

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3684
OFFERED BY MR. GARCÍA OF ILLINOIS**

Page 686, after line 11, insert the following (and re-designate accordingly):

1 (a) FINDINGS.—Congress finds the following:

2 (1) Public transit is an essential service for
3 communities across the country.

4 (2) 800,000 essential workers rely on public
5 transit to travel to and from work.

6 (3) According to the American Public Trans-
7 portation Association, 60 percent of public transit
8 riders are people of color.

9 (4) Any strategy to meaningfully reduce emis-
10 sions from transportation relies on public transit.

11 (5) American companies, large and small, pre-
12 fer locations in public transit-connected communities
13 to attract and retain workers and customers.

14 (6) The Intergovernmental Panel on Climate
15 Change and the November 2018 Fourth National
16 Climate Assessment report found that human activ-
17 ity is the dominant cause of observed climate change
18 over the past century, and a changing climate is

1 causing sea levels to rise and increasing wildfires, se-
2 vere storms, droughts, and other extreme weather
3 events that threaten human life, healthy commu-
4 nities, and critical infrastructure.

5 (7) According to the Environmental Protection
6 Agency, transportation is the leading sector of
7 greenhouse gas emissions in the United States, and
8 such emissions are rising while emissions in other
9 sectors are decreasing.

10 (8) Safe, reliable, and convenient public transit
11 is an essential tool to reduce greenhouse gas emis-
12 sions from the transportation sector.

13 (9) People of color, long underserved by trans-
14 portation decisions since establishment of the Fed-
15 eral highway program, are disproportionately reliant
16 on public transit to provide access to jobs and essen-
17 tial services such as grocery stores, education, and
18 health care.

19 (10) People with low incomes are also dis-
20 proportionately reliant on public transit and, when
21 public transportation is not safe, reliable, or conven-
22 ient, may be cut off from opportunities.

23 (11) The Bureau of Transportation Statistics
24 estimates that the average annual cost to own and
25 operate a vehicle is \$9,282.

1 (12) According to data from the American
2 Community Survey, over 1,000,000 rural households
3 do not have access to a car and are reliant on public
4 transit to access jobs and essential services.

5 (13) There are 292 counties where at least 10
6 percent of households do not have access to a car
7 and 56 percent of such households are in rural
8 areas.

9 (14) Local and regional economies rely on the
10 efficient movement of people to jobs and services
11 and public transit, an essential connection for mil-
12 lions of Americans, is critical to moving people effi-
13 ciently.

14 (15) Data from the American Recovery and Re-
15 investment Act shows that investments in public
16 transit produced 70 percent more job hours than in-
17 vestments in highways, with preventive maintenance,
18 rail car and bus purchase and rehabilitation and in-
19 frastructure, as the leading categories of job-creating
20 public transit investments.

21 (16) Research shows that a 10-percent increase
22 in public transit seats per capita results in wage in-
23 creases “between \$1,500,000 and \$1,800,000,000
24 per metropolitan area”, depending on the size of the
25 region.

1 (17) Companies of all sizes are relocating to
2 walkable and public transit-connected areas to en-
3 sure access to a high-quality workforce because such
4 places—

5 (A) are where workers want to be; and

6 (B) reinforce companies' brand aspirations,
7 bring them in close proximity to their customers
8 and partners, support creativity among their
9 employees, and help such companies live up to
10 high standards of corporate responsibility.

11 (18) Even in smaller communities, research
12 shows that public transit helps business by improv-
13 ing employee retention.

14 (19) Travel by public transit is substantially
15 safer than travel by car, with data showing that rail
16 transit is about 30 times safer and travel by bus is
17 about 60 times safer.

18 (20) The fatality rate associated with using
19 public transit is half that associated with driving.

20 (21) Public transit trips begin and end with
21 biking or walking, it is critical to improve safe bicy-
22 cle and pedestrian access to transit stops to improve
23 access to and use of public transit, particularly for
24 people with lower incomes.

1 (22) In addition to producing fewer greenhouse
2 gas emissions, public transit also releases fewer
3 emissions linked to asthma and encourages active
4 travel which improves public health.

5 (23) A 2013 report studied the impact of a 35-
6 day public transit strike in Los Angeles, finding that
7 the average delay across all major freeways in the
8 region increased 47 percent during the strike, with
9 delays increasing up to 123 percent for freeways
10 that ran parallel to public transit lines hampered by
11 the strike demonstrates that public transit contrib-
12 utes to congestion reduction for motorists by pro-
13 viding another option for travelers and helps take
14 cars off the road.

15 (24) Public transit is popular, a March 2020
16 poll found that—

17 (A) Americans support expanding public
18 transit by a 77–15 margin, even as many public
19 transit agencies face a growing generational
20 funding crisis brought on by COVID–19;

21 (B) among individuals that reported that a
22 car was their primary mode of transportation,
23 about 80 percent agreed that they have “no
24 choice” but to drive as much as they do; and

1 (C) just over half of car users report wish-
2 ing they had more options.

3 (25) Americans pay a premium for housing in
4 communities accessible to public transit, a phe-
5 nomenon the National Association of Realtors called
6 “the public transit effect”.

7 (26) Americans should not have to pay a pre-
8 mium to be near public transit, but have no choice
9 due to persistent under funding and disinvestment
10 in public transit, resulting in few communities that
11 are well served by such transit.

12 (27) According to a 2016 study, 13 of some of
13 the Nation’s largest cities (comprising 12,200,000
14 people) offer infrequent and unreliable service.

15 (28) The Federal Transit Administration has
16 found the public transit maintenance backlog to be
17 \$98,000,000,000, an amount which the Department
18 of Transportation estimates would require transit
19 agencies to increase spending by \$7,000,000,000 per
20 year to eliminate the backlog over a 20-year period.

21 (29) Federal transportation programs were de-
22 veloped in the 1950s to build out the interstate high-
23 way system, a purpose which remains the primary
24 goal of the Federal transportation program.

1 (30) The gas tax, often referred to as a “user
2 fee” on drivers, is the primary source of revenue for
3 the Highway Trust Fund which includes the Mass
4 Transit Account because public transit directly bene-
5 fits drivers by removing cars from the road.

6 (31) Since 1982, approximately 80 percent of
7 Federal transportation program funding has been al-
8 located to highways and only 20 percent to public
9 transit “Federal 80–20 split”.

10 (32) The Federal 80–20 split incentivizes in-
11 vestments in highways rather than public transit due
12 to the disproportionate availability of funds, States
13 and local communities are stripped of viable options
14 in terms of the types of infrastructure they can
15 build.

16 (33) The Federal 80–20 split provides inad-
17 equate funding for public transit, contributing to the
18 backlog of deferred maintenance and infrequent or
19 unreliable service.

20 (34) Since 2008, more than \$144,000,000,000
21 of general taxpayer funds, not just tax funds from
22 users, have been used to supplement dwindling reve-
23 nues from the gas tax in order to sustain authorized
24 highway and public transit spending.

1 (35) General fund tax funds are not a “user
2 fee”.

3 (36) Public transportation benefits all Ameri-
4 cans.

Page 686, strike line 14 and all that follows through
page 694, line 12 and insert the following (and redesignate accordingly):

5 “(a) IN GENERAL.—There shall be available from the
6 Mass Transit Account of the Highway Trust Fund to
7 carry out sections 5305, 5307, 5308, 5309, 5310, 5311,
8 5312, 5314, 5318, 5320, 5326, 5328, 5329, 5334, 5335,
9 5337, 5339, and 5340, \$275,509,824,054 for the period
10 of fiscal years 2023 through 2026.

11 “(b) REFERENCES IN LAW.—Any reference in law to
12 a provision of this section for purposes of referencing an
13 amount authorized to be appropriated shall be deemed to
14 be a reference to subsection (a).

15 “(c) ADDITIONAL SELECTION CRITERIA AND RE-
16 QUIREMENTS.—

17 “(1) IN GENERAL.—The Secretary shall select
18 eligible projects to receive a grant under the pro-
19 gram based on sustainability and equity criteria, in-
20 cluding—

21 “(A) the extent to which the project con-
22 tributes to ensuring that, by not later than De-

1 cember 31, 2030, the majority of the population
2 of the United States resides within walking dis-
3 tance of frequent, high-quality, affordable, clean
4 energy powered or zero emissions public transit
5 and bikeable and walkable transportation infra-
6 structure to reduce emissions from the trans-
7 portation sector;

8 “(B) criteria developed by the Secretary to
9 reduce overall vehicle miles traveled in single
10 occupancy vehicles;

11 “(C) criteria developed by the Secretary, in
12 consultation with the Administrator of the En-
13 vironmental Protection Agency and no less than
14 20 organizations that provide diverse and fair
15 representation from frontline, vulnerable and
16 impacted communities, Indigenous communities
17 and labor organizations, that consider the ex-
18 tent to which the eligible project contributes
19 to—

20 “(i) climate resilience;

21 “(ii) climate mitigation;

22 “(iii) reduction of air pollution and
23 emissions of hazardous air pollutants (as
24 defined in section 112(a) of the Clean Air
25 Act (42 U.S.C. 7412(a))); and

1 “(iv) reduction of greenhouse gas
2 emissions;

3 “(v) reduction of any other
4 anthropogenically-emitted gas or particu-
5 late that the Administrator of the Environ-
6 mental Protection Agency determines,
7 after notice and comment, to produce neg-
8 ative effects on human health, biodiversity,
9 natural habitats and ecosystems;

10 “(vi) full employment;

11 “(vii) economic security for all individ-
12 uals, including reduction of poverty; and

13 “(viii) meaningful and measurable
14 counteraction of racial, ethnic, Indigenous,
15 gender, and other social, economic, and en-
16 vironmental injustices.

17 “(D) criteria developed by the Secretary,
18 in consultation with the Secretary of Energy,
19 that consider the extent to which the eligible
20 project will achieve energy savings and reduced
21 energy usage compared to other eligible
22 projects; and

23 “(E) criteria developed by the Secretary, in
24 consultation with the Secretary of Energy, that
25 consider the extent to which the eligible project

1 will improve pedestrian and nonmotorized vehi-
2 cle access and safety compared to other eligible
3 projects.

4 “(F) criteria developed by the Secretary, in
5 consultation with the Secretary of Interior, to
6 heal and reinforce the nation-to-nation relation-
7 ship between the United States and Indian
8 Tribes by preserving and protecting sacred and
9 cultural sites of significance to Indian Tribes
10 and Indigenous communities in carrying out the
11 Federal spending program;

12 “(G) criteria developed by the Secretary, in
13 consultation with the Council on Environmental
14 Quality, to combat environmental injustice and
15 ensure healthy lives for all individuals by—

16 “(i) promoting and including mean-
17 ingful involvement by impacted commu-
18 nities, particularly the most vulnerable en-
19 vironmental justice communities, in the im-
20 plementation and governance of proposed
21 programs and expenditures in a manner
22 that aligns and is consistent with the prin-
23 ciples entitled ‘Jemez Principles for Demo-
24 cratic Organizing’ and dated December
25 1996;

1 “(ii) recognizing the disproportionate
2 burden of health impacts in historically un-
3 derserved communities, including rural
4 communities, and impacted communities
5 and the historic disinvestment in public
6 health resources, including public hospitals,
7 mental health services, care worker serv-
8 ices, and other facilities and services in
9 those communities.

10 “(H) criteria developed by the Secretary,
11 in consultation with the Secretary of Housing,
12 to ensure that any investment made to upgrade
13 transportation infrastructure minimizes or pre-
14 vents displacement of any existing resident or
15 community-serving entity in buildings, neigh-
16 borhoods, and districts affected by transpor-
17 tation investments.

18 “(2) PRIORITY.—Recipients shall set aside not
19 less than 50 percent of funds for eligible projects
20 that—

21 “(A) are located in and benefit an im-
22 pacted community, defined as a low-income and
23 low-wealth—

24 “(i) frontline, vulnerable, and dis-
25 advantaged community;

- 1 “(ii) area identified as having dis-
2 proportionately high adverse human health
3 and environmental impacts on minority
4 populations and low-income populations;
5 “(iii) community of color;
6 “(iv) community impacted by the
7 transition from fossil fuels to clean energy;
8 “(v) deindustrialized community; or
9 “(vi) community facing environmental
10 injustice;
11 “(B) requires a contribution of Federal
12 funds in order to complete an overall financing
13 package;
14 “(C) includes—
15 “(i) the addition of—
16 “(I) a new green space; or
17 “(II) new State or local park sys-
18 tem units and recreation areas admin-
19 istered for outdoor recreation pur-
20 poses; or
21 “(ii) an improvement to improve ac-
22 cess to an existing green space, State or
23 local park system unit, or recreation area
24 administered for outdoor recreation pur-

1 poses, including pedestrian and bicycle ac-
2 cess; or

3 “(D) provides significantly expanded fund-
4 ing to Indian Tribes and Indigenous commu-
5 nities for improved infrastructure and access to
6 public transit with respect to establishing sus-
7 tainable economies and jobs based on the prin-
8 ciple known as ‘Indigenous Just Transition’;

9 “(3) ENVIRONMENTAL JUSTICE SCREENING.—
10 The Secretary shall select eligible projects that pre-
11 vent concentrating pollution and disproportionate
12 health and economic burdens on impacted commu-
13 nities, based on a determination of an environmental
14 justice screening made publicly available, that shall
15 include an evaluation, over the lifecycle of the appli-
16 cable projects—

17 “(A) lifecycle scope I, II and III green-
18 house gas emissions under the project;

19 “(B) the cumulative toxic pollution emitted
20 under the project;

21 “(C) resource depletion caused by the
22 project;

23 “(D) the biodiversity and climate change
24 impacts of the project; and

1 “(E) the lifecycle social impacts of the
2 project.

3 “(d) TRIBAL SOVEREIGNTY.—

4 “(1) RECOGNITION.—Congress recognizes
5 that—

6 “(A) the authority, obligations, and fidu-
7 ciary trust responsibilities of United States to
8 provide programs and services to Indians Tribes
9 and individual Indians have been established
10 in—

11 “(i) Acts of Congress;

12 “(ii) treaties; and

13 “(iii) jurisprudence; and

14 “(B) the United States and Indian Tribes
15 have a unique legal and political relationship.

16 “(2) RESPONSIBILITIES OF AGENCIES.—The
17 Secretary, in consultation with other agencies, shall,
18 in any relevant agency actions—

19 “(A) establish, by regulation, a special ini-
20 tiative that reflects and supports the relation-
21 ship between the United States and Indian
22 Tribes described in subparagraph (A);

23 “(B) confirm that each Indian Tribe may
24 exercise full and inherent civil regulatory and
25 adjudicatory authority over all land and re-

1 sources within the exterior boundaries of the
2 reservation or other land subject to the jurisdic-
3 tion of the Indian Tribe;

4 “(C) establish, by regulation, standards
5 and procedural requirements—

6 “(i) to secure free, prior, and in-
7 formed consent of Indian Tribes—

8 “(I) to agency actions that affect
9 Indian land, water, livelihoods, and
10 culture (including off-reservation trea-
11 ty-reserved rights to hunting, fishing,
12 gathering, and protection of, and ac-
13 cess to, sacred sites); and

14 “(II) on an ongoing basis, to any
15 measure or other action carried out by
16 the administering agency under this
17 Act; and

18 “(ii) to include consideration of the
19 tangible and intangible cultural heritage,
20 intellectual property, and traditional Indig-
21 enous knowledge of Indian Tribes and In-
22 digenous communities in agency actions
23 and programs;

24 “(D) take into consideration the provisions
25 and standards contained in the United Nations

1 Declaration on the Rights of Indigenous Peo-
2 ples, dated September 13, 2007, without quali-
3 fication;

4 “(E) strengthen and support Tribal sov-
5 ereignty by—

6 “(i) ensuring that all treaties and
7 agreements with Indian Tribes and mem-
8 bers of Indian Tribes and Indigenous com-
9 munities are observed and respected in
10 their entirety; and

11 “(ii) protecting and enforcing that
12 sovereignty by taking effective measures to
13 extend the fiduciary trust responsibilities
14 of the United States to Indian Tribes to—

15 “(I) environmental, socio-
16 economic, health, education, and agri-
17 cultural issues; and

18 “(II) trade issues between and
19 among Indigenous communities, the
20 United States, Canada, and Mexico;
21 and

22 “(F) ensure that the standards, processes,
23 and criteria for programs, and the allocation of
24 funds under those programs, shall incur obliga-
25 tions relating to a mandatory set-aside of in-

1 vestments and funding for Indian Tribes and
2 Indigenous communities.

3 “(e) FUNDING REQUIREMENTS.—

4 “(1) ENVIRONMENTAL STANDARDS.—As a con-
5 dition of receiving funds under this section—

6 “(A) any building or structure that is part
7 of an eligible project, including existing build-
8 ings, shall comply with, or, in the case of an ex-
9 isting building, be renovated to comply with, en-
10 vironmental standards determined by the Sec-
11 retary, that are at least as stringent as the
12 Leadership in Energy and Environmental De-
13 sign standards of the United States Green
14 Building Council;

15 “(B) materials, products and processes
16 used in an eligible project shall be produced
17 with high standards for environmental sustain-
18 ability to ensure low or no lifecycle emissions or
19 other negative impacts on biodiversity, eco-
20 systems and human health, including—

21 “(i) technologically feasible limits on
22 embodied greenhouse gas emissions and
23 toxic land, water and air pollution; and

1 “(ii) requirements for sustainable re-
2 source use and the protection of eco-
3 systems and biodiversity; and

4 “(C) no project may expand the extraction,
5 processing, or use of fossil fuels or uranium at
6 any level of the supply chain; the use of emis-
7 sions offsets, geoengineering, or the use of any
8 other energy source that would not pass an en-
9 vironmental justice screen to prevent concen-
10 trating pollution and disproportionate health
11 and economic burdens on impacted commu-
12 nities.

13 “(2) USE OF RENEWABLE ENERGY.—

14 “(A) IN GENERAL.—As conditions of re-
15 ceiving funding under this section, any eligible
16 project that, after completion of the project,
17 uses electrical energy shall use electrical energy
18 in a manner that does not increase usage of
19 nonrenewable energy sources, in accordance
20 with subparagraph (B).

21 “(B) METHODS.—An eligible entity may
22 comply with subparagraph (A) by—

23 “(i) purchasing new renewable energy
24 or renewable energy credits for the eligible
25 project;

1 “(ii) generating new renewable energy
2 for the eligible project;

3 “(iii) converting to use of renewable
4 energy for another project of the eligible
5 entity in an equivalent quantity of non-
6 renewable energy used for the eligible
7 project; or

8 “(iv) any combination of the methods
9 described in clauses (i) through (iii).

10 “(3) LABOR STANDARDS.—Each contractor and
11 subcontractor receiving funding for a project funded
12 under this section shall comply with the following:

13 “(A) MINIMUM WAGE.—

14 “(i) IN GENERAL.—All employees em-
15 ployed in the performance of the eligible
16 project shall be paid at a rate of not less
17 than—

18 “(I) \$15.00 an hour, beginning
19 on the date of enactment of this Act;
20 and

21 “(II) beginning on the date that
22 is 1 year after such date of enact-
23 ment, and annually thereafter, the
24 amount in effect under this subpara-
25 graph for the preceding year, in-

1 increased by the annual percentage in-
2 crease, if any, in the median hourly
3 wage of all employees as determined
4 by the Bureau of Labor Statistics and
5 rounded up to the nearest multiple of
6 \$0.05.

7 “(ii) CALCULATION.—In calculating
8 the annual percentage increase in the me-
9 dian hourly wage of all employees for pur-
10 poses of clause (i)(II), the Secretary of
11 Labor, through the Bureau of Labor Sta-
12 tistics, shall—

13 “(I) compile data on the hourly
14 wages of all employees to determine
15 such a median hourly wage; and

16 “(II) compare such median hour-
17 ly wage for the most recent year for
18 which data are available with the me-
19 dian hourly wage determined for the
20 preceding year.

21 “(iii) PREVAILING WAGES FOR LABOR-
22 ERS AND MECHANICS.—

23 “(I) IN GENERAL.—All laborers
24 and mechanics employed by contrac-
25 tors or subcontractors in the perform-

1 ance of construction, alteration, or re-
2 pair work carried out, in whole or in
3 part, with assistance made available
4 under the program shall be paid
5 wages at rates not less than the great-
6 er of—

7 “(aa) the rates prevailing on
8 similar construction in the local-
9 ity as determined by the Sec-
10 retary of Labor in accordance
11 with subchapter IV of chapter 31
12 of title 40, United States Code;
13 or

14 “(bb) the rate required
15 under clause (i).

16 “(II) AUTHORITIES.—With re-
17 spect to the labor standards specified
18 in subclause (I)(aa), the Secretary of
19 Labor shall have the authority and
20 functions set forth in Reorganization
21 Plan Numbered 14 of 1950 (64 Stat.
22 1267; 5 U.S.C. App.) and section
23 3145 of title 40, United States Code.

1 “(B) NEUTRALITY TOWARD ORGANIZED
2 LABOR.—The contractor or subcontractor shall
3 have—

4 “(i) an explicit policy of neutrality
5 with regard to—

6 “(I) labor organizing for the em-
7 ployees of the contractor or subcon-
8 tractor employed in the performance
9 of the eligible project; and

10 “(II) such employees’ choice to
11 form and join labor organizations; and

12 “(ii) policies that require—

13 “(I) the posting and maintenance
14 of notices in the workplace to such
15 employees of their rights under the
16 National Labor Relations Act (29
17 U.S.C. 151 et seq.); and

18 “(II) that such employees are, at
19 the beginning of their employment in
20 the performance of the eligible
21 project, provided notice and informa-
22 tion regarding the employees’ rights
23 under such Act.

24 “(C) PAID FAMILY AND MEDICAL
25 LEAVE.—The contractor or subcontractor shall

1 have an explicit policy providing all employees
2 employed in the performance of the eligible
3 project (1) not fewer than 14 days per calendar
4 year of paid sick leave; not fewer than 14 days
5 per calendar year of paid vacation (2) not fewer
6 than 12 workweeks of paid leave in a 12-month
7 period for any purpose described in section
8 102(a)(1) of the Family and Medical Leave Act
9 of 1993 (29 U.S.C. 2612(a)(1)), in accordance
10 with regulations promulgated by the Secretary
11 of Labor.

12 “(D) FAIR SCHEDULING.—

13 “(i) IN GENERAL.—The contractor or
14 subcontractor shall have an explicit policy
15 for fair scheduling for employees employed
16 in the performance of the eligible project,
17 which shall include—

18 “(I) an opportunity for the em-
19 ployee to request—

20 “(aa) an adjustment in the
21 number of hours, work location,
22 or times of the employee’s work
23 schedule;

24 “(bb) a change in the
25 amount of notification provided

1 to the employee regarding the
2 work schedule; or

3 “(cc) the minimizing of fluc-
4 tuations in the number of hours
5 the employee is scheduled to
6 work on a daily, weekly, or
7 monthly basis; and

8 “(II) a timely, good faith inter-
9 active process through which the em-
10 ployer and employee discuss the em-
11 ployee’s request under subclause (I)
12 and the employer grants the request
13 or suggests any alternatives that
14 might meet the employee’s needs.

15 “(ii) EXCEPTION.—Clause (i) shall
16 not apply to any employee covered by a
17 valid collective bargaining agreement if—

18 “(I) the terms of the collective
19 bargaining agreement include terms
20 that govern work scheduling practices;
21 and

22 “(II) the provisions of this Act
23 are expressly waived in such collective
24 bargaining agreement.

1 “(E) CONTRACTOR REQUIREMENT RE-
2 GARDING SUBCONTRACTORS.—The contractor
3 or subcontractor shall require that each subcon-
4 tractor of the contractor for an eligible project
5 carried out under the program comply with the
6 requirements of this paragraph with respect to
7 all employees of the subcontractor employed in
8 the performance of the project.

9 “(F) DISCLOSURE.—A contractor desiring
10 a contract under an eligible project carried out
11 under the program shall disclose to the Sec-
12 retary in the contract application any adminis-
13 trative merits determination, arbitral award or
14 decision, or civil judgment against the con-
15 tractor during the previous 5 years for any vio-
16 lation of—

17 “(i) the Fair Labor Standards Act of
18 1938 (29 U.S.C. 201 et seq.);

19 “(ii) the Occupational Safety and
20 Health Act of 1970 (29 U.S.C. 651 et
21 seq.);

22 “(iii) the Migrant and Seasonal Agri-
23 cultural Worker Protection Act (29 U.S.C.
24 1801 et seq.);

1 “(iv) the National Labor Relations
2 Act (29 U.S.C. 151 et seq.);

3 “(v) subchapter IV of chapter 31 of
4 title 40, United States Code (commonly
5 known as the ‘Davis-Bacon Act’);

6 “(vi) chapter 67 of title 41, United
7 States Code (commonly known as the
8 ‘Service Contract Act’);

9 “(vii) Executive Order 11246 (42
10 U.S.C. 2000e note; relating to equal em-
11 ployment opportunity);

12 “(viii) section 503 of the Rehabilita-
13 tion Act of 1973 (29 U.S.C. 793);

14 “(ix) chapter 42 or 43 of title 38,
15 United States Code;

16 “(x) the Family and Medical Leave
17 Act of 1993 (29 U.S.C. 2601 et seq.);

18 “(xi) title VII of the Civil Rights Act
19 of 1964 (42 U.S.C. 2000e et seq.);

20 “(xii) the Americans with Disabilities
21 Act of 1990 (42 U.S.C. 12101 et seq.);

22 “(xiii) the Age Discrimination in Em-
23 ployment Act of 1967 (29 U.S.C. 621 et
24 seq.);

1 “(xiv) Executive Order 13658 (79
2 Fed. Reg. 9851; relating to establishing a
3 minimum wage for contractors); or

4 “(xv) any State law equivalent of a
5 law described in subparagraphs (1)
6 through (14), in accordance with guidance
7 issued by the Secretary of Labor.

8 “(G) LABOR AGREEMENTS FOR CONSTRU-
9 TION PROJECTS.—

10 “(i) IN GENERAL.—A contractor for
11 an eligible project carried out using fund-
12 ing under this section that is a construc-
13 tion project shall be a party to a covered
14 project labor agreement.

15 “(ii) DEFINITIONS.—In this para-
16 graph:

17 “(I) COVERED PROJECT LABOR
18 AGREEMENT.—The term ‘covered
19 project labor agreement’ means a
20 project labor agreement that—

21 “(aa) binds all contractors
22 and subcontractors on the con-
23 struction project through the in-
24 clusion of appropriate specifica-
25 tions in all relevant solicitation

1 provisions and contract docu-
2 ments;

3 “(bb) allows all contractors
4 and subcontractors to compete
5 for contracts and subcontracts
6 without regard to whether they
7 are otherwise a party to a collec-
8 tive bargaining agreement;

9 “(cc) contains guarantees
10 against strikes, lockouts, and
11 other similar job disruptions;

12 “(dd) sets forth effective,
13 prompt, and mutually binding
14 procedures for resolving labor
15 disputes arising during the cov-
16 ered project labor agreement; and

17 “(ee) provides other mecha-
18 nisms for labor-management co-
19 operation on matters of mutual
20 interest and concern, including
21 productivity, quality of work,
22 safety, and health.

23 “(II) PROJECT LABOR AGREE-
24 MENT.—The term ‘project labor
25 agreement’ means a pre-hire collective

1 bargaining agreement with one or
2 more labor organizations that estab-
3 lishes the terms and conditions of em-
4 ployment for a specific construction
5 project and is described in section 8(f)
6 of the National Labor Relations Act
7 (29 U.S.C. 158(f)).

8 “(4) BUY AMERICA.—No funds may be used for
9 an eligible project under this section unless—

10 “(A) in the case of an eligible project de-
11 scribed in subsection (d)(1), the project com-
12 plies with section 313 of title 23, United States
13 Code;

14 “(B) in the case of an eligible project de-
15 scribed in subsection (d)(2), the project com-
16 plies with section 5323(j) of title 49, United
17 States Code;

18 “(C) in the case of an eligible project de-
19 scribed in subsection (d)(3), the project com-
20 plies with section 22905(a) of title 49, United
21 States Code;

22 “(D) in the case of an eligible project de-
23 scribed in subsection (d)(4), the project com-
24 plies with section 54101(d)(2) of title 46,
25 United States Code; and

1 “(E) in the case of an eligible project de-
2 scribed in subsection (d)(5), the project com-
3 plies with appropriate domestic content require-
4 ments as determined by the Secretary.

5 “(5) LOCAL AND EQUITABLE HIRING AND CON-
6 TRACTING.—The Secretary, contractor or subcon-
7 tractor shall have explicit policies that—

8 “(A) provide a preference for local hiring,
9 consistent with applicable Federal law and sub-
10 ject to rules issued by the Secretary of Labor;

11 “(B) ensure all contractors shall hire and
12 contract giving preference to members of the
13 community, with priority to members living in
14 census tracts with high poverty rates;

15 “(C) ensure all jobs and benefits created
16 by the project receiving support shall be acces-
17 sible to all workers, regardless of immigration
18 status, including undocumented immigrants;

19 “(D) ensure the inclusion of Ban the Box
20 provisions to support traditionally marginalized
21 workers;

22 “(E) ensure contractors shall hire and con-
23 tract at at least twice the average rate of hiring
24 for frontline and vulnerable communities groups
25 as the industry standard;

1 “(F) ensure all project contracts and sub-
2 contracts shall include contracting preferences
3 for businesses led by women and people of
4 color, with prioritization of small business;

5 “(6) ADDITIONAL EQUITY CRITERIA.—The Sec-
6 retary, contractor or subcontractor shall have ex-
7 plicit policies that—

8 “(A) ensure no investment causes harm to
9 a community or reduces the ability of its resi-
10 dents, businesses, and institutions to live and
11 operate with equity and dignity;

12 “(B) ensure that communities—

13 “(i) have the ability to democratically
14 plan, implement and administer projects,
15 including through partnership with, and
16 oversight by, community residents, scholars
17 and community-based organizations, in a
18 manner that aligns and is consistent with
19 the principles entitled ‘Jemez Principles
20 for Democratic Organizing’ and dated De-
21 cember 1996; and

22 “(ii) have meaningful involvement in
23 the implementation and governance of
24 projects;

1 “(iii) give free, prior, and informed
2 consent to any investment made to up-
3 grade transportation infrastructure to en-
4 sure minimal or no displacement of any ex-
5 isting resident or community-serving entity
6 in buildings, neighborhoods, and districts
7 affected by projects or programs author-
8 ized by this Act.

9 “(C) include a mandatory equity assess-
10 ment, that may include the assignment of an
11 equity score—

12 “(i) to evaluate the social, economic,
13 and environmental impacts of the invest-
14 ment, program, plan, regulation, or deci-
15 sion on—

16 “(I) impacted communities; and

17 “(II) environmental justice com-
18 munities; and

19 “(ii) the goals of which are—

20 “(I) to address historic inequal-
21 ity;

22 “(II) to ensure an equitable out-
23 come;

24 “(III) to prevent further con-
25 centration of pollution in areas experi-

1 encing an already high concentration
2 of a pollutant or other toxic sub-
3 stance; and

4 “(IV) to identify and minimize
5 inadvertent disproportionate social,
6 economic, and environmental effects
7 of the investment, program, plan, or
8 decision.

9 “(7) COMPLIANCE.—

10 “(A) IN GENERAL.—If the Secretary deter-
11 mines that an eligible project funded under this
12 section is not in compliance with any of the eq-
13 uity, labor, environmental conditions established
14 under this section, the Secretary shall promptly
15 notify the eligible entity of the noncompliance.

16 “(B) WITHHOLDING OF FUNDS FOR NON-
17 COMPLIANCE.—If an eligible entity that receives
18 a notification of noncompliance under subpara-
19 graph (A) is not in compliance with any of the
20 equity, labor, environmental conditions estab-
21 lished under this section, beginning on the date
22 that is 180 days after the date of the notifica-
23 tion under subparagraph (A), the Secretary
24 shall withhold from the State in which the eligi-
25 ble project is located 10 percent of the amount

1 required to be apportioned to the State under
2 section 104(b) of title 23, United States Code,
3 from that State until the eligible project is in
4 compliance with subparagraph (A).

5 “(C) REPORT.—Not less frequently than
6 once each year, the Secretary shall—

7 “(i) submit a report that contains the
8 criteria for eligible projects developed
9 under paragraph as well as an evaluation
10 of the impact of projects that have received
11 support, including an evaluation of the ap-
12 plication and enforcement of labor, equity
13 and environmental objectives and criteria,
14 to—

15 “(I) the Committee on Oversight
16 and Reform of the House of Rep-
17 resentatives;

18 “(II) the Committee on Com-
19 merce, Science, and Transportation of
20 the Senate;

21 “(III) the Committee on Envi-
22 ronment and Public Works of the
23 Senate;

1 “(IV) the Committee on Trans-
2 portation and Infrastructure of the
3 House of Representatives; and

4 “(V) the Committee on Energy
5 and Commerce of the House of Rep-
6 resentatives; and

7 “(ii) make the report under subpara-
8 graph (A) available to the public and
9 proactively solicit and incorporate broad
10 feedback, in particular from frontline, vul-
11 nerable and impacted communities.”.

