

AMENDMENT

OFFERED BY MR. PERRY OF PENNSYLVANIA

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

1 **SEC. 1120. PROHIBITION ON CONSTRUCTION CONTRACTS.**

2 (a) IN GENERAL.—Chapter 1 of title 23, United
3 States Code, is amended by inserting after section 156 the
4 following:

5 **“§ 157. Prohibition on construction contracts**

6 “(a) PROHIBITION.—

7 “(1) GENERAL RULE.—The Secretary of Trans-
8 portation, and any construction manager acting on
9 behalf of the Secretary with respect to any construc-
10 tion contract awarded pursuant to this chapter or
11 chapter 2, or obligation of funds pursuant to such
12 a contract, shall not, in the contracts bid specifica-
13 tions, project agreements, or other controlling docu-
14 ments—

15 “(A) require or prohibit a bidder, offeror,
16 contractor, or subcontractor from entering into,
17 or adhering to, an agreement with a labor orga-
18 nization to remain neutral during a union orga-
19 nizing campaign; or

1 “(B) otherwise discriminate against or give
2 preference to a bidder, offeror, contractor, or
3 subcontractor because such bidder, contractor,
4 or subcontractor—

5 “(i) becomes a signatory, or otherwise
6 adheres to, an agreement with a labor or-
7 ganization to remain neutral during a
8 union organizing campaign; or

9 “(ii) refuses to become a signatory, or
10 otherwise adhere to, an agreement with a
11 labor organization to remain neutral dur-
12 ing a union organizing campaign.

13 “(2) RULE OF CONSTRUCTION.—Nothing in
14 paragraph (1) shall be construed to prohibit a con-
15 tractor or subcontractor from voluntarily entering
16 into an agreement described in such paragraph.

17 “(b) RECIPIENTS ON GRANTS AND OTHER ASSIST-
18 ANCE.—The Secretary shall not award grants, provide fi-
19 nancial assistance, or enter into cooperative agreements
20 for construction projects pursuant to this chapter or chap-
21 ter 2 , until the Secretary ensures that—

22 “(1) the bid specifications, project agreements,
23 or other controlling documents for such construction
24 projects of a recipient of a grant or financial assist-
25 ance, or by the parties to a cooperative agreement,

1 do not contain any of the requirements or prohibi-
2 tions described in subparagraph (A) or (B) of sub-
3 section (a)(1); or

4 “(2) the bid specifications, project agreements,
5 or controlling documents for such construction
6 projects of a construction manager acting on behalf
7 of a recipient or party described in paragraph (1),
8 do not contain any of the requirements or prohibi-
9 tions described in subparagraph (A) or (B) of sub-
10 section (a)(1).”.

11 (b) CONFORMING AMENDMENT.—The analysis for
12 chapter 1 of title 23, United States Code, is amended by
13 inserting after section 156 the following new item:

“157. Prohibition on construction contracts.”.

14 **SEC. 1121. CONSTRUCTION CONTRACT PROHIBITIONS.**

15 (a) PROHIBITION.—

16 (1) GENERAL RULE.—The Secretary of Trans-
17 portation, and any construction manager acting on
18 behalf of the Secretary with respect to any construc-
19 tion contract awarded pursuant to this Act, or obli-
20 gation of funds pursuant to such a contract, shall
21 not, in the contracts bid specifications, project
22 agreements, or other controlling documents—

23 (A) require or prohibit a bidder, offeror,
24 contractor, or subcontractor from entering into,
25 or adhering to, an agreement with a labor orga-

1 nization to remain neutral during a union orga-
2 nizing campaign; or

3 (B) otherwise discriminate against or give
4 preference to a bidder, offeror, contractor, or
5 subcontractor because such bidder, contractor,
6 or subcontractor—

7 (i) becomes a signatory, or otherwise
8 adheres to, an agreement with a labor or-
9 ganization to remain neutral during a
10 union organizing campaign; or

11 (ii) refuses to become a signatory, or
12 otherwise adhere to, an agreement with a
13 labor organization to remain neutral dur-
14 ing a union organizing campaign.

15 (2) RULE OF CONSTRUCTION.—Nothing in
16 paragraph (1) shall be construed to prohibit a con-
17 tractor or subcontractor from voluntarily entering
18 into an agreement described in such paragraph.

19 (b) RECIPIENTS ON GRANTS AND OTHER ASSIST-
20 ANCE.—The Secretary shall not award grants, provide fi-
21 nancial assistance, or enter into cooperative agreements
22 for construction projects pursuant to this Act, until the
23 Secretary ensures that—

24 (1) the bid specifications, project agreements,
25 or other controlling documents for such construction

1 projects of a recipient of a grant or financial assist-
2 ance, or by the parties to a cooperative agreement,
3 do not contain any of the requirements or prohibi-
4 tions described in subparagraph (A) or (B) of sub-
5 section (a)(1); or
6 (2) the bid specifications, project agreements,
7 or controlling documents for such construction
8 projects of a construction manager acting on behalf
9 of a recipient or party described in paragraph (1),
10 do not contain any of the requirements or prohibi-
11 tions described in subparagraph (A) or (B) of sub-
12 section (a)(1).

