

117TH CONGRESS
1ST SESSION

H. R. 2919

To establish a Federal agenda to transform, heal, and renew the United States by investing in a vibrant economy, to provide funds to certain Federal investment programs that meet related labor, equity, and environmental standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2021

Mrs. DINGELL (for herself, Mr. KHANNA, Ms. BARRAGÁN, Mr. BLUMENAUER, Ms. OMAR, Mr. BOWMAN, Ms. CLARKE of New York, Mr. CROW, Ms. JAYAPAL, Mr. GRIJALVA, Mr. RASKIN, Mr. JONES, Ms. JACKSON LEE, Ms. NEWMAN, Ms. PINGREE, Ms. LEE of California, Ms. TLAIB, Mr. NADLER, Mr. POCAN, Mr. SUOZZI, Mr. ESPAILLAT, Ms. SCHAKOWSKY, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. GARCÍA of Illinois, Mr. LOWENTHAL, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, Mrs. TRAHAN, Mr. WELCH, Mr. LIEU, Ms. MENG, Mr. THOMPSON of Mississippi, Mrs. CAROLYN B. MALONEY of New York, Ms. KAPTUR, Ms. PRESSLEY, Mr. TAKANO, Mr. TORRES of New York, Mr. HUFFMAN, Mr. CONNOLLY, Ms. VELÁZQUEZ, Mr. LARSON of Connecticut, Mr. LEVIN of Michigan, Mr. GOMEZ, Mr. MCGOVERN, and Ms. TITUS) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Financial Services, Energy and Commerce, Natural Resources, Transportation and Infrastructure, and Agriculture, 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 establish a Federal agenda to transform, heal, and renew the United States by investing in a vibrant economy, to provide funds to certain Federal investment programs

that meet related labor, equity, and environmental standards, 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. SHORT TITLE.**

4 This Act may be cited as the “Transform, Heal, and
 5 Renew by Investing in a Vibrant Economy Act” or the
 6 “THRIVE Act”.

7 **SEC. 2. PURPOSE; POLICY GOALS; AGENDA.**

8 (a) **PURPOSE.**—The purpose of this Act is to mobilize
 9 Federal efforts to respond, in a manner that is bold and
 10 holistic, to the urgent concurrent crises of racial injustice,
 11 the undermining of Tribal sovereignty, mass unemploy-
 12 ment and economic inequality, the Coronavirus Disease
 13 2019 pandemic, and climate change by establishing a na-
 14 tional agenda to transform, heal, and renew the United
 15 States to create a society that enables and supports—

- 16 (1) greater racial, Indigenous, gender, environ-
 17 mental, and economic justice;
 18 (2) dignified work opportunities;
 19 (3) healthy communities;
 20 (4) a stable climate; and
 21 (5) healthy ecosystems.

22 (b) **POLICY GOALS.**—It is the policy of the United
 23 States—

1 (1) to create and sustain millions of good, safe,
2 family-sustaining jobs with appropriate access to
3 labor organizations;

4 (2) to increase the power of workers to fight in-
5 equality in the workplace;

6 (3) to invest in historically underserved and im-
7 pacted communities, including Black, Tribal, Indige-
8 nous, Latinx, Arab, Asian, and Pacific Islander com-
9 munities, to increase the capacity of those commu-
10 nities to counteract racial, ethnic, gender, and other
11 social and economic injustices;

12 (4) to strengthen and heal the nation-to-nation
13 relationship between the United States and sov-
14 ereign Indian Tribes;

15 (5) to combat environmental injustice and en-
16 sure healthy lives for all people;

17 (6) to avert further climate and environmental
18 catastrophe;

19 (7) to ensure fairness for workers and commu-
20 nities affected by economic transitions; and

21 (8) to reinvest in public sector institutions that
22 enable workers and communities to thrive.

23 (c) AGENDA.—

24 (1) ESTABLISHMENT.—Not later than 120 days
25 after the date of enactment of this Act, the Presi-

1 dent, in consultation with the Board, shall establish
2 a 10-year plan, to be known as the “Agenda to
3 Transform, Heal, and Renew by Investing in a Vi-
4 brant Economy”, in accordance with which the pur-
5 pose and policy goals described in subsections (a)
6 and (b), respectively, shall be achieved.

7 (2) SUBMISSION.—The agenda established
8 under paragraph (1) shall be submitted to—

- 9 (A) the National Economic Council; and
10 (B) the Office of Management and Budget
11 for inclusion in each annual budget request sub-
12 mitted to Congress under section 1105 of title
13 31, United States Code, during the 10-year pe-
14 riod covered by the agenda.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) ADMINISTERING AGENCY.—The term “ad-
18 ministering agency” means a Federal department or
19 agency with administrative jurisdiction over a quali-
20 fied investment program.

21 (2) BOARD.—The term “Board” means the
22 Transform, Heal, and Renew by Investing in a Vi-
23 brant Economy Recovery Board established under
24 section 4(a).

1 (3) CARE WORKER.—The term “care worker”
2 means any individual who provides paid or unpaid
3 child care or dependent adult care, including—

4 (A) a domestic worker;

5 (B) a health care worker;

6 (C) a home health aide; and

7 (D) a nanny.

8 (4) ENVIRONMENTAL JUSTICE COMMUNITY.—

9 (A) IN GENERAL.—The term “environ-
10 mental justice community” means a low-income
11 or low-wealth community facing environmental
12 injustice.

13 (B) INCLUSIONS.—The term “environ-
14 mental justice community” includes any com-
15 munity that, as determined by the Board, in
16 consultation with the White House Environ-
17 mental Justice Advisory Council and the Na-
18 tional Environmental Justice Advisory Coun-
19 cil—

20 (i) is located nearest to an existing
21 area of grave environmental pollution and
22 degradation;

23 (ii) bears a burden of negative public
24 health effects of pollution;

25 (iii) includes 1 or more sites of—

1 (I) a facility that is a part of a
2 polluting industry;

3 (II) a waste dump; or

4 (III) a facility for resource ex-
5 traction;

6 (iv) experiences a high incidence of
7 climate change impacts and extreme
8 weather disasters;

9 (v) has been excluded or harmed by
10 racist or discriminatory policies that have
11 resulted in economic or health disparities;

12 (vi) has a land-based or food subsist-
13 ence culture that is experiencing ecosystem
14 disruption and devastation;

15 (vii) faces relocation and resettlement
16 resulting from—

17 (I) climate change;

18 (II) impacts to the environment
19 and ecosystems; or

20 (III) impacts associated with eco-
21 nomic inequities; or

22 (viii) is an Indigenous community.

23 (5) EQUITY ASSESSMENT.—The term “equity
24 assessment”, with respect to an investment, pro-
25 gram, plan, regulation, or operational decision, mean

1 an assessment (which may include the assignment of
2 an equity score)—

3 (A) to evaluate the social, economic, and
4 environmental impacts of the investment, pro-
5 gram, plan, regulation, or decision on—

6 (i) impacted communities; and

7 (ii) environmental justice commu-
8 nities; and

9 (B) the goals of which are—

10 (i) to address historic inequality;

11 (ii) to ensure an equitable outcome;

12 (iii) to prevent further concentration
13 of pollution in areas experiencing an al-
14 ready high concentration of a pollutant or
15 other toxic substance; and

16 (iv) to minimize inadvertent dis-
17 proportionate social, economic, and envi-
18 ronmental effects of the investment, pro-
19 gram, plan, regulation, or decision.

20 (6) FAMILY-SUSTAINING JOB.—The term “fam-
21 ily-sustaining job” means an employment oppor-
22 tunity that provides an individual with a wage that
23 is sufficient to cover necessary expenses for the fam-
24 ily of the individual, such as food, medical care,
25 child care, housing, and transportation, without re-

1 quiring reliance by the family on financial assistance
2 from any other source.

3 (7) FEDERAL SPENDING PROGRAM.—The term
4 “Federal spending program” means any program,
5 project, or other activity—

6 (A) carried out by, or pursuant to a con-
7 tract with, a Federal department or agency;
8 and

9 (B) for which Federal funds are made
10 available.

11 (8) HIGH-ROAD LABOR, EQUITY, OR ENVIRON-
12 MENTAL CONDITION.—The term “high-road labor,
13 equity, or environmental condition” means any con-
14 dition on the provision of Federal funding for a
15 qualified investment program, as established by the
16 President, based on advice of the Board, under sec-
17 tion 5(d)(3)(A).

18 (9) IMPACTED COMMUNITY.—

19 (A) IN GENERAL.—The term “impacted
20 community” means a community that is
21 harmed by environmental, economic, or socio-
22 economic injustice.

23 (B) INCLUSIONS.—The term “impacted
24 community” includes—

1 (i) an environmental justice commu-
2 nity; and

3 (ii) a community that, as determined
4 by the Board, in consultation with the
5 White House Environmental Justice Advi-
6 sory Council and the National Environ-
7 mental Justice Advisory Council—

8 (I) has a high concentration of
9 low-income and low-wealth house-
10 holds, including households comprised
11 primarily of members of groups that
12 have historically experienced discrimi-
13 nation on the basis of race, gender,
14 national origin, or ethnicity (including
15 Black, Indigenous, Latinx, Arab,
16 Asian, and Pacific Islander commu-
17 nities); or

18 (II) faces economic transition,
19 deindustrialization, historic under-
20 investment, and poverty.

21 (10) IMPLEMENTING ENTITY.—The term “im-
22 plementing entity” means any public or private enti-
23 ty (including any Federal, Tribal, State, or local
24 agency and any firm, supplier, or subcontractor

1 throughout the supply chain) that carries out a
2 qualified investment program using public support.

3 (11) INDIAN TRIBE.—The term “Indian Tribe”
4 means an Indian or Alaska Native tribe, band, na-
5 tion, pueblo, village, or community that the Sec-
6 retary of the Interior acknowledges to exist as an In-
7 dian Tribe pursuant to the Federally Recognized In-
8 dian Tribe List Act of 1994 (25 U.S.C. 5130 et
9 seq.).

10 (12) INDIGENOUS COMMUNITY.—The term “In-
11 digenous community” means—

12 (A) an Indian Tribe;

13 (B) a Native Hawaiian organization;

14 (C) a State-recognized Indian tribe;

15 (D) any reservation-based, urban Indige-
16 nous, or intertribal community, group, organi-
17 zation, or coalition; and

18 (E) an Alaska Native village.

19 (13) PUBLIC SUPPORT.—

20 (A) IN GENERAL.—The term “public sup-
21 port” means any financial or in-kind contribu-
22 tion provided by the President under section 5
23 for the administration, development, or imple-
24 mentation of a qualified investment program
25 carried out under this Act.

1 (B) INCLUSIONS.—The term “public sup-
2 port” includes—

- 3 (i) technical support;
4 (ii) grants;
5 (iii) loans;
6 (iv) investments; and
7 (v) equity stakes.

8 (14) QUALIFIED INVESTMENT PROGRAM.—The
9 term “qualified investment program” means any
10 Federal spending program certified by the President
11 pursuant to section 5(c).

12 (15) STATE.—The term “State” means—

- 13 (A) a State;
14 (B) the District of Columbia;
15 (C) the Commonwealth of Puerto Rico;
16 and
17 (D) any other territory or possession of the
18 United States.

19 **SEC. 4. THRIVE RECOVERY BOARD.**

20 (a) ESTABLISHMENT.—Not later than 60 days after
21 the date of enactment of this Act, the President shall es-
22 tablish an advisory board, to be known as the “Transform,
23 Heal, and Renew by Investing in a Vibrant Economy Re-
24 covery Board”, to advise the President and the heads of

1 appropriate Federal departments and agencies regarding
2 the implementation of this Act.

3 (b) MEMBERSHIP.—

4 (1) COMPOSITION.—The Board shall be com-
5 posed of 20 members who, as determined by the
6 President—

7 (A) provide diverse and fair representation
8 from—

9 (i) impacted communities;

10 (ii) allies identified by impacted com-
11 munities;

12 (iii) Indigenous communities; and

13 (iv) labor organizations; and

14 (B) are qualified, through education, train-
15 ing, and experience, to evaluate information re-
16 lating to matters referred to the Board.

17 (2) APPOINTMENT.—

18 (A) IN GENERAL.—The members of the
19 Board shall be appointed by the President from
20 among individuals recommended by interested
21 individuals and entities.

22 (B) PROHIBITION.—A member of the
23 Board may not be an employee or former em-
24 ployee of the Federal Government.

25 (3) TERM; VACANCIES.—

1 (A) TERM.—A member of the Board—

2 (i) shall be appointed to serve the
3 Board for an initial term of 3 years; and

4 (ii) may be reappointed to serve not
5 more than 1 additional term of not longer
6 than 3 years.

7 (B) VACANCIES.—A vacancy on the
8 Board—

9 (i) shall not affect the powers of the
10 Board; and

11 (ii) shall be filled in the same manner
12 as the original appointment was made.

13 (4) CHAIRPERSON.—The Board shall select a
14 chairperson from among the members of the Board.

15 (5) INITIAL MEETING.—Not later than 14 days
16 after the date on which all members of the Board
17 have been appointed, the Board shall hold the initial
18 meeting of the Board.

19 (6) MEETINGS.—The Board shall meet at the
20 call of the chairperson.

21 (7) QUORUM.—A majority of members of the
22 Board shall constitute a quorum, but a lesser num-
23 ber of members may hold hearings.

24 (8) TREATMENT AND COMPENSATION.—A
25 member of the Board shall be—

1 (A) a full-time employee of the Board; and

2 (B) compensated at such rate as the Presi-
3 dent may establish, not to exceed the maximum
4 amount of compensation payable to a member
5 of the Senior Executive Service under section
6 5382(b) of title 5, United States Code.

7 (c) DUTIES.—

8 (1) PROPOSED CRITERIA.—

9 (A) PRECERTIFICATION AND INVESTMENT
10 REQUIREMENTS.—Not later than 120 days
11 after the date of enactment of this Act, the
12 Board shall develop and submit to the Presi-
13 dent proposed criteria for—

14 (i) precertification of existing Federal
15 spending programs under section
16 5(c)(1)(A); and

17 (ii) certification of existing and new
18 Federal spending programs as qualified in-
19 vestment programs with respect to re-
20 quired investments, in accordance with sec-
21 tion 5(d)(2).

22 (B) HIGH-ROAD LABOR, EQUITY, AND EN-
23 VIRONMENTAL CONDITIONS.—

24 (i) IN GENERAL.—Not later than 180
25 days after the date of enactment of this

1 Act, the Board shall develop and submit to
2 the President proposed criteria for certifi-
3 cation of existing and new Federal spend-
4 ing programs as qualified investment pro-
5 grams with respect to high-road labor, eq-
6 uity, and environmental conditions, in ac-
7 cordance with section 5(d)(3)(A).

8 (ii) PUBLIC PARTICIPATION.—In de-
9 veloping the proposed criteria relating to
10 high-road labor, equity, and environmental
11 conditions under clause (i), the Board
12 shall—

13 (I) make the proposed criteria
14 available for public comment; and

15 (II) host public hearings and
16 other direct engagement opportunities
17 for impacted communities and Indige-
18 nous communities.

19 (iii) PUBLICATION.—Not later than
20 190 days after the date of enactment of
21 this Act, the President shall publish in the
22 Federal Register the proposed criteria de-
23 veloped by the Board under clause (i).

24 (2) STUDY.—

1 (A) IN GENERAL.—Not less frequently
2 than annually, the Board shall conduct a study
3 of all matters relating to qualified investment
4 programs.

5 (B) INCLUSIONS.—The study conducted by
6 the Board under subparagraph (A) shall include
7 an evaluation of—

8 (i) any legislative or administrative
9 actions (including with respect to invest-
10 ment requirements and other criteria
11 under section 5(d)) carried out under this
12 Act during the period covered by the study;

13 (ii) the degree to which qualified in-
14 vestment programs have contributed to
15 achieving the policy goals described in sec-
16 tion 2(b);

17 (iii) the effectiveness of the criteria
18 relating to investment requirements estab-
19 lished under section 5(d)(2) in achieving
20 those policy goals; and

21 (iv) practicable modifications to those
22 requirements to better achieve those goals.

23 (3) RECOMMENDATIONS.—The Board shall de-
24 velop recommendations regarding—

1 (A) the method by which the President can
2 effectuate the Agenda to Transform, Heal, and
3 Renew by Investing in a Vibrant Economy es-
4 tablished under section 2(c)(1) pursuant to the
5 annual budget request submitted to Congress
6 under section 1105 of title 31, United States
7 Code;

8 (B) the means by which Federal spending
9 programs may be certified under section 5(d) as
10 qualified investment programs to receive public
11 support under this Act;

12 (C) legislative and administrative actions
13 (including with respect to investment require-
14 ments and other criteria) to best achieve the
15 purpose and policy goals described in section 2;

16 (D) the effectiveness of the criteria relat-
17 ing to investment requirements established
18 under section 5(d)(2) in achieving those policy
19 goals; and

20 (E) modifications to those criteria, if any.

21 (4) REPORTS.—

22 (A) STUDY AND RECOMMENDATIONS.—

23 (i) IN GENERAL.—Not less frequently
24 than annually, the Board shall submit to

1 the President and Congress a report that
2 contains—

3 (I) a detailed statement of the
4 findings and conclusions of the Board
5 under paragraph (2); and

6 (II) the recommendations of the
7 Board under paragraph (3).

8 (ii) PUBLICATION.—The President
9 shall publish each report submitted by the
10 Board under clause (i) in the Federal Reg-
11 ister.

12 (B) HIGH-ROAD LABOR, EQUITY, AND EN-
13 VIRONMENTAL CONDITIONS.—

14 (i) IN GENERAL.—Not less frequently
15 than once every 2 years, the Board shall
16 submit to the President and Congress a re-
17 port assessing—

18 (I) the degree of compliance by
19 implementing entities with applicable
20 high-road labor, equity, and environ-
21 mental conditions; and

22 (II) the relative efficacy of en-
23 forcement by administering agencies
24 of those high-road labor, equity, and
25 environmental conditions.

1 (ii) COMMUNITY IMPACT ASSESS-
2 MENTS.—The Board shall conduct regular
3 regional community impact assessments to
4 gather information for each report sub-
5 mitted under clause (i).

6 (d) POWERS.—

7 (1) HEARINGS.—The Board may hold such
8 hearings, meet and act at such times and places,
9 take such testimony, and receive such evidence as
10 the Board considers to be advisable to carry out this
11 Act.

12 (2) INFORMATION FROM AGENCIES.—

13 (A) IN GENERAL.—The Board may secure
14 directly from a Federal department or agency
15 such information as the Board considers to be
16 necessary to carry out this Act.

17 (B) PROVISION OF INFORMATION.—On re-
18 quest of the chairperson of the Board, the head
19 of a Federal department or agency shall provide
20 any requested information to the Board.

21 (3) POSTAL SERVICES.—The Board may use
22 the United States mails in the same manner and
23 under the same conditions as other Federal depart-
24 ments and agencies.

1 (4) GIFTS.—The Board may accept, use, and
2 dispose of gifts or donations of services or property.

3 (e) INAPPLICABILITY OF FACA.—The Federal Advi-
4 sory Committee Act (5 U.S.C. App.) shall not apply to
5 the Board.

6 **SEC. 5. TRANSFORM, HEAL, AND RENEW BY INVESTING IN**
7 **A VIBRANT ECONOMY (THRIVE) QUALIFIED**
8 **INVESTMENT PROGRAMS.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—The President shall establish
11 and carry out a program under which the President
12 shall provide public support in accordance with this
13 Act to implementing entities to carry out 1 or more
14 qualified investment programs certified by the Presi-
15 dent, in consultation with the Board, under sub-
16 section (d).

17 (2) CONDITION OF RECEIPT.—As a condition of
18 receiving public support under this section, an imple-
19 menting entity shall agree to carry out each applica-
20 ble qualified investment program—

21 (A) pursuant to a contract or agreement
22 with the administering agency; and

23 (B) subject to oversight by—

24 (i) the administering agency; and

1 (ii) the President, in consultation with
2 the Board.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to the
5 President to carry out the program under this sec-
6 tion such sums as are necessary, but not less than
7 \$1,000,000,000,000, for each of fiscal years 2022
8 through 2032.

9 (b) TARGETS.—In selecting implementing entities to
10 receive public support under this section, the President
11 shall ensure that, in the aggregate, the qualified invest-
12 ment programs funded under this section will enable—

13 (1) the creation and support of not fewer than
14 15,500,000 family-sustaining jobs;

15 (2) the achievement of—

16 (A) full employment; and

17 (B) economic security for all individuals;

18 (3) the meaningful and measurable counter-
19 action of racial, ethnic, Indigenous, gender, and
20 other social, economic, and environmental injustices;

21 (4) by not later than December 31, 2025, 100
22 percent of all newly constructed buildings in the
23 United States (including territories) to be zero-emis-
24 sion buildings;

25 (5) a rapid transition to ensure—

1 (A) 100 percent of all new vehicles pur-
2 chased in the United States (including terri-
3 tories) are zero-emission vehicles; and

4 (B) the deployment of a nationwide net-
5 work of zero-emission vehicle infrastructure;

6 (6) by not later than December 31, 2030, the
7 majority of the population of the United States (in-
8 cluding territories) to reside within walking distance
9 of frequent, high-quality, affordable, clean energy-
10 powered or zero-emission public transit and bikeable
11 and walkable transportation infrastructure to reduce
12 emissions from the transportation sector;

13 (7) by not later than December 31, 2035, the
14 achievement of 100-percent clean energy generation
15 throughout the United States (including territories),
16 with priority given to deployment of renewable en-
17 ergy; and

18 (8) by not later than December 31, 2035, the
19 conversion of all school buses in operation in the
20 United States as of that date (including diesel school
21 buses) to zero-emission school buses.

22 (c) CERTIFICATION OF FEDERAL SPENDING PRO-
23 GRAMS AS QUALIFIED INVESTMENT PROGRAMS.—

24 (1) PROCESS.—

25 (A) REGULAR CERTIFICATION.—

1 (i) IN GENERAL.—The President shall
2 establish a process under which the Presi-
3 dent, in consultation with the Board, may
4 certify, in accordance with this section, an
5 existing or new Federal spending program
6 that is the subject of a nomination under
7 paragraph (2) as a qualified investment
8 program.

9 (ii) PRECERTIFICATION.—The process
10 under clause (i) shall include a process for
11 precertification by the President of existing
12 Federal spending programs as qualified in-
13 vestment programs, if the President deter-
14 mines that the existing Federal spending
15 programs are consistent with the policy
16 goals described in section 2(b).

17 (B) EXPEDITED PROCESS FOR INTERIM
18 CERTIFICATION.—

19 (i) IN GENERAL.—Not later than 60
20 days after the date of enactment of this
21 Act, the President, in coordination with
22 the Director of the Office of Management
23 and Budget, the Chairperson of the Coun-
24 cil on Environmental Quality, and the
25 White House Domestic Climate Advisor,

1 shall establish an expedited process to pro-
2 vide interim certification of appropriate ex-
3 isting Federal spending programs as quali-
4 fied investment programs for receipt of
5 public support under this section to enable
6 the rapid disbursement of funds urgently need-
7 ed for economic recovery.

8 (ii) INCLUSION.—The expedited proc-
9 ess established under clause (i) shall in-
10 clude an expedited process for nomination
11 by interested Federal departments and
12 agencies, Indian Tribes, stakeholders, and
13 members of the public of existing Federal
14 spending programs for interim certification
15 under this subparagraph.

16 (iii) USE OF CRITERIA.—The criteria
17 described in subsection (d) shall apply to
18 the expedited process established under
19 clause (i).

20 (2) NOMINATIONS.—

21 (A) IN GENERAL.—Not later than 240
22 days after the date of enactment of this Act,
23 any interested Federal department or agency,
24 Indian Tribe, stakeholder, or member of the
25 public may submit to the President and the

1 Board a nomination of an existing or new Fed-
2 eral spending program for certification as a
3 qualified investment program under this sub-
4 section.

5 (B) EFFECT.—The President may not cer-
6 tify a Federal spending program as a qualified
7 investment program under this subsection un-
8 less the Federal spending program is the sub-
9 ject of a nomination submitted under subpara-
10 graph (A).

11 (3) CERTIFICATION.—

12 (A) IN GENERAL.—Not later than 300
13 days after the date of enactment of this Act, for
14 each Federal spending program nominated
15 under paragraph (2), the President, in con-
16 sultation with the Board, shall—

17 (i) determine whether the Federal
18 spending program—

19 (I) achieves compliance with the
20 applicable criteria described in sub-
21 section (d); and

22 (II) includes or establishes an en-
23 vironmental justice screening in ac-
24 cordance with subparagraph (B), for
25 the purpose of preventing projects

1 from concentrating pollution and dis-
2 proportionate health and economic
3 burdens on impacted communities;
4 and

5 (ii) on making a positive determina-
6 tion under each of subclauses (I) and (II)
7 of clause (i)—

8 (I) approve the nomination of the
9 Federal spending program under
10 paragraph (2); and

11 (II) certify the Federal spending
12 program as a qualified investment
13 program for purposes of this Act.

14 (B) ENVIRONMENTAL JUSTICE SCREEN-
15 ING.—An environmental justice screening under
16 subparagraph (A)(i)(II) shall include an evalua-
17 tion, over the lifecycle of the applicable Federal
18 spending program, of—

19 (i) lifecycle greenhouse gas emissions
20 under the Federal spending program, in-
21 cluding direct, indirect, and supply chain
22 emissions, taking into consideration mate-
23 rials and operations;

1 (ii) the cumulative toxic pollution
2 emitted under the Federal spending pro-
3 gram;

4 (iii) resource depletion caused by the
5 Federal spending program;

6 (iv) the biodiversity and climate
7 change impacts of the Federal spending
8 program; and

9 (v) the lifecycle social and cultural im-
10 pacts of the Federal spending program.

11 (C) PUBLICATION.—Each determination of
12 the President under subparagraph (A) relating
13 to a Federal spending program shall be pub-
14 lished in the Federal Register, together with the
15 rationale of the President and the Board for
16 approving or disapproving the nomination of
17 the Federal spending program.

18 (4) DISTRIBUTION OF FUNDING.—The Presi-
19 dent shall distribute to implementing entities the
20 amounts made available to carry out this section, on
21 an equitable basis pursuant to paragraph (5)—

22 (A) as soon as practicable for each quali-
23 fied investment program for which an interim
24 certification is provided under the expedited
25 process under paragraph (1)(B); and

1 (B) by not later than 1 year after the date
2 of enactment of this Act for each qualified in-
3 vestment program certified under paragraph
4 (3).

5 (5) **EQUITABLE ALLOCATION OF FUNDS.**—In
6 distributing amounts under paragraph (4), the
7 President, in consultation with the Board, shall col-
8 laborate with the head of each administering agency
9 to ensure that—

10 (A) of the total amount of public support
11 provided under this Act for qualified investment
12 programs under the jurisdiction of the admin-
13 istering agency, not less than 50 percent shall
14 be invested in impacted communities in a mean-
15 ingful and measurable manner, subject to the
16 condition that the public support shall be dis-
17 tributed—

18 (i) proportionately, and with priority
19 given to communities that have been
20 disenfranchised from generational wealth—

21 (I) to repair past harm; and

22 (II) to advance equity; and

23 (ii) based on a mandatory equity as-
24 sessment—

1 (I) to identify potential dis-
2 proportionate impacts; and

3 (II) to support more equitable
4 outcomes of—

5 (aa) investments; and

6 (bb) programs, plans, regu-
7 lations, and operational decisions;

8 (B) the public support provided to the ad-
9 ministering agency under this Act shall be equi-
10 tably distributed across all States, based on
11 population size and poverty level, subject to the
12 condition that the shares of funding for each of
13 the District of Columbia, the Commonwealth of
14 Puerto Rico, the United States Virgin Islands,
15 Guam, and any other territory or possession of
16 the United States shall be—

17 (i) not less than proportional to the
18 population of that jurisdiction; and

19 (ii) responsive to the unique and spe-
20 cific challenges faced by the residents of
21 those jurisdictions; and

22 (C) Tribal, State, and local units of gov-
23 ernment shall be adequately funded to develop,
24 administer, service, support, and monitor quali-
25 fied investment programs, as applicable, to en-

1 sure that no unfunded mandate is imposed on
2 those governments.

3 (d) CRITERIA.—

4 (1) ESTABLISHMENT.—The President shall es-
5 tablish such criteria as the President determines to
6 be appropriate, in accordance with paragraphs (2)
7 through (4) and taking into consideration the pro-
8 posed criteria developed by the Board under section
9 4(c)(1), for—

10 (A) the precertification of existing Federal
11 spending programs under subsection
12 (c)(1)(A)(ii); and

13 (B) the certification of new Federal spend-
14 ing programs and existing Federal spending
15 programs that receive precertification under
16 subsection (c)(1)(A)(ii) as qualified investment
17 programs under subsection (c)(3), if the Fed-
18 eral spending programs—

19 (i) are consistent with the policy goals
20 described in section 2(b); and

21 (ii) achieve compliance with, as appli-
22 cable—

23 (I) the investment requirements
24 described in paragraph (2);

1 (II) the high-road labor, equity,
2 and environmental conditions de-
3 scribed in paragraph (3); and

4 (III) the prohibitions described in
5 paragraph (4).

6 (2) INVESTMENT REQUIREMENTS.—To be eligi-
7 ble for certification as a qualified investment pro-
8 gram under subsection (c), a Federal spending pro-
9 gram shall invest in 1 or more of the following:

10 (A) INFRASTRUCTURE.—Upgrades to inad-
11 equate infrastructure and infrastructure oper-
12 ations to expand access to—

13 (i) pollution-free, renewable, and af-
14 fordable energy, including wind and solar
15 energy;

16 (ii) transportation;

17 (iii) high-speed broadband internet; or

18 (iv) drinking water and wastewater,
19 particularly for public systems.

20 (B) SOCIAL INFRASTRUCTURE.—Support
21 of care workers and social infrastructure, by—

22 (i) rebuilding vital public services;

23 (ii) strengthening social infrastructure
24 to address, mitigate, and adapt to crises;

25 or

1 (iii) expanding the low-carbon public
2 health care infrastructure of the United
3 States, including through investment in—

4 (I) hospitals;

5 (II) public or Tribal schools;

6 (III) child care;

7 (IV) home care or elder care;

8 (V) mental health care;

9 (VI) care workers;

10 (VII) expanding access to qual-

11 ity, secure, affordable health care and

12 homes; or

13 (VIII) increasing jobs, employ-

14 ment protection, wages, and benefits

15 for historically underpaid, unpaid, and

16 undervalued care workers.

17 (C) HOUSING.—Expanded access to hous-
18 ing, without displacing existing residents or
19 community-serving entities, by—

20 (i) investing in housing by modern-

21 izing and retrofitting homes, schools, of-

22 fices, industrial buildings, and apartment

23 buildings, including tenant-owned and com-

24 munity-owned properties—

25 (I) to decrease pollution; and

1 (II) to maintain affordability by
2 decreasing costs to low-income com-
3 munities and Indigenous communities;

4 (ii) ensuring an increase in accessible
5 units for individuals with disabilities and
6 chronic illnesses; or

7 (iii) mitigating and adapting to ex-
8 tremе weather impacts.

9 (D) ECOSYSTEMS.—Supporting eco-
10 systems, by—

11 (i) protecting and restoring biodiver-
12 sity or natural habitat, including wetlands,
13 forests, prairies, deserts, aquifers, ground-
14 water, public land, and Indian land;

15 (ii) remediating pollution in impacted
16 communities, including—

17 (I) Superfund sites on the Na-
18 tional Priorities List developed by the
19 President in accordance with section
20 105(a)(8)(B) of that Act (42 U.S.C.
21 9605(a)(8)(B));

22 (II) brownfield sites (as defined
23 in section 101 of the Comprehensive
24 Environmental Response, Compensa-

1 tion, and Liability Act of 1980 (42
2 U.S.C. 9601)); and

3 (III) abandoned fossil fuel infra-
4 structure; or

5 (iii) ensuring sustainable resource use.

6 (E) AGRICULTURE.—Supporting agri-
7 culture, by—

8 (i) creating opportunities for family,
9 Indigenous, and Black farmers and ranch-
10 ers, rural communities, and urban agri-
11 culture, including by disentangling the
12 hyperconsolidated food supply chain;

13 (ii) supporting agroecology;

14 (iii) supporting regenerative agri-
15 culture; or

16 (iv) investing in local and regional
17 food systems that support farmers, agricul-
18 tural workers, healthy soil, and climate re-
19 silience.

20 (F) INDUSTRY.—Developing and trans-
21 forming the industrial base of the United
22 States, while creating high-skill, high-wage
23 manufacturing jobs and nonextractive, nature-
24 based jobs and opportunities for locally and

1 Tribally owned businesses throughout the
2 United States, including by—

3 (i) expanding manufacturing of clean
4 technologies;

5 (ii) reducing industrial pollution; and

6 (iii) prioritizing domestic production
7 for an investment described in clause (i) or
8 (ii).

9 (3) HIGH-ROAD LABOR, EQUITY, AND ENVIRON-
10 MENTAL CONDITIONS.—

11 (A) CONDITIONS.—To be eligible for cer-
12 tification as a qualified investment program
13 under subsection (c), a Federal spending pro-
14 gram shall achieve compliance with, as applica-
15 ble, the following high-road labor, equity, and
16 environmental conditions:

17 (i) EMPOWERING WORKERS AGAINST
18 INEQUALITY.—Increase the power of work-
19 ers to oppose inequality by—

20 (I) ensuring that no investment
21 made under the Federal spending pro-
22 gram degrades the quality of jobs or
23 obstructs the right of workers—

24 (aa) to form or join a labor
25 organization;

1 (bb) to bargain collectively
2 over terms and conditions of em-
3 ployment; or

4 (cc) to engage in other con-
5 certed activities for mutual aid or
6 protection;

7 (II) creating quality jobs that
8 provide—

9 (aa) family-sustaining job
10 benefits and wages equal to not
11 less than the greater of—

12 (AA) \$15 per hour; and

13 (BB) the prevailing
14 wage for jobs of a similar
15 nature;

16 (bb) the right of workers to
17 form or join a labor organization
18 and engage in collective bar-
19 gaining, free of harassment and
20 intimidation;

21 (cc) child care support;

22 (dd) not fewer than 84 days
23 per calendar year of paid family
24 leave;

1 (ee) not fewer than 14 days
2 per calendar year of paid sick
3 leave;

4 (ff) not fewer than 14 days
5 per calendar year of paid vaca-
6 tion;

7 (gg) robust worker safety
8 standards; and

9 (hh) the right of workers to
10 not be disciplined or discharged
11 except for just cause;

12 (III) including all affected care
13 workers and agricultural workers in
14 worker protections and investments
15 under the Federal spending program;

16 (IV) advancing principles and
17 policies that ensure or support—

18 (aa) more effective and
19 timely remedies in cases in which
20 employers interfere with the
21 rights of workers;

22 (bb) expanded freedom for
23 workers to organize without em-
24 ployer interference;

1 (cc) requiring employers to
2 submit to interest arbitration for
3 purposes of establishing an initial
4 collective bargaining agreement
5 following the initial certification
6 or recognition of a collective bar-
7 gaining representative in any
8 case in which, after a reasonable
9 period, collective bargaining fails
10 to produce an initial collective
11 bargaining agreement;

12 (dd) allowing collective bar-
13 gaining agreements covering pri-
14 vate-sector workers to include
15 agency shop agreements, subject
16 to the condition that those agree-
17 ments shall be valid and enforce-
18 able, notwithstanding—

19 (AA) section 14(b) of
20 the National Labor Rela-
21 tions Act (29 U.S.C.
22 164(b)); or

23 (BB) any applicable
24 State or territorial law;

1 (ee) protecting strikes and
2 other concerted worker activities,
3 including by prohibiting perma-
4 nent replacement of striking
5 workers; and

6 (ff) expansion of organizing
7 and bargaining rights for work-
8 ers;

9 (V) with respect to the engage-
10 ment of employers by the Federal
11 spending program—

12 (aa) avoiding the use of any
13 employer that—

14 (AA) misclassifies em-
15 ployees as independent con-
16 tractors; or

17 (BB) seeks to use a
18 corporate structure to
19 hinder collective bargaining
20 on a companywide, regional,
21 or national basis; and

22 (bb) giving preference to the
23 use of any employer that recog-
24 nizes, and agrees to collectively
25 bargain with, any labor organiza-

1 tion that obtains written author-
2 ization from a majority of em-
3 ployees in any appropriate bar-
4 gaining unit stating that the em-
5 ployees wish to be represented by
6 the labor organization;

7 (VI) using project labor agree-
8 ments or community workforce agree-
9 ments, where appropriate;

10 (VII) supporting domestic job
11 creation by applying and fortifying do-
12 mestic content standards, such as the
13 standards under chapter 83 of title
14 41, United States Code (formerly
15 known as the “Buy American Act”),
16 including among contractors and sub-
17 contractors of a primary employer;

18 (VIII) creating pathways of op-
19 portunity, particularly for priority
20 groups described in subparagraph (B),
21 including by supporting—

22 (aa) community benefits
23 agreements;

24 (bb) local hire standards;

1 (cc) high-road training part-
2 nerships; and

3 (dd) access to registered ap-
4 prenticeship and
5 preapprenticeship programs in
6 communities of all sizes across
7 the United States; and

8 (IX) where appropriate, using the
9 rescission of a contract under the
10 Federal spending program as an en-
11 forcement mechanism in any case in
12 which an employer engaged by the
13 Federal spending program has vio-
14 lated—

15 (aa) a provision of an appli-
16 cable contract; or

17 (bb) a Federal labor or em-
18 ployment law (including regula-
19 tions).

20 (ii) HISTORICALLY UNDERSERVED
21 AND IMPACTED COMMUNITIES.—Invest in
22 historically underserved communities and
23 impacted communities, to increase the
24 power of those communities and counteract

1 racial, ethnic, gender, and other social and
2 economic injustices by—

3 (I) ensuring no investment made
4 under the Federal spending pro-
5 gram—

6 (aa) damages such a com-
7 munity; or

8 (bb) reduces the ability of
9 residents, businesses, and institu-
10 tions of the community to live
11 and operate with equity and dig-
12 nity;

13 (II) ensuring that those commu-
14 nities have—

15 (aa) the ability to democrat-
16 ically plan, implement, and ad-
17 minister projects under the Fed-
18 eral spending program, where ap-
19 plicable, including through part-
20 nership with, and oversight by,
21 community residents, scholars,
22 and community-based organiza-
23 tions; and

24 (bb) meaningful involvement
25 in the implementation and gov-

1 ernance of proposed activities
2 under the Federal spending pro-
3 gram;

4 (III) including a mandatory eq-
5 uity assessment to identify potential
6 disproportionate impacts and support
7 more-equitable outcomes of invest-
8 ments, programs, plans, regulations,
9 and operational decisions;

10 (IV) addressing historic discrimi-
11 natory practices in hiring, investment,
12 and procurement by prioritizing local
13 and equitable hiring and contracting
14 that creates opportunities for priority
15 groups described in subparagraph (B),
16 including a requirement to hire and
17 contract with members of those pri-
18 ority groups at a rate that is not less
19 than twice the average rate reflected
20 in the industry standard of that hir-
21 ing;

22 (V) including specific fair hire
23 provisions, including those similar to
24 “Ban the Box” provisions, that sup-

1 port traditionally marginalized work-
2 ers;

3 (VI) increasing equitable public
4 education opportunities by including
5 career and technical education path-
6 ways that prepare youth (especially
7 youth who are members of historically
8 marginalized communities or impacted
9 communities) for high-quality jobs, in-
10 cluding access to quality workforce
11 training and registered apprentice-
12 ships;

13 (VII)(aa) ensuring that any in-
14 vestment made under the Federal
15 spending program to upgrade a build-
16 ing does not displace any existing resi-
17 dent or community-serving entity oc-
18 cupying the building; and

19 (bb) investing in the creation of
20 new low- or zero-emission public hous-
21 ing and affordable housing, including
22 through community land trusts;

23 (VIII) centering and uplifting
24 historically underserved communities,
25 impacted communities, and workers

1 located in rural areas, including by
2 developing provisions—

3 (aa) to improve the status of
4 impacted agricultural producers
5 and workers; and

6 (bb) for Federal spending
7 programs carried out by the De-
8 partment of Agriculture, to end
9 the systematic mistreatment of
10 those producers and workers by
11 the Department;

12 (IX) directing funds to support,
13 create, and provide debt relief, where
14 appropriate, to community-owned and
15 operated organizations, including—

16 (aa) electric cooperatives;
17 (bb) worker-owned coopera-
18 tives engaging in sustainability
19 initiatives;

20 (cc) community land trusts;
21 and

22 (dd) publicly owned or com-
23 munity-owned entities, includ-
24 ing—

1 (AA) not-for-profit pub-
2 lic power utilities;

3 (BB) not-for-profit
4 public water utilities; and

5 (CC) tribally owned or
6 operated utilities; and

7 (X) directing funds to support
8 and diversify local economies and cre-
9 ate opportunities for entrepreneur-
10 ship.

11 (iii) INDIAN TRIBES AND INDIGENOUS
12 COMMUNITIES.—Heal and reinforce the na-
13 tion-to-nation relationship between the
14 United States and Indian Tribes by—

15 (I) carrying out the responsibil-
16 ities of the administering agency de-
17 scribed in section 6(b);

18 (II) preserving and protecting sa-
19 cred and cultural sites of significance
20 to Indian Tribes and Indigenous com-
21 munities in carrying out the Federal
22 spending program;

23 (III) providing significantly ex-
24 panded funding to Indian Tribes and
25 Indigenous communities for recovery

1 and relief with respect to establishing
2 sustainable economies and jobs based
3 on the principle known as “Indigenous
4 Just Transition”;

5 (IV) prioritizing investments in
6 Tribal and local community-based
7 projects that contribute to—

8 (aa) improved infrastruc-
9 ture, health care, clean water,
10 and sanitation;

11 (bb) food sovereignty and
12 agroecological farming;

13 (cc) housing, with signifi-
14 cantly expanded investments in
15 local and community-based hous-
16 ing; and

17 (dd) renewable energy;

18 (V) providing equitable funding
19 for environmental and ecosystems
20 management, clean-up, and remedi-
21 ation of contaminated and hazardous
22 sites on and near Indian land, includ-
23 ing Federal and State land located
24 near Indian land or Indigenous com-
25 munities;

1 (VI) addressing Tribal housing
2 needs by—

3 (aa) significantly expanding
4 funding to meet housing and
5 community development needs on
6 Indian land, including needs re-
7 lating to health, water, and sani-
8 tation;

9 (bb) advancing the goals of
10 the Native American Housing
11 Assistance and Self-Determina-
12 tion Act of 1996 (25 U.S.C.
13 4101 et seq.); and

14 (cc) allowing for innovative
15 and alternative community-based
16 housing programs based on tradi-
17 tional Indigenous design, the use
18 of local natural materials, and lo-
19 calized training and employment;
20 and

21 (VII) adequately and equitably
22 addressing violence against Indige-
23 nous women, Indigenous trans women
24 and femmes, and Indigenous children,
25 in a manner that is inclusive of the

1 inherent authority of Indian Tribes
2 with respect to that violence.

3 (iv) ENVIRONMENTAL JUSTICE.—

4 Combat environmental injustice and ensure
5 healthy lives for all individuals by—

6 (I) promoting and including
7 meaningful involvement by impacted
8 communities, particularly the most
9 vulnerable environmental justice com-
10 munities, in the implementation and
11 governance of proposed programs and
12 expenditures in a manner that aligns
13 and is consistent with the principles
14 entitled “Jemez Principles for Demo-
15 cratic Organizing” and dated Decem-
16 ber 1996;

17 (II) holding polluting corpora-
18 tions accountable by establishing pen-
19 alties and liabilities for historic, per-
20 sistent, and concentrated pollution in
21 environmental justice communities in
22 a manner that ensures that the costs
23 of those penalties and liabilities are
24 not passed through to ratepayers, con-
25 sumers, or workers;

1 (III) prioritizing investment in
2 remediation of polluted sites located
3 in environmental justice communities,
4 including—

5 (aa) Superfund sites on the
6 National Priorities List developed
7 by the President in accordance
8 with section 105(a)(8)(B) of that
9 Act (42 U.S.C. 9605(a)(8)(B));

10 (bb) brownfield sites (as de-
11 fined in section 101 of the Com-
12 prehensive Environmental Re-
13 sponse, Compensation, and Li-
14 ability Act of 1980 (42 U.S.C.
15 9601));

16 (cc) abandoned mines and
17 factories; and

18 (dd) retired fossil fuel, de-
19 fense, and nuclear energy sites;

20 (IV) reducing toxic pollution at
21 the source and fortifying the regula-
22 tion and accounting of the cumulative
23 health impacts of toxic pollution;

24 (V) developing provisions to in-
25 crease equitable access to public

1 health resources in historically under-
2 served communities (including rural
3 communities) and impacted commu-
4 nities; and

5 (VI) recognizing the dispropor-
6 tionate burden of health impacts in
7 historically underserved communities
8 (including rural communities) and im-
9 pacted communities and the historic
10 disinvestment in public health re-
11 sources, including public hospitals,
12 mental health services, care worker
13 services, and other facilities and serv-
14 ices in those communities.

15 (v) CLIMATE AND ENVIRONMENT.—
16 Avert additional climate and environmental
17 catastrophe by—

18 (I) ensuring that the Federal
19 spending program supports the emis-
20 sions reductions necessary—

21 (aa) to maintain an increase
22 in global temperature due to
23 global warming of less than 1.5
24 degrees Celsius; and

1 (bb) to achieve the targets
2 described in subsection (b);

3 (II) ensuring that the Federal
4 spending program will not expand—

5 (aa) the extraction, proc-
6 essing, or use of fossil fuels or
7 uranium at any level of the sup-
8 ply chain;

9 (bb) the use of emissions
10 offsets;

11 (cc) geoengineering; or

12 (dd) the use of any other en-
13 ergy source that would not pass
14 the environmental justice screen-
15 ing described in subsection
16 (c)(3)(B);

17 (III) investing in—

18 (aa) the protection of eco-
19 systems and biodiversity; and

20 (bb) the sustainable use of
21 natural resources;

22 (IV) requiring the use of climate-
23 resilient designs for infrastructure
24 and low-emissions operations, as ap-
25 plicable;

1 (V) requiring that materials shall
2 be produced with high standards for
3 environmental sustainability, includ-
4 ing—

5 (aa) technologically feasible
6 limits on embodied greenhouse
7 gas emissions;

8 (bb) restrictions on toxic
9 pollution; and

10 (cc) requirements for sus-
11 tainable resource use and the
12 protection of ecosystems and bio-
13 diversity;

14 (VI) requiring that materials and
15 appliances meet high environmental
16 performance standards, including
17 standards relating to energy efficiency
18 and climate resilience;

19 (VII) ensuring that environ-
20 mental standards apply across the
21 international supply chain; and

22 (VIII) supporting public and
23 community-based services and actions
24 for increased mitigation of, and adap-
25 tation to, the impacts of climate

1 change, particularly in communities
2 vulnerable to climate impacts, includ-
3 ing flooding, storms, fires, sea-level
4 rise, extreme heat or cold, and other
5 impacts.

6 (vi) FAIRNESS DURING ECONOMIC
7 TRANSITION.—Ensure fairness for workers
8 and communities affected by economic
9 transitions by directing funding and sup-
10 port—

11 (I) to displaced workers, includ-
12 ing by providing—

13 (aa) wage and benefit re-
14 placement for a period of not less
15 than 5 years;

16 (bb) housing assistance;

17 (cc) fully funded pensions;

18 (dd) support for crisis, trau-
19 ma, and early retirement;

20 (ee) skills training;

21 (ff) education; and

22 (gg) equitable job placement;

23 (II) to cover local budget short-
24 falls due to the closure of facilities or
25 a decline in economic activity;

1 (III) to economic development
2 and diversification in communities af-
3 fected by economic transitions, includ-
4 ing to address historic injustices, as
5 determined by community- and work-
6 er-led planning processes;

7 (IV) to ensure adequate physical
8 and social infrastructure and services
9 in economically transitioning commu-
10 nities, including—

11 (aa) public health services;

12 (bb) social services;

13 (cc) child care and depend-
14 ent adult care; and

15 (dd) broadband internet in-
16 vestment; and

17 (V) to the reorganization, conver-
18 sion, reclamation, and remediation of
19 closed and abandoned facilities and
20 sites.

21 (vii) PUBLIC INSTITUTIONS.—Rein-
22 vest in public institutions that enable all
23 communities and workers to thrive by—

24 (I) preventing privatization of—

1 (aa) any public land, water,
2 or natural resource; or

3 (bb) existing public sector
4 jobs;

5 (II) prioritizing public edu-
6 cational institutions as centers of in-
7 novation and pathways to green collar
8 jobs through investments in vocational
9 and technical education in public
10 schools, trade schools, and community
11 colleges that connect to labor organi-
12 zation apprenticeship and other high-
13 road jobs;

14 (III) directing funding to support
15 and expand public health care sys-
16 tems, public education, and other pub-
17 lic services at the State and local lev-
18 els to address the health, environ-
19 mental, and socioeconomic impacts of
20 climate crises, especially in impacted
21 communities, including by sup-
22 porting—

23 (aa) climate mitigation ef-
24 forts and resilience; and

25 (bb) access to nature; and

1 (IV) directing funding to institu-
2 tional reforms that reorganize the
3 process of Federal decisionmaking re-
4 garding the allocation of funds to
5 make government investments more
6 coordinated, effective, accountable to
7 impacted communities, and appro-
8 priate to respond to the full scale of
9 the major challenges expected to occur
10 during the period of calendar years
11 2022 through 2032.

12 (viii) THRIVE RESOLUTION.—Com-
13 pliance with, as applicable—

14 (I) the labor, equity, and environ-
15 mental provisions described in Senate
16 Resolution 43, 117th Congress, intro-
17 duced on February 8, 2021; and

18 (II) such additional, specific
19 labor, equity, and environmental con-
20 ditions as are required to make the
21 resolution described in subclause (I)
22 operable, as determined by the Presi-
23 dent, based on the advice of the
24 Board under section 4(c)(1)(B).

1 (B) PRIORITY GROUPS.—A priority group
2 referred to in subparagraph (A) is any group
3 comprised of low-income and low-wealth individ-
4 uals, subject to the condition that highest pri-
5 ority shall be given to a group comprised of
6 low-income and low-wealth individuals who have
7 been excluded from economic opportunities, in-
8 cluding individuals who are—

9 (i) members of impacted communities;

10 (ii) members of any other groups that
11 have historically experienced discrimination
12 on the basis of race, gender, national ori-
13 gin, or ethnicity (including Black, Indige-
14 nous, Latinx, Arab, Asian, and Pacific Is-
15 lander communities);

16 (iii) immigrants to the United States
17 (regardless of immigration status);

18 (iv) formerly incarcerated individuals;

19 (v) women;

20 (vi) LGBTQIAP+ individuals;

21 (vii) individuals with disabilities or
22 chronic illness;

23 (viii) young or elderly;

24 (ix) young adults exiting the foster
25 care system; and

1 (x) unhoused individuals.

2 (4) PROHIBITIONS.—To be eligible for certifi-
3 cation as a qualified investment program under sub-
4 section (c), a Federal spending program shall not—

5 (A) exacerbate any racial, Indigenous, gen-
6 der, or income disparity;

7 (B) privatize any public infrastructure,
8 service, land, water, or natural resource;

9 (C) violate human rights;

10 (D) destroy any ecosystem;

11 (E) decrease labor organization density or
12 membership;

13 (F) in any investment made under the
14 Federal spending program to upgrade a build-
15 ing, displace any resident or community-serving
16 entity occupying the building; or

17 (G) invest or participate in the use of
18 emissions offset or geoengineering programs.

19 (e) MONITORING.—

20 (1) IN GENERAL.—The President, in consulta-
21 tion with the Board, shall monitor qualified invest-
22 ment programs that receive public support under
23 this section to ensure that each qualified investment
24 program—

1 (A) contributes to the policy goals de-
2 scribed in section 2(b); and

3 (B) continues to achieve compliance with
4 all applicable high-road labor, equity, and envi-
5 ronmental conditions under subsection (d)(3).

6 (2) REVOCATION.—The President shall revoke
7 any public support provided under this section for a
8 qualified investment program if the President deter-
9 mines that the qualified investment program—

10 (A) fails to achieve compliance with sub-
11 paragraph (A) or (B) of paragraph (1); or

12 (B) displaces workers or depresses wages
13 or benefits due to increased costs associated
14 with participating in the public support pro-
15 gram under this section.

16 **SEC. 6. TRIBAL SOVEREIGNTY.**

17 (a) RECOGNITION.—Congress recognizes that—

18 (1) the authority, obligations, and fiduciary
19 trust responsibilities of United States to provide pro-
20 grams and services to Indians Tribes and individual
21 Indians have been established in—

22 (A) Acts of Congress;

23 (B) treaties; and

24 (C) jurisprudence; and

1 (2) the United States and Indian Tribes have
2 a unique legal and political relationship.

3 (b) RESPONSIBILITIES OF ADMINISTERING AGEN-
4 CIES.—The head of each administering agency shall, in
5 any relevant agency actions—

6 (1) establish, by regulation, a special initiative
7 that reflects and supports the relationship between
8 the United States and Indian Tribes described in
9 subsection (a)(2);

10 (2) confirm that each Indian Tribe may exercise
11 full and inherent civil regulatory and adjudicatory
12 authority over all land and resources within the exte-
13 rior boundaries of the reservation or other land sub-
14 ject to the jurisdiction of the Indian Tribe;

15 (3) establish, by regulation, standards and pro-
16 cedural requirements—

17 (A) to secure free, prior, and informed con-
18 sent of Indian Tribes—

19 (i) to agency actions that affect In-
20 dian land, water, livelihoods, and culture
21 (including off-reservation treaty-reserved
22 rights to hunting, fishing, gathering, and
23 protection of, and access to, sacred sites);
24 and

1 (ii) on an ongoing basis, to any meas-
2 ure or other action carried out by the ad-
3 ministering agency under this Act; and

4 (B) to include consideration of the tangible
5 and intangible cultural heritage, intellectual
6 property, and traditional Indigenous knowledge
7 of Indian Tribes and Indigenous communities in
8 agency actions and programs;

9 (4) take into consideration the provisions and
10 standards contained in the United Nations Declara-
11 tion on the Rights of Indigenous Peoples, dated Sep-
12 tember 13, 2007, without qualification;

13 (5)(A) strengthen and support Tribal sov-
14 ereignty by ensuring that all treaties and agreements
15 with Indian Tribes and members of Indian Tribes
16 and Indigenous communities are observed and re-
17 spected in their entirety; and

18 (B) protect and enforce that sovereignty by tak-
19 ing effective measures to extend the fiduciary trust
20 responsibilities of the United States to Indian Tribes
21 to—

22 (i) environmental, socioeconomic, health,
23 education, and agricultural issues; and

1 (ii) trade issues between and among Indig-
2 enous communities, the United States, Canada,
3 and Mexico; and

4 (6) ensure that the standards, processes, and
5 criteria for qualified investment programs of the ad-
6 ministering agency, and the allocation of funds
7 under those qualified investment programs, shall
8 incur obligations relating to a mandatory set-aside
9 of investments and funding for Indian Tribes and
10 Indigenous communities.

11 **SEC. 7. AGENCY ENFORCEMENT; GAO REPORT.**

12 (a) AGENCY ENFORCEMENT.—Not later than 2 years
13 after the date on which public support is initially provided
14 to an administering agency under this Act, the head of
15 the administering agency shall promulgate regulations, in
16 consultation with the Board, to ensure that each qualified
17 investment program of the administering agency achieves
18 compliance with applicable high-road labor, equity, and
19 environmental conditions, in accordance with existing au-
20 thorities, by—

21 (1) including in any contract with an imple-
22 menting entity those high-road labor, equity, and en-
23 vironmental conditions;

24 (2) ensuring that public implementing entities
25 receive funding to adequately ensure compliance

1 with applicable implementation, monitoring, compli-
2 ance, and enforcement requirements in a manner
3 that avoids establishing any unfunded mandate for
4 a Tribal, State, or local government agency;

5 (3) certifying, on an annual basis, that all im-
6 plementing entities throughout the supply chain that
7 benefit from support under the qualified investment
8 program achieve compliance with all applicable high-
9 road labor, equity, and environmental conditions;

10 (4) issuing a warning and directives for correc-
11 tive action relating to instances of noncompliance
12 with applicable high-road labor, equity, and environ-
13 mental conditions;

14 (5) establishing a process for implementing en-
15 tities to appeal the classification of an action as non-
16 compliant with an applicable high-road labor, equity,
17 or environmental condition; and

18 (6) revoking public support from any imple-
19 menting entity that fails to rectify an instance of
20 noncompliance with a high-road labor, equity, or en-
21 vironmental condition, as applicable—

22 (A) for a major instance of noncompliance,
23 by the date that is 60 days after the date of re-
24 ceipt of a warning relating to that instance
25 under paragraph (4); or

1 (B) for a minor instance of noncompliance,
2 by such deadline as the head of the admin-
3 istering agency, in consultation with the Board,
4 may establish.

5 (b) GAO REPORT.—Not less frequently than once
6 every 3 years, the Comptroller General of the United
7 States shall prepare and publish a report assessing—

8 (1) the degree of compliance by implementing
9 entities with high-road labor, equity, and environ-
10 mental conditions; and

11 (2) the relative efficacy of enforcement by ad-
12 ministering agencies of those high-road labor, equity,
13 and environmental conditions.

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