

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

Page 763, after line 4, insert the following:

1 **SEC. 2206. TRANSPORTATION ELECTRIFICATION PROGRAM.**

2 (a) IN GENERAL.—The Secretary of Transportation  
3 shall establish a grant program to provide for the total  
4 electrification of public transportation, including transit  
5 buses, other public buses, paratransit vehicles, demand re-  
6 sponse vehicles, and commuter rail.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to carry out this section \$20,000,000,000 for  
9 fiscal years 2023 through 2031.

10 (c) BREAKDOWN BY MODE.—Of the amount author-  
11 ized under subsection (b)—

12 (1) \$73,000,000,000 shall be for electrifying  
13 mass transit buses, cutaway vehicles, and transit  
14 vans and the necessary associated infrastructure;

15 (2) \$85,000,000,000 shall be for electrifying  
16 other public buses and demand response vehicles and  
17 the necessary associated infrastructure; and

1           (3) \$42,000,000,000 shall be for electrifying  
2           commuter rail and the necessary associated infra-  
3           structure.

4           (d) ELIGIBLE PROJECTS.—Eligible projects under  
5 this section shall be—

6           (1) acquiring electric buses, paratransit vehicles  
7           or demand response vehicles;

8           (2) leasing electric buses, paratransit vehicles or  
9           demand response vehicles;

10          (3) acquiring electric buses, paratransit vehicles  
11          or demand response vehicles with a leased power  
12          source;

13          (4) constructing facilities and related equipment  
14          for electric buses, paratransit vehicles or demand re-  
15          sponse vehicles;

16          (5) leasing facilities and related equipment for  
17          electric buses, paratransit vehicles or demand re-  
18          sponse vehicles;

19          (6) constructing new public transportation fa-  
20          cilities to accommodate electric buses, paratransit  
21          vehicles or demand response vehicles;

22          (7) rehabilitating or improving existing public  
23          transportation facilities to electric buses, paratransit  
24          vehicles or demand response vehicles;

1           (8) workforce development and training, to sup-  
2           port the maintenance, charging, and operations of  
3           electric buses, paratransit vehicles or demand re-  
4           sponse vehicles;

5           (9) planning and technical activities to support  
6           the adoption and implementation of electric buses,  
7           paratransit vehicles or demand response vehicles;

8           (10) the replacement of existing diesel or other  
9           non-zero emission school buses with electric school  
10          buses;

11          (11) the implementation of recharging infra-  
12          structure or other infrastructure, including renew-  
13          able energy generation infrastructure, needed to  
14          charge or maintain electric school buses;

15          (12) workforce development and training, to  
16          support the maintenance, charging, and operations  
17          of electric school buses;

18          (13) planning and technical activities to support  
19          the adoption and implementation of electric school  
20          buses;

21          (14) purchasing, rehabilitating, remanufac-  
22          turing or overhauling electric or zero emission com-  
23          muter rail rolling stock and facilities; and

24          (15) acquiring, constructing, improving, or in-  
25          specting equipment, track and track structures, in-

1 including catenary, or a facility for use in or for the  
2 primary benefit of facilitating the introduction and  
3 operation of electric or zero emission commuter rail  
4 passenger service, and expenses incidental to the ac-  
5 quisition or construction of such projects (including  
6 designing, engineering, location surveying, mapping,  
7 environmental studies, and acquiring rights-of-way).

8 (e) APPLICATION.—Each applicant seeking a grant  
9 under this section shall submit an application to the Sec-  
10 retary in such form and containing such information as  
11 the Secretary shall reasonably require.

12 (f) SELECTION CRITERIA; REQUIREMENTS.—

13 (1) IN GENERAL.—The Secretary shall select el-  
14 igible projects to receive a grant under the program  
15 based on sustainability and equity criteria, includ-  
16 ing—

17 (A) the extent to which the project contrib-  
18 utes to ensuring that, by not later than Decem-  
19 ber 31, 2030, the majority of the population of  
20 the United States resides within walking dis-  
21 tance of frequent, high-quality, affordable, clean  
22 energy powered or zero emissions public transit  
23 and bikeable and walkable transportation infra-  
24 structure to reduce emissions from the trans-  
25 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 developed by the Secretary to  
7 promote the effective deployment of charging  
8 infrastructure for electric buses, paratransit ve-  
9 hicles or demand response vehicles, school bus,  
10 and commuter rail

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

14 (E) 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)));

5 (iv) reduction of greenhouse gas emis-  
6 sions;

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 (F) 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;

1 (G) criteria developed by the Secretary, in  
2 consultation with the Secretary of Energy, that  
3 consider the extent to which the eligible project  
4 will improve pedestrian and nonmotorized vehi-  
5 cle access and safety compared to other eligible  
6 projects;

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

15 (I) criteria developed by the Secretary, in  
16 consultation with the Council on Environmental  
17 Quality, to combat environmental injustice and  
18 ensure healthy lives for all individuals by—

19 (i) promoting and including meaning-  
20 ful involvement by impacted communities,  
21 particularly the most vulnerable environ-  
22 mental justice communities, in the imple-  
23 mentation and governance of proposed pro-  
24 grams and expenditures in a manner that  
25 aligns and is consistent with the principles

1 entitled “Jemez Principles for Democratic  
2 Organizing” and dated December 1996;  
3 and

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

13 (J) criteria developed by the Secretary, in  
14 consultation with the Secretary of Housing and  
15 Urban Development, to ensure that any invest-  
16 ment made to upgrade transportation infra-  
17 structure minimizes or prevents displacement of  
18 any existing resident or community-serving enti-  
19 ty in buildings, neighborhoods, and districts af-  
20 fected by transportation investments.

21 (2) EXCLUSION.—In selecting eligible projects  
22 to receive a grant under the program, the Secretary  
23 shall not use the Federal share percentage or the  
24 ability of an applicant to generate non-Federal rev-  
25 enue as a selection criterion.



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

4                   (A) is located in and benefits an impacted  
5                   community, defined as a low-income and low-  
6                   wealth—

7                           (i) frontline, vulnerable, and disadvan-  
8                           tagged community;

9                           (ii) area identified as having dis-  
10                          proportionately high adverse human health  
11                          and environmental impacts on minority  
12                          populations and low-income populations;

13                           (iii) community of color;

14                           (iv) community impacted by the tran-  
15                          sition from fossil fuels to clean energy;

16                           (v) deindustrialized community; or

17                           (vi) community facing environmental  
18                          injustice;

19                   (B) requires a contribution of Federal  
20                   funds in order to complete an overall financing  
21                   package; and

22                   (C) provides significantly expanded fund-  
23                   ing to Indian Tribes and Indigenous commu-  
24                   nities for improved infrastructure and access to  
25                   public transit with respect to establishing sus-

1           tainable economies and jobs based on the prin-  
2           ciple known as “Indigenous Just Transition”.

3           (4) ENVIRONMENTAL JUSTICE SCREENING.—

4           The Secretary shall select eligible projects that pre-  
5           vent concentrating pollution and disproportionate  
6           health and economic burdens on impacted commu-  
7           nities, based on a determination of an environmental  
8           justice screening made publicly available, that shall  
9           include an evaluation, over the lifecycle of the appli-  
10          cable projects—

11                   (A) lifecycle scope I, II and III greenhouse  
12                   gas emissions under the project;

13                   (B) the cumulative toxic pollution emitted  
14                   under the project;

15                   (C) resource depletion caused by the  
16                   project;

17                   (D) the biodiversity and climate change  
18                   impacts of the project; and

19                   (E) the lifecycle social impacts of the  
20                   project.

21          (5) REPORT.—Not less frequently than once  
22          each year, the Secretary shall—

23                   (A) submit a report that contains the cri-  
24                   teria for eligible projects developed under para-  
25                   graph (1) and well as an evaluation of the im-

1            pact of projects that have received support, in-  
2            cluding an evaluation of the application and en-  
3            forcement of labor, equity and environmental  
4            objectives and criteria, to—

5                    (i) the Committee on Oversight and  
6                    Reform of the House of Representatives;

7                    (i) the Committee on Commerce,  
8                    Science, and Transportation of the Senate;

9                    (ii) the Committee on Environment  
10                   and Public Works of the Senate;

11                   (iii) the Committee on Transportation  
12                   and Infrastructure of the House of Rep-  
13                   resentatives; and

14                   (iv) the Committee on Energy and  
15                   Commerce of the House of Representa-  
16                   tives; and

17                   (B) make the report under subparagraph  
18                   (A) available to the public and proactively so-  
19                   licit and incorporate broad feedback, in par-  
20                   ticular from frontline, vulnerable and impacted  
21                   communities.

22                   (g) TRIBAL SOVEREIGNTY.—

23                   (1) RECOGNITION.—Congress recognizes that—

24                            (A) the authority, obligations, and fidu-  
25                            ciary trust responsibilities of United States to

1 provide programs and services to Indians Tribes  
2 and individual Indians have been established  
3 in—

4 (i) Acts of Congress;

5 (ii) treaties; and

6 (iii) jurisprudence; and

7 (B) the United States and Indian Tribes  
8 have a unique legal and political relationship.

9 (2) RESPONSIBILITIES OF AGENCIES.—The  
10 Secretary, in consultation with other agencies, shall,  
11 in any relevant agency actions—

12 (A) establish, by regulation, a special ini-  
13 tiative that reflects and supports the relation-  
14 ship between the United States and Indian  
15 Tribes described in subsection (a)(2);

16 (B) confirm that each Indian Tribe may  
17 exercise full and inherent civil regulatory and  
18 adjudicatory authority over all land and re-  
19 sources within the exterior boundaries of the  
20 reservation or other land subject to the jurisdic-  
21 tion of the Indian Tribe;

22 (C) establish, by regulation, standards and  
23 procedural requirements—

24 (i) to secure free, prior, and informed  
25 consent of Indian Tribes—

1 (I) to agency actions that affect  
2 Indian land, water, livelihoods, and  
3 culture (including off-reservation trea-  
4 ty-reserved rights to hunting, fishing,  
5 gathering, and protection of, and ac-  
6 cess to, sacred sites); and

7 (II) on an ongoing basis, to any  
8 measure or other action carried out by  
9 the administering agency under this  
10 Act; and

11 (ii) to include consideration of the  
12 tangible and intangible cultural heritage,  
13 intellectual property, and traditional Indig-  
14 enous knowledge of Indian Tribes and In-  
15 digenous communities in agency actions  
16 and programs;

17 (D) take into consideration the provisions  
18 and standards contained in the United Nations  
19 Declaration on the Rights of Indigenous Peo-  
20 ples, dated September 13, 2007, without quali-  
21 fication;

22 (E) strengthen and support Tribal sov-  
23 ereignty by—

24 (i) ensuring that all treaties and  
25 agreements with Indian Tribes and mem-

1           bers of Indian Tribes and Indigenous com-  
2           munities are observed and respected in  
3           their entirety;

4                   (ii) protecting and enforcing that sov-  
5           ereignty by taking effective measures to ex-  
6           tend the fiduciary trust responsibilities of  
7           the United States to Indian Tribes to—

8                           (I) environmental, socioeconomic,  
9                           health, education, and agricultural  
10                          issues; and

11                          (II) trade issues between and  
12                          among Indigenous communities, the  
13                          United States, Canada, and Mexico;  
14                          and

15                          (F) ensure that the standards, processes,  
16           and criteria for grants, and the allocation of  
17           funds under those grants, shall incur obliga-  
18           tions relating to a mandatory set-aside of in-  
19           vestments and funding for Indian Tribes and  
20           Indigenous communities.

21           (h) GRANT REQUIREMENTS.—

22                          (1) ENVIRONMENTAL STANDARDS.—As a condi-  
23           tion of receiving a grant under the program under  
24           this section—

1 (A) (A) any building or structure that is  
2 part of an eligible project, including existing  
3 buildings, shall comply with, or, in the case of  
4 an existing building, be renovated to comply  
5 with, environmental standards determined by  
6 the Secretary, that are at least as stringent as  
7 the Leadership in Energy and Environmental  
8 Design standards of the United States Green  
9 Building Council;

10 (B) materials, products and processes used  
11 in an eligible project shall be produced with  
12 high standards for environmental sustainability  
13 to ensure low or no lifecycle emissions or other  
14 negative impacts on biodiversity, ecosystems  
15 and human health, including—

16 (i) technologically feasible limits on  
17 embodied greenhouse gas emissions and  
18 toxic land, water and air pollution; and

19 (ii) requirements for sustainable re-  
20 source use and the protection of eco-  
21 systems and biodiversity; and

22 (C) no project may expand the extraction,  
23 processing, or use of fossil fuels or uranium at  
24 any level of the supply chain; the use of emis-  
25 sions offsets, geoengineering; or the use of any

1 other energy source that would not pass an en-  
2 vironmental justice screen to prevent concen-  
3 trating pollution and disproportionate health  
4 and economic burdens on impacted commu-  
5 nities.

6 (2) USE OF RENEWABLE ENERGY.—

7 (A) IN GENERAL.—As a condition of re-  
8 ceiving a grant under the program, any eligible  
9 project that, after completion of the project,  
10 uses electrical energy shall use electrical energy  
11 in a manner that does not increase usage of  
12 nonrenewable energy sources, in accordance  
13 with subparagraph (B).

14 (B) METHODS.—An eligible entity may  
15 comply with subparagraph (A) by—

16 (i) purchasing new renewable energy  
17 or renewable energy credits for the eligible  
18 project;

19 (ii) generating new renewable energy  
20 for the eligible project;

21 (iii) converting to use of renewable en-  
22 ergy for another project of the eligible enti-  
23 ty in an equivalent quantity of nonrenew-  
24 able energy used for the eligible project; or



1 (iv) any combination of the methods  
2 described in clauses (i) through (iii).

3 (3) LABOR STANDARDS.—Each contractor and  
4 subcontractor for an eligible project carried out  
5 under the program shall comply with the following:

6 (A) MINIMUM WAGE.—

7 (i) IN GENERAL.—All employees em-  
8 ployed in the performance of the eligible  
9 project shall be paid at a rate of not less  
10 than—

11 (I) \$15.00 an hour, beginning on  
12 the date of enactment of this Act; and

13 (II) beginning on the date that is  
14 1 year after such date of enactment,  
15 and annually thereafter, the amount  
16 in effect under this subparagraph for  
17 the preceding year, increased by the  
18 annual percentage increase, if any, in  
19 the median hourly wage of all employ-  
20 ees as determined by the Bureau of  
21 Labor Statistics and rounded up to  
22 the nearest multiple of \$0.05.

23 (ii) CALCULATION.—In calculating the  
24 annual percentage increase in the median  
25 hourly wage of all employees for purposes

1 of clause (i)(II), the Secretary of Labor,  
2 through the Bureau of Labor Statistics,  
3 shall—

4 (I) compile data on the hourly  
5 wages of all employees to determine  
6 such a median hourly wage; and

7 (II) compare such median hourly  
8 wage for the most recent year for  
9 which data are available with the me-  
10 dian hourly wage determined for the  
11 preceding year.

12 (iii) PREVAILING WAGES FOR LABOR-  
13 ERS AND MECHANICS.—

14 (I) IN GENERAL.—All laborers  
15 and mechanics employed by contrac-  
16 tors or subcontractors in the perform-  
17 ance of construction, alteration, or re-  
18 pair work carried out, in whole or in  
19 part, with assistance made available  
20 under the program shall be paid  
21 wages at rates not less than the great-  
22 er of—

23 (aa) the rates prevailing on  
24 similar construction in the local-  
25 ity as determined by the Sec-

1                   retary of Labor in accordance  
2                   with subchapter IV of chapter 31  
3                   of title 40, United States Code;  
4                   or

5                   (bb) the rate required under  
6                   clause (i).

7                   (II) AUTHORITIES.—With respect  
8                   to the labor standards specified in  
9                   subclause (I)(aa), the Secretary of  
10                  Labor shall have the authority and  
11                  functions set forth in Reorganization  
12                  Plan Numbered 14 of 1950 (64 Stat.  
13                  1267; 5 U.S.C. App.) and section  
14                  3145 of title 40, United States Code.

15                  (B) NEUTRALITY TOWARD ORGANIZED  
16                  LABOR.—The contractor or subcontractor shall  
17                  have—

18                  (i) an explicit policy of neutrality with  
19                  regard to—

20                  (I) labor organizing for the em-  
21                  ployees of the contractor or subcon-  
22                  tractor employed in the performance  
23                  of the eligible project; and

24                  (II) such employees' choice to  
25                  form and join labor organizations; and

1 (ii) policies that require—

2 (I) the posting and maintenance  
3 of notices in the workplace to such  
4 employees of their rights under the  
5 National Labor Relations Act (29  
6 U.S.C. 151 et seq.); and

7 (II) that such employees are, at  
8 the beginning of their employment in  
9 the performance of the eligible  
10 project, provided notice and informa-  
11 tion regarding the employees' rights  
12 under such Act.

13 (C) PAID FAMILY AND MEDICAL LEAVE.—

14 The contractor or subcontractor shall have an  
15 explicit policy providing all employees employed  
16 in the performance of the eligible project (1)  
17 not fewer than 14 days per calendar year of  
18 paid sick leave; not fewer than 14 days per cal-  
19 endar year of paid vacation (2) not fewer than  
20 12 workweeks of paid leave in a 12-month pe-  
21 riod for any purpose described in section  
22 102(a)(1) of the Family and Medical Leave Act  
23 of 1993 (29 U.S.C. 2612(a)(1)), in accordance  
24 with regulations promulgated by the Secretary  
25 of Labor.

1 (D) FAIR SCHEDULING.—

2 (i) IN GENERAL.—The contractor or  
3 subcontractor shall have an explicit policy  
4 for fair scheduling for employees employed  
5 in the performance of the eligible project,  
6 which shall include—

7 (I) an opportunity for the em-  
8 ployee to request—

9 (aa) an adjustment in the  
10 number of hours, work location,  
11 or times of the employee’s work  
12 schedule;

13 (bb) a change in the amount  
14 of notification provided to the  
15 employee regarding the work  
16 schedule; or

17 (cc) the minimizing of flue-  
18 tuations in the number of hours  
19 the employee is scheduled to  
20 work on a daily, weekly, or  
21 monthly basis; and

22 (II) a timely, good faith inter-  
23 active process through which the em-  
24 ployer and employee discuss the em-  
25 ployee’s request under subclause (I)

1 and the employer grants the request  
2 or suggests any alternatives that  
3 might meet the employee's needs.

4 (ii) EXCEPTION.—Clause (i) shall not  
5 apply to any employee covered by a valid  
6 collective bargaining agreement if—

7 (I) the terms of the collective  
8 bargaining agreement include terms  
9 that govern work scheduling practices;  
10 and

11 (II) the provisions of this Act are  
12 expressly waived in such collective  
13 bargaining agreement.

14 (E) CONTRACTOR REQUIREMENT REGARD-  
15 ING SUBCONTRACTORS.—The contractor or sub-  
16 contractor shall require that each subcontractor  
17 of the contractor for an eligible project carried  
18 out under the program comply with the require-  
19 ments of this paragraph with respect to all em-  
20 ployees of the subcontractor employed in the  
21 performance of the project.

22 (F) DISCLOSURE.—A contractor desiring a  
23 contract under an eligible project carried out  
24 under the program shall disclose to the Sec-  
25 retary in the contract application any adminis-

1           trative merits determination, arbitral award or  
2           decision, or civil judgment against the con-  
3           tractor during the previous 5 years for any vio-  
4           lation of—

5                   (i) the Fair Labor Standards Act of  
6                   1938 (29 U.S.C. 201 et seq.);

7                   (ii) the Occupational Safety and  
8                   Health Act of 1970 (29 U.S.C. 651 et  
9                   seq.);

10                  (iii) the Migrant and Seasonal Agri-  
11                  cultural Worker Protection Act (29 U.S.C.  
12                  1801 et seq.);

13                  (iv) the National Labor Relations Act  
14                  (29 U.S.C. 151 et seq.);

15                  (v) subchapter IV of chapter 31 of  
16                  title 40, United States Code (commonly  
17                  known as the “Davis-Bacon Act”);

18                  (vi) chapter 67 of title 41, United  
19                  States Code (commonly known as the  
20                  “Service Contract Act”);

21                  (vii) Executive Order 11246 (42  
22                  U.S.C. 2000e note; relating to equal em-  
23                  ployment opportunity);

24                  (viii) section 503 of the Rehabilitation  
25                  Act of 1973 (29 U.S.C. 793);

1 (ix) chapter 42 or 43 of title 38,  
2 United States Code;

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

5 (xi) title VII of the Civil Rights Act of  
6 1964 (42 U.S.C. 2000e et seq.);

7 (xii) the Americans with Disabilities  
8 Act of 1990 (42 U.S.C. 12101 et seq.);

9 (xiii) the Age Discrimination in Em-  
10 ployment Act of 1967 (29 U.S.C. 621 et  
11 seq.);

12 (xiv) Executive Order 13658 (79 Fed.  
13 Reg. 9851; relating to establishing a min-  
14 imum wage for contractors); or

15 (xv) any State law equivalent of a law  
16 described in subparagraphs (1) through  
17 (14), in accordance with guidance issued  
18 by the Secretary of Labor.

19 (G) LABOR AGREEMENTS FOR CONSTRUC-  
20 TION PROJECTS.—

21 (i) IN GENERAL.—A contractor for an  
22 eligible project carried out under the pro-  
23 gram that is a construction project shall be  
24 a party to a covered project labor agree-  
25 ment.



- 1 (ii) DEFINITIONS.—In this paragraph:  
2 (I) COVERED PROJECT LABOR  
3 AGREEMENT.—The term “covered  
4 project labor agreement” means a  
5 project labor agreement that—  
6 (aa) binds all contractors  
7 and subcontractors on the con-  
8 struction project through the in-  
9 clusion of appropriate specifica-  
10 tions in all relevant solicitation  
11 provisions and contract docu-  
12 ments;  
13 (bb) allows all contractors  
14 and subcontractors to compete  
15 for contracts and subcontracts  
16 without regard to whether they  
17 are otherwise a party to a collec-  
18 tive bargaining agreement;  
19 (cc) contains guarantees  
20 against strikes, lockouts, and  
21 other similar job disruptions;  
22 (dd) sets forth effective,  
23 prompt, and mutually binding  
24 procedures for resolving labor

1 disputes arising during the cov-  
2 ered project labor agreement; and  
3 (ee) provides other mecha-  
4 nisms for labor-management co-  
5 operation on matters of mutual  
6 interest and concern, including  
7 productivity, quality of work,  
8 safety, and health.

9 (II) PROJECT LABOR AGREE-  
10 MENT.—The term “project labor  
11 agreement” means a pre-hire collec-  
12 tive bargaining agreement with one or  
13 more labor organizations that estab-  
14 lishes the terms and conditions of em-  
15 ployment for a specific construction  
16 project and is described in section 8(f)  
17 of the National Labor Relations Act  
18 (29 U.S.C. 158(f)).

19 (4) BUY AMERICA.—No funds may be used for  
20 an eligible project under the program unless—

21 (A) in the case of an eligible project de-  
22 scribed in subsection (d)(1), the project com-  
23 plies with section 313 of title 23, United States  
24 Code;

1 (B) in the case of an eligible project de-  
2 scribed in subsection (d)(2), the project com-  
3 plies with section 5323(j) of title 49, United  
4 States Code;

5 (C) in the case of an eligible project de-  
6 scribed in subsection (d)(3), the project com-  
7 plies with section 22905(a) of title 49, United  
8 States Code;

9 (D) in the case of an eligible project de-  
10 scribed in subsection (d)(4), the project com-  
11 plies with section 54101(d)(2) of title 46,  
12 United States Code; and

13 (E) in the case of an eligible project de-  
14 scribed in subsection (d)(5), the project com-  
15 plies with appropriate domestic content require-  
16 ments as determined by the Secretary.

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

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

23 (B) ensure all contractors shall hire and  
24 contract giving preference to members of the

1 community, with priority to members living in  
2 census tracts with high poverty rates;

3 (C) ensure all jobs and benefits created by  
4 the project receiving support shall be accessible  
5 to all workers, regardless of immigration status,  
6 including undocumented immigrants;

7 (D) ensure the inclusion of Ban the Box  
8 provisions to support traditionally marginalized  
9 workers;

10 (E) ensure contractors shall hire and con-  
11 tract at at least twice the average rate of hiring  
12 for frontline and vulnerable communities groups  
13 as the industry standard;

14 (F) ensure all project contracts and sub-  
15 contracts shall include contracting preferences  
16 for businesses led by women and people of  
17 color, with prioritization of small business;

18 (6) ADDITIONAL EQUITY CRITERIA—The  
19 Secretary, contractor or subcontractor shall have ex-  
20 plicit policies that—

21 (A) ensure no investment causes harm to  
22 a community or reduces the ability of its resi-  
23 dents, businesses, and institutions to live and  
24 operate with equity and dignity;

25 (B) ensure that communities—

1 (i) have the ability to democratically  
2 plan, implement and administer projects,  
3 including through partnership with, and  
4 oversight by, community residents, scholars  
5 and community-based organizations, in a  
6 manner that aligns and is consistent with  
7 the principles entitled “Jemez Principles  
8 for Democratic Organizing” and dated De-  
9 cember 1996; and

10 (ii) have meaningful involvement in  
11 the implementation and governance of  
12 projects;

13 (iii) give free, prior, and informed  
14 consent to any investment made to up-  
15 grade transportation infrastructure to en-  
16 sure minimal or no displacement of any ex-  
17 isting resident or community-serving entity  
18 in buildings, neighborhoods, and districts  
19 affected by projects or programs author-  
20 ized by this Act.

21 (C) include a mandatory equity assessment  
22 , that may include the assignment of an equity  
23 score—

24 (i) to evaluate the social, economic,  
25 and environmental impacts of the invest-

1                   ment, program, plan, regulation, or deci-  
2                   sion on—

3                               (I) impacted communities; and

4                               (II) environmental justice com-  
5                   munities; and

6                   (ii) the goals of which are—

7                               (I) to address historic inequality;

8                               (II) to ensure an equitable out-  
9                   come;

10                              (III) to prevent further con-  
11                   centration of pollution in areas experi-  
12                   encing an already high concentration  
13                   of a pollutant or other toxic sub-  
14                   stance; and

15                              (IV) to identify and minimize in-  
16                   advertent disproportionate social, eco-  
17                   nomic, and environmental effects of  
18                   the investment, program, plan, or de-  
19                   cision.

20                   (7) COMPLIANCE.—

21                              (A) IN GENERAL.—If the Secretary deter-  
22                   mines that an eligible project is not in compli-  
23                   ance with any of the equity, labor, environ-  
24                   mental conditions established under this sec-

1           tion, the Secretary shall promptly notify the eli-  
2           gible entity of the noncompliance.

3                   (B) WITHHOLDING OF FUNDS FOR NON-  
4           COMPLIANCE.—If an eligible entity that receives  
5           a notification of noncompliance under subpara-  
6           graph (A) is not in compliance with any of the  
7           equity, labor, environmental conditions estab-  
8           lished under this section, beginning on the date  
9           that is 180 days after the date of the notifica-  
10          tion under subparagraph (A), the Secretary  
11          shall withhold from the State in which the eligi-  
12          ble project is located 10 percent of the amount  
13          required to be apportioned to the State under  
14          section 104(b) of title 23, United States Code,  
15          from that State until the eligible project is in  
16          compliance with subparagraph (A).

17          (i) DISTRIBUTION OF GRANTS.—

18                   (1) IN GENERAL.—For each fiscal year, in car-  
19          rying out the program, the Secretary shall ensure  
20          that grants are provided—

21                           (A) on an equitable geographical basis;

22                           (B) in a manner that achieves an appro-  
23          priate balance in addressing the needs of urban-  
24          ized areas and rural areas;

1 (C) in a manner that ensures investment  
2 in a variety of electric vehicles; and

3 (D) in a manner that prioritizes eligible  
4 projects in areas described in section 301(a) of  
5 the Public Works and Economic Development  
6 Act of 1965 (42 U.S.C. 3161(a)).

7 (2) STATE AMOUNTS.—

8 (A) MINIMUM AMOUNT.—For each fiscal  
9 year, the total amount awarded to eligible  
10 projects in each State shall be not less than the  
11 lesser of—

12 (i) 0.8 percent of the amounts made  
13 available to carry out the program for that  
14 fiscal year; and

15 (ii) the total amount requested for eli-  
16 gible projects in that State for that fiscal  
17 year for which the Secretary has deter-  
18 mined meet the selection criteria under the  
19 program.

20 (B) MAXIMUM AMOUNT.—For each fiscal  
21 year, the total amount provided under the pro-  
22 gram for eligible projects in a single State shall  
23 not exceed an amount equal to 8 percent of the  
24 amounts made available to carry out the pro-  
25 gram for that fiscal year.



1           (3) RURAL AREAS, URBANIZED AREAS, AND  
2 FRONTLINE, VULNERABLE, AND IMPACTED COMMU-  
3 NITIES.—

4           (A) RURAL AREAS.—

5           (i) IN GENERAL.—Of the amounts  
6 made available to carry out the program  
7 for each fiscal year, not less than 35 per-  
8 cent and not more than 40 percent shall be  
9 used for eligible projects located in rural  
10 areas.

11           (ii) GRANT AMOUNT.—The amount of  
12 a grant provided under the program for a  
13 project in a rural area shall be not less  
14 than \$1,000,000.

15           (iii) FEDERAL SHARE.—The Federal  
16 share of the cost of an eligible project in  
17 a rural area carried out with a grant under  
18 the program may exceed 85 percent, at the  
19 discretion of the Secretary.

20           (B) URBANIZED AREAS.—

21           (i) IN GENERAL.—Of the amounts  
22 made available to carry out the program  
23 for each fiscal year, not less than 60 per-  
24 cent and not more than 65 percent shall be

1 used for eligible projects located in urban-  
2 ized areas.

3 (ii) METROPOLITAN PLANNING  
4 AREA.—Amounts made available under  
5 clause (i) may be used for eligible projects  
6 in the metropolitan planning area estab-  
7 lished under section 134 of title 23, United  
8 States Code, that encompasses the urban-  
9 ized area.

10 (C) FRONTLINE, VULNERABLE, AND IM-  
11 PACTED COMMUNITIES.—

12 (i) IN GENERAL.—Of the total  
13 amounts made available to carry out the  
14 program for each fiscal year under sub-  
15 paragraphs (A) and (B), not less than 50  
16 percent shall be used for eligible projects  
17 located in and directly benefiting frontline,  
18 vulnerable, and impacted communities.

19 (ii) GRANT AMOUNT.—The amount of  
20 a grant provided under the program for a  
21 project in a frontline, vulnerable, and im-  
22 pacted community shall be not less than  
23 \$1,000,000.

24 (iii) FEDERAL SHARE.—The Federal  
25 share of the cost of an eligible project in

1 a frontline, vulnerable, and impacted com-  
2 munity carried out with a grant under the  
3 program may exceed 85 percent, at the  
4 discretion of the Secretary.

5 (j) GRANT AMOUNT.—

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

9 (2) PLANNING GRANTS.—A grant under the  
10 program for the planning, preparation, or design of  
11 an eligible project shall not be subject to a minimum  
12 grant amount.

13 (k) FEDERAL SHARE.—Except as otherwise provided  
14 in this section, the Federal share of the cost of a project  
15 carried out with a grant under the program shall be, at  
16 the discretion of the eligible entity—

17 (1) not more than 85 percent, for the purpose  
18 of planning, design, and construction of the project;  
19 and

20 (2) not more than 50 percent of the operation  
21 and maintenance costs of the project for the first 10  
22 years of the project.

