

117TH CONGRESS
1ST SESSION

H. R. 3473

To establish an expansive infrastructure program to create local jobs and raise the quality of life in every community, to launch middle class career pathways in infrastructure, and to invest in high-quality American jobs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Ms. BASS (for herself, Ms. TLAIB, Ms. JACKSON LEE, Mrs. NAPOLITANO, Ms. MENG, Mr. JONES, Mr. SIRES, Ms. MOORE of Wisconsin, Mr. SAN NICOLAS, Mr. CLEAVER, Ms. ROYBAL-ALLARD, Ms. JAYAPAL, Ms. BARRAGÁN, Mr. LOWENTHAL, Mr. KHANNA, Mrs. WATSON COLEMAN, Mr. POCAN, Mr. DESAULNIER, Mr. JOHNSON of Georgia, Mr. GOMEZ, Ms. LEE of California, Ms. PRESSLEY, and Mr. BOWMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Education and Labor, Agriculture, Financial Services, Energy and Commerce, Natural Resources, Homeland Security, and Small Business, 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 an expansive infrastructure program to create local jobs and raise the quality of life in every community, to launch middle class career pathways in infrastructure, and to invest in high-quality American jobs, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Build Local, Hire Local Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—CREATING JOBS AND RAISING THE QUALITY OF LIFE
IN EVERY COMMUNITY

Subtitle A—Creating Local Jobs Across the Country

Sec. 111. Targeted hiring requirements for construction jobs created by covered
infrastructure programs.

Sec. 112. Compliance with court orders.

Subtitle B—Rebuilding Our Infrastructure With American Business

Sec. 121. Definitions.

Sec. 122. Increasing meaningful small business participation.

Sec. 123. Requiring meaningful participation from targeted businesses.

Sec. 124. Compliance with court orders.

Sec. 125. Expansion of Small Business Administration Surety Bond Program.

Subtitle C—Encouraging the Use of U.S. Employment Plans and Best-Value
Contracting Analysis

Sec. 131. Creating a best-value analysis for Federal expenditures on infrastruc-
ture, use of U.S. Employment Plans, and preferences for reg-
istered apprenticeship programs and neutrality in union orga-
nizing.

Subtitle D—Improving Safety, Connectivity, and Access to Better
Opportunities

Sec. 141. Accessibility data program.

Sec. 142. Establishment of performance measures for transportation accessi-
bility.

Sec. 143. Technical assistance program.

Sec. 144. Connect Communities Program.

TITLE II—LAUNCHING MIDDLE CLASS CAREER PATHWAYS IN
INFRASTRUCTURE

Sec. 201. Building American Infrastructure and Careers Program.

Sec. 202. Infrastructure workforce equity capacity building program.

Sec. 203. Authorization of appropriations.

TITLE III—INVESTING IN HIGH-QUALITY AMERICAN JOBS

Sec. 301. Wage rate.

Sec. 302. Raise labor standards, improve working conditions, and strengthen workers' bargaining power.

Sec. 303. Buy America Bureau.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) infrastructure plays a vital role in the lives
4 of all people in the United States;

5 (2) the aging infrastructure of the United
6 States is in need of a significant investment to re-
7 pair, rebuild, and modernize, and in the process, the
8 Federal Government can take necessary steps to ad-
9 dress economic and racial injustices that have lim-
10 ited opportunities for far too many people of the
11 United States;

12 (3) decades of disinvestment and exclusionary
13 policies have isolated many people of color, low-in-
14 come people, and disabled individuals in the United
15 States from opportunity across the urban centers,
16 deindustrialized cities, rural regions, and Tribal
17 areas of the United States, including horribly inad-
18 equate investment to ensure universal access to
19 clean air and water, safe and reliable transportation,
20 affordable housing, quality living wage jobs, high-
21 speed internet, modernized schools, and parks and
22 community facilities;

23 (4) while the construction of the National High-
24 way System remains one of the most transformative

1 achievements in the history of the United States, it
2 came at the expense of many low-income commu-
3 nities as well as minority neighborhoods of all in-
4 come levels that were destroyed by the construction
5 and isolated from the broader community and from
6 economic opportunity;

7 (5) investing in repairing, rebuilding, and mod-
8 ernizing the infrastructure of the United States pre-
9 sents an opportunity to learn from the mistakes of
10 the past and reimagine how communities can design
11 and build infrastructure to be more equitable, help-
12 ing to address structural inequities faced by
13 marginalized communities nationwide, including a
14 lack of good paying jobs, affordable, accessible, and
15 inclusive housing, decaying roads, bridges, and
16 schools, inadequate access to technology, and expo-
17 sure to toxic emissions and poisoned water;

18 (6) accessibility to quality infrastructure, train-
19 ing, and jobs is an issue across the United States,
20 spanning from rural and Tribal areas to urban and
21 suburban areas;

22 (7) transportation infrastructure has a signifi-
23 cant impact on access to jobs, education, healthcare,
24 healthy foods, and other essential services;

1 (8) accessibility to essential services is defined
2 not only by speed, but also by ease of access, which
3 includes the ability to safely and conveniently access
4 services by all modes of travel;

5 (9) with a shortage of construction firms that
6 are ready and able to take on the large-scale infra-
7 structure projects the United States demands, the
8 close to 478,000 specialty trade contractors in small-
9 er minority, women, and disadvantaged businesses
10 could be supported to meet this demand;

11 (10) small businesses and under-represented
12 contractors, including minority-, women-, veteran-
13 owned businesses, and businesses owned by disabled
14 individuals should have the opportunity to rebuild
15 their communities and employ hardworking people of
16 the United States along the way;

17 (11) as of 2018, about $\frac{1}{4}$ of the infrastructure
18 workforce is projected to retire or permanently leave
19 their jobs over the next decade, compounding the in-
20 frastructure crisis in the United States;

21 (12) as of 2019, the Board of Governors of the
22 Federal Reserve System finds that skilled trades and
23 many occupations that do not require a 4-year de-
24 gree are not considered to be at significant risk of
25 automation;

1 (13) infrastructure jobs include a wide range of
2 employment opportunities in both the public and pri-
3 vate sectors, including design, manufacturing, con-
4 struction, operation, governance, and maintenance of
5 infrastructure assets in the United States;

6 (14) more than 1 in 10 jobs in the United
7 States is a transportation- or infrastructure-related
8 job;

9 (15) many infrastructure jobs provide competi-
10 tive wages with low barriers to entry, many of which
11 require on-the-job training in lieu of formal 4-year
12 degree higher education programs;

13 (16) in spite of rising income inequality, infra-
14 structure jobs paid approximately 30 percent more
15 to low income individuals than other occupations in
16 2018;

17 (17) women, people of color, and particularly
18 women of color are underrepresented in construction
19 jobs;

20 (18) while women across all occupations cur-
21 rently make up about 50 percent of the workforce,
22 women in construction and extraction occupations
23 has hovered around 3 percent for the last 3 decades;

24 (19) while Black Americans make up about 12
25 percent of the overall workforce, Black Americans

1 only represent 7 percent of construction and extrac-
2 tion occupations;

3 (20) by focusing on improving workforce devel-
4 opment systems through targeted employment strat-
5 egies, the Federal Government can improve the qual-
6 ity of future projects and better ensure that all com-
7 munities benefit from investments that—

8 (A) protect workers;

9 (B) expand opportunities for advancement;

10 (C) establish strong labor standards; and

11 (D) redress discriminatory policies that
12 have unfairly burdened low-income communities
13 and communities of color with pollution and ge-
14 ographic isolation; and

15 (21) the Federal Government should make con-
16 certed efforts to close the workforce gap, through co-
17 ordination with States and units of local govern-
18 ment, workforce development agencies, national and
19 regional nonprofit intermediaries, labor organiza-
20 tions, and institutions of higher education and other
21 educational institutions, including historically Black
22 colleges and universities and Hispanic-serving insti-
23 tutions, to recruit, train, and retain the next genera-
24 tion of infrastructure workers in the United States,
25 with a focus on—

1 (A) achieving gender, ethnic, racial, and
2 ability diversity; and

3 (B) recruiting and training individuals
4 from communities with high unemployment
5 rates, including African-American communities,
6 Hispanic communities, Indian Tribes, the dis-
7 abled community, and the LGBTQ community.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) COVERED INFRASTRUCTURE PROGRAM.—

11 The term “covered infrastructure program” means
12 any of the following:

13 (A) Direct and guaranteed loans and
14 grants under section 306(a) of the Consolidated
15 Farm and Rural Development Act (7 U.S.C.
16 1926(a)).

17 (B) Distance learning and telemedicine
18 grants under section 2333 of the Food, Agri-
19 culture, Conservation, and Trade Act of 1990
20 (7 U.S.C. 950aaa–2).

21 (C) Broadband loans and loan guarantees
22 under title IV of the Rural Electrification Act
23 of 1936 (7 U.S.C. 950bb et seq.).

24 (D) The community connect grant pro-
25 gram established under title III of the Agri-

1 culture, Rural Development, Food and Drug
2 Administration, and Related Agencies Appro-
3 priations, 2004 (Public Law 108–199; 118
4 Stat. 29).

5 (E) Solid waste management grants under
6 section 310B(b) of the Consolidated Farm and
7 Rural Development Act (7 U.S.C. 1932(b)).

8 (F) A program or project carried out
9 under the Public Works and Economic Develop-
10 ment Act of 1965 (42 U.S.C. 3121 et seq.).

11 (G) Financial assistance for development,
12 implementation, or modification of a State en-
13 ergy conservation plan under section 363 of the
14 Energy Policy and Conservation Act (42 U.S.C.
15 6323).

16 (H) State water pollution control revolving
17 funds established under title VI of the Federal
18 Water Pollution Control Act (33 U.S.C. 1381 et
19 seq.).

20 (I) State drinking water treatment revolv-
21 ing loan funds established under section 1452
22 of the Safe Drinking Water Act (42 U.S.C.
23 300j–12).

1 (J) Grants for construction of health cen-
2 ters provided by the Secretary of Health and
3 Human Services.

4 (K) Grants for construction, renovation, or
5 repair of non-Federal research facilities pro-
6 vided by the Director of the National Institutes
7 of Health.

8 (L) The public transportation security as-
9 sistance grant program under section 1406 of
10 the Implementing Recommendations of the 9/11
11 Commission Act of 2007 (6 U.S.C. 1135).

12 (M) Assistance provided under the Public
13 Housing Capital Fund established under section
14 9(d) of the United States Housing Act of 1937
15 (42 U.S.C. 1437g(d)).

16 (N) The community development block
17 grant program under title I of the Housing and
18 Community Development Act of 1974 (42
19 U.S.C. 5301 et seq.).

20 (O) The Indian housing block grant pro-
21 gram under section 101 of the Native American
22 Housing Assistance and Self-Determination Act
23 of 1996 (25 U.S.C. 4111).

1 (P) The rural water supply program under
2 section 103 of the Rural Water Supply Act of
3 2006 (43 U.S.C. 2402).

4 (Q) Financial assistance provided under
5 the Water Infrastructure Finance and Innova-
6 tion Act (33 U.S.C. 3901 et seq.).

7 (R) Assistance provided under title 23,
8 United States Code.

9 (S) Assistance provided under chapter 53
10 of title 49, United States Code.

11 (T) Programs for civil works projects, in-
12 cluding water resources projects, under the ju-
13 risdiction of the Corps of Engineers.

14 (U) Assistance provided for a freight or
15 passenger rail project under subtitle V of title
16 49, United States Code.

17 (V) Assistance provided for an airport de-
18 velopment project under chapter 471 of title 49,
19 United States Code.

20 (W) Assistance for an environmental clean-
21 up project under the Comprehensive Environ-
22 mental Response, Compensation, and Liability
23 Act of 1980 (42 U.S.C. 9601 et seq.).

24 (X) Assistance provided under section
25 7007 and 7008 of the Elementary and Sec-

1 ondary Education Act of 1965 (20 U.S.C.
2 7707, 7708).

3 (Y) Mutual and self-help housing assist-
4 ance provided under section 523 of the Housing
5 Act of 1949 (42 U.S.C. 1490c).

6 (Z) Site development loans provided under
7 section 524 of the Housing Act of 1949 (42
8 U.S.C. 1490d).

9 (AA) Loan guarantees for rural rental
10 housing provided under section 538 of the
11 Housing Act of 1949 (42 U.S.C. 1490p-2).

12 (BB) Assistance provided by the Commu-
13 nity Development Financial Institutions Fund
14 established under section 104(a) of the Riegle
15 Community Development and Regulatory Im-
16 provement Act of 1994 (12 U.S.C. 4703(a)).

17 (CC) Grants awarded from the Capital
18 Magnet Fund established under section 1339 of
19 the Federal Housing Enterprises Financial
20 Safety and Soundness Act of 1992 (12 U.S.C.
21 4569).

22 (DD) Assistance provided under the Con-
23 nect America Fund of the Federal Communica-
24 tions Commission under subpart D of part 54

1 of title 47, Code of Federal Regulations (or a
2 successor regulation).

3 (EE) The Connect Communities Program
4 under section 144.

5 (FF) Any similar program, as determined
6 by the Director of the Office of Management
7 and Budget, in consultation with the heads of
8 the relevant Federal agencies.

9 (2) DISABLED INDIVIDUAL.—The term “dis-
10 abled individual” means an individual with a dis-
11 ability (as defined in section 3 of the Americans with
12 Disabilities Act of 1990 (42 U.S.C. 12102)).

13 (3) HEAD OF THE RELEVANT FEDERAL AGEN-
14 CY.—The term “head of the relevant Federal agen-
15 cy” means the head of a Federal department or
16 agency that administers or has jurisdiction over a
17 covered infrastructure program.

18 (4) LOCAL WORKFORCE DEVELOPMENT
19 BOARD.—The term “local workforce development
20 board” has the meaning given the term “local
21 board” in section 3 of the Workforce Innovation and
22 Opportunity Act (29 U.S.C. 3102).

23 (5) REGISTERED APPRENTICESHIP PROGRAM.—
24 The term “registered apprenticeship program” has

1 the meaning given the term in section 3131(e)(3)(B)
2 of the Internal Revenue Code of 1986.

3 (6) STATE WORKFORCE DEVELOPMENT
4 BOARD.—The term “State workforce development
5 board” has the meaning given the term “State
6 board” in section 3 of the Workforce Innovation and
7 Opportunity Act (29 U.S.C. 3102).

8 (7) VETERAN.—The term “veteran” has the
9 meaning given the term in section 101 of title 38,
10 United States Code.

11 **TITLE I—CREATING JOBS AND**
12 **RAISING THE QUALITY OF**
13 **LIFE IN EVERY COMMUNITY**
14 **Subtitle A—Creating Local Jobs**
15 **Across the Country**

16 **SEC. 111. TARGETED HIRING REQUIREMENTS FOR CON-**
17 **STRUCTION JOBS CREATED BY COVERED IN-**
18 **FRAStructure PROGRAMS.**

19 (a) DEFINITION OF LOCAL.—

20 (1) IN GENERAL.—In this section, the term
21 “local”, with respect to hiring for a project, means
22 hiring within the geographical boundaries of the
23 area in which the project is located, as determined
24 by the recipient of assistance under a covered infra-
25 structure program, in coordination with the head of

1 the relevant Federal agency, subject to the require-
2 ment that the geographical area shall—

3 (A) include high-poverty, high-unemploy-
4 ment zip codes; and

5 (B) be the size of a county, multi-county,
6 statewide, or multi-State region.

7 (2) SAVINGS PROVISION.—Nothing in para-
8 graph (1) prohibits interstate hiring.

9 (b) REQUIREMENT.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law and to the maximum extent prac-
12 ticable, except to the extent that the head of the rel-
13 evant Federal agency determines otherwise, in the
14 case of any construction project carried out under a
15 covered infrastructure program, the head of the rel-
16 evant Federal agency shall ensure that, of the work-
17 ers hired for the project (including workers hired for
18 related maintenance, service, or operations activities
19 for the project), the applicable percentage described
20 in paragraph (2) are hired through local hiring, in
21 partnership with a registered apprenticeship pro-
22 gram, if applicable, or with a State workforce devel-
23 opment board or local workforce development board,
24 if applicable.

1 (2) APPLICABLE PERCENTAGE.—The applicable
2 percentage referred to in paragraph (1) is—

3 (A) for fiscal year 2022, 10 percent;

4 (B) for fiscal year 2023, 20 percent;

5 (C) for fiscal year 2024, 30 percent;

6 (D) for fiscal year 2025, 40 percent; and

7 (E) for fiscal year 2026 and each fiscal
8 year thereafter, 50 percent.

9 (c) PRIORITY.—In carrying out subsection (b), the
10 head of the relevant Federal agency shall ensure that the
11 entity carrying out the project gives priority to—

12 (1) individuals with a barrier to employment (as
13 defined in section 3 of the Workforce Innovation and
14 Opportunity Act (29 U.S.C. 3102)), including ex-of-
15 fenders and disabled individuals;

16 (2) veterans; and

17 (3) individuals that represent populations that
18 are traditionally underrepresented in the infrastruc-
19 ture workforce, such as women and racial and ethnic
20 minorities.

21 (d) REPORTS AND OVERSIGHT.—

22 (1) IN GENERAL.—Not less frequently than an-
23 nually, the Secretary of Labor, in consultation with
24 the heads of the relevant Federal agencies, shall—

1 (A) submit to Congress a report on the im-
2 plementation of this section; and

3 (B) make the report under subparagraph
4 (A), including any related data, publicly avail-
5 able on the internet.

6 (2) GAO REVIEW.—Not later than 5 years after
7 the date of enactment of this Act, the Comptroller
8 General of the United States shall—

9 (A) carry out a review of the implementa-
10 tion of this section to determine compliance
11 with this section; and

12 (B) submit to Congress a report on the re-
13 sults of the review under subparagraph (A), in-
14 cluding any suggestions or recommendations for
15 legislative, regulatory, or other changes to im-
16 prove the implementation of this section or
17 compliance with this section.

18 **SEC. 112. COMPLIANCE WITH COURT ORDERS.**

19 Nothing in this subtitle limits the eligibility of an in-
20 dividual or entity to receive assistance made available
21 under a covered infrastructure program if the individual
22 or entity is prevented, in whole or in part, from complying
23 with section 111(b) because a Federal court issues a final
24 order in which the court finds that a requirement or the
25 implementation of that section is unconstitutional.

1 **Subtitle B—Rebuilding Our Infra-**
2 **structure With American Busi-**
3 **ness**

4 **SEC. 121. DEFINITIONS.**

5 In this subtitle:

6 (1) OWNED AND CONTROLLED.—The term
7 “owned and controlled”, with respect to a business,
8 means—

9 (A) ownership of at least 51 percent of the
10 business, or in the case of any publicly owned
11 business, ownership of at least 51 percent of
12 the stock; and

13 (B) control of the management and daily
14 business operations of the business.

15 (2) SMALL BUSINESS CONCERN.—

16 (A) IN GENERAL.—The term “small busi-
17 ness concern” means a small business concern
18 (within the meaning of section 3(a) of the
19 Small Business Act (15 U.S.C. 632(a))).

20 (B) EXCLUSIONS.—The term “small busi-
21 ness concern” does not include any concern or
22 group of concerns controlled by the same so-
23 cially and economically disadvantaged individual
24 or individuals that have average annual gross
25 receipts during the preceding 3 fiscal years in

1 excess of \$23,980,000, as adjusted annually by
2 the head of the relevant Federal agency for in-
3 flation.

4 (3) SOCIALLY OR ECONOMICALLY DISADVAN-
5 TAGED INDIVIDUAL.—The term “socially or eco-
6 nomically disadvantaged individual” means any so-
7 cially and economically disadvantaged individuals
8 within the meaning of section 8(d) of the Small
9 Business Act (15 U.S.C. 637(d)) and relevant sub-
10 contracting regulations issued pursuant to that Act.

11 **SEC. 122. INCREASING MEANINGFUL SMALL BUSINESS PAR-**
12 **TICIPATION.**

13 (a) IN GENERAL.—Except to the extent that the head
14 of the relevant Federal agency determines otherwise—

15 (1) not less than the percentage described in
16 subsection (b) for the applicable fiscal year of the
17 amounts made available for each covered infrastruc-
18 ture program shall be expended through small busi-
19 ness concerns; and

20 (2) not less than the percentage described in
21 subsection (b) for the applicable fiscal year of the
22 total number of projects that receive assistance
23 under each covered infrastructure program shall be
24 subcontracted through a small business concern.

1 (b) PERCENTAGE DESCRIBED.—The percentage re-
2 ferred to in each of paragraphs (1) and (2) of subsection
3 (a) is—

4 (1) for fiscal year 2022, 6 percent;

5 (2) for fiscal year 2023, 12 percent;

6 (3) for fiscal year 2024, 19 percent;

7 (4) for fiscal year 2025, 26 percent; and

8 (5) for fiscal year 2026 and each fiscal year
9 thereafter, 33 percent.

10 (c) REPORT.—Not less frequently than once each fis-
11 cal year, the Administrator of the Small Business Admin-
12 istration, in consultation with the heads of the relevant
13 Federal agencies, shall submit to Congress a report on the
14 implementation of subsection (a).

15 **SEC. 123. REQUIRING MEANINGFUL PARTICIPATION FROM**
16 **TARGETED BUSINESSES.**

17 (a) PURPOSE.—The purpose of this section is to en-
18 sure that businesses with fewer than 10 employees, which
19 are Main Street businesses that anchor neighborhoods and
20 help families build wealth, have opportunities to partici-
21 pate in projects carried out under covered infrastructure
22 programs.

23 (b) REQUIREMENT.—Except to the extent that the
24 head of the relevant Federal agency determines otherwise,
25 not less than the percentage described in subsection (c)

1 for the applicable fiscal year of the amounts made avail-
2 able for a covered infrastructure program shall be ex-
3 pended through businesses with fewer than 10 employees.

4 (c) PERCENTAGE DESCRIBED.—The percentage re-
5 ferred to in subsection (b) is—

6 (1) for fiscal year 2022, 6 percent;

7 (2) for fiscal year 2023, 12 percent;

8 (3) for fiscal year 2024, 18 percent;

9 (4) for fiscal year 2025, 24 percent; and

10 (5) for fiscal year 2026 and each fiscal year
11 thereafter, 30 percent.

12 (d) REPORT.—Not less frequently than once each fis-
13 cal year, the Secretary of Commerce, in consultation with
14 the Administrator of the Small Business Administration
15 and the heads of the relevant Federal agencies, shall sub-
16 mit to Congress a report on the implementation of sub-
17 section (b).

18 **SEC. 124. COMPLIANCE WITH COURT ORDERS.**

19 Nothing in this subtitle limits the eligibility of an in-
20 dividual or entity to receive assistance made available
21 under a covered infrastructure program if the individual
22 or entity is prevented, in whole or in part, from complying
23 with section 122(a) or 123(b), as applicable, because a
24 Federal court issues a final order in which the court finds

1 that a requirement or the implementation of section
2 122(a) or 123(b), as applicable, is unconstitutional.

3 **SEC. 125. EXPANSION OF SMALL BUSINESS ADMINISTRA-**
4 **TION SURETY BOND PROGRAM.**

5 Section 411(a)(1)(A) of the Small Business Invest-
6 ment Act of 1958 (15 U.S.C. 694b(a)(1)(A)) is amended
7 by striking “\$6,500,000” and inserting “\$10,000,000”.

8 **Subtitle C—Encouraging the Use of**
9 **U.S. Employment Plans and**
10 **Best-Value Contracting Analysis**

11 **SEC. 131. CREATING A BEST-VALUE ANALYSIS FOR FED-**
12 **ERAL EXPENDITURES ON INFRASTRUCTURE,**
13 **USE OF U.S. EMPLOYMENT PLANS, AND PREF-**
14 **ERENCES FOR REGISTERED APPRENTICE-**
15 **SHIP PROGRAMS AND NEUTRALITY IN UNION**
16 **ORGANIZING.**

17 (a) DEFINITIONS.—In this section:

18 (1) COMMITMENT TO HIGH-QUALITY CAREER
19 AND BUSINESS OPPORTUNITIES.—The term “com-
20 mitment to high-quality career and business oppor-
21 tunities” means participation in a registered appren-
22 ticeship program.

23 (2) U.S. EMPLOYMENT PLAN.—The term “U.S.
24 Employment Plan” means a plan under which an

1 entity receiving Federal assistance for a project
2 under a covered infrastructure program shall—

3 (A) include in a request for proposal an
4 encouragement for bidders to include, with re-
5 spect to the project—

6 (i) high-quality wage, benefit, and
7 training commitments by the bidder and
8 the supply chain of the bidder for the
9 project; and

10 (ii) a commitment to recruit and hire
11 individuals described in section 111(c) if
12 the project results in the hiring of employ-
13 ees not currently or previously employed by
14 the bidder and the supply chain of the bid-
15 der for the project;

16 (B) give preference for the award of the
17 contract to a bidder that includes the commit-
18 ments described in clauses (i) and (ii) of sub-
19 paragraph (A); and

20 (C) ensure that each bidder that includes
21 the commitments described in clauses (i) and
22 (ii) of subparagraph (A) that is awarded a con-
23 tract complies with those commitments.

1 (b) BEST-VALUE FRAMEWORK.—To the maximum
2 extent practicable, a recipient of assistance under a cov-
3 ered infrastructure program is encouraged—

4 (1) to ensure that each dollar invested in infra-
5 structure uses a best-value contracting framework to
6 maximize the local value of federally funded con-
7 tracts by evaluating bids on price and other criteria
8 prioritized in the bid, such as—

9 (A) equity;

10 (B) environmental and climate justice;

11 (C) impact on greenhouse gas emissions;

12 (D) resilience;

13 (E) the results of a 40-year life-cycle anal-
14 ysis;

15 (F) safety;

16 (G) commitment to creating or sustaining
17 high-quality job opportunities affiliated with
18 registered apprenticeship programs for dis-
19 advantaged or underrepresented individuals in
20 infrastructure industries in the United States;
21 and

22 (H) access to jobs and essential services by
23 all modes of travel for all users, including dis-
24 abled individuals;

1 (2) in evaluating bids, to give at least equal
2 weight to the criteria described in paragraph (1) as
3 to past performance; and

4 (3) to ensure community engagement, trans-
5 parency, and accountability in carrying out each
6 stage of the project.

7 (c) PREFERENCE FOR REGISTERED APPRENTICE-
8 SHIP PROGRAMS.—To the maximum extent practicable, a
9 recipient of assistance under a covered infrastructure pro-
10 gram, with respect to the project for which the assistance
11 is received, shall give preference to a bidder that dem-
12 onstrates a commitment to high-quality job opportunities
13 affiliated with registered apprenticeship programs.

14 (d) PREFERENCE FOR NEUTRALITY IN UNION ORGA-
15 NIZING.—Notwithstanding any other provision of law, the
16 head of each relevant Federal agency, in consultation with
17 the Secretary of Labor, shall give preference in providing
18 assistance under a covered infrastructure program to an
19 entity that commits to giving preference in awarding con-
20 tracts and subcontracts for projects carried out with that
21 assistance to bidders that have an explicit neutrality policy
22 on any issue involving the organization of employees for
23 purposes of collective bargaining.

24 (e) USE OF U.S. EMPLOYMENT PLAN.—Notwith-
25 standing any other provision of law, in carrying out a

1 project under a covered infrastructure program, each enti-
2 ty that receives Federal assistance shall use a U.S. Em-
3 ployment Plan for each contract of \$5,000,000 or more
4 for the purchase of manufactured goods or of services,
5 based on an independent cost estimate.

6 (f) REPORT.—Not less frequently than once each fis-
7 cal year, the heads of the relevant Federal agencies shall
8 jointly submit to Congress a report describing the imple-
9 mentation of this section.

10 (g) INTENT OF CONGRESS.—

11 (1) IN GENERAL.—It is the intent of Con-
12 gress—

13 (A) to encourage recipients of Federal as-
14 sistance under covered infrastructure programs
15 to use a best-value contracting framework de-
16 scribed in subsection (b)(1) for the purchase of
17 goods and services;

18 (B) to encourage recipients of Federal as-
19 sistance under covered infrastructure programs
20 to use preferences for registered apprenticeship
21 programs and neutrality in union organizing as
22 described in subsections (c) and (d) when evalu-
23 ating bids for projects using that assistance;

24 (C) to require that recipients of Federal
25 assistance under covered infrastructure pro-

1 grams use the U.S. Employment Plan in car-
2 rying out the project for which the assistance
3 was provided; and

4 (D) that full and open competition under
5 covered infrastructure programs means a proce-
6 dural competition that prevents corruption, fa-
7 voritism, and unfair treatment by recipient
8 agencies.

9 (2) INCLUSION.—A best-value contracting
10 framework described in subsection (b)(1) is a frame-
11 work that authorizes a recipient of Federal assist-
12 ance under a covered infrastructure program, in
13 awarding contracts, to evaluate a range of factors,
14 including price, the quality of products, the quality
15 of services, and commitments to the creation of good
16 jobs for all people in the United States.

17 **Subtitle D—Improving Safety,**
18 **Connectivity, and Access to Bet-**
19 **ter Opportunities**

20 **SEC. 141. ACCESSIBILITY DATA PROGRAM.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Secretary of Transpor-
23 tation (referred to in this section as the “Secretary”) shall
24 carry out an accessibility data program (referred to in this
25 section as the “program”).

1 (b) PURPOSE.—The purpose of the program is to de-
2 velop or procure an accessibility data set and make that
3 data set available to each eligible entity selected to partici-
4 pate in the program to improve the transportation plan-
5 ning of those eligible entities by—

6 (1) measuring the level of access by multiple
7 transportation modes to important destinations,
8 which may include—

9 (A) jobs, including areas with a concentra-
10 tion of available jobs;

11 (B) health care facilities;

12 (C) child care services;

13 (D) educational and workforce training fa-
14 cilities;

15 (E) affordable and accessible housing;

16 (F) food sources; and

17 (G) connections between modes, including
18 connections to—

19 (i) high-quality transit or rail service;

20 (ii) safe bicycling corridors; and

21 (iii) safe sidewalks that achieve com-
22 pliance with applicable requirements of the
23 Americans with Disabilities Act of 1990
24 (42 U.S.C. 12101 et seq.);

1 (2) disaggregating the level of access by mul-
2 tiple transportation modes by a variety of population
3 categories, which may include—

4 (A) low-income populations;

5 (B) minority populations;

6 (C) age;

7 (D) disability; and

8 (E) geographical location; and

9 (3) assessing the change in accessibility that
10 would result from new transportation investments.

11 (c) ELIGIBLE ENTITIES.—An entity eligible to par-
12 ticipate in the program is—

13 (1) a State (as defined in section 101(a) of title
14 23, United States Code);

15 (2) a metropolitan planning organization; or

16 (3) a rural planning organization.

17 (d) APPLICATION.—To be eligible to participate in
18 the program, an eligible entity shall submit to the Sec-
19 retary an application at such time, in such manner, and
20 containing such information as the Secretary may require,
21 including information relating to—

22 (1) previous experience of the eligible entity
23 measuring transportation access or other perform-
24 ance management experience;

1 (2) the types of important destinations to which
2 the eligible entity intends to measure access;

3 (3) the types of data disaggregation the eligible
4 entity intends to pursue; and

5 (4) a general description of the methodology the
6 eligible entity intends to apply.

7 (e) SELECTION.—The Secretary shall seek to achieve
8 diversity of participants in the program, including—

9 (1) by selecting a range of eligible entities that
10 shall include not less than—

11 (A) 5 States;

12 (B) 10 metropolitan planning organiza-
13 tions, of which—

14 (i) 5 shall each serve an area with a
15 population of not more than 200,000 peo-
16 ple; and

17 (ii) 5 shall each serve an area with a
18 population of 200,000 or more people; and

19 (C) 5 rural planning organizations; and

20 (2) among the eligible entities selected under
21 paragraph (1)—

22 (A) a range of capacity and previous expe-
23 rience with measuring transportation access;
24 and

1 (B) a variety of proposed methodologies
2 and focus areas for measuring level access.

3 (f) DUTIES.—For each eligible entity participating in
4 the program, the Secretary shall—

5 (1) develop or acquire an accessibility data set
6 described in subsection (b); and

7 (2) submit the data set to the eligible entity.

8 (g) METHODOLOGY.—In calculating the measures for
9 the data set under the program, the Secretary shall ensure
10 that methodology is open source.

11 (h) AVAILABILITY.—The Secretary shall make an ac-
12 cessibility data set under the program available to—

13 (1) units of local government within the juris-
14 diction of the eligible entity participating in the pro-
15 gram; and

16 (2) researchers.

17 (i) REPORT.—Not later than 120 days after the last
18 date on which the Secretary submits data sets to the eligi-
19 ble entity under subsection (f), the Secretary shall submit
20 to Congress a report on the results of the program, includ-
21 ing the feasibility of developing and providing periodic ac-
22 cessibility data sets for all States, regions, and localities.

23 (j) PUBLIC AVAILABILITY OF DATA.—The Secretary
24 may make publicly available on the internet the data sets
25 and the report under subsection (i).

1 (k) FUNDING.—The Secretary shall carry out the
 2 program using amounts made available to the Secretary
 3 for administrative expenses to carry out programs under
 4 the authority of the Secretary.

5 **SEC. 142. ESTABLISHMENT OF PERFORMANCE MEASURES**
 6 **FOR TRANSPORTATION ACCESSIBILITY.**

7 (a) CONNECTIVITY AND ACCESSIBILITY PERFORM-
 8 ANCE MEASURES.—Section 150 of title 23, United States
 9 Code, is amended—

10 (1) in subsection (c)—

11 (A) in paragraph (1), by inserting “and in
 12 the case of paragraph (7), not later than 3
 13 years after the date of enactment of the Build
 14 Local, Hire Local Act,” after “MAP–21,”; and

15 (B) by adding at the end the following:

16 “(7) MULTIMODAL TRANSPORTATION
 17 CONNECTIVITY AND ACCESSIBILITY.—

18 “(A) DEFINITION OF DISADVANTAGED
 19 POPULATION.—In this paragraph, the term ‘dis-
 20 advantaged population’ means a low-income
 21 population, a minority population, or people
 22 with disabilities, as determined by the Sec-
 23 retary.

24 “(B) REGULATIONS.—The Secretary shall
 25 issue such regulations as are necessary to es-

1 establish performance measures relating to trans-
2 portation connectivity and accessibility for
3 States, metropolitan planning organizations,
4 and units of local government to improve the
5 connectivity and accessibility of roadways, pub-
6 lic transportation infrastructure, pedestrian and
7 bikeway infrastructure, and other transpor-
8 tation infrastructure.

9 “(C) INCLUSIONS.—The performance
10 measures established pursuant to subparagraph
11 (B) shall include measures to assess—

12 “(i) with respect to the general popu-
13 lation serviced by a transportation sys-
14 tem—

15 “(I) the change in cumulative ac-
16 cess to employment opportunities and
17 other essential services, including edu-
18 cational and workforce training loca-
19 tions, health care facilities, rec-
20 reational assets, and supermarkets
21 and grocers;

22 “(II) multimodal choice and en-
23 hanced interconnections among
24 modes—

1 “(aa) to offer variety of
2 choice between and among
3 modes;

4 “(bb) to provide accessible
5 and reliable transportation for all
6 users; and

7 “(cc) to encourage travel de-
8 mand management among local
9 and statewide employers; and

10 “(III) any other issues the Sec-
11 retary determines to be appropriate;
12 and

13 “(ii) with respect to disadvantaged
14 populations serviced by a transportation
15 system—

16 “(I) transportation accessibility
17 for disadvantaged populations;

18 “(II) change in cumulative acces-
19 sibility for disadvantaged populations
20 to employment opportunities and
21 other essential services, including edu-
22 cational and workforce training loca-
23 tions, health care facilities, rec-
24 reational assets, and supermarkets
25 and grocers; and

1 “(III) any other issues the Sec-
2 retary determines to be appropriate.”;

3 (2) in subsection (d)(1), by striking “and (6)”
4 and inserting “(6), and (7)”; and

5 (3) by adding at the end the following:

6 “(f) REPORT ON MULTIMODAL TRANSPORTATION
7 CONNECTIVITY AND ACCESSIBILITY.—Not less frequently
8 than annually—

9 “(1) each State, metropolitan planning organi-
10 zation, and unit of local government shall submit to
11 the Secretary the progress of that entity toward
12 achieving the performance measures under sub-
13 section (c)(7); and

14 “(2) the Secretary shall—

15 “(A) submit to Congress a report that in-
16 cludes the results of the reporting under para-
17 graph (1); and

18 “(B) make publicly available on the inter-
19 net the report under subparagraph (A) and any
20 accompanying data.”.

21 (b) HIGHWAY METROPOLITAN PLANNING COORDINA-
22 TION.—Section 134(h)(2)(B) of title 23, United States
23 Code, is amended by adding at the end the following:

24 “(iii) MULTIMODAL TRANSPORTATION
25 ACCESSIBILITY PERFORMANCE TARGETS.—

1 Selection of performance targets by a met-
 2 ropolitan planning organization shall be co-
 3 ordinated, to the maximum extent prac-
 4 ticable, with the relevant State, local trans-
 5 portation planning agencies, and providers
 6 of public transportation to ensure consist-
 7 ency with section 150(c)(7).”.

8 (c) PUBLIC TRANSPORTATION METROPOLITAN
 9 PLANNING COORDINATION.—Section 5303(h)(2)(B) of
 10 title 49, United States Code, is amended by adding at the
 11 end the following:

12 “(iii) MULTIMODAL TRANSPORTATION
 13 ACCESSIBILITY PERFORMANCE TARGETS.—
 14 Selection of performance targets by a met-
 15 ropolitan planning organization shall be co-
 16 ordinated, to the maximum extent prac-
 17 ticable, with the relevant State, local trans-
 18 portation planning agencies, and providers
 19 of public transportation to ensure consist-
 20 ency with section 150(c)(7) of title 23.”.

21 **SEC. 143. TECHNICAL ASSISTANCE PROGRAM.**

22 (a) IN GENERAL.—The Secretary of Transportation
 23 (referred to in this section as the “Secretary”), in coordi-
 24 nation with the Administrator of the Federal Highway Ad-
 25 ministration, the Administrator of the Federal Transit

1 Administration, the Secretary of Housing and Urban De-
2 velopment, and the Secretary of Agriculture shall establish
3 a program (referred to in this section as the “program”)
4 to provide technical assistance to local communities adja-
5 cent to planned or existing transportation infrastructure
6 projects to explore design and policy approaches to create
7 connected, economically prosperous, and environmentally
8 and physically healthy communities that—

9 (1) avoid displacement of the current popu-
10 lation; and

11 (2) maximize high-quality jobs in the United
12 States that pay family-sustaining wages.

13 (b) PURPOSES.—The purposes of the program are—

14 (1) to identify innovative solutions to infra-
15 structure challenges, including reconnecting commu-
16 nities that—

17 (A) are bifurcated by infrastructure such
18 as highways or viaducts;

19 (B) lack safe, reliable, and affordable
20 transportation choices; or

21 (C) have been disconnected due to natural
22 disasters, in particular, communities in areas
23 that are being harmed the most by climate
24 change; and

1 (2) to inform the transportation planning and
2 project life cycle by actively encouraging community
3 input and feedback.

4 (c) APPLICATION.—To be eligible to receive technical
5 assistance under the program, a local community de-
6 scribed in subsection (a) shall submit to the Secretary an
7 application at such time, in such manner, and containing
8 such information as the Secretary may require, includ-
9 ing—

10 (1) a description of the “community team” that
11 will participate in the program, which shall consist
12 of—

13 (A) elected officials;

14 (B) senior transportation professionals;

15 (C) State workforce development boards or
16 local workforce development boards; and

17 (D) a cross-section of residents of the local
18 community;

19 (2) a description of a neighborhood infrastruc-
20 ture challenge, including all modes and users of
21 transportation, in the local community that limits
22 access to social or economic centers or other essen-
23 tial services;

1 (3) an explanation of the goals the local com-
2 munity aims to achieve with assistance under the
3 program; and

4 (4) letters of support from the applicable State
5 department of transportation and other entities,
6 such as community groups, transit agencies, port au-
7 thorities, metropolitan planning organizations, and
8 political subdivisions of State and local governments.

9 (d) PRIORITY.—In selecting local communities to
10 participate in the program, the Secretary shall give pri-
11 ority to a local community that is economically disadvan-
12 taged.

13 (e) TECHNICAL ASSISTANCE.—The Secretary shall
14 provide to a local community that is selected to participate
15 in the program—

16 (1) technical assistance to inform, prepare, and
17 enable the local community to better engage in—

18 (A) Federal transportation planning;

19 (B) programming and planning to improve
20 resiliency and environmental sustainability and
21 reduce greenhouse gas emissions;

22 (C) the environmental review process
23 under the National Environmental Policy Act of
24 1969 (42 U.S.C. 4321 et seq.);

1 (D) life-cycle analysis of a prospective
2 project;

3 (E) Federal assistance programs; and

4 (F) policies that maximize the creation of
5 high-quality jobs in the United States; and

6 (2) technical expertise through representatives
7 from regional and national design, architecture, en-
8 gineering, and planning firms and public, private,
9 and nonprofit land use professionals.

10 (f) FUNDING.—The Secretary shall use not less than
11 10 percent of the amounts made available to carry out
12 section 144 for each fiscal year to carry out the program.

13 **SEC. 144. CONNECT COMMUNITIES PROGRAM.**

14 (a) ESTABLISHMENT.—

15 (1) IN GENERAL.—The Secretary of Transpor-
16 tation (referred to in this section as the “Sec-
17 retary”), in coordination with the Administrator of
18 the Federal Highway Administration, the Adminis-
19 trator of the Federal Transit Administration, the
20 Secretary of Housing and Urban Development, the
21 Secretary of Labor, the Administrator of the Envi-
22 ronmental Protection Agency, and the Secretary of
23 Agriculture shall carry out a competitive grant pro-
24 gram to be known as the “Connect Communities
25 Program” (referred to in this section as the “pro-

1 gram”) to provide grants for projects to create con-
2 nected, economically prosperous, and environ-
3 mentally and physically healthy communities in—

4 (A) areas that are economically disadvan-
5 taged, including areas that have experienced
6 levels of poverty of 20 percent or more, high
7 levels of outmigration, and high levels of
8 deindustrialization;

9 (B) areas that currently lack accessible
10 and affordable transportation options in terms
11 of—

12 (i) lack of access to jobs and services;

13 and

14 (ii) lack of physical accessibility;

15 (C) neighborhoods bifurcated by large-scale
16 infrastructure projects; or

17 (D) areas that have been negatively im-
18 pacted by climate change.

19 (2) GOALS.—The goals of the program are—

20 (A) to reduce the cost of construction, op-
21 erations, and maintenance of arterial highways;

22 (B) to demonstrate the social, economic,
23 and environmental benefits that result from re-
24 placing a grade-separated facility with an at-
25 grade boulevard;

1 (C) to improve neighborhood connectivity,
2 including the re-establishment of through
3 streets eliminated as a result of the construc-
4 tion of the grade-separated facility;

5 (D) to increase the total acreage of land
6 within the project corridor returned to produc-
7 tive use, including commercial, residential, rec-
8 reational, and habitat restoration uses;

9 (E) to improve the resiliency and reduce
10 the environmental impact of existing infrastruc-
11 ture assets; and

12 (F) to increase the connectivity of dis-
13 advantaged communities to economic oppor-
14 tunity.

15 (b) ELIGIBILITY.—

16 (1) ELIGIBLE ENTITIES.—An entity eligible to
17 receive a grant under the program is—

18 (A) a State (as defined in section 101(a)
19 of title 23, United States Code) or any other
20 territory or possession of the United States;

21 (B) an Indian Tribe;

22 (C) a unit of local government;

23 (D) a political subdivision of a State or
24 local government;

25 (E) a transit agency;

1 (F) a metropolitan planning organization;

2 (G) a nonprofit organization, including a
3 community mission-based organization;

4 (H) a community development financial in-
5 stitution (as defined in section 103 of the Rie-
6 gle Community Development and Regulatory
7 Improvement Act of 1994 (12 U.S.C. 4702));

8 (I) a special purpose district or public au-
9 thority with a transportation function, including
10 a port authority;

11 (J) a Federal land management agency
12 that applies jointly with a State or group of
13 States; or

14 (K) a multistate or multijurisdictional
15 group of entities described in subparagraphs
16 (A) through (J).

17 (2) ELIGIBLE PROJECTS.—A project eligible to
18 be carried out with funds from a grant provided
19 under the program is—

20 (A) a project for community-based redev-
21 opment, rehabilitation, or replacement of infra-
22 structure, including—

23 (i) the removal of a limited access
24 highway, a viaduct or overpass, an Inter-
25 state route, an interchange, a bridge, or

1 any other principal arterial facility that
2 has—

3 (I) historically had detrimental
4 effects on minority and low-income
5 communities; or

6 (II) created barriers to commu-
7 nity connectivity due to high speeds,
8 grade separations or other design fac-
9 tors; and

10 (ii) if necessary to achieve the pur-
11 poses of the program, road realignment or
12 new construction;

13 (B) a project to prevent the displacement
14 of minority or low-income individuals or busi-
15 nesses during and after redevelopment, rehabili-
16 tation, or replacement of infrastructure;

17 (C) a project for transit-oriented develop-
18 ment in a low-income area or that benefits low-
19 income individuals that includes 1 or more of—

20 (i) transit-supportive, accessible,
21 mixed-use development (including commer-
22 cial development, affordable and accessible
23 housing, and market-rate housing) that is
24 within 2 miles of and accessible to 1 or
25 more public transportation facilities that—

- 1 (I) achieve compliance with—
- 2 (aa) applicable requirements
- 3 of the Americans with Disabil-
- 4 ities Act of 1990 (42 U.S.C.
- 5 12101 et seq.); and
- 6 (bb) the most recent public
- 7 rights-of-way accessibility guide-
- 8 lines developed by the Architec-
- 9 tural and Transportation Bar-
- 10 riers Compliance Board estab-
- 11 lished by section 502(a)(1) of the
- 12 Rehabilitation Act of 1973 (29
- 13 U.S.C. 792(a)(1)); and
- 14 (II) are connected with high fre-
- 15 quency to job centers;
- 16 (ii) the facilitation of multimodal
- 17 connectivity and accessibility to employ-
- 18 ment opportunities and other essential
- 19 services, including educational and work-
- 20 force training locations, health care facili-
- 21 ties, recreational assets, and supermarkets
- 22 and grocers; and
- 23 (iii) an increase in access to transit
- 24 hubs for pedestrian and bicycle traffic;

1 (D) a public transportation project eligible
2 for assistance under chapter 53 of title 49,
3 United States Code, that will achieve the pur-
4 poses of the program, including—

5 (i) an investment in intermodal
6 projects; and

7 (ii) a new fixed guideway capital
8 project or a small start project (as those
9 terms are defined in section 5309(a) of
10 title 49, United States Code), if a grant
11 under the program will expedite the com-
12 pletion of the project and the entry into
13 revenue service of the project;

14 (E) a passenger rail transportation project
15 that achieves the purpose of the program;

16 (F) a project to improve the resiliency of
17 infrastructure against natural disasters;

18 (G) a project to reduce the environmental
19 impact of existing infrastructure assets;

20 (H) a project to bring a community into
21 compliance with the performance measures es-
22 tablished under section 150(c)(7) of title 23,
23 United States Code; and

1 (I) any other project that the Secretary de-
2 termines would achieve the purpose of the pro-
3 gram.

4 (3) ELIGIBLE AREAS.—An eligible project
5 under paragraph (2) shall be carried out in an area
6 or neighborhood described in subparagraphs (A)
7 through (D) of subsection (a)(1).

8 (c) APPLICATIONS.—

9 (1) IN GENERAL.—To be eligible to receive a
10 grant under the program, an eligible entity shall
11 submit to the Secretary an application at such time,
12 in such manner, and containing such information as
13 the Secretary may require, including—

14 (A) a project plan developed with assist-
15 ance under section 143 or independently, as ap-
16 plicable;

17 (B) a description of how the project meets
18 the criteria described in subsection (d);

19 (C) a certification that the eligible entity
20 has solicited public comments on the project
21 plan that includes—

22 (i) a certification that the eligible en-
23 tity has held 2 or more public hearings, at
24 least 1 of which was held outside of stand-
25 ard business hours in a location that was

1 open and accessible to the community in
2 which the proposed project is located;

3 (ii) a description of the process for re-
4 ceiving public comments, including involve-
5 ment of residents and stakeholders in the
6 community in which the project will occur;

7 (iii) a summary of the comments re-
8 ceived; and

9 (iv) such other information as the
10 Secretary may require;

11 (D) a description of how the grant would
12 be used and the current status of project plan-
13 ning;

14 (E) a description of how the project will
15 address the purposes of the program, including
16 plans to avoid displacement of current residents
17 in the project area;

18 (F) a description of how the eligible entity
19 will prioritize the well-being and advancement
20 of disadvantaged populations through the
21 project and as an outcome of the project;

22 (G) an assessment of—

23 (i) the accessibility of employment op-
24 portunities and other essential services, in-
25 cluding educational and workforce training

1 locations, health care facilities, recreational
2 assets, and supermarkets and grocers,
3 within the area to public transportation fa-
4 cilities and nearby affordable housing; and
5 (ii) how the proposed project will re-
6 late to identified needs in those areas;
7 (H) an assessment of transportation op-
8 tions in the area, including—
9 (i) public transportation options;
10 (ii) options for people with low in-
11 comes, people living in high-poverty areas,
12 elderly people, and people with disabilities;
13 and
14 (iii) any obstacles to providing access
15 to locations that offer employment oppor-
16 tunities and other essential services, in-
17 cluding educational and workforce training
18 locations, health care facilities, recreational
19 assets, and supermarkets and grocers;
20 (I) an assessment of methods for lowering
21 the combined cost of housing and transpor-
22 tation for families in the region, particularly for
23 families that utilize workforce housing and for
24 low-, very low-, and extremely low-income fami-
25 lies;

1 (J) an assessment of how the project will
2 revitalize existing communities, including—

3 (i) the approximate number of jobs
4 the project will create;

5 (ii) the services the project will deliver
6 to workers and the community; and

7 (iii) any antidisplacement efforts that
8 will be included in the project;

9 (K) a plan for evaluating progress in in-
10 creasing opportunities for and improvements to
11 the quality of life for disadvantaged populations
12 and the broader community in which the project
13 is completed; and

14 (L) information about the status of appli-
15 cable Federal environmental reviews and ap-
16 provals for the project, including reviews and
17 approvals under the National Environmental
18 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

19 (2) MULTIPLE PROJECTS.—An eligible entity
20 may submit an application for multiple projects in 1
21 application.

22 (3) DEFINITION OF WORKFORCE HOUSING.—
23 For the purpose of paragraph (1)(I), the term
24 “workforce housing” means housing, the cost of
25 which does not exceed 30 percent of—

1 (A) the amount equal to 120 percent of the
2 median income in the area, as determined by
3 the Secretary, with appropriate adjustments for
4 the size of the family; or

5 (B) if the Secretary determines that there
6 are unusually high or low incomes in the area,
7 another amount, as determined by the Sec-
8 retary.

9 (d) SELECTION.—

10 (1) IN GENERAL.—The Secretary shall select
11 projects to receive grants under the program based
12 on—

13 (A) how the project will contribute to a
14 state of good repair for infrastructure assets;

15 (B) how the project would increase eco-
16 nomic competitiveness, including the effects of
17 revitalizing communities, neighborhoods, and
18 commercial centers supported by existing infra-
19 structure;

20 (C) how the project will support environ-
21 mental protection, including resiliency, by in-
22 creasing demand for nonmotorized transpor-
23 tation and public transportation;

1 (D) how or whether the project will pre-
2 vent residents in the area from being forcibly or
3 unwillingly displaced;

4 (E) the anticipated effects on quality of
5 life for all residents in the project area;

6 (F) whether the project uses innovative
7 strategies, including innovative technologies, in-
8 novative project delivery, or innovative financ-
9 ing;

10 (G) the extent to which the project—

11 (i) is supported by a broad range of
12 stakeholders;

13 (ii) demonstrates collaboration among
14 neighboring and regional jurisdictions; and

15 (iii) is coordinated with projects with
16 similar objectives, such as projects for eco-
17 nomic development, housing, water and
18 waste infrastructure, power and electric in-
19 frastructure, broadband, and land use
20 plans and policies;

21 (H) how the project will increase non-Fed-
22 eral revenue for transportation infrastructure
23 investment;

1 (I) demonstrated project readiness, includ-
2 ing use of technical assistance under section
3 143; and

4 (J) the costs and benefits of the project.

5 (2) PRIORITY.—The Secretary shall give pri-
6 ority to projects that have been developed under the
7 technical assistance program under section 143.

8 (e) DISTRIBUTION OF GRANTS.—

9 (1) IN GENERAL.—In providing grants under
10 the program, the Secretary shall ensure—

11 (A) an equitable geographic distribution of
12 funds; and

13 (B) an appropriate balance in addressing
14 the needs of urban, suburban, rural, and Tribal
15 communities.

16 (2) LIMITATION.—For each fiscal year, the Sec-
17 retary shall ensure that the total amount of funds
18 provided through grants under the program for each
19 State is not more than \$150,000,000.

20 (f) AMOUNT OF GRANT.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2) and subject to subsection (e)(2), a grant
23 provided under the program shall be in an amount
24 that is not less than \$5,000,000.

1 (2) RURAL AND TRIBAL AREAS.—In the case of
2 a project in a rural area (as defined in section
3 101(a) of title 23, United States Code), or in a Trib-
4 al area, a grant provided under the program shall be
5 in an amount that is not less than \$1,000,000.

6 (g) USE OF FUNDS.—

7 (1) IN GENERAL.—Subject to paragraph (2), an
8 eligible entity that receives a grant under the pro-
9 gram may use the grant funds for—

10 (A) development phase activities, including
11 planning, feasibility analysis, revenue fore-
12 casting, environmental review, permitting, pre-
13 liminary engineering and design work, and
14 other preconstruction activities; and

15 (B) construction, reconstruction, rehabili-
16 tation, replacement, acquisition of real property
17 (including land relating to the project and im-
18 provements to land), environmental mitigation,
19 construction contingencies, and acquisition of
20 equipment.

21 (2) LIMITATION.—Not more than 20 percent of
22 the amount of the grant may be used for the activi-
23 ties described in paragraph (1)(A).

24 (h) FEDERAL SHARE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the Federal share of the cost of a project
3 carried out with a grant under the program shall not
4 exceed 80 percent.

5 (2) HARDSHIP AREAS.—The Federal share of
6 the cost of a project carried out with a grant under
7 the program may be up to 100 percent if the Sec-
8 retary identifies the area in which the project will be
9 carried out as a hardship area, as determined by the
10 Secretary.

11 (i) TIFIA PROGRAM.—On the request of an eligible
12 entity, the Secretary may use 5 percent of the grant for
13 the purpose of paying the subsidy and administrative costs
14 necessary to provide Federal credit assistance under chap-
15 ter 6 of title 23, United States Code, for the project.

16 (j) STANDARDS.—Notwithstanding any other provi-
17 sion of law, a project carried out with a grant under the
18 program shall not be subject to the traffic volume require-
19 ments under section 109(b) of title 23, United States
20 Code.

21 (k) PERFORMANCE MEASURES.—

22 (1) IN GENERAL.—For each year until the
23 project is completed, each eligible entity that re-
24 ceives a grant under the program shall agree to es-
25 tablish, in coordination with the Secretary, perform-

1 ance measures and reporting requirements in addi-
2 tion to measures and requirements under this sec-
3 tion that shall be met at the end of each year in
4 which the eligible entity receives funds under the
5 grant program.

6 (2) VIOLATION OF GRANT AGREEMENT.—If the
7 Secretary determines that an eligible entity has not
8 met the performance measures established under
9 paragraph (1), is not making reasonable progress to-
10 ward meeting those measures, or is otherwise in vio-
11 lation of the grant agreement, the Secretary may—

12 (A) withhold additional financial assistance
13 until the performance measures are met; or

14 (B) terminate the grant agreement.

15 (1) COMMUNITY ADVISORY BOARD.—

16 (1) IN GENERAL.—For each project carried out
17 with a grant under the program, the eligible entity
18 shall form a community advisory board.

19 (2) COMPOSITION.—A community advisory
20 board shall be composed of representatives of—

21 (A) the relevant State and units of local
22 government;

23 (B) the relevant State workforce develop-
24 ment board or local workforce development
25 board;

1 (C) relevant metropolitan planning organi-
2 zations;

3 (D) labor organizations;

4 (E) residents or organizational representa-
5 tion of the area in which the project is occur-
6 ring; and

7 (F) any other relevant representatives im-
8 portant to the implementation of the project,
9 such as a county board of developmental dis-
10 abilities, as determined by the eligible entity, in
11 coordination with the Secretary.

12 (3) DUTIES.—A community advisory board
13 shall, with respect to the applicable project—

14 (A) ensure community engagement, trans-
15 parency, and accountability in carrying out each
16 stage of the project; and

17 (B) track, evaluate, and report progress on
18 clear and meaningful indicators related to—

19 (i) targeted hiring commitments;

20 (ii) quality wage, benefits, and train-
21 ing commitments;

22 (iii) goals for participation by small
23 businesses and businesses in accordance
24 with section 123(b) in the project;

1 (iv) progress made on the objectives of
2 the program as described in subsection (a);
3 and

4 (v) any other relevant areas, as deter-
5 mined by the eligible entity, in coordina-
6 tion with the Secretary.

7 (4) STIPEND.—The eligible entity may provide
8 a stipend to representatives on the community advi-
9 sory board based on the expressed need of represent-
10 atives, on approval by the Secretary.

11 (m) REPORTS.—

12 (1) IN GENERAL.—Not less frequently than
13 once each year, each eligible entity that receives a
14 grant under the program, in coordination with the
15 applicable community advisory board under sub-
16 section (l), shall submit to the Secretary periodic re-
17 ports on the use of the grant funds.

18 (2) CONTENTS.—A periodic report under para-
19 graph (1) shall include—

20 (A) the amount of Federal funds received,
21 obligated, and expended by the eligible entity
22 under the program;

23 (B) the number of projects that have been
24 put out to bid using the grant funds and the

1 amount of Federal funds associated with each
2 project;

3 (C) the number of projects for which con-
4 tracts have been awarded for the project carried
5 out under the program and the amount of Fed-
6 eral funds associated with the contracts;

7 (D) the number of projects for which work
8 has begun under the contracts referred to in
9 subparagraph (C) and the amount of Federal
10 funds associated with the contracts;

11 (E) the number of projects for which work
12 has been completed under the contracts referred
13 to in subparagraph (C) and the amount of Fed-
14 eral funds associated with the contracts;

15 (F) the number of direct, on-project jobs
16 created or sustained by the Federal funds pro-
17 vided for projects under the program and, to
18 the extent possible, the estimated indirect jobs
19 created or sustained in the associated supplying
20 industries, including—

21 (i) the number of job-years created
22 and the total increase in employment in
23 the project area since the date of enact-
24 ment of this Act; and

1 (ii) information on local hiring, hiring
2 of economically disadvantaged individuals,
3 and hiring of individuals with a barrier to
4 employment (including ex-offenders) and
5 disabled individuals, with respect to the
6 project;

7 (G) an analysis of the contracts awarded
8 that indicates participation levels of small busi-
9 nesses and disadvantaged businesses;

10 (H) suggestions for improvements in trans-
11 portation accessibility for disadvantaged popu-
12 lations, based on criteria developed by the Sec-
13 retary; and

14 (I) any other criteria the Secretary deter-
15 mines to be appropriate.

16 (3) REPORT TO CONGRESS.—Each fiscal year,
17 the Secretary shall transmit to Congress the reports
18 received by the Secretary under paragraph (1).

19 (4) GAO REPORT ON INFRASTRUCTURE REMOV-
20 ALS.—Not later than 2 years after the date of enact-
21 ment of this Act, the Comptroller General of the
22 United States shall submit to Congress a report on
23 infrastructure removal, including—

1 (A) an identification of examples of
2 projects to remove infrastructure using assist-
3 ance from a covered infrastructure program;

4 (B) an evaluation of the effect of infra-
5 structure removal projects on the surrounding
6 area, including impacts to the local economy,
7 congestion effects, safety outcomes, and impacts
8 on the movement of freight and people;

9 (C) an analysis of the costs and benefits of
10 removing underutilized infrastructure assets
11 that are nearing the end of the useful life of the
12 assets compared to replacing or reconstructing
13 the assets; and

14 (D) recommendations for integrating the
15 findings and results under subparagraphs (A)
16 through (C) into infrastructure planning and
17 decisionmaking processes.

18 (n) FUNDING.—There is authorized to be appro-
19 priated to carry out the program \$5,000,000,000 for each
20 of fiscal years 2022 through 2026.

1 **TITLE II—LAUNCHING MIDDLE**
2 **CLASS CAREER PATHWAYS IN**
3 **INFRASTRUCTURE**

4 **SEC. 201. BUILDING AMERICAN INFRASTRUCTURE AND CA-**
5 **REERS PROGRAM.**

6 (a) DEFINITIONS.—

7 (1) WIOA DEFINITIONS.—In this section—

8 (A) the terms “career pathway”, “commu-
9 nity-based organization”, “individual with a
10 barrier to employment”, “industry or sector
11 partnership”, “integrated education and train-
12 ing”, “recognized postsecondary credential”,
13 and “workforce development system” have the
14 meanings given those terms in section 3 of the
15 Workforce Innovation and Opportunity Act (29
16 U.S.C. 3102); and

17 (B) the term “postsecondary educational
18 institution” has the meaning given the term in
19 section 203 of the Workforce Innovation and
20 Opportunity Act (29 U.S.C. 3272).

21 (2) OTHER DEFINITIONS.—In this section:

22 (A) CAREER AND TECHNICAL EDU-
23 CATION.—The term “career and technical edu-
24 cation” has the meaning given the term in sec-

1 tion 3 of the Carl D. Perkins Career and Tech-
2 nical Education Act of 2006 (20 U.S.C. 2302).

3 (B) ELIGIBLE ENTITY.—The term “eligible
4 entity” means—

5 (i) a local workforce development
6 board;

7 (ii) a State workforce development
8 board;

9 (iii) an industry or sector partnership,
10 which may be led by any member of such
11 partnership, including—

12 (I) a community-based organiza-
13 tion;

14 (II) a recognized State labor or-
15 ganization, central labor council, or
16 another labor representative, as ap-
17 propriate; or

18 (III) an education or training
19 provider; or

20 (iv) any combination of entities de-
21 scribed in any of clauses (i) through (iii).

22 (C) SECRETARY.—The term “Secretary”
23 means the Secretary of Labor.

24 (D) SUPPORTIVE SERVICES.—The term
25 “supportive services” means services such as

1 transportation, child care, dependent care,
2 housing, and needs-related payments, that are
3 necessary to enable an individual to participate
4 in activities authorized under this Act or under
5 the Workforce Innovation and Opportunity Act
6 (29 U.S.C. 3101 et seq.).

7 (E) TARGETED INFRASTRUCTURE INDUS-
8 TRY.—The term “targeted infrastructure indus-
9 try” means an infrastructure industry, includ-
10 ing transportation (including surface, transit,
11 aviation, or railway transportation), construc-
12 tion, energy, water, information technology, or
13 utilities industries, that the eligible entity iden-
14 tifies in accordance with subsection (c)(2)(A).

15 (F) WORK-BASED LEARNING PROGRAM.—
16 The term “work-based learning program”
17 means a program that provides workers with
18 paid work experience and corresponding class-
19 room instruction, delivered in an employment
20 relationship that both the business and worker
21 intend to be permanent.

22 (b) ESTABLISHMENT OF BUILDING AMERICAN IN-
23 FRASTRUCTURE AND CAREERS PROGRAM.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, the Sec-

1 retary, in consultation with the Secretary of Trans-
2 portation, the Secretary of Energy, the Secretary of
3 Commerce, the Secretary of Education, the Adminis-
4 trator of the Environmental Protection Agency, and
5 the Chief of Engineers of the Army Corps of Engi-
6 neers, shall establish a program, to be known as the
7 “Building American Infrastructure and Careers Pro-
8 gram”, to provide grants under paragraph (2) to eli-
9 gible entities for the purposes of—

10 (A) promoting careers and quality employ-
11 ment practices in targeted infrastructure indus-
12 tries among individuals with a barrier to em-
13 ployment (including ex-offenders), veterans, or
14 individuals who are traditionally underrep-
15 resented in the targeted infrastructure indus-
16 tries;

17 (B) leveraging the existing capacity of
18 workforce development systems through dem-
19 onstrated partnerships to strategically facilitate
20 and align quality training, including industry or
21 sector partnerships, registered apprenticeship
22 programs, and pre-apprenticeship programs af-
23 filiated with registered apprenticeship pro-
24 grams, and hiring that create a pipeline of
25 qualified workers; and

1 (C) advancing efficiency and performance
2 on projects in targeted infrastructure indus-
3 tries.

4 (2) GRANTS.—

5 (A) IN GENERAL.—The Secretary, in con-
6 sultation with the Secretary of Transportation,
7 the Secretary of Energy, the Secretary of Com-
8 merce, the Secretary of Education, the Admin-
9 istrator of the Environmental Protection Agen-
10 cy, and the Chief of Engineers of the Army
11 Corps of Engineers, shall award grants on a
12 competitive basis to eligible entities that submit
13 an application meeting the requirements under
14 subsection (c) for such eligible entities to, sub-
15 ject to subparagraph (E), carry out a job train-
16 ing program including the activities described in
17 subsection (d) for assisting individuals with a
18 barrier to employment (including ex-offenders),
19 veterans, or individuals who are traditionally
20 underrepresented in the targeted infrastructure
21 industry, in obtaining and maintaining employ-
22 ment in a targeted infrastructure industry.

23 (B) TYPES OF GRANTS.—A grant awarded
24 under this section may be in the form of—

1 (i) an implementation grant, for enti-
2 ties seeking an initial grant under this sec-
3 tion, in order for such entity to establish
4 and carry out a job training program de-
5 scribed in subparagraph (A); or

6 (ii) a renewal grant for entities that
7 have already received an implementation
8 grant under this section for such a job
9 training program, in order for such entity
10 to continue carrying out such job training
11 program.

12 (C) DURATION.—Each grant awarded
13 under this section shall be for a period not to
14 exceed 3 years.

15 (D) AMOUNT.—The amount of a grant
16 awarded under this section may not exceed—

17 (i) for an implementation grant,
18 \$2,500,000; and

19 (ii) for a renewal grant, \$1,500,000.

20 (E) CONSTRUCTION INDUSTRY.—Notwith-
21 standing any other provision in this section, if
22 the targeted infrastructure industry for a grant
23 awarded under this section is the construction
24 industry, the grant shall only be available for
25 the establishment or operation of a pre-appren-

1 ticeship program affiliated with a registered ap-
2 prenticeship program.

3 (3) AWARD BASIS.—

4 (A) GEOGRAPHIC DIVERSITY.—The Sec-
5 retary shall award grants under this section in
6 a manner that ensures geographic diversity in
7 the areas in which activities will be carried out
8 under the grants, including a balance between
9 rural and tribal areas and urban areas.

10 (B) PRIORITY FOR TARGETED HIRING OR
11 U.S. EMPLOYMENT PLAN PROJECTS.—In award-
12 ing grants under this section, the Secretary
13 shall give priority to eligible entities that—

14 (i) ensure that not less than 50 per-
15 cent of the workers hired to participate in
16 the job training program are hired through
17 local hiring in accordance with section 111,
18 including by prioritizing individuals with a
19 barrier to employment (including ex-of-
20 fenders), disabled individuals, veterans,
21 and individuals that represent populations
22 that are traditionally underrepresented in
23 the infrastructure workforce; or

24 (ii) ensure the commitments described
25 in clauses (i) and (ii) of section

1 131(a)(2)(A) with respect to carrying out
2 the job training program.

3 (C) PRIORITY FOR RENEWAL GRANTS.—In
4 awarding renewal grants under this section, the
5 Secretary shall give priority to eligible entities
6 that demonstrate long-term sustainability of an
7 industry or sector partnership.

8 (c) APPLICATION PROCESS.—

9 (1) IN GENERAL.—An eligible entity seeking a
10 grant under this section shall submit to the Sec-
11 retary an application at such time, in such manner,
12 and containing such information as the Secretary
13 may reasonably require, including the contents de-
14 scribed in paragraph (2).

15 (2) CONTENTS.—An application submitted
16 under paragraph (1) shall contain, at a minimum—

17 (A) an identification of the targeted infra-
18 structure industry to be served by the job train-
19 ing program supported by a grant under this
20 section;

21 (B) a description of the individuals with a
22 barrier to employment, veterans, or individuals
23 who are traditionally underrepresented in the
24 targeted infrastructure industry, that will be
25 served by such program, including—

1 (i) an analysis of the labor market in
2 the targeted infrastructure industry;

3 (ii) a description of the barriers to
4 employment that may affect such individ-
5 uals; and

6 (iii) a description of strategies that
7 the program will employ to help such indi-
8 viduals overcome such barriers;

9 (C) a description of the credentials that
10 the program will assist such individuals in ob-
11 taining, which credentials—

12 (i) shall be nationally portable;

13 (ii) shall be recognized postsecondary
14 credentials or, if not available for the in-
15 dustry, other credentials determined by the
16 Secretary to be appropriate; and

17 (iii) shall be related to the targeted
18 infrastructure industry; and

19 (D) a description of the services described
20 in subsection (d)(3) that the program will offer
21 to such individuals.

22 (d) ACTIVITIES.—

23 (1) IN GENERAL.—Each job training program
24 supported under this section—

25 (A) shall include—

1 (i) activities designed to achieve the
2 strategic objectives described in paragraph
3 (2); and

4 (ii) the services described in para-
5 graph (3) for individuals with a barrier to
6 employment (including ex-offenders), vet-
7 erans, or individuals who are traditionally
8 underrepresented in the targeted infra-
9 structure industry; and

10 (B) may include a partnership between the
11 eligible entity and an employer to assist such
12 employer in carrying out a work-based learning
13 program, including a registered apprenticeship
14 program or a pre-apprenticeship program affili-
15 ated with a registered apprenticeship program.

16 (2) STRATEGIC OBJECTIVES.—The strategic ob-
17 jectives described in this paragraph are the fol-
18 lowing:

19 (A)(i) Recruiting key stakeholders in the
20 targeted infrastructure industry, which stake-
21 holders may include employers, labor organiza-
22 tions, local workforce development boards, and
23 education and training providers, including pro-
24 viders of career and technical education.

1 (ii) Regularly convening such stakeholders
2 in a collaborative manner that supports the
3 sharing of information, ideas, and challenges,
4 which are common to the targeted infrastruc-
5 ture industry.

6 (B) Identifying the training needs of em-
7 ployers in the targeted infrastructure industry,
8 including—

9 (i) needs for skills critical to competi-
10 tiveness and innovation in such industry;

11 (ii) needs of registered apprenticeship
12 programs, pre-apprenticeship programs af-
13 filiated with registered apprenticeship pro-
14 grams, or other work-based learning pro-
15 grams that may be supported by a grant
16 under this section; and

17 (iii) needs for the alignment of a job
18 training program supported under this sec-
19 tion with career pathways.

20 (C) Facilitating actions, through industry
21 or sector partnerships, registered apprenticeship
22 programs, or pre-apprenticeship programs affili-
23 ated with registered apprenticeship programs,
24 that lead to economies of scale by aggregating

1 training and education needs of multiple em-
2 ployers in the targeted infrastructure industry.

3 (D) Assisting postsecondary educational
4 institutions, training institutions, sponsors of
5 registered apprenticeship programs, and all
6 other providers of career and technical edu-
7 cation and training programs that may be re-
8 ceiving assistance under this section, align cur-
9 ricula, entrance requirements, and programs to
10 the targeted infrastructure industry needs and
11 the credentials described in subsection
12 (c)(2)(C), particularly for high-skill, high-pri-
13 ority occupations related to the targeted infra-
14 structure industry.

15 (E) Providing information on the activities
16 carried out through the job training program
17 supported under this section to the State agen-
18 cy carrying out the State program under the
19 Wagner-Peyser Act (29 U.S.C. 49 et seq.), in-
20 cluding staff of the agency that provide services
21 under such Act, to enable the agency to inform
22 recipients of unemployment compensation of the
23 employment and training opportunities that
24 may be offered through such job training pro-
25 gram supported under this section.

1 (F) Assisting employers in the targeted in-
2 frastructure industry to attract potential work-
3 ers from a diverse jobseeker base, including in-
4 dividuals with a barrier to employment (includ-
5 ing ex-offenders), veterans, or individuals who
6 are traditionally underrepresented in the tar-
7 geted infrastructure industry, by identifying
8 any such barriers, reasons for such underrep-
9 resentation, or related issues for veterans
10 through analysis of the labor market in the tar-
11 geted infrastructure industry and implementing
12 strategies to help such individuals overcome
13 such barriers, reduce such underrepresentation,
14 and address such issues.

15 (3) SERVICES.—

16 (A) IN GENERAL.—Each job training pro-
17 gram supported by a grant under this section
18 shall provide services to individuals with a bar-
19 rier to employment, veterans, or individuals who
20 are traditionally underrepresented in the tar-
21 geted infrastructure industry, which may in-
22 clude—

23 (i) pre-employment services as de-
24 scribed in subparagraph (B); and

1 (ii) employment services as described
2 in subparagraph (C).

3 (B) PRE-EMPLOYMENT SERVICES.—The
4 pre-employment services described in this sub-
5 paragraph may include—

6 (i) skills training, including career
7 and technical education, and integrated
8 education and training, with respect to the
9 targeted infrastructure industry;

10 (ii) initial assessments of such individ-
11 uals;

12 (iii) services to provide work attire
13 and necessary tools for a work site in the
14 targeted infrastructure industry;

15 (iv) supportive services, such as child
16 care and transportation;

17 (v) mentoring services; and

18 (vi) job placement assistance.

19 (C) EMPLOYMENT SERVICES.—The em-
20 ployment services described in this subpara-
21 graph are services provided to individuals with
22 a barrier to employment (including ex-offend-
23 ers), veterans, or individuals who are tradition-
24 ally underrepresented in the targeted infra-
25 structure industry, and that are employed in a

1 work-based learning program in the targeted in-
2 frastructure industry. A job training program
3 supported by a grant under this section shall
4 provide such services to such individuals during
5 their first 6 months of employment through
6 such program, to assure the individuals succeed
7 in the program. Such services may include—

8 (i) ongoing case management and
9 services, including the services described in
10 subparagraph (B);

11 (ii) continued skills training, including
12 career and technical education, integrated
13 education and training, and soft-skills
14 training such as problem solving and lead-
15 ership training, conducted in collaboration
16 with the employers of such individuals;

17 (iii) additional mentorship and reten-
18 tion supports for such individuals; and

19 (iv) targeted training for the employer
20 participating in the work-based learning
21 program, including for frontline managers,
22 journey level workers (such as mentors)
23 working with individuals with a barrier to
24 employment, veterans, or individuals who
25 are traditionally underrepresented in the

1 targeted infrastructure industry, and
2 human resource representatives of the em-
3 ployer.

4 (e) EVALUATIONS.—

5 (1) IN GENERAL.—Not later than 3 years after
6 the date of enactment of this Act, the Secretary, in
7 consultation with the Secretary of Transportation,
8 the Secretary of Energy, the Secretary of Com-
9 merce, the Secretary of Education, the Adminis-
10 trator of the Environmental Protection Agency, and
11 the Chief of Engineers of the Army Corps of Engi-
12 neers, shall prepare and submit a report to Congress
13 that evaluates the effectiveness of the grants award-
14 ed under this section in advancing the strategic ob-
15 jectives described in subsection (d)(2), and the pur-
16 poses described in subsection (b)(1).

17 (2) DATA.—The report required under para-
18 graph (1) shall provide and analyze each of the fol-
19 lowing:

20 (A) The number of participants in job
21 training programs supported under this section,
22 disaggregated by age, race or ethnicity, gender,
23 status as an individual with a barrier to em-
24 ployment, and income.

1 (B) The percentage of such participants
2 who were in unsubsidized employment prior to
3 enrolling in such program.

4 (C) The median earnings of such partici-
5 pants prior to enrolling in such program.

6 (D) The percentage of such participants
7 who are in unsubsidized employment during the
8 second quarter after exit from such program
9 and salary statistics of such participants, in-
10 cluding mean and median earnings.

11 (E) The percentage of such participants
12 who are in unsubsidized employment during the
13 fourth quarter after exit from such program
14 and the salary statistics of such participants,
15 including mean and median earnings.

16 (F) The percentage of such participants
17 who obtain a recognized postsecondary creden-
18 tial, or a secondary school diploma or its recog-
19 nized equivalent, during participation in or
20 within 1 year after exit from such program.

21 (G) The percentage of such participants
22 who, during a program year, are in an edu-
23 cation or training program that leads to a rec-
24 ognized postsecondary credential or employment

1 and who are achieving measurable skill gains
2 toward such a credential or employment.

3 **SEC. 202. INFRASTRUCTURE WORKFORCE EQUITY CAPAC-**
4 **ITY BUILDING PROGRAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means an entity that—

8 (A) has an affiliate network in not less
9 than 3 communities and across not less than 2
10 States;

11 (B) has the programmatic capability to
12 serve individuals with a barrier to employment
13 or individuals who are traditionally underrep-
14 resented in infrastructure industries;

15 (C) has clearly and convincingly dem-
16 onstrated that it has the capacity to provide
17 technical assistance to entities carrying out job
18 training programs under section 201; and

19 (D) submits an application in accordance
20 with subsection (c).

21 (2) INDIVIDUAL WITH A BARRIER TO EMPLOY-
22 MENT.—The term “individual with a barrier to em-
23 ployment” has the meaning given such term in sec-
24 tion 3 of the Workforce Innovation and Opportunity
25 Act (29 U.S.C. 3102).

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Labor.

3 (b) CAPACITY BUILDING PROGRAM.—The Secretary
4 shall reserve 10 percent of the amounts appropriated
5 under section 203 to award grants, contracts, or other
6 agreements or arrangements as the Secretary determines
7 appropriate, to eligible entities for the purpose of building
8 the capacity of entities receiving a grant under section 201
9 to implement the activities described in subsection (d) of
10 such section to more effectively serve individuals with a
11 barrier to employment, including ex-offenders, veterans, or
12 individuals who are traditionally underrepresented in the
13 targeted infrastructure industry served through the job
14 training program supported under such section 201.

15 (c) APPLICATION.—An entity seeking an award under
16 this section shall submit to the Secretary an application
17 at such time, in such manner, and containing such infor-
18 mation as the Secretary may reasonably require.

19 (d) USE OF FUNDS.—An award made under this sec-
20 tion may be used to provide technical assistance to entities
21 receiving a grant under section 201 in order for such enti-
22 ties to carry out the activities described in subsection (d)
23 of that section. Such technical assistance may include as-
24 sistance with—

25 (1) the development and training of staff;

1 (2) the provision of outreach, intake, assess-
2 ments, and service delivery;

3 (3) the coordination of services across providers
4 and programs; and

5 (4) the development of performance account-
6 ability measures.

7 (e) AMOUNT.—The amount of a grant awarded under
8 this section may not exceed \$5,000,000.

9 (f) REPORT.—An eligible entity receiving a grant
10 under this section shall, not later than 6 months after the
11 grant is awarded, submit to the Secretary a report that
12 includes—

13 (1) a description of the impact of the technical
14 assistance provided under this section on the out-
15 comes of grants under section 201; and

16 (2) such other criteria as determined by the
17 Secretary.

18 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated to carry out
20 this title \$1,000,000,000 for each of fiscal years 2022
21 through 2026.

22 **TITLE III—INVESTING IN HIGH-**
23 **QUALITY AMERICAN JOBS**

24 **SEC. 301. WAGE RATE.**

25 (a) DAVIS-BACON ACT.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, for fiscal year 2022 and each fiscal
3 year thereafter, all laborers and mechanics employed
4 by contractors or subcontractors on projects assisted
5 in whole or in part under a covered infrastructure
6 program, including projects described in paragraph
7 (3) assisted in whole or in part under such pro-
8 grams, without regard to the form or type of Fed-
9 eral assistance provided under such program, shall
10 be paid wages at rates not less than those prevailing
11 on projects of a similar character in the locality as
12 determined by the Secretary of Labor in accordance
13 with subchapter IV of chapter 31 of title 40, United
14 States Code (commonly known as the “Davis-Bacon
15 Act”).

16 (2) AUTHORITY.—With respect to the labor
17 standards specified in paragraph (1), the Secretary
18 of Labor shall have the authority and functions set
19 forth in Reorganization Plan Numbered 14 of 1950
20 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
21 title 40, United States Code.

22 (3) REVOLVING LOAN FUNDS.—A project de-
23 scribed in this paragraph is a project, in the case of
24 a covered infrastructure program that capitalizes re-
25 volving loan funds, that is assisted in whole or in

1 part with amounts deposited in the revolving loan
2 fund, including loan repayments and interest earned.

3 (b) SERVICE EMPLOYEES.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, for fiscal year 2022 and each fiscal
6 year thereafter, all service employees who are not
7 covered under subsection (a) shall be paid a wage
8 and fringe benefits that are not less than the min-
9 imum wage and fringe benefits determined in ac-
10 cordance with paragraphs (1) and (2), respectively,
11 of section 6703 of title 41, United States Code.

12 (2) DEFINITION OF SERVICE EMPLOYEE.—In
13 this subsection, the term “service employee”—

14 (A) means an individual employed by a
15 contractor or subcontractor in the performance
16 of a project that is assisted in whole or in part
17 under a covered infrastructure program, with-
18 out regard to the form or type of Federal as-
19 sistance provided under such program, and that
20 the principal purpose of which is to furnish
21 services in the United States;

22 (B) includes an individual without regard
23 to any contractual relationship alleged to exist
24 between the individual and a contractor or sub-
25 contractor; but

1 (C) does not include an individual em-
2 ployed in a bona fide executive, administrative,
3 or professional capacity, as those terms are de-
4 fined in part 541 of title 29, Code of Federal
5 Regulations.

6 (3) **AUTHORITY.**—With respect to paragraphs
7 (1) and (2), the Secretary of Labor shall have the
8 authority and functions set forth in chapter 67 of
9 title 41, United States Code.

10 **SEC. 302. RAISE LABOR STANDARDS, IMPROVE WORKING**
11 **CONDITIONS, AND STRENGTHEN WORKERS’**
12 **BARGAINING POWER.**

13 (a) **DEFINITIONS.**—In this section—

14 (1) the term “covered award” means an award
15 of not less than \$500,000 made to an entity under
16 a covered infrastructure program by the head of the
17 relevant Federal agency; and

18 (2) the term “covered subaward” means a
19 subaward of not less than \$500,000 made to an en-
20 tity under a covered infrastructure program by an-
21 other entity receiving a covered award.

22 (b) **REQUIRED PRE-GRANT, LOAN, OR CONTRACT**
23 **AWARD ACTIONS.**—

1 (1) DISCLOSURES.—The head of a relevant
2 Federal agency shall require an entity applying for
3 a covered award—

4 (A) to represent, to the best of the entity’s
5 knowledge and belief, whether there has been
6 any administrative merits determination, arbit-
7 ral award or decision, or civil judgment, as de-
8 fined in guidance issued by the Secretary of
9 Labor, rendered against the entity in the pre-
10 ceding 3 years for violations of—

11 (i) the Fair Labor Standards Act of
12 1938 (29 U.S.C. 201 et seq.);

13 (ii) the Occupational Safety and
14 Health Act of 1970 (29 U.S.C. 651 et
15 seq.);

16 (iii) the Migrant and Seasonal Agri-
17 cultural Worker Protection Act (29 U.S.C.
18 1801 et seq.);

19 (iv) the National Labor Relations Act
20 (29 U.S.C. 151 et seq.);

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

1 (vi) chapter 67 of title 41, United
2 States Code (commonly known as the
3 “Service Contract Act”);

4 (vii) Executive Order 11246 (42
5 U.S.C. 2000e note; relating to equal em-
6 ployment opportunity), including any
7 amendment to such Executive order;

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

10 (ix) section 4212 of title 38, United
11 States Code;

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

14 (xi) title VII of the Civil Rights Act of
15 1964 (42 U.S.C. 2000e et seq.);

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

18 (xiii) the Age Discrimination in Em-
19 ployment Act of 1967 (29 U.S.C. 621 et
20 seq.);

21 (xiv) Executive Order 13658 (79 Fed.
22 Reg. 9851; relating to establishing a min-
23 imum wage for contractors);

24 (xv) subsection (h) of this section; or

1 (xvi) equivalent State laws, as defined
2 in guidance issued by the Secretary of
3 Labor; and

4 (2) to require any applicant for a covered
5 subaward from the entity—

6 (A) to represent to the best of the appli-
7 cant's knowledge and belief, whether there has
8 been any administrative merits determination,
9 arbitral award or decision, or civil judgment, as
10 defined in guidance issued by the Secretary of
11 Labor, rendered against the applicant in the
12 preceding 3 years for violations of any of the
13 labor laws listed in paragraph (1); and

14 (B) to update such information not less
15 than every 6 months for the duration of the
16 covered subaward.

17 (c) PRE-AWARD CORRECTIVE MEASURES.—The head
18 of a relevant Federal agency shall, prior to awarding a
19 covered award, provide an entity that makes a disclosure
20 under subsection (b)(1) an opportunity to report any steps
21 taken to correct a violation of or improve compliance with
22 the labor laws listed in subsection (b)(1), including any
23 agreements entered into by the entity with an enforcement
24 agency.

25 (d) DISCLOSURE OF VIOLATIONS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary of Labor shall establish a website that—

4 (A) is available to the public at no cost;

5 (B) indicates each violation disclosed under
6 subsection (b) or (e)(1) with respect to an enti-
7 ty applying for, or receiving, a covered award or
8 covered subaward until such violation is cor-
9 rected and the entity is in compliance with all
10 labor laws listed in subsection (b)(1); and

11 (C) is designed to enable interested parties
12 to easily identify entities applying for, or receiv-
13 ing, covered awards or covered subawards that
14 are in violation of any labor laws listed in sub-
15 section (b)(1) and steps taken by such entities
16 to correct the violations or improve compliance
17 with such laws.

18 (2) FULFILLING REPORTING REQUIREMENTS.—

19 The Secretary of Labor, in consultation with the Di-
20 rector of the Office of Management and Budget and
21 the heads of the relevant Federal agencies, shall in-
22 clude on the website established under paragraph (1)
23 the ability for all entities that apply for or receive
24 covered awards or covered subawards to fulfill re-
25 porting requirements under this section.

1 (3) AGENCY COOPERATION.—The heads of the
2 relevant Federal agencies shall provide the Secretary
3 of Labor with the data necessary to maintain the
4 website established under paragraph (1).

5 (e) POST-AWARD GRANT, LOAN, OR CONTRACT AC-
6 TIONS.—

7 (1) INFORMATION UPDATES.—The head of a
8 relevant Federal agency shall require each entity re-
9 ceiving a covered award or covered subaward to, not
10 later than once every 6 months, update the informa-
11 tion provided under paragraph (1) or (2), as applica-
12 ble, of subsection (b).

13 (2) CORRECTIVE ACTIONS.—

14 (A) ENTITY AWARDED ASSISTANCE.—The
15 head of a relevant Federal agency, in consulta-
16 tion with the Labor Compliance Advisor des-
17 ignated by such head under subsection (f) and
18 in coordination with the heads of the other rel-
19 evant Federal agencies as applicable, shall de-
20 termine whether any information provided
21 under paragraph (1) by an entity receiving a
22 covered award warrants corrective action. Such
23 action—

24 (i) may include—

1 (I) an agreement requiring ap-
2 propriate remedial measures;

3 (II) compliance assistance;

4 (III) resolving issues to avoid
5 further violations;

6 (IV) the decision not to exercise
7 an option on assistance awarded or to
8 terminate the assistance awarded; or

9 (V) in coordination with the
10 heads of the other relevant Federal
11 agencies, the decision to debar or sus-
12 pend the entity from future participa-
13 tion in any of the covered infrastruc-
14 ture programs; and

15 (ii) shall include disclosure on the
16 website established under subsection (d).

17 (B) SUBAWARDS.—An entity that receives
18 a covered award, in consultation with head of
19 the relevant Federal agency and the Labor
20 Compliance Advisor designated by such head
21 under subsection (f), shall determine whether
22 any information provided under subsection
23 (b)(2) by a recipient of a covered subaward
24 warrants corrective action, including remedial

1 measures, compliance assistance, and resolving
2 issues to avoid further violations.

3 (3) DEPARTMENT OF LABOR INVESTIGA-
4 TIONS.—The Secretary of Labor shall, as appro-
5 priate, inform the heads of the relevant Federal
6 agencies of investigations by the Secretary of entities
7 receiving covered awards or covered subawards for
8 purposes of determining the appropriateness of ac-
9 tions described in subparagraphs (A) and (B) of
10 paragraph (2).

11 (f) LABOR COMPLIANCE ADVISORS.—

12 (1) IN GENERAL.—Each head of a relevant
13 Federal agency shall designate a senior official to
14 serve as the Labor Compliance Advisor for the agen-
15 cy.

16 (2) DUTIES.—The Labor Compliance Advisor
17 shall—

18 (A) meet quarterly with the Deputy Sec-
19 retary, Deputy Administrator, or equivalent of-
20 ficial of the agency with regard to matters cov-
21 ered under this section;

22 (B) work with officials of the agency to
23 promote greater awareness and understanding
24 of—

1 (i) the labor laws listed in subsection
2 (b)(1), including recordkeeping, reporting,
3 and notice requirements under such laws;
4 and

5 (ii) best practices for compliance with
6 such laws;

7 (C) advise the head of the relevant Federal
8 agency whether agreements are in place or are
9 otherwise needed to address appropriate reme-
10 dial measures, compliance assistance, steps to
11 resolve issues to avoid violations of the labor
12 laws listed in subsection (b)(1), or other related
13 matters concerning entities applying for or re-
14 ceiving covered awards or covered subawards;

15 (D) coordinate assistance for entities that
16 apply for or receive covered awards or covered
17 subawards that are seeking help in addressing
18 and preventing violations of such labor laws;

19 (E) in consultation with the Secretary of
20 Labor or other relevant enforcement agencies,
21 provide assistance to the head of the relevant
22 Federal agency regarding appropriate actions to
23 be taken in response to violations, by entities
24 applying for or receiving covered awards or cov-
25 ered subawards, of the labor laws listed in sub-

1 section (b)(1) identified prior to or after receipt
2 of such awards, and to address complaints in a
3 timely manner, by—

4 (i) providing assistance to officials of
5 the agency in reviewing the information
6 provided under subsections (b) and (e)(1),
7 or other information indicating a violation
8 of such a labor law, in order to assess the
9 serious, repeated, willful, or pervasive na-
10 ture of such violation and evaluate steps
11 entities applying for or receiving covered
12 awards or covered subawards have taken to
13 correct violations of or improve compliance
14 with such laws;

15 (ii) helping officials of the agency de-
16 termine the appropriate response to ad-
17 dress violations of the labor laws listed in
18 subsection (b)(1), or other information in-
19 dicating such violations, particularly seri-
20 ous, repeated, willful, or pervasive viola-
21 tions, including agreements requiring ap-
22 propriate remedial measures, decisions not
23 to award assistance or exercise an option
24 on an award of assistance, termination of
25 an award of assistance, or referral of de-

1 tails to be posted on the website estab-
2 lished under subsection (d);

3 (iii) providing assistance to officials of
4 the agency in receiving and responding to,
5 or making referrals of, complaints alleging
6 violations of the labor laws listed in sub-
7 section (b)(1) by entities applying for or
8 receiving covered awards or covered sub-
9 awards;

10 (iv) supporting officials of the agency
11 in the coordination of actions taken pursu-
12 ant to this section to ensure agency-wide
13 consistency, to the extent practicable; and

14 (v) as appropriate, sending informa-
15 tion to agency suspension and debarment
16 officials in accordance with agency proce-
17 dures;

18 (F) consult with the head of the relevant
19 Federal agency, and the Secretary of Labor as
20 necessary, in the development of regulations,
21 policies, and guidance addressing compliance
22 with the labor laws listed in subsection (b)(1)
23 by entities applying for or receiving covered
24 awards or covered subawards;

1 (G) make recommendations to the head of
2 the relevant Federal agency to strengthen agen-
3 cy management of compliance with such labor
4 laws by entities applying for or receiving cov-
5 ered awards or covered subawards;

6 (H) publicly report, on an annual basis, a
7 summary of actions taken by the head of the
8 relevant Federal agency to promote greater
9 compliance with the labor laws listed in sub-
10 section (b)(1), including the head's response to
11 serious, repeated, willful, or pervasive violations
12 of such labor laws; and

13 (I) participate in the interagency meetings
14 regularly convened by the Secretary of Labor
15 under subsection (g)(2).

16 (g) MEASURES TO ENSURE GOVERNMENT-WIDE
17 CONSISTENCY.—Not later than 1 year after the date of
18 enactment of this Act, the Secretary of Labor shall—

19 (1) develop a process—

20 (A) for the Labor Compliance Advisors
21 designated under subsection (f) to consult with
22 the Secretary of Labor in carrying out the re-
23 sponsibilities of such Advisors under subsection
24 (f)(2)(E); and

1 (B) by which the head of the relevant Fed-
2 eral agencies and Labor Compliance Advisors
3 may give appropriate consideration to deter-
4 minations and agreements made by the Sec-
5 retary of Labor and such heads;

6 (2) regularly convene interagency meetings of
7 Labor Compliance Advisors to share and promote
8 best practices for improving compliance with the
9 labor laws listed in subsection (b)(1); and

10 (3) designate an appropriate contact within the
11 Department of Labor with whom the heads of the
12 relevant Federal agencies may consult with respect
13 to requirements and activities under this section.

14 (h) WORKFORCE DIVERSITY PROGRAMS.—

15 (1) IN GENERAL.—The head of a relevant Fed-
16 eral agency, in coordination with the Secretary of
17 Labor, shall require each entity that has not less
18 than 50 employees and receives a covered award or
19 covered subaward to develop and maintain a work-
20 force diversity program in accordance with this sub-
21 section to ensure equal employment opportunity
22 through the recruitment, selection, and advancement
23 of individuals who are qualified for the applicable
24 position and who are individuals with a barrier to

1 employment (including ex-offenders), racial or ethnic
2 minorities, women, disabled individuals, or veterans.

3 (2) STRUCTURE OF WORKFORCE DIVERSITY
4 PROGRAMS.—A workforce diversity program required
5 under paragraph (1) of an entity described in such
6 paragraph shall include programs, policies, practices,
7 and procedures that fulfill the purposes of this sub-
8 section. Such programs, policies, practices, and pro-
9 cedures shall—

10 (A) contain a diagnostic component that
11 includes more than 1 quantitative analysis de-
12 signed to evaluate the composition of the work-
13 force of the entity and compare such composi-
14 tion to the composition of other relevant
15 workforces;

16 (B) include action-oriented programs, such
17 as programs for training and outreach;

18 (C) include internal auditing and reporting
19 systems as a means of—

20 (i) measuring the entity's progress to-
21 ward achieving a diverse workforce; and

22 (ii) monitoring and examining employ-
23 ment decisions and compensation systems
24 to evaluate the impact of those systems on
25 diverse applicants and employees;

1 (D) be incorporated into the entity’s per-
2 sonnel policies, practices, and procedures;

3 (E) be updated annually for the duration
4 of the project assisted by the covered award or
5 covered subaward; and

6 (F) be readily available for reporting to the
7 Secretary for the purposes of compliance re-
8 view.

9 (3) DESIGNATION OF RESPONSIBILITY.—An en-
10 tity described in paragraph (1) shall provide for the
11 implementation of the workforce diversity program
12 required under such paragraph by—

13 (A) assigning responsibility and account-
14 ability to an official of the entity; and

15 (B) providing the assigned official with the
16 authority, resources, and support of and access
17 to top management of the entity to ensure the
18 effective implementation of such program.

19 (4) IDENTIFICATION OF PROBLEM AREAS.—

20 (A) IN GENERAL.—An entity described in
21 paragraph (1) shall perform an in-depth anal-
22 ysis of the employment process of the entity to
23 determine—

1 (i) whether impediments to equal em-
2 ployment opportunity exist in such process;
3 and

4 (ii) if such impediments exist, the as-
5 pects of such process in which such im-
6 pediments exist.

7 (B) EVALUATIONS.—An analysis under
8 subparagraph (A) shall include an analysis of—

9 (i) whether, across different positions
10 of the entity, there are problems of utiliza-
11 tion or distribution of individuals who are
12 qualified for such positions and are individ-
13 uals with a barrier to employment (includ-
14 ing ex-offenders), racial or ethnic minori-
15 ties, women, disabled individuals, or vet-
16 erans;

17 (ii) personnel activity to determine
18 whether there are selection disparities,
19 which such analysis may include an anal-
20 ysis of the number of applications and
21 interviews, hires, terminations, promotions,
22 and other personnel actions of the entity;

23 (iii) compensation systems to deter-
24 mine whether there are disparities in com-
25 pensation;

1 (iv) selection, recruitment, referral,
2 and other personnel procedures to deter-
3 mine whether such procedures result in
4 disparities in the employment or advance-
5 ment of individuals who are qualified for
6 the applicable position and are individuals
7 with a barrier to employment (including
8 ex-offenders), racial or ethnic minorities,
9 women, disabled individuals, or veterans;
10 and

11 (v) any other issue that may impact
12 the success of the workforce diversity pro-
13 gram required of the entity under para-
14 graph (1).

15 (5) ACTION-ORIENTED PROGRAMS.—An entity
16 described in paragraph (1) shall develop and execute
17 action-oriented programs designed to—

18 (A) correct any problem areas identified
19 under this subsection; and

20 (B) attain established goals and objectives
21 that—

22 (i) require the entity to follow dif-
23 ferent procedures than those procedures
24 that may have previously produced inad-
25 equate results; and

1 (ii) demonstrate the entity has made
2 good faith efforts to remove identified bar-
3 riers to workforce diversity, expand em-
4 ployment opportunities, and produce meas-
5 urable results to achieve improved work-
6 force diversity.

7 (6) INTERNAL AUDIT AND REPORTING SYS-
8 TEM.—An entity described in paragraph (1) shall
9 develop and implement an auditing system that peri-
10 odically measures the effectiveness of the workforce
11 diversity program developed and maintained by the
12 entity under such paragraph. Such system shall in-
13 clude requirements for the entity to—

14 (A) monitor records of all personnel activ-
15 ity, including referrals, placements, transfers,
16 promotions, terminations, and compensation, at
17 all levels of employment with the entity to en-
18 sure the workforce diversity program is carried
19 out in accordance with the purposes of this sub-
20 section;

21 (B) require internal reporting on a sched-
22 uled basis as to the degree to which equal em-
23 ployment opportunity and organizational objec-
24 tives are attained;

1 (C) review the results of reports required
2 under this subsection with all levels of manage-
3 ment of the entity; and

4 (D) advise top management of the entity
5 of the effectiveness of the program and submit
6 recommendations to improve unsatisfactory per-
7 formance with respect to the program.

8 (7) COMPLIANCE STATUS.—

9 (A) IN GENERAL.—In determining whether
10 an entity described in paragraph (1) has com-
11 plied with the requirements for the workforce
12 diversity program under this subsection, the
13 head of the relevant Federal agency, in coordi-
14 nation with the Secretary of Labor, shall—

15 (i) review the nature and extent of the
16 entity's good faith in carrying out activities
17 under paragraphs (4), (5), and (6), and
18 the appropriateness of those activities to
19 identify equal employment opportunity
20 problems; and

21 (ii) analyze statistical data and other
22 non-statistical information to indicate
23 whether employees and applicants of the
24 entity are being treated without regard to
25 their race, color, religion, sex, sexual ori-

1 entation, gender identity, national origin,
2 or disability status.

3 (B) TECHNICAL ASSISTANCE.—The head
4 of the relevant Federal agency, in coordination
5 with the Secretary of Labor, may provide tech-
6 nical assistance to an entity described in para-
7 graph (1) to assist such entity in achieving
8 compliance with the requirements under this
9 subsection, which may include an agreement be-
10 tween the head of the relevant Federal agency
11 and the entity requiring appropriate remedial
12 measures.

13 (C) CORRECTIVE ACTION.—If an entity de-
14 scribed in paragraph (1) remains in noncompli-
15 ance with the requirements under this sub-
16 section following technical assistance under sub-
17 paragraph (B), the head of the relevant Federal
18 agency, in coordination with the Secretary of
19 Labor and the heads of the other relevant Fed-
20 eral agencies as applicable, may take corrective
21 action against the entity. Such action may in-
22 clude—

23 (i) the decision not to exercise an op-
24 tion on assistance awarded or to terminate
25 the assistance awarded; or

1 (ii) in coordination with the heads of
2 the other relevant Federal agencies, the de-
3 cision to debar or suspend the entity from
4 future participation in any of the covered
5 infrastructure programs.

6 (i) PAYCHECK TRANSPARENCY.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (3), each head of a relevant Federal agency
9 shall require entities receiving a covered award or a
10 covered subaward to provide each individual de-
11 scribed in paragraph (2) with a document for each
12 pay period containing information concerning, with
13 respect to such individual for such pay period—

14 (A) hours worked, including overtime
15 hours worked;

16 (B) pay, including any additions made to
17 or deductions made from pay; and

18 (C) job classification.

19 (2) INDIVIDUALS DESCRIBED.—An individual
20 described in this paragraph is any individual per-
21 forming work on a project for an entity, receiving a
22 covered award or covered subaward, that is required
23 to maintain wage records with respect to such indi-
24 vidual under—

1 (A) the Fair Labor Standards Act of 1938
2 (29 U.S.C. 201 et seq.);

3 (B) subchapter IV of chapter 31 of title
4 40, United States Code (commonly referred to
5 as the “Davis-Bacon Act”);

6 (C) chapter 67 of title 41, United States
7 Code (commonly known as the “Service Con-
8 tract Act”); or

9 (D) any applicable State law.

10 (3) EXCEPTIONS.—

11 (A) EMPLOYEES EXEMPT FROM OVERTIME
12 REQUIREMENTS.—A document provided under
13 paragraph (1) to an individual who is exempt
14 under section 13 of the Fair Labor Standards
15 Act of 1938 (29 U.S.C. 213) from the overtime
16 compensation requirements under section 7 of
17 such Act (29 U.S.C. 207) shall not be required
18 to include a record of the hours worked by the
19 individual if the entity receiving the covered
20 award or covered subaward informs the indi-
21 vidual of the status of such individual as ex-
22 empt from such overtime compensation require-
23 ments.

24 (B) SUBSTANTIALLY SIMILAR STATE
25 LAWS.—The requirements under this subsection

1 shall be deemed to be satisfied if the entity re-
2 ceiving the covered award or covered subaward
3 complies with State or local requirements that
4 the Secretary of Labor has determined are sub-
5 stantially similar to the requirements under this
6 subsection.

7 (4) INDEPENDENT CONTRACTORS.—If an entity
8 receiving a covered award or covered subaward
9 treats an individual performing work on a project
10 assisted by such award or subaward as an inde-
11 pendent contractor, and not as an employee, of the
12 entity, the entity shall provide the individual a docu-
13 ment informing the individual of the status of the
14 individual as an independent contractor.

15 (j) NOTICE OF HIRE.—

16 (1) IN GENERAL.—Each head of a relevant
17 Federal agency shall require entities receiving a cov-
18 ered award or a covered subaward to provide each
19 individual described in subsection (i)(2), at the time
20 of hiring, a written notice containing each of the fol-
21 lowing:

22 (A) The name of the entity, including any
23 name used by the entity in conducting business.

24 (B) The physical address of the entity's
25 main office or principal place of business, and

1 a mailing address, if different from such phys-
2 ical address.

3 (C) The telephone number of the entity.

4 (D) The date on which the individual will
5 regularly receive a paycheck from the entity.

6 (E) The individual's rate of pay, and the
7 basis of that rate, including (as applicable)—

8 (i) by the hour, shift, day, week, sal-
9 ary, piece, or commission;

10 (ii) any allowances claimed as part of
11 the minimum wage, including tips and
12 meal or lodging allowances; and

13 (iii) overtime rate of pay, including
14 any exemptions from overtime pay.

15 (F) The individual's job classification, and
16 the prevailing wage for the corresponding class
17 of laborers and mechanics employed on projects
18 of a similar character in the locality in which
19 the work is to be performed.

20 (2) ENFORCEMENT.—

21 (A) FINE.—

22 (i) IN GENERAL.—The head of a rel-
23 evant Federal agency may assess a civil
24 fine, subject to clause (ii), of \$500 against
25 an entity that knowingly violates para-

1 graph (1) for each individual to whom the
2 entity failed to notify in violation of such
3 paragraph.

4 (ii) INFLATION.—The head of a rel-
5 evant Federal agency shall, for each year
6 beginning 1 year after the date of enact-
7 ment of this Act, adjust the amount under
8 clause (i) for inflation.

9 (B) REBUTTABLE PRESUMPTION.—The
10 failure to provide a notice in compliance with
11 paragraph (1) shall be a rebuttable presumption
12 that an entity required to provide such notice
13 knowingly violated such paragraph.

14 (k) NEUTRALITY.—

15 (1) ALLOWABLE COSTS.—Except as provided in
16 paragraph (2), an entity receiving a covered award
17 or covered subaward may use the assistance of such
18 award or subaward for costs incurred in maintaining
19 satisfactory relations between the entity and employ-
20 ees of the entity on a project assisted by the award
21 or subaward, including costs of shop stewards, labor
22 management committees, employee publications, and
23 other related activities.

24 (2) LIMITATION ON FEDERAL ASSISTANCE.—

1 (A) IN GENERAL.—No Federal assistance
2 made available under a covered award or cov-
3 ered subaward may be used for costs incurred
4 in—

5 (i) activities undertaken to persuade
6 employees of any entity to exercise or not
7 to exercise, or concerning the manner of
8 such employees in exercising or not exer-
9 cising, the right to organize and bargain
10 collectively through representatives of the
11 employees' own choosing; or

12 (ii) any other activities that are sub-
13 ject to the requirements under section
14 203(b) of the Labor-Management Report-
15 ing and Disclosure Act of 1959 (29 U.S.C.
16 433(b)).

17 (B) EXAMPLES.—Examples of costs pro-
18 hibited under subparagraph (A) include the
19 costs of—

20 (i) preparing and distributing mate-
21 rials for a purpose described in subpara-
22 graph (A);

23 (ii) hiring or consulting legal counsel
24 or consultants for such purpose;

1 (iii) meetings held for such purpose
2 (including paying the salaries of the
3 attendees at such meetings); and

4 (iv) planning or conducting activities
5 for such purpose during work hours by
6 managers, supervisors, or labor organiza-
7 tion representatives.

8 (l) COMPLAINT AND DISPUTE TRANSPARENCY.—

9 (1) IN GENERAL.—

10 (A) AWARDS.—Each head of a relevant
11 Federal agency shall require entities receiving a
12 covered award to agree that any decision to ar-
13 bitrate the claim of an employee or independent
14 contractor performing work for a project as-
15 sisted by the award that arises under title VII
16 of the Civil Rights Act of 1964 (42 U.S.C.
17 2000e et seq.) or that involves any tort related
18 to or arising out of sexual assault or sexual
19 harassment may only be made with the vol-
20 untary consent of the employee or independent
21 contractor after the dispute arises.

22 (B) SUBAWARDS.—Each head of a relevant
23 Federal agency shall require that an entity cov-
24 ered under subparagraph (A) incorporate the
25 requirement under such subparagraph into each

1 subaward made for a project assisted by the
2 award.

3 (2) EXCEPTION FOR EMPLOYEES AND INDE-
4 PENDENTS CONTRACTORS.—

5 (A) IN GENERAL.—The requirements
6 under paragraph (1) shall not apply with re-
7 spect to an employee or independent contractor
8 who—

9 (i) is covered by a collective bar-
10 gaining agreement negotiated between the
11 entity receiving an award or subaward and
12 a labor organization representing the em-
13 ployee or independent contractor; or

14 (ii) except as provided in subpara-
15 graph (B), entered into a valid agreement
16 to arbitrate claims described in such para-
17 graph before the entity received the award
18 or subaward described in such paragraph.

19 (B) APPLICABILITY.—The requirements
20 under paragraph (1) shall apply with respect to
21 an employee or independent contractor of an
22 entity receiving a covered award or covered
23 subaward—

24 (i) if the entity receiving the award or
25 subaward is permitted to change the terms

1 of the agreement described in subpara-
2 graph (A)(ii) with the employee or inde-
3 pendent contractor; or

4 (ii) in the event such agreement is re-
5 negotiated or replaced after the entity re-
6 ceives the award or subaward.

7 (m) DEFINITION OF INDIVIDUAL WITH A BARRIER
8 TO EMPLOYMENT.—In this section, the term “individual
9 with a barrier to employment” has the meaning given such
10 term in section 3 of the Workforce Innovation and Oppor-
11 tunity Act (29 U.S.C. 3102).

12 **SEC. 303. BUY AMERICA BUREAU.**

13 (a) DEFINITIONS.—In this section:

14 (1) BUY AMERICA LAW.—The term “Buy Amer-
15 ica law” means—

16 (A) section 313 of title 23, United States
17 Code;

18 (B) section 5323(j) of title 49, United
19 States Code;

20 (C) section 22905(a) of title 49, United
21 States Code;

22 (D) section 50101(a) of title 49, United
23 States Code;

24 (E) section 608 of the Federal Water Pol-
25 lution Control Act (33 U.S.C. 1388); and

1 (F) section 1452(a)(4) of the Safe Drink-
2 ing Water Act (42 U.S.C. 300j-12(a)(4)).

3 (2) DIRECTOR.—The term “Director” means
4 the Director of the Buy America Bureau established
5 by subsection (b).

6 (b) ESTABLISHMENT.—There is established in the
7 Department of Commerce an office, to be known as the
8 “Buy America Bureau”.

9 (c) LEADERSHIP.—The Buy America Bureau shall be
10 headed by a Director, who shall—

11 (1) be appointed by the Secretary of Commerce;
12 and

13 (2) report to the Secretary of Commerce.

14 (d) DUTIES.—The Director shall—

15 (1) establish a program to certify and conduct
16 oversight of third-party auditors that work with enti-
17 ties that receive assistance under a covered infra-
18 structure program to ensure compliance with Buy
19 America laws;

20 (2) establish guidelines for ensuring trans-
21 parency in the Buy America auditing process under
22 paragraph (1), including—

23 (A) the use of and fulfillment of requests
24 pursuant to section 552 of title 5, United

1 States Code (commonly known as the “Freedom
2 of Information Act”); and

3 (B) the disclosure of information relating
4 to a Buy America audit by third-party auditors
5 under paragraph (1);

6 (3) establish guidelines to support the establish-
7 ment, strengthening, and oversight of compliance
8 with Buy America laws, taking into consideration
9 and seeking to maximize the direct and indirect do-
10 mestic jobs benefitted or created;

11 (4) establish a clearinghouse website to make
12 publicly available information on—

13 (A) Buy America audits conducted by
14 third-party auditors under paragraph (1);

15 (B) third-party auditors that have received
16 a certification from the Director under para-
17 graph (1); and

18 (C) requested waivers of Buy America laws
19 under covered infrastructure programs; and

20 (5) submit to Congress an annual report on—

21 (A) waivers from a Buy America law that
22 have been requested;

23 (B) waivers from a Buy America law that
24 have been granted; and

1 (C) any supply chain gaps in the United
2 States that may need to be addressed to im-
3 prove compliance with Buy America laws with-
4 out a waiver.

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