

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

Page 400, line 15, strike the first period and all that follows through the second period and insert a period.

Page 400, after line 15, insert the following:

1 “(j) ADDITIONAL SELECTION CRITERIA AND RE-
2 QUIREMENTS.—

3 “(1) IN GENERAL.—In addition the criteria es-
4 tablished in this section, the Secretary shall select el-
5 igible projects to receive a grant under the program
6 based on sustainability and equity criteria, includ-
7 ing—

8 “(A) the extent to which the project con-
9 tributes to ensuring that, by not later than De-
10 cember 31, 2030, the majority of the population
11 of the United States resides within walking dis-
12 tance of frequent, high-quality, affordable, clean
13 energy powered or zero emissions public transit
14 and bikeable and walkable transportation infra-
15 structure to reduce emissions from the trans-
16 portation sector;

1 “(B) the extent to which the project pro-
2 motes the electrification of all public transpor-
3 tation, including electric city buses, electric
4 commuter rail, electric vehicle fleets, and elec-
5 tric school buses;

6 “(C) criteria in the Infrastructure Vol-
7 untary Evaluation Sustainability Tool (IN-
8 VEST) of the Federal Highway Administration;

9 “(D) criteria developed by the Secretary to
10 promote electric vehicle charging infrastructure;

11 “(E) criteria developed by the Secretary to
12 reduce overall vehicle miles traveled in single
13 occupancy vehicles;

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

23 “(i) climate resilience;

24 “(ii) climate mitigation;

1 “(iii) reduction of air pollution and
2 emissions of hazardous air pollutants (as
3 defined in section 112(a) of the Clean Air
4 Act (42 U.S.C. 7412(a))); and

5 “(iv) reduction of greenhouse gas
6 emissions;

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

14 “(vi) full employment;

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

17 “(viii) meaningful and measurable
18 counteraction of racial, ethnic, Indigenous,
19 gender, and other social, economic, and en-
20 vironmental injustices.

21 “(G) criteria developed by the Secretary, in
22 consultation with the Secretary of Energy, that
23 consider the extent to which the eligible project
24 will achieve energy savings and reduced energy
25 usage compared to other eligible projects; and

1 “(H) criteria developed by the Secretary,
2 in consultation with the Secretary of Energy,
3 that consider the extent to which the eligible
4 project will improve pedestrian and non-
5 motorized vehicle access and safety compared to
6 other eligible projects.

7 “(I) criteria developed by the Secretary, in
8 consultation with the Secretary of Energy, that
9 consider the extent to which the eligible project
10 will, for any impacted community—

11 “(i) address historic inequality;

12 “(ii) ensure an equitable outcome;

13 “(iii) prevent further concentration of
14 pollution in areas experiencing an already
15 high concentration of a pollutant or other
16 toxic substance; and

17 “(iv) minimize inadvertent dispro-
18 portionate social, economic, and environmental
19 effects of the investment, program, plan,
20 regulation, or decision.

21 “(J) criteria developed by the Secretary, in
22 consultation with the Secretary of Interior, to
23 heal and reinforce the nation-to-nation relation-
24 ship between the United States and Indian
25 Tribes by preserving and protecting sacred and

1 cultural sites of significance to Indian Tribes
2 and Indigenous communities in carrying out the
3 Federal spending program;

4 “(K) criteria developed by the Secretary, in
5 consultation with the Council on Environmental
6 Quality, to combat environmental injustice and
7 ensure healthy lives for all individuals by—

8 “(i) promoting and including mean-
9 ingful involvement by impacted commu-
10 nities, particularly the most vulnerable en-
11 vironmental justice communities, in the im-
12 plementation and governance of proposed
13 programs and expenditures in a manner
14 that aligns and is consistent with the prin-
15 ciples entitled ‘Jemez Principles for Demo-
16 cratic Organizing’ and dated December
17 1996;

18 “(ii) recognizing the disproportionate
19 burden of health impacts in historically un-
20 derserved communities, including rural
21 communities, and impacted communities
22 and the historic disinvestment in public
23 health resources, including public hospitals,
24 mental health services, care worker serv-

1 ices, and other facilities and services in
2 those communities.

3 “(L) criteria developed by the
4 Secretary, in consultation with the
5 Secretary of Housing, to ensure that
6 any investment made to upgrade
7 transportation infrastructure mini-
8 mizes or prevents displacement of any
9 existing resident or community-serv-
10 ing entity in buildings, neighborhoods,
11 and districts affected by transpor-
12 tation investments.

13 “(2) EXCLUSION.—In selecting eligible projects
14 to receive a grant under the program, the Secretary
15 shall not use the Federal share percentage or the
16 ability of an applicant to generate non-Federal rev-
17 enue as a selection criterion.

18 “(3) PRIORITY.—In selecting eligible projects to
19 receive a grant under the program, the Secretary
20 shall give priority to an eligible project that—

21 “(A) is located in and benefits an impacted
22 community, defines as a low-income and low-
23 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 “(4) 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 “(5) REPORT.—Not less frequently than once
4 each year, the Secretary shall—

5 “(A) submit a report that contains the cri-
6 teria for eligible projects developed under para-
7 graph (1) and well as an evaluation of the im-
8 pact of projects that have received support, in-
9 cluding an evaluation of the application and en-
10 forcement of labor, equity and environmental
11 objectives and criteria, to—

12 “(i) the Committee on Oversight and
13 Reform of the House of Representatives;

14 “(ii) the Committee on Commerce,
15 Science, and Transportation of the Senate;

16 “(iii) the Committee on Environment
17 and Public Works of the Senate;

18 “(iv) the Committee on Transpor-
19 tation and Infrastructure of the House of
20 Representatives; and

21 “(v) the Committee on Energy and
22 Commerce of the House of Representa-
23 tives; and

24 “(B) make the report under subparagraph
25 (A) available to the public and proactively so-

1 licit and incorporate broad feedback, in par-
2 ticular from frontline, vulnerable and impacted
3 communities.

4 “(k) TRIBAL SOVEREIGNTY.—

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

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

12 “(i) Acts of Congress;

13 “(ii) treaties; and

14 “(iii) jurisprudence; and

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

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

20 “(A) establish, by regulation, a special ini-
21 tiative that reflects and supports the relation-
22 ship between the United States and Indian
23 Tribes described in subsection (a)(2);

24 “(B) confirm that each Indian Tribe may
25 exercise full and inherent civil regulatory and

1 adjudicatory authority over all land and re-
2 sources within the exterior boundaries of the
3 reservation or other land subject to the jurisdic-
4 tion of the Indian Tribe;

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

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

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

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

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

1 “(D) take into consideration the provisions
2 and standards contained in the United Nations
3 Declaration on the Rights of Indigenous Peo-
4 ples, dated September 13, 2007, without quali-
5 fication;

6 “(E) strengthen and support Tribal sov-
7 ereignty by—

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

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

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

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

24 “(F) ensure that the standards, processes,
25 and criteria for grants, and the allocation of

1 funds under those grants, shall incur obliga-
2 tions relating to a mandatory set-aside of in-
3 vestments and funding for Indian Tribes and
4 Indigenous communities.

5 “(1) GRANT REQUIREMENTS.—

6 “(1) ENVIRONMENTAL STANDARDS.—As condi-
7 tions of receiving a grant under the program.—

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

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

23 “(i) technologically feasible limits on
24 embodied greenhouse gas emissions and
25 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 a condition of re-
15 ceiving a grant under the program, 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 for an eligible project carried out
12 under the program 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 under the
12 program that is a construction project
13 shall be a party to a covered project labor
14 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 the program 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 is not in compli-
12 ance with any of the equity, labor, environ-
13 mental conditions established under this sec-
14 tion, the Secretary shall promptly notify the eli-
15 gible 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 eli-
25 gible 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 “(m) DISTRIBUTION OF GRANTS.—

6 “(1) IN GENERAL.—For each fiscal year, in
7 carrying out the program, the Secretary shall ensure
8 that grants are provided—

9 “(A) on an equitable geographical basis;

10 “(B) in a manner that achieves an appro-
11 priate balance in addressing the needs of urban-
12 ized areas and rural areas;

13 “(C) in a manner that ensures investment
14 in a variety of electric vehicles; and

15 “(D) in a manner that prioritizes eligible
16 projects in areas described in section 301(a) of
17 the Public Works and Economic Development
18 Act of 1965 (42 U.S.C. 3161(a)).

19 “(2) STATE AMOUNTS.—

20 “(A) MINIMUM AMOUNT.—For each fiscal
21 year, the total amount awarded to eligible
22 projects in each State shall be not less than the
23 lesser of—

1 “(i) 0.8 percent of the amounts made
2 available to carry out the program for that
3 fiscal year; and

4 “(ii) the total amount requested for
5 eligible projects in that State for that fiscal
6 year for which the Secretary has deter-
7 mined meet the selection criteria under the
8 program.

9 “(B) MAXIMUM AMOUNT.—For each fiscal
10 year, the total amount provided under the pro-
11 gram for eligible projects in a single State shall
12 not exceed an amount equal to 8 percent of the
13 amounts made available to carry out the pro-
14 gram for that fiscal year.

15 “(3) RURAL AREAS, URBANIZED AREAS, AND
16 FRONTLINE, VULNERABLE, AND IMPACTED COMMU-
17 NITIES.—

18 “(A) RURAL AREAS.—

19 “(i) IN GENERAL.—Of the amounts
20 made available to carry out the program
21 for each fiscal year, not less than 35 per-
22 cent and not more than 40 percent shall be
23 used for eligible projects located in rural
24 areas.

1 “(ii) GRANT AMOUNT.—The amount
2 of a grant provided under the program for
3 a project in a rural area shall be not less
4 than \$1,000,000.

5 “(iii) FEDERAL SHARE.—The Federal
6 share of the cost of an eligible project in
7 a rural area carried out with a grant under
8 the program may exceed 85 percent, at the
9 discretion of the Secretary.

10 “(B) URBANIZED AREAS.—

11 “(i) IN GENERAL.—Of the amounts
12 made available to carry out the program
13 for each fiscal year, not less than 60 per-
14 cent and not more than 65 percent shall be
15 used for eligible projects located in urban-
16 ized areas.

17 “(ii) METROPOLITAN PLANNING
18 AREA.—Amounts made available under
19 clause (i) may be used for eligible projects
20 in the metropolitan planning area estab-
21 lished under section 134 of title 23, United
22 States Code, that encompasses the urban-
23 ized area.

24 “(C) FRONTLINE, VULNERABLE, AND IM-
25 PACTED COMMUNITIES.—

1 “(i) IN GENERAL.—Of the total
2 amounts made available to carry out the
3 program for each fiscal year under sub-
4 paragraphs (A) and (B), not less than 50
5 percent shall be used for eligible projects
6 located and directly benefiting frontline,
7 vulnerable, and impacted communities.

8 “(ii) GRANT AMOUNT.—The amount
9 of a grant provided under the program for
10 a project in a frontline, vulnerable, and im-
11 pacted community shall be not less than
12 \$1,000,000.

13 “(iii) FEDERAL SHARE.—The Federal
14 share of the cost of an eligible project in
15 a frontline, vulnerable, and impacted com-
16 munity carried out with a grant under the
17 program may exceed 85 percent, at the
18 discretion of the Secretary.

19 “(n) GRANT AMOUNT.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), a grant under the program shall be in an
22 amount that is not less than \$2,000,000.

23 “(2) PLANNING GRANTS.—A grant under the
24 program for the planning, preparation, or design of

1 an eligible project shall not be subject to a minimum
2 grant amount.

3 “(o) FEDERAL SHARE.—Except as otherwise pro-
4 vided in this section, the Federal share of the cost of a
5 project carried out with a grant under the program shall
6 be, at the discretion of the eligible entity—

7 “(1) not more than 85 percent, for the purpose
8 of planning, design, and construction of the project;
9 and

10 “(2) not more than 50 percent of the operation
11 and maintenance costs of the project for the first 10
12 years of the project.

13 “(p) ADDITIONAL FUNDING.—

14 “(1) IN GENERAL.—There is authorized to be
15 appropriated to carry out the program
16 \$50,000,000,000 for each of fiscal years 2023
17 through 2026, of which not less than
18 \$15,000,000,000 shall be for grants for the pur-
19 chase of electric vehicles and electric vehicle supply
20 equipment.

21 “(2) AVAILABILITY.—Amounts made available
22 under paragraph (1) shall remain available until
23 January 1, 2042.”.

