-
10 ture workforce, such as women and racial and ethnic
11 minorities.

12 “(f) REPORT.—Not less frequently than once each
13 fiscal year, the heads of the relevant Federal agencies shall
14 jointly submit to Congress a report describing the imple-
15 mentation of this section.

16 “(g) INTENT OF CONGRESS.—

17 “(1) IN GENERAL.—It is the intent of Con-
18 gress—

19 “(A) to encourage recipients of Federal as-
20 sistance under covered infrastructure programs
21 to use a best-value contracting framework de-
22 scribed in subsection (b) for the purchase of
23 goods and services;

24 “(B) to encourage recipients of Federal as-
25 sistance under covered infrastructure programs

1 to use preferences for registered apprenticeship
2 programs as described in subsection (c) when
3 evaluating bids for projects using that assist-
4 ance;

5 “(C) to require that recipients of Federal
6 assistance under covered infrastructure pro-
7 grams use the U.S. Employment Plan in car-
8 rying out the project for which the assistance
9 was provided; and

10 “(D) that full and open competition under
11 covered infrastructure programs means a proce-
12 dural competition that prevents corruption, fa-
13 voritism, and unfair treatment by recipient
14 agencies.

15 “(2) INCLUSION.—A best-value contracting
16 framework described in subsection (b) is a frame-
17 work that authorizes a recipient of Federal assist-
18 ance under a covered infrastructure program, in
19 awarding contracts, to evaluate a range of factors,
20 including price, the quality of products, the quality
21 of services, and commitments to the creation of good
22 jobs for all people in the United States.

23 “(h) AWARD BASIS.—

24 “(1) PRIORITY FOR TARGETED HIRING OR U.S.
25 EMPLOYMENT PLAN PROJECTS.—In awarding grants

1 under this section, the Secretary shall give priority
2 to eligible entities that—

3 “(A) ensure that not less than 50 percent
4 of the workers hired to participate in the job
5 training program are hired through local hiring
6 in accordance with subsection (e), including by
7 prioritizing individuals with a barrier to employ-
8 ment (including ex-offenders), disabled individ-
9 uals (meaning an individual with a disability (as
10 defined in section 3 of the Americans with Dis-
11 abilities Act of 1990 (42 U.S.C. 12102)), vet-
12 erans, and individuals that represent popu-
13 lations that are traditionally underrepresented
14 in the infrastructure workforce; or

15 “(B) ensure the commitments described in
16 clauses (i) and (ii) of subsection (a)(2)(A) with
17 respect to carrying out the job training pro-
18 gram.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 53 of title 49, United States Code, is amended by add-
21 ing at the end the following:

“5341. U.S. Employment Plan.”.

