

117TH CONGRESS
1ST SESSION

H. R. 2644

To provide direct funding to local, Tribal, and territorial governments to establish Green New Deal programs and initiatives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2021

Ms. BUSH (for herself, Ms. OCASIO-CORTEZ, Mr. BOWMAN, Ms. OMAR, Ms. NORTON, Mrs. CAROLYN B. MALONEY of New York, Ms. WILSON of Florida, Ms. WILLIAMS of Georgia, Mr. JONES, Mr. CONNOLLY, Ms. JAYAPAL, Mr. RASKIN, Ms. NEWMAN, Ms. BARRAGÁN, Mr. ESPAILLAT, Ms. TLAIB, Mr. GARCÍA of Illinois, Ms. LEE of California, Mr. VARGAS, Ms. PRESSLEY, Mr. COHEN, Mr. TORRES of New York, Mr. HUFFMAN, Ms. SCHAKOWSKY, Mr. GOMEZ, Ms. VELÁZQUEZ, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, Agriculture, Financial Services, Education and Labor, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide direct funding to local, Tribal, and territorial governments to establish Green New Deal programs and initiatives, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 In this Act:

1 (1) CLIMATE MITIGATION.—The term “climate
2 mitigation” means policies and activities intended to
3 reduce the greenhouse gas forcing of the climate sys-
4 tem.

5 (2) FPIC.—The term “FPIC” means free,
6 prior, and informed consent.

7 (3) FRONTLINE COMMUNITY.—The term
8 “frontline community” means a community with sig-
9 nificant representation of communities of color, low-
10 income communities, deindustrialized communities,
11 fossil fuel communities, or Tribal and indigenous
12 communities, that experiences, or is at risk of expe-
13 riencing, higher or more adverse climate change,
14 human health, or environmental effects, as compared
15 to other communities.

16 (4) LOCAL GOVERNMENT.—The term “local
17 government” means a territory or any unit of local
18 government within a State or territory, including a
19 county, borough, municipality, city, town, township,
20 parish, local public authority, transit agency (includ-
21 ing multistate transit agencies), special district,
22 school district, intrastate district, council of govern-
23 ments, any other instrumentality of local govern-
24 ment.

1 (5) LOCAL GREEN NEW DEAL PROGRAM PRO-
2 POSAL.—The term “local Green New Deal program
3 proposal” means a proposal of a local government or
4 a Native American Nation that commits—

5 (A) to achieve zero greenhouse gas emis-
6 sions, by 2030, through a fair and just transi-
7 tion for all communities and workers;

8 (B) to create hundreds of good, high-wage
9 jobs and ensure prosperity and economic secu-
10 rity for all people of the local government or
11 Native American Nation;

12 (C) to invest in the infrastructure and in-
13 dustry of the local government to sustainably
14 meet the challenges of the 21st century;

15 (D) to secure for all people of the United
16 States for generations to come—

17 (i) clean air and water;

18 (ii) climate and community resiliency;

19 (iii) healthy and sustainably produced
20 food;

21 (iv) access to nature; and

22 (v) a sustainable environment; and

23 (E) to promote justice and equity by stop-
24 ping current, preventing future, and repairing
25 historic oppression of indigenous peoples, com-

1 communities of color, migrant communities,
2 deindustrialized communities, depopulated rural
3 communities, the poor, low-income workers,
4 women, the elderly, the unhoused, people with
5 disabilities, incarcerated communities, and com-
6 munities experiencing police violence and youth.

7 (6) NATIVE AMERICAN NATION.—The term
8 “Native American Nation” means—

9 (A) the governing body of any individually
10 identified and federally recognized Indian or
11 Alaska Native Tribe, band, nation, pueblo, vil-
12 lage, community, affiliated tribal group, or com-
13 ponent reservation in the list published pursu-
14 ant to section 104(a) of the Federally Recog-
15 nized Indian Tribe List Act of 1994 (25 U.S.C.
16 5131(a));

17 (B) the governing body of any individually
18 identified Indian or Alaska Native Tribe, band,
19 nation, pueblo, village, community, affiliated
20 tribal group, or component reservation, exclud-
21 ing tribal corporations; and

22 (C) a State recognized Tribe.

1 **TITLE I—GREEN NEW DEAL FOR**
2 **CITIES, COUNTIES, STATES,**
3 **TRIBES, AND TERRITORIES**

4 **SEC. 101. SHORT TITLE.**

5 This Act may be cited as the “Green New Deals for
6 Cities Act of 2021”.

7 **SEC. 102. GREEN NEW DEAL FOR CITIES, TOWNS, AND NA-**
8 **TIVE AMERICAN NATIONS.**

9 (a) IN GENERAL.—From amounts appropriated to
10 carry out this title, the Secretary of Housing and Urban
11 Development, in coordination with the Secretary of En-
12 ergy, the Secretary of Labor, and the Office of Domestic
13 Climate Policy, shall be allocated directly to eligible local
14 or State entities in the same manner as amounts appro-
15 priated under sections 602 and 603 of title VI of the So-
16 cial Security Act (42 U.S.C. 801 et seq.), as applicable,
17 to carry out eligible Green New Deal projects.

18 (b) USE OF FUNDS.—An eligible local or State entity
19 receiving an allocation under this section—

20 (1) may use such funds to carry out an eligible
21 Green New Deal project;

22 (2) shall allocate not less than 50 percent of
23 such allocation for projects related to climate mitiga-
24 tion;

1 (3) with respect to an eligible local or State en-
2 tity that includes at least 1 frontline community,
3 shall ensure not less than 50 percent of such alloca-
4 tion is invested in frontline communities; and

5 (4) may not use such funds for—

6 (A) fossil fuel procurement, development,
7 infrastructure repair that would in anyway ex-
8 tend lifespan or production capacity, or any re-
9 lated subsidy;

10 (B) carbon capture and storage (CCS) or
11 carbon capture, utilisation, and storage
12 (CCUS);

13 (C) direct air capture;

14 (D) the procurement of nuclear power;

15 (E) research and development;

16 (F) the establishment or advancement of
17 carbon markets, including cap and trade;

18 (G) geoengineering;

19 (H) highway expansion;

20 (I) road improvements or automobile infra-
21 structure, other than electric vehicle charging
22 stations;

23 (J) industrial scale bioenergy, including
24 biofuels, biomass, and biogas, development or
25 any related subsidy; or

1 (K) any investments or projects supporting
2 law enforcement, immigration detention centers,
3 and prisons, including buildings and vehicles
4 under the control of law enforcement or a pris-
5 on.

6 (c) REQUIREMENT.—As a condition of accepting an
7 allocation provided under this section, an eligible local or
8 State entity shall agree to take steps, in consultation with
9 community groups and tenant advocates, to secure exist-
10 ing housing in neighborhoods receiving benefits from an
11 allocation under this section, including through the use of
12 rent control, rent stabilization, and other methods to pre-
13 vent gentrification and stabilize property values.

14 (d) CONSULTATION.—In carrying out the program
15 established under subsection (a), the Secretary shall con-
16 sult with Administration of the Environmental Protection
17 Agency, the Assistant Secretary of the Bureau of Indian
18 Affairs, and the Council on Environmental Quality.

19 (e) NATIVE AMERICAN FPIC.—Prior to the author-
20 ization of any project on land that may affect a Native
21 American Nation, the Secretary shall ensure that such
22 Nation has given FPIC.

23 (f) MATERIAL REQUIREMENT.—In carrying out any
24 eligible Green New Deal project that uses renewable en-
25 ergy materials, an eligible local or State entity shall use

1 only renewable energy materials from Initiative for Re-
2 sponsible Mining Assurance (IRMA) certified mines.

3 (g) COMMUNITY INVOLVEMENT.—In carrying out
4 any eligible Green New Deal project, an eligible local or
5 State entity shall develop a public participation plan to
6 establish steps for ensuring decision-making inclusion of
7 frontline communities for such eligible Green New Deal
8 project.

9 (h) DEFINITIONS.—In this section:

10 (1) ELIGIBLE LOCAL OR STATE ENTITY.—The
11 term “eligible local or State entity” means a State,
12 local government, or Native American Nation that
13 has a local Green New Deal program proposal.

14 (2) ELIGIBLE GREEN NEW DEAL PROJECT.—
15 The term “eligible Green New Deal project” includes
16 a project and associated labor—

17 (A) for solar power procurement, installa-
18 tion, maintenance, and operations;

19 (B) for wind power procurement, installa-
20 tion, maintenance, coating, and operations;

21 (C) to carry out an American Society of
22 Heating, Refrigerating, and Air Conditioning
23 Engineers (ASHRAE) level II audit for com-
24 mercial buildings;

1 (D) to procure dialysis machines or other
2 equipment known to save lives of the most vul-
3 nerable populations in extreme weather events
4 that may cause power outages;

5 (E) to provide grants for acquisition of pri-
6 vate lands by Native American Land Trusts,
7 nations, and Tribes;

8 (F) to build electrification for heating, hot
9 water, and cooking;

10 (G) for public electric vehicle procurement;

11 (H) to build capacity for communities to
12 endure extreme weather events, such as invest-
13 ments to cooling and heating centers and dis-
14 aster preparedness;

15 (I) for community farming initiatives that
16 promote and foster food sovereignty;

17 (J) to procure, install, and operate geo-
18 thermal power;

19 (K) for phasing out existing fossil fuel in-
20 frastructure;

21 (L) for testing of soils and waters in
22 parks, playgrounds, and other sites for haz-
23 ardous and radioactive wastes as well as dan-
24 gerous chemicals, including PFAS;

1 (M) for the establishment of local Worker
2 and Community Protection Funds (WCPF) to
3 support fossil fuel workers, families of such
4 workers, and impacted communities in the en-
5 ergy transition;

6 (N) to repair gas pipeline leaks and cover
7 orphan wells, so long as such pipelines and
8 wells in no way expand fossil fuel production;

9 (O) to build, expand, and maintain public
10 parks, trails, forests, and recreation sites;

11 (P) for installation of weatherization and
12 efficiency measures, including reflecting coat-
13 ings;

14 (Q) for adaptation measures;

15 (R) to procure and install electric vehicle
16 charging stations;

17 (S) to remediate lead paint, mold, and as-
18 bestos;

19 (T) to support reparations programs for
20 Black and Indigenous people and communities;

21 (U) for investment in new or improved
22 public green space, parks, playgrounds, or com-
23 munity gardens;

1 (V) for the zero energy construction or im-
2 provement of public or rent-secured housing or
3 community land trusts;

4 (W) to provide, electrify, improve, expand,
5 maintain, or operate public transit and public
6 school buses;

7 (X) for remediation of a brownfield;

8 (Y) for air quality monitoring;

9 (Z) for pollution cleanup;

10 (AA) to procure, install, and maintain
11 clean drinking water infrastructure piping and
12 transmission lines, including replacing lead
13 pipelines;

14 (BB) for public utility procurement, mod-
15 ernization, and decarbonization;

16 (CC) for wetland, forest, and public land
17 revitalization and other climate adaptation
18 measures;

19 (DD) for public sanitation, broadband, and
20 utility expansion for frontline communities;

21 (EE) for community solar power;

22 (FF) to construct and improve bike and
23 pedestrian infrastructure, including bus stops
24 and any improvements to transit infrastructure

1 to comply with the Americans With Disabilities
2 Act of 1990 (42 U.S.C. 12101 et seq.);

3 (GG) for restoring public lands, water-
4 sheds, coastal areas, wildlife corridors, and
5 other critical ecosystems, including investment
6 in county and city parks and Tribal manage-
7 ment of public lands;

8 (HH) for temporary housing for low-in-
9 come families receiving housing improvements;
10 or

11 (II) for conservation projects on family
12 farms, including water conservation projects,
13 shelterbelts, and ecosystem restoration efforts.

14 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

15 For purposes of carrying out this title, there is au-
16 thorized to be appropriated out of the general fund of the
17 Treasury—

18 (1) \$400,000,000,000 for fiscal year 2022;

19 (2) \$300,000,000,000 for fiscal year 2023;

20 (3) \$200,000,000,000 for fiscal year 2024; and

21 (4) \$100,000,000,000 for fiscal year 2025.

22 **TITLE II—LABOR STANDARDS**

23 **SEC. 201. LABOR STANDARDS REQUIREMENTS.**

24 (a) IN GENERAL.—The Secretary of Labor shall re-
25 quire an eligible local or State entity under section 102,

1 as a condition of receiving a grant under such section, to
2 satisfy each of the following requirements:

3 (1) The entity shall ensure that all laborers and
4 mechanics employed by contractors and subcontractors
5 in the performance of any applicable project
6 shall be paid wages at rates not less than those prevailing
7 on projects of a similar character in the locality
8 as determined by the Secretary of Labor in accordance
9 with subchapter IV of chapter 31 of title
10 40, United States Code (commonly known as the
11 “Davis-Bacon Act”).

12 (2) The entity shall give preference to local and
13 equitable hiring and contracting that creates opportunities
14 for—

15 (A) people of color;

16 (B) immigrants, regardless of immigration
17 status;

18 (C) formerly incarcerated individuals;

19 (D) women;

20 (E) LGBTQIAP+ individuals;

21 (F) disabled and chronically ill individuals;

22 (G) marginalized communities; and

23 (H) BIPOC employee-owned businesses
24 and co-ops.

1 (3) The entity shall be a party to, or require
2 contractors and subcontractors in the performance
3 of any applicable project to consent to, a covered
4 project labor agreement, as long as the entity dem-
5 onstrates that such agreement protects or furthers
6 its proprietary interest in the project.

7 (4) The entity, and all contractors and sub-
8 contractors in performance of any applicable project,
9 shall abide by prevailing wage standards, prioritize
10 Project Labor Agreements, and prioritize local hir-
11 ing and targeted hiring provisions.

12 (5) The entity, and all contractors and sub-
13 contractors in the performance of any applicable
14 project, shall not require mandatory arbitration for
15 any dispute involving a worker engaged in a service
16 for the entity.

17 (6) The entity, and all contractors and sub-
18 contractors in the performance of any applicable
19 project, shall consider an individual performing any
20 service in such performance as an employee (and not
21 an independent contractor) of the entity, contractor,
22 or subcontractor, respectively, unless—

23 (A) the individual is free from control and
24 direction in connection with the performance of

1 the service, both under the contract for the per-
2 formance of the service and in fact;

3 (B) the service is performed outside the
4 usual course of the business of the entity, con-
5 tractor, or subcontractor, respectively; and

6 (C) the individual is customarily engaged
7 in an independently established trade, occupa-
8 tion, profession, or business of the same nature
9 as that involved in such service.

10 (7) The entity shall prohibit the employees of
11 all contractors and subcontractors in the perform-
12 ance of any applicable project from hiring employees
13 through a temporary staffing agency unless the rel-
14 evant State workforce agency certifies that tem-
15 porary employees are necessary to address an acute,
16 short-term labor demand. The entity may not pro-
17 hibit the use of certified union hiring halls.

18 (8) The entity shall require all contractors, sub-
19 contractors, successors in interest of the entity, and
20 other entities that may acquire the entity, in the
21 performance or acquisition of any applicable project,
22 to have—

23 (A) an explicit policy of neutrality with re-
24 gard to—

1 (i) labor organizing for the employees
2 of the contractor or subcontractor em-
3 ployed in the performance of the eligible
4 project; and

5 (ii) such employees' choice to form
6 and join labor organizations; and

7 (B) policies that require—

8 (i) the posting and maintenance of no-
9 tices in the workplace to such employees of
10 their rights under the National Labor Re-
11 lations Act (29 U.S.C. 151 et seq.); and

12 (ii) that such employees are, at the
13 beginning of their employment in the per-
14 formance of the eligible project, provided
15 notice and information regarding the em-
16 ployees' rights under such Act.

17 (9) The entity shall, for each skilled craft em-
18 ployed on any applicable project, demonstrate an
19 ability to use and commit to use individuals enrolled
20 in a Department of Labor registered apprenticeship
21 program under subpart A of part 29 of title 29,
22 Code of Federal Regulations, which such individuals
23 shall, to the greatest extent practicable, constitute
24 not less than 20 percent of the individuals working
25 on such project.

1 (10) The entity shall fund and utilize, and,
2 where appropriate, establish, a robust pre-appren-
3 ticeship and workforce development program, to
4 serve BIPOC communities, in consultation with ap-
5 propriate labor organizations.

6 (11) The entity, and all contractors and sub-
7 contractors in the performance of any applicable
8 project, shall not request or otherwise consider the
9 criminal history of an applicant for employment be-
10 fore extending a conditional offer to the applicant,
11 unless—

12 (A) a background check is otherwise re-
13 quired by law; or

14 (B) the Secretary, in consultation with the
15 Secretary of Energy, certifies that precluding
16 criminal history prior to the conditional offer
17 would pose a threat to national security.

18 (12) The entity shall exclude companies that
19 have been found guilty of wage theft or Occupational
20 Safety and Health Act of 1970 (29 U.S.C. 651 et
21 seq.) safety violations.

22 (b) DAVIS-BACON ACT.—The Secretary of Labor
23 shall have, with respect to the labor standards described
24 in subparagraph (A)(i), the authority and functions set
25 forth in Reorganization Plan Numbered 14 of 1950 (64

1 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40,
2 United States Code.

3 **SEC. 202. BUY AMERICA REQUIREMENTS.**

4 (a) IN GENERAL.—For all goods and materials an
5 entity purchases in whole or in part with funds provided
6 by this Act, the entity shall be required to comply with,
7 and ensure compliance by all contractors, subcontractors,
8 and suppliers of contractors of, the domestic content pro-
9 visions of the section 5323(j) of title 49, United States
10 Code, and all applicable Federal labor and employment
11 laws.

12 (b) INCLUSIVE PROCUREMENT POLICIES.—Notwith-
13 standing any federal laws or regulations to the contrary,
14 the entity may adhere to an inclusive procurement policy
15 for all goods and materials that are part of any project
16 funded in whole or in part by this Act that includes any
17 of the following:

18 (1) Greater domestic content than is required
19 by Federal law.

20 (2) A disclosure and evaluation of the embed-
21 ded carbon emissions of all industrial products.

22 (3) Requirements for disclosure by the contrac-
23 tors, subcontractors, and suppliers of contractors
24 of—

1 (A) wages and benefits of employees of the
2 contractor, subcontractor, and suppliers;

3 (B) training program commitments for em-
4 ployees and potential employees; and

5 (C) targeted hiring commitments for mem-
6 bers of disadvantaged communities, including
7 veterans, women, low-income populations, and
8 formerly incarcerated individuals.

9 (4) Job quality evaluation and incentives.

10 (5) Job quality commitment enforcement, in-
11 cluding contract enforcement provisions for adher-
12 ence to job quality commitments.

13 (6) Transparency to the public of job quality
14 commitments and adherence to such commitments.

○