

116TH CONGRESS
1ST SESSION

S. 2404

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 SENATE OF THE UNITED STATES

JULY 31, 2019

Mr. SCHUMER (for Mrs. GILLIBRAND (for herself, Ms. DUCKWORTH, Mr. BOOKER, Mr. MERKLEY, Mr. DURBIN, Ms. HARRIS, Mrs. FEINSTEIN, and Ms. KLOBUCHAR)) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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,*

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

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

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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 infrastructure, use of U.S. Employment Plans, and preferences for registered apprenticeship programs and neutrality in union organizing.

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

- Sec. 141. Accessibility data program.
 Sec. 142. Establishment of performance measures for transportation accessibility.
 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
25 achievements in the history of the United States, it
26 came at the expense of many low-income commu-

1 nities as well as minority neighborhoods of all in-
2 come levels that were destroyed by the construction
3 and isolated from the broader community and from
4 economic opportunity;

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

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

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

23 (8) accessibility to essential services is defined
24 not only by speed, but also by ease of access, which

1 includes the ability to safely and conveniently access
2 services by all modes of travel;

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

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

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

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

24 (13) infrastructure jobs include a wide range of
25 employment opportunities in both the public and pri-

1 vate sectors, including design, manufacturing, con-
2 struction, operation, governance, and maintenance of
3 infrastructure assets in the United States;

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

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

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

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

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

22 (19) while Black Americans make up about 12
23 percent of the overall workforce, Black Americans
24 only represent 7 percent of construction and extrac-
25 tion occupations;

(20) by focusing on improving workforce development systems through targeted employment strategies, the Federal Government can improve the quality of future projects and better ensure that all communities benefit from investments that—

(A) protect workers;

(B) expand opportunities for advancement;

(C) establish strong labor standards; and

(D) redress discriminatory policies that have unfairly burdened low-income communities and communities of color with pollution of geographic isolation; and

(21) the Federal Government should make concerted efforts to close the workforce gap, through coordination with States and units of local government, workforce development agencies, national and regional nonprofit intermediaries, labor organizations, and institutions of higher education and other educational institutions, including historically Black colleges and universities and Hispanic-serving institutions, to recruit, train, and retain the next generation of infrastructure workers in the United States, with a focus on—

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

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

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) COVERED INFRASTRUCTURE PROGRAM.—

9 The term “covered infrastructure program” means
 10 any of the following:

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

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

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

22 (D) The community connect grant pro-
 23 gram established under title III of the Agri-
 24 culture, Rural Development, Food and Drug
 25 Administration, and Related Agencies Appro-

priations, 2004 (Public Law 108–199; 118 Stat. 29).

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

(F) A program or project carried out under the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.).

(G) Financial assistance for development, implementation, or modification of a State energy conservation plan under section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6323).

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

(I) State drinking water treatment revolving loan funds established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(J) Grants for construction of health centers provided by the Secretary of Health and Human Services.

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

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

9 (M) Assistance provided under the Public
10 Housing Capital Fund established under section
11 9(d) of the United States Housing Act of 1937
12 (42 U.S.C. 1437g(d)).

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

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

21 (P) The rural water supply program under
22 section 103 of the Rural Water Supply Act of
23 2006 (43 U.S.C. 2402).

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

4 (R) Assistance provided under title 23,
5 United States Code.

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

8 (T) Programs for civil works projects, in-
9 cluding water resources projects, under the ju-
10 risdiction of the Corps of Engineers.

11 (U) Assistance provided for a freight or
12 passenger rail project under subtitle V of title
13 49, United States Code.

14 (V) Assistance provided for an airport de-
15 velopment project under chapter 471 of title 49,
16 United States Code.

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

21 (X) Assistance provided under section
22 7007 and 7008 of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C.
24 7707, 7708).

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

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

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

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

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

20 (DD) Assistance provided under the Con-
21 nect America Fund of the Federal Communica-
22 tions Commission under subpart D of part 54
23 of title 47, Code of Federal Regulations (or a
24 successor regulation).

1 (EE) The Connect Communities Program
2 under section 144.

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

7 (2) HEAD OF THE RELEVANT FEDERAL AGEN-
8 CY.—The term “head of the relevant Federal agen-
9 cy” means the head of a Federal department or
10 agency that administers or has jurisdiction over a
11 covered infrastructure program.

12 (3) LOCAL WORKFORCE DEVELOPMENT
13 BOARD.—The term “local workforce development
14 board” has the meaning given the term “local
15 board” in section 3 of the Workforce Innovation and
16 Opportunity Act (29 U.S.C. 3102).

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

1 **TITLE I—CREATING JOBS AND**
 2 **RAISING THE QUALITY OF**
 3 **LIFE IN EVERY COMMUNITY**
 4 **Subtitle A—Creating Local Jobs**
 5 **Across the Country**

6 **SEC. 111. TARGETED HIRING REQUIREMENTS FOR CON-**
 7 **STRUCTION JOBS CREATED BY COVERED IN-**
 8 **FRASTRUCTURE PROGRAMS.**

9 (a) DEFINITION OF LOCAL.—

10 (1) IN GENERAL.—In this section, the term
 11 “local”, with respect to hiring for a project, means
 12 hiring within the geographical boundaries of the
 13 area in which the project is located, as determined
 14 by the recipient of assistance under a covered infra-
 15 structure program, in coordination with the head of
 16 the relevant Federal agency, subject to the require-
 17 ment that the geographical area shall—

18 (A) include high-poverty, high-unemploy-
 19 ment zip codes; and

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

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

24 (b) REQUIREMENT.—

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

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

- 18 (A) for fiscal year 2020, 10 percent;
19 (B) for fiscal year 2021, 20 percent;
20 (C) for fiscal year 2022, 30 percent;
21 (D) for fiscal year 2023, 40 percent; and
22 (E) for fiscal year 2024 and each fiscal
23 year thereafter, 50 percent.

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

4 (1) individuals with a barrier to employment (as
5 defined in section 3 of the Workforce Innovation and
6 Opportunity Act (29 U.S.C. 3102)), including ex-of-
7 fenders and disabled individuals (as defined in sec-
8 tion 121);

9 (2) veterans (as defined in section 121); and

10 (3) individuals that represent populations that
11 are traditionally underrepresented in the infrastruc-
12 ture workforce, such as women and racial and ethnic
13 minorities.

14 (d) REPORTS AND OVERSIGHT.—

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

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

20 (B) make the report under subparagraph
21 (A), including any related data, publicly avail-
22 able on the internet.

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

1 (A) carry out a review of the implementa-
 2 tion of this section to determine compliance
 3 with this section; and

4 (B) submit to Congress a report on the re-
 5 sults of the review under subparagraph (A), in-
 6 cluding any suggestions or recommendations for
 7 legislative, regulatory, or other changes to im-
 8 prove the implementation of this section or
 9 compliance with this section.

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

11 Nothing in this subtitle limits the eligibility of an in-
 12 dividual or entity to receive assistance made available
 13 under a covered infrastructure program if the individual
 14 or entity is prevented, in whole or in part, from complying
 15 with section 111(b) because a Federal court issues a final
 16 order in which the court finds that a requirement or the
 17 implementation of that section is unconstitutional.

18 **Subtitle B—Rebuilding Our Infra-**
 19 **structure With American Busi-**
 20 **ness**

21 **SEC. 121. DEFINITIONS.**

22 In this subtitle:

23 (1) **DISABLED INDIVIDUAL.**—The term “dis-
 24 abled individual” means an individual with a dis-

1 ability (as defined in section 3 of the Americans with
2 Disabilities Act of 1990 (42 U.S.C. 12102)).

3 (2) LGBTQ.—The term “LGBTQ” means,
4 with respect to an individual, a lesbian, gay, bisex-
5 ual, transgender, or queer individual.

6 (3) 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 (4) 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 (5) 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 (6) VETERAN.—The term “veteran” has the
 12 meaning given the term in section 101 of title 38,
 13 United States Code.

14 **SEC. 122. INCREASING MEANINGFUL SMALL BUSINESS PAR-**
 15 **TICIPATION.**

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

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

23 (2) not less than the percentage described in
 24 subsection (b) for the applicable fiscal year of the
 25 total number of projects that receive assistance

1 under each covered infrastructure program shall be
 2 subcontracted through a small business concern.

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

6 (1) for fiscal year 2020, 6 percent;

7 (2) for fiscal year 2021, 12 percent;

8 (3) for fiscal year 2022, 19 percent;

9 (4) for fiscal year 2023, 26 percent; and

10 (5) for fiscal year 2024 and each fiscal year
 11 thereafter, 33 percent.

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

17 **SEC. 123. REQUIRING MEANINGFUL PARTICIPATION FROM**
 18 **TARGETED BUSINESSES.**

19 (a) IN GENERAL.—Except to the extent that the head
 20 of the relevant Federal agency determines otherwise, not
 21 less than the percentage described in subsection (b) for
 22 the applicable fiscal year of the amounts made available
 23 for a covered infrastructure program shall be expended
 24 through businesses owned and controlled by—

- 1 (1) socially or economically disadvantaged indi-
- 2 viduals;
- 3 (2) women;
- 4 (3) veterans;
- 5 (4) LGBTQ individuals;
- 6 (5) disabled individuals; or
- 7 (6) ex-offenders.

8 (b) PERCENTAGE DESCRIBED.—The percentage re-

9 ferred to in subsection (a) is—

- 10 (1) for fiscal year 2020, 6 percent;
- 11 (2) for fiscal year 2021, 12 percent;
- 12 (3) for fiscal year 2022, 18 percent;
- 13 (4) for fiscal year 2023, 24 percent; and
- 14 (5) for fiscal year 2024 and each fiscal year
- 15 thereafter, 30 percent.

16 (c) REPORT.—Not less frequently than once each fis-

17 cal year, the Secretary of Commerce, in consultation with

18 the Administrator of the Small Business Administration

19 and the heads of the relevant Federal agencies, shall sub-

20 mit to Congress a report on the implementation of sub-

21 section (a).

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

23 Nothing in this subtitle limits the eligibility of an in-

24 dividual or entity to receive assistance made available

25 under a covered infrastructure program if the individual

1 or entity is prevented, in whole or in part, from complying
 2 with section 122(a) or 123(a), as applicable, because a
 3 Federal court issues a final order in which the court finds
 4 that a requirement or the implementation of section
 5 122(a) or 123(a), as applicable, is unconstitutional.

6 **SEC. 125. EXPANSION OF SMALL BUSINESS ADMINISTRA-**
 7 **TION SURETY BOND PROGRAM.**

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

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

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

20 (a) DEFINITIONS.—In this section:

21 (1) COMMITMENT TO HIGH-QUALITY CAREER
 22 AND BUSINESS OPPORTUNITIES.—The term “com-
 23 mitment to high-quality career and business oppor-
 24 tunities” means participation in a registered appren-
 25 ticeship program (as defined in section 201(a)(2)).

1 (2) U.S. EMPLOYMENT PLAN.—The term “U.S.
2 Employment Plan” means a plan under which an
3 entity receiving Federal assistance for a project
4 under a covered infrastructure program shall—

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

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

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

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

22 (C) ensure that each bidder that includes
23 the commitments described in clauses (i) and
24 (ii) of subparagraph (A) that is awarded a con-
25 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 (as defined
19 in section 201(a)(2)) for disadvantaged or
20 underrepresented individuals in infrastructure
21 industries in the United States; and

22 (H) access to jobs and essential services by
23 all modes of travel for all users, including dis-
24 abled individuals (as defined in section 121);

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 (as de-
14 fined in section 201(a)(2)).

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

1 (e) USE OF U.S. EMPLOYMENT PLAN.—Notwith-
 2 standing any other provision of law, in carrying out a
 3 project under a covered infrastructure program, each enti-
 4 ty that receives Federal assistance shall use a U.S. Em-
 5 ployment Plan for each contract of \$5,000,000 or more
 6 for the purchase of manufactured goods or of services,
 7 based on an independent cost estimate.

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

12 (g) INTENT OF CONGRESS.—

13 (1) IN GENERAL.—It is the intent of Con-
 14 gress—

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

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

(C) to require that recipients of Federal assistance under covered infrastructure programs use the U.S. Employment Plan in carrying out the project for which the assistance was provided; and

(D) that full and open competition under covered infrastructure programs means a procedural competition that prevents corruption, favoritism, and unfair treatment by recipient agencies.

(2) INCLUSION.—A best-value contracting framework described in subsection (b)(1) is a framework that authorizes a recipient of Federal assistance under a covered infrastructure program, in awarding contracts, to evaluate a range of factors, including price, the quality of products, the quality of services, and commitments to the creation of good jobs for all people in the United States.

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

SEC. 141. ACCESSIBILITY DATA PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation (referred to in this section as the “Secretary”) shall

1 carry out an accessibility data program (referred to in this
2 section as the “program”).

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

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

11 (A) jobs, including areas with a concentra-
12 tion of available jobs;

13 (B) health care facilities;

14 (C) child care services;

15 (D) educational and workforce training fa-
16 cilities;

17 (E) affordable and accessible housing;

18 (F) food sources; and

19 (G) connections between modes, including
20 connections to—

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

22 (ii) safe bicycling corridors; and

23 (iii) safe sidewalks that achieve com-
24 pliance with applicable requirements of the

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

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

6 (A) low-income populations;

7 (B) minority populations;

8 (C) age;

9 (D) disability; and

10 (E) geographical location; and

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

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

15 (1) a State (as defined in section 101(a) of title
16 23, United States Code);

17 (2) a metropolitan planning organization; or

18 (3) a rural planning organization.

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

1 (1) previous experience of the eligible entity
 2 measuring transportation access or other perform-
 3 ance management experience;

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

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

8 (4) a general description of the methodology the
 9 eligible entity intends to apply.

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

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

14 (A) 5 States;

15 (B) 10 metropolitan planning organiza-
 16 tions, of which—

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

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

22 (C) 5 rural planning organizations; and

23 (2) among the eligible entities selected under
 24 paragraph (1)—

1 (A) a range of capacity and previous expe-
2 rience with measuring transportation access;
3 and

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

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

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

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

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

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

16 (1) units of local government within the juris-
17 diction of the eligible entity participating in the pro-
18 gram; and

19 (2) researchers.

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

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

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

8 **SEC. 142. ESTABLISHMENT OF PERFORMANCE MEASURES**
 9 **FOR TRANSPORTATION ACCESSIBILITY.**

10 (a) CONNECTIVITY AND ACCESSIBILITY PERFORM-
 11 ANCE MEASURES.—Section 150 of title 23, United States
 12 Code, is amended—

13 (1) in subsection (c)—

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

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

19 “(7) MULTIMODAL TRANSPORTATION
 20 CONNECTIVITY AND ACCESSIBILITY.—

21 “(A) DEFINITION OF DISADVANTAGED
 22 POPULATION.—In this paragraph, the term ‘dis-
 23 advantaged population’ means a low-income
 24 population, a minority population, or people

1 with disabilities, as determined by the Sec-
2 retary.

3 “(B) REGULATIONS.—The Secretary shall
4 issue such regulations as are necessary to es-
5 tablish performance measures relating to trans-
6 portation connectivity and accessibility for
7 States, metropolitan planning organizations,
8 and units of local government to improve the
9 connectivity and accessibility of roadways, pub-
10 lic transportation infrastructure, pedestrian and
11 bikeway infrastructure, and other transpor-
12 tation infrastructure.

13 “(C) INCLUSIONS.—The performance
14 measures established pursuant to subparagraph
15 (B) shall include measures to assess—

16 “(i) with respect to the general popu-
17 lation serviced by a transportation sys-
18 tem—

19 “(I) the change in cumulative ac-
20 cess 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;

1 “(II) multimodal choice and en-
2 hanced interconnections among
3 modes—

4 “(aa) to offer variety of
5 choice between and among
6 modes;

7 “(bb) to provide accessible
8 and reliable transportation for all
9 users; and

10 “(cc) to encourage travel de-
11 mand management among local
12 and statewide employers; and

13 “(III) any other issues the Sec-
14 retary determines to be appropriate;
15 and

16 “(ii) with respect to disadvantaged
17 populations serviced by a transportation
18 system—

19 “(I) transportation accessibility
20 for disadvantaged populations;

21 “(II) change in cumulative acces-
22 sibility for disadvantaged populations
23 to employment opportunities and
24 other essential services, including edu-
25 cational and workforce training loca-

1 tions, health care facilities, rec-
 2 reational assets, and supermarkets
 3 and grocers; and

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

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

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

9 “(f) REPORT ON MULTIMODAL TRANSPORTATION
 10 CONNECTIVITY AND ACCESSIBILITY.—Not less frequently
 11 than annually—

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

17 “(2) the Secretary shall—

18 “(A) submit to Congress a report that in-
 19 cludes the results of the reporting under para-
 20 graph (1); and

21 “(B) make publicly available on the inter-
 22 net the report under subparagraph (A) and any
 23 accompanying data.”.

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

4 “(iii) MULTIMODAL TRANSPORTATION
 5 ACCESSIBILITY PERFORMANCE TARGETS.—
 6 Selection of performance targets by a met-
 7 ropolitan planning organization shall be co-
 8 ordinated, to the maximum extent prac-
 9 ticable, with the relevant State, local trans-
 10 portation planning agencies, and providers
 11 of public transportation to ensure consist-
 12 ency with section 150(c)(7).”.

13 (c) PUBLIC TRANSPORTATION METROPOLITAN
 14 PLANNING COORDINATION.—Section 5303(h)(2)(B) of
 15 title 49, United States Code, is amended by adding at the
 16 end the following:

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

1 **SEC. 143. TECHNICAL ASSISTANCE PROGRAM.**

2 (a) IN GENERAL.—The Secretary of Transportation
 3 (referred to in this section as the “Secretary”), in coordi-
 4 nation with the Administrator of the Federal Highway Ad-
 5 ministration, the Administrator of the Federal Transit
 6 Administration, the Secretary of Housing and Urban De-
 7 velopment, and the Secretary of Agriculture shall establish
 8 a program (referred to in this section as the “program”)
 9 to provide technical assistance to local communities adja-
 10 cent to planned or existing transportation infrastructure
 11 projects to explore design and policy approaches to create
 12 connected, economically prosperous, and environmentally
 13 and physically healthy communities that—

14 (1) avoid displacement of the current popu-
 15 lation; and

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

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

19 (1) to identify innovative solutions to infra-
 20 structure challenges, including reconnecting commu-
 21 nities that—

22 (A) are bifurcated by infrastructure such
 23 as highways or viaducts;

24 (B) lack safe, reliable, and affordable
 25 transportation choices; or

1 (C) have been disconnected due to natural
 2 disasters, in particular, communities in areas
 3 that are being harmed the most by climate
 4 change; and

5 (2) to inform the transportation planning and
 6 project life cycle by actively encouraging community
 7 input and feedback.

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

14 (1) a description of the “community team” that
 15 will participate in the program, which shall consist
 16 of—

17 (A) elected officials;

18 (B) senior transportation professionals;

19 (C) State workforce development boards or
 20 local workforce development boards; and

21 (D) a cross-section of residents of the local
 22 community;

23 (2) a description of a neighborhood infrastruc-
 24 ture challenge, including all modes and users of
 25 transportation, in the local community that limits

1 access to social or economic centers or other essen-
2 tial services;

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

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

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

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

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

20 (A) Federal transportation planning;

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

1 (C) the environmental review process
 2 under the National Environmental Policy Act of
 3 1969 (42 U.S.C. 4321 et seq.);

4 (D) life-cycle analysis of a prospective
 5 project;

6 (E) Federal assistance programs; and

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

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

13 (f) FUNDING.—The Secretary shall use not less than
 14 10 percent of the amounts made available to carry out
 15 section 144 for each fiscal year to carry out the program.

16 **SEC. 144. CONNECT COMMUNITIES PROGRAM.**

17 (a) ESTABLISHMENT.—

18 (1) IN GENERAL.—The Secretary of Transpor-
 19 tation (referred to in this section as the “Sec-
 20 retary”), in coordination with the Administrator of
 21 the Federal Highway Administration, the Adminis-
 22 trator of the Federal Transit Administration, the
 23 Secretary of Housing and Urban Development, the
 24 Secretary of Labor, the Administrator of the Envi-
 25 ronmental Protection Agency, and the Secretary of

1 Agriculture shall carry out a competitive grant pro-
 2 gram to be known as the “Connect Communities
 3 Program” (referred to in this section as the “pro-
 4 gram”) to provide grants for projects to create con-
 5 nected, economically prosperous, and environ-
 6 mentally and physically healthy communities in—

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

12 (B) areas that currently lack accessible
 13 and affordable transportation options in terms
 14 of—

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

16 and

17 (ii) lack of physical accessibility;

18 (C) neighborhoods bifurcated by large-scale
 19 infrastructure projects; or

20 (D) areas that have been negatively im-
 21 pacted by climate change.

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

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

1 (B) to demonstrate the social, economic,
 2 and environmental benefits that result from re-
 3 placing a grade-separated facility with an at-
 4 grade boulevard;

5 (C) to improve neighborhood connectivity,
 6 including the re-establishment of through
 7 streets eliminated as a result of the construc-
 8 tion of the grade-separated facility;

9 (D) to increase the total acreage of land
 10 within the project corridor returned to produc-
 11 tive use, including commercial, residential, rec-
 12 reational, and habitat restoration uses;

13 (E) to improve the resiliency and reduce
 14 the environmental impact of existing infrastruc-
 15 ture assets; and

16 (F) to increase the connectivity of dis-
 17 advantaged communities to economic oppor-
 18 tunity.

19 (b) ELIGIBILITY.—

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

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

25 (B) an Indian Tribe;

1 (C) a unit of local government;

2 (D) a political subdivision of a State or
3 local government;

4 (E) a transit agency;

5 (F) a metropolitan planning organization;

6 (G) a nonprofit organization, including a
7 community mission-based organization;

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

12 (I) a special purpose district or public au-
13 thority with a transportation function, including
14 a port authority;

15 (J) a Federal land management agency
16 that applies jointly with a State or group of
17 States; or

18 (K) a multistate or multijurisdictional
19 group of entities described in subparagraphs
20 (A) through (J).

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

1 (A) a project for community-based redevelop-
2 opment, rehabilitation, or replacement of infra-
3 structure, including—

4 (i) the removal of a limited access
5 highway, a viaduct or overpass, an Inter-
6 state route, an interchange, a bridge, or
7 any other principal arterial facility that
8 has—

9 (I) historically had detrimental
10 effects on minority and low-income
11 communities; or

12 (II) created barriers to commu-
13 nity connectivity due to high speeds,
14 grade separations or other design fac-
15 tors; and

16 (ii) if necessary to achieve the pur-
17 poses of the program, road realignment or
18 new construction;

19 (B) a project to prevent the displacement
20 of minority or low-income individuals or busi-
21 nesses during and after redevelopment, rehabili-
22 tation, or replacement of infrastructure;

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

1 (i) transit-supportive, accessible,
2 mixed-use development (including commer-
3 cial development, affordable and accessible
4 housing, and market-rate housing) that is
5 within 2 miles of and accessible to 1 or
6 more public transportation facilities that—

7 (I) achieve compliance with—

8 (aa) applicable requirements
9 of the Americans with Disabil-
10 ities Act of 1990 (42 U.S.C.
11 12101 et seq.); and

12 (bb) the most recent public
13 rights-of-way accessibility guide-
14 lines developed by the Architec-
15 tural and Transportation Bar-
16 riers Compliance Board estab-
17 lished by section 502(a)(1) of the
18 Rehabilitation Act of 1973 (29
19 U.S.C. 792(a)(1)); and

20 (II) are connected with high fre-
21 quency to job centers;

22 (ii) the facilitation of multimodal
23 connectivity and accessibility to employ-
24 ment opportunities and other essential
25 services, including educational and work-

1 force training locations, health care facili-
2 ties, recreational assets, and supermarkets
3 and grocers; and

4 (iii) an increase in access to transit
5 hubs for pedestrian and bicycle traffic;

6 (D) a public transportation project eligible
7 for assistance under chapter 53 of title 49,
8 United States Code, that will achieve the pur-
9 poses of the program, including—

10 (i) an investment in intermodal
11 projects; and

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

19 (E) a passenger rail transportation project
20 that achieves the purpose of the program;

21 (F) a project to improve the resiliency of
22 infrastructure against natural disasters;

23 (G) a project to reduce the environmental
24 impact of existing infrastructure assets;

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

5 (I) any other project that the Secretary de-
 6 termines would achieve the purpose of the pro-
 7 gram.

8 (3) ELIGIBLE AREAS.—An eligible project
 9 under paragraph (2) shall be carried out in an area
 10 or neighborhood described in subparagraphs (A)
 11 through (D) of subsection (a)(1).

12 (c) APPLICATIONS.—

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

18 (A) a project plan developed with assist-
 19 ance under section 143 or independently, as ap-
 20 plicable;

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

23 (C) a certification that the eligible entity
 24 has solicited public comments on the project
 25 plan that includes—

1 (i) a certification that the eligible en-
2 tity has held 2 or more public hearings, at
3 least 1 of which was held outside of stand-
4 ard business hours in a location that was
5 open and accessible to the community in
6 which the proposed project is located;

7 (ii) a description of the process for re-
8 ceiving public comments, including involve-
9 ment of residents and stakeholders in the
10 community in which the project will occur;

11 (iii) a summary of the comments re-
12 ceived; and

13 (iv) such other information as the
14 Secretary may require;

15 (D) a description of how the grant would
16 be used and the current status of project plan-
17 ning;

18 (E) a description of how the project will
19 address the purposes of the program, including
20 plans to avoid displacement of current residents
21 in the project area;

22 (F) a description of how the eligible entity
23 will prioritize the well-being and advancement
24 of disadvantaged populations through the
25 project and as an outcome of the project;

1 (G) an assessment of—

2 (i) the accessibility of employment op-
3 portunities and other essential services, in-
4 cluding educational and workforce training
5 locations, health care facilities, recreational
6 assets, and supermarkets and grocers,
7 within the area to public transportation fa-
8 cilities and nearby affordable housing; and

9 (ii) how the proposed project will re-
10 late to identified needs in those areas;

11 (H) an assessment of transportation op-
12 tions in the area, including—

13 (i) public transportation options;

14 (ii) options for people with low in-
15 comes, people living in high-poverty areas,
16 elderly people, and people with disabilities;
17 and

18 (iii) any obstacles to providing access
19 to locations that offer employment oppor-
20 tunities and other essential services, in-
21 cluding educational and workforce training
22 locations, health care facilities, recreational
23 assets, and supermarkets and grocers;

24 (I) an assessment of methods for lowering
25 the combined cost of housing and transpor-

1 tation for families in the region, particularly for
2 families that utilize workforce housing and for
3 low-, very low-, and extremely low-income fami-
4 lies;

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

7 (i) the approximate number of jobs
8 the project will create;

9 (ii) the services the project will deliver
10 to workers and the community; and

11 (iii) any antidisplacement efforts that
12 will be included in the project;

13 (K) a plan for evaluating progress in in-
14 creasing opportunities for and improvements to
15 the quality of life for disadvantaged populations
16 and the broader community in which the project
17 is completed; and

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

23 (2) MULTIPLE PROJECTS.—An eligible entity
24 may submit an application for multiple projects in 1
25 application.

1 (3) DEFINITION OF WORKFORCE HOUSING.—

2 For the purpose of paragraph (1)(I), the term
3 “workforce housing” means housing, the cost of
4 which does not exceed 30 percent of—

5 (A) the amount equal to 120 percent of the
6 median income in the area, as determined by
7 the Secretary, with appropriate adjustments for
8 the size of the family; or

9 (B) if the Secretary determines that there
10 are unusually high or low incomes in the area,
11 another amount, as determined by the Sec-
12 retary.

13 (d) SELECTION.—

14 (1) IN GENERAL.—The Secretary shall select
15 projects to receive grants under the program based
16 on—

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

19 (B) how the project would increase eco-
20 nomic competitiveness, including the effects of
21 revitalizing communities, neighborhoods, and
22 commercial centers supported by existing infra-
23 structure;

24 (C) how the project will support environ-
25 mental protection, including resiliency, by in-

1 creasing demand for nonmotorized transpor-
2 tation and public transportation;

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

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

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

12 (G) the extent to which the project—

13 (i) is supported by a broad range of
14 stakeholders;

15 (ii) demonstrates collaboration among
16 neighboring and regional jurisdictions; and

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

23 (H) how the project will increase non-Fed-
24 eral revenue for transportation infrastructure
25 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(a) 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 (as defined in section
6 121), with respect to the 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 2020 through 2024.

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.—In this section:

7 (1) WIOA DEFINITIONS.—The terms “career
 8 pathway”, “community-based organization”, “indi-
 9 vidual with a barrier to employment”, “industry or
 10 sector partnership”, “integrated education and
 11 training”, “postsecondary educational institution”,
 12 “recognized postsecondary credential”, and “work-
 13 force development system” have the meanings given
 14 those terms in section 3 of the Workforce Innovation
 15 and Opportunity Act (29 U.S.C. 3102).

16 (2) OTHER DEFINITIONS.—

17 (A) CAREER AND TECHNICAL EDU-
 18 CATION.—The term “career and technical edu-
 19 cation” has the meaning given the term in sec-
 20 tion 3 of the Carl D. Perkins Career and Tech-
 21 nical Education Act of 2006 (20 U.S.C. 2302).

22 (B) ELIGIBLE ENTITY.—The term “eligible
 23 entity” means—

24 (i) a local workforce development
 25 board;

1 (ii) a State workforce development
2 board;

3 (iii) an industry or sector partnership,
4 which may be led by any member of such
5 partnership, including—

6 (I) a community-based organiza-
7 tion;

8 (II) a recognized State labor or-
9 ganization, central labor council, or
10 another labor representative, as ap-
11 propriate; or

12 (III) an education or training
13 provider; or

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

16 (C) REGISTERED APPRENTICESHIP PRO-
17 GRAM.—The term “registered apprenticeship
18 program” means an apprenticeship program
19 registered with the Department of Labor or a
20 federally recognized State Apprenticeship Agen-
21 cy and that complies with the requirements
22 under parts 29 and 30 of title 29, Code of Fed-
23 eral Regulations, as in effect on January 1,
24 2019.

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

3 (E) SUPPORTIVE SERVICES.—The term
4 “supportive services” means services such as
5 transportation, child care, dependent care,
6 housing, and needs-related payments, that are
7 necessary to enable an individual to participate
8 in activities authorized under this Act or under
9 the Workforce Innovation and Opportunity Act
10 (29 U.S.C. 3101 et seq.).

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

19 (G) VETERAN.—The term “veteran” has
20 the meaning given such term in section 121.

21 (H) WORK-BASED LEARNING PROGRAM.—
22 The term “work-based learning program”
23 means a program that provides workers with
24 paid work experience and corresponding class-
25 room instruction, delivered in an employment

1 relationship that both the business and worker
2 intend to be permanent.

3 (b) ESTABLISHMENT OF BUILDING AMERICAN IN-
4 FRASTRUCTURE AND CAREERS PROGRAM.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Sec-
7 retary, in consultation with the Secretary of Trans-
8 portation, the Secretary of Energy, the Secretary of
9 Commerce, 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 establish a program, to be known as the
13 “Building American Infrastructure and Careers Pro-
14 gram”, to provide grants under paragraph (2) to eli-
15 gible entities for the purposes of—

16 (A) promoting careers and quality employ-
17 ment practices in targeted infrastructure indus-
18 tries among individuals with a barrier to em-
19 ployment (including ex-offenders), veterans, or
20 individuals who are traditionally underrep-
21 resented in the targeted infrastructure indus-
22 tries;

23 (B) leveraging the existing capacity of
24 workforce development systems through dem-
25 onstrated partnerships to strategically facilitate

1 and align quality training, including industry or
2 sector partnerships, registered apprenticeship
3 programs, and pre-apprenticeship programs af-
4 filiated with registered apprenticeship pro-
5 grams, and hiring that create a pipeline of
6 qualified workers; and

7 (C) advancing efficiency and performance
8 on projects in targeted infrastructure indus-
9 tries.

10 (2) GRANTS.—

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

1 underrepresented in the targeted infrastructure
2 industry, in obtaining and maintaining employ-
3 ment in a targeted infrastructure industry.

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

6 (i) an implementation grant, for enti-
7 ties seeking an initial grant under this sec-
8 tion, in order for such entity to establish
9 and carry out a job training program de-
10 scribed in subparagraph (A); or

11 (ii) a renewal grant for entities that
12 have already received an implementation
13 grant under this section for such a job
14 training program, in order for such entity
15 to continue carrying out such job training
16 program.

17 (C) DURATION.—Each grant awarded
18 under this section shall be for a period not to
19 exceed 3 years.

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

22 (i) for an implementation grant,
23 \$2,500,000; and

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

1 (E) CONSTRUCTION INDUSTRY.—Notwith-
2 standing any other provision in this section, if
3 the targeted infrastructure industry for a grant
4 awarded under this section is the construction
5 industry, the grant shall only be available for
6 the establishment or operation of a pre-appren-
7 ticeship program affiliated with a registered ap-
8 prenticeship program.

9 (3) AWARD BASIS.—

10 (A) GEOGRAPHIC DIVERSITY.—The Sec-
11 retary shall award grants under this section in
12 a manner that ensures geographic diversity in
13 the areas in which activities will be carried out
14 under the grants, including a balance between
15 rural and tribal areas and urban areas.

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

20 (i) ensure that not less than 50 per-
21 cent of the workers hired to participate in
22 the job training program are hired through
23 local hiring in accordance with section 111,
24 including by prioritizing individuals with a
25 barrier to employment (including ex-of-

fenders), disabled individuals as defined in section 121, veterans, and individuals that represent populations that are traditionally underrepresented in the infrastructure workforce; or

(ii) ensure the commitments described in clauses (i) and (ii) of section 131(a)(2)(A) with respect to carrying out the job training program.

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

(c) APPLICATION PROCESS.—

(1) IN GENERAL.—An eligible entity seeking a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require, including the contents described in paragraph (2).

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

(A) an identification of the targeted infrastructure industry to be served by the job train-

1 ing program supported by a grant under this
2 section;

3 (B) a description of the individuals with a
4 barrier to employment, veterans, or individuals
5 who are traditionally underrepresented in the
6 targeted infrastructure industry, that will be
7 served by such program, including—

8 (i) an analysis of the labor market in
9 the targeted infrastructure industry;

10 (ii) a description of the barriers to
11 employment that may affect such individ-
12 uals; and

13 (iii) a description of strategies that
14 the program will employ to help such indi-
15 viduals overcome such barriers;

16 (C) a description of the credentials that
17 the program will assist such individuals in ob-
18 taining, which credentials—

19 (i) shall be nationally portable;

20 (ii) shall be recognized postsecondary
21 credentials or, if not available for the in-
22 dustry, other credentials determined by the
23 Secretary to be appropriate; and

24 (iii) shall be related to the targeted
25 infrastructure industry; and

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

4 (d) ACTIVITIES.—

5 (1) IN GENERAL.—Each job training program
6 supported under this section—

7 (A) shall include—

8 (i) activities designed to achieve the
9 strategic objectives described in paragraph
10 (2); and

11 (ii) the services described in para-
12 graph (3) for individuals with a barrier to
13 employment (including ex-offenders), vet-
14 erans, or individuals who are traditionally
15 underrepresented in the targeted infra-
16 structure industry; and

17 (B) may include a partnership between the
18 eligible entity and an employer to assist such
19 employer in carrying out a work-based learning
20 program, including a registered apprenticeship
21 program or a pre-apprenticeship program affili-
22 ated with a registered apprenticeship program.

23 (2) STRATEGIC OBJECTIVES.—The strategic ob-
24 jectives described in this paragraph are the fol-
25 lowing:

1 (A)(i) Recruiting key stakeholders in the
2 targeted infrastructure industry, which stake-
3 holders may include employers, labor organiza-
4 tions, local workforce development boards, and
5 education and training providers, including pro-
6 viders of career and technical education.

7 (ii) Regularly convening such stakeholders
8 in a collaborative manner that supports the
9 sharing of information, ideas, and challenges,
10 which are common to the targeted infrastruc-
11 ture industry.

12 (B) Identifying the training needs of em-
13 ployers in the targeted infrastructure industry,
14 including—

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

17 (ii) needs of registered apprenticeship
18 programs, pre-apprenticeship programs af-
19 filiated with registered apprenticeship pro-
20 grams, or other work-based learning pro-
21 grams that may be supported by a grant
22 under this section; and

23 (iii) needs for the alignment of a job
24 training program supported under this sec-
25 tion with career pathways.

1 (C) Facilitating actions, through industry
2 or sector partnerships, registered apprenticeship
3 programs, or pre-apprenticeship programs affili-
4 ated with registered apprenticeship programs,
5 that lead to economies of scale by aggregating
6 training and education needs of multiple em-
7 ployers in the targeted infrastructure industry.

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

20 (E) Providing information on the activities
21 carried out through the job training program
22 supported under this section to the State agen-
23 cy carrying out the State program under the
24 Wagner-Peyser Act (29 U.S.C. 49 et seq.), in-
25 cluding staff of the agency that provide services

1 under such Act, to enable the agency to inform
2 recipients of unemployment compensation of the
3 employment and training opportunities that
4 may be offered through such job training pro-
5 gram supported under this section.

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

20 (3) SERVICES.—

21 (A) IN GENERAL.—Each job training pro-
22 gram supported by a grant under this section
23 shall provide services to individuals with a bar-
24 rier to employment, veterans, or individuals who
25 are traditionally underrepresented in the tar-

1 geted infrastructure industry, which may in-
2 clude—

3 (i) pre-employment services as de-
4 scribed in subparagraph (B); and

5 (ii) employment services as described
6 in subparagraph (C).

7 (B) PRE-EMPLOYMENT SERVICES.—The
8 pre-employment services described in this sub-
9 paragraph may include—

10 (i) skills training, including career
11 and technical education, and integrated
12 education and training, with respect to the
13 targeted infrastructure industry;

14 (ii) initial assessments of such individ-
15 uals;

16 (iii) services to provide work attire
17 and necessary tools for a work site in the
18 targeted infrastructure industry;

19 (iv) supportive services, such as child
20 care and transportation;

21 (v) mentoring services; and

22 (vi) job placement assistance.

23 (C) EMPLOYMENT SERVICES.—The em-
24 ployment services described in this subpara-
25 graph are services provided to individuals with

1 a barrier to employment (including ex-offend-
2 ers), veterans, or individuals who are tradition-
3 ally underrepresented in the targeted infra-
4 structure industry, and that are employed in a
5 work-based learning program in the targeted in-
6 frastructure industry. A job training program
7 supported by a grant under this section shall
8 provide such services to such individuals during
9 their first 6 months of employment through
10 such program, to assure the individuals succeed
11 in the program. Such services may include—

12 (i) ongoing case management and
13 services, including the services described in
14 subparagraph (B);

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

21 (iii) additional mentorship and reten-
22 tion supports for such individuals; and

23 (iv) targeted training for the employer
24 participating in the work-based learning
25 program, including for frontline managers,

1 journey level workers (such as mentors)
2 working with individuals with a barrier to
3 employment, veterans, or individuals who
4 are traditionally underrepresented in the
5 targeted infrastructure industry, and
6 human resource representatives of the em-
7 ployer.

8 (e) EVALUATIONS.—

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

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

24 (A) The number of participants in job
25 training programs supported under this section,

1 disaggregated by age, race or ethnicity, gender,
2 status as an individual with a barrier to em-
3 ployment, and income.

4 (B) The percentage of such participants
5 who are in unsubsidized employment prior to
6 enrolling in such program.

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

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

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

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

24 (G) The percentage of such participants
25 who, during a program year, are in an edu-

1 cation or training program that leads to a rec-
 2 ognized postsecondary credential or employment
 3 and who are achieving measurable skill gains
 4 toward such a credential or employment.

5 **SEC. 202. INFRASTRUCTURE WORKFORCE EQUITY CAPAC-**
 6 **ITY BUILDING PROGRAM.**

7 (a) DEFINITIONS.—In this section:

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

10 (A) has an affiliate network or offices in
 11 not less than 3 communities and across not less
 12 than 2 States;

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

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

21 (D) submits an application in accordance
 22 with subsection (c).

23 (2) INDIVIDUAL WITH A BARRIER TO EMPLOY-
 24 MENT.—The term “individual with a barrier to em-
 25 ployment” has the meaning given such term in sec-

1 tion 3 of the Workforce Innovation and Opportunity
2 Act (29 U.S.C. 3102).

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 as
12 defined in section 121, or individuals who are traditionally
13 underrepresented in the targeted infrastructure industry
14 served through the job training program supported under
15 such section.

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

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

- 1 (1) the development and training of staff;
- 2 (2) the provision of outreach, intake, assess-
3 ments, and service delivery;
- 4 (3) the coordination of services across providers
5 and programs; and
- 6 (4) the development of performance account-
7 ability measures.

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

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

14 (1) the impact of the technical assistance pro-
15 vided under this section on the outcomes of grants
16 under section 201; and

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

19 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to carry out
21 this title \$1,000,000,000 for each of fiscal years 2020
22 through 2024.

1 **TITLE III—INVESTING IN HIGH-**
2 **QUALITY AMERICAN JOBS**

3 **SEC. 301. WAGE RATE.**

4 (a) DAVIS-BACON ACT.—

5 (1) IN GENERAL.—Notwithstanding any other
6 provision of law, for fiscal year 2020 and each fiscal
7 year thereafter, all laborers and mechanics employed
8 by contractors or subcontractors on projects assisted
9 in whole or in part under a covered infrastructure
10 program, including projects described in paragraph
11 (3) assisted in whole or in part under such pro-
12 grams, without regard to the form or type of Fed-
13 eral assistance provided under such program, shall
14 be paid wages at rates not less than those prevailing
15 on projects of a similar character in the locality as
16 determined by the Secretary of Labor in accordance
17 with subchapter IV of chapter 31 of title 40, United
18 States Code (commonly known as the “Davis-Bacon
19 Act”).

20 (2) AUTHORITY.—With respect to the labor
21 standards specified in paragraph (1), the Secretary
22 of Labor shall have the authority and functions set
23 forth in Reorganization Plan Numbered 14 of 1950
24 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
25 title 40, United States Code.

1 (3) REVOLVING LOAN FUNDS.—A project de-
2 scribed in this paragraph is a project, in the case of
3 a covered infrastructure program that capitalizes re-
4 volving loan funds, that is assisted in whole or in
5 part with amounts deposited in the revolving loan
6 fund, including loan repayments and interest earned.

7 (b) SERVICE EMPLOYEES.—

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of law, for fiscal year 2020 and each fiscal
10 year thereafter, all service employees, including serv-
11 ice employees that are operations workers or mainte-
12 nance workers, employed by contractors or sub-
13 contractors on projects assisted in whole or in part
14 under a covered infrastructure program, without re-
15 gard to the form or type of Federal assistance pro-
16 vided under such program, shall be paid a wage and
17 fringe benefits that are not less than the minimum
18 wage and fringe benefits determined in accordance
19 with paragraphs (1) and (2), respectively, of section
20 6703 of title 41, United States Code, for service em-
21 ployees engaged in the performance of a contract or
22 subcontract to which chapter 67 of title 41, United
23 States Code, applies.

24 (2) DEFINITION OF SERVICE EMPLOYEE.—In
25 this subsection, the term “service employee” has the

1 meaning given such term in section 6701 of title 41,
2 United States Code.

3 **SEC. 302. RAISE LABOR STANDARDS, IMPROVE WORKING**
4 **CONDITIONS, AND STRENGTHEN WORKERS'**
5 **BARGAINING POWER.**

6 (a) DEFINITIONS.—In this section—

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

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

15 (b) REQUIRED PRE-GRANT, LOAN, OR CONTRACT
16 AWARD ACTIONS.—

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

20 (A) to represent, to the best of the entity’s
21 knowledge and belief, whether there has been
22 any administrative merits determination, arbit-
23 ral award or decision, or civil judgment, as de-
24 fined in guidance issued by the Secretary of

1 Labor, rendered against the entity in the pre-
2 ceding 3 years for violations of—

3 (i) the Fair Labor Standards Act of
4 1938 (29 U.S.C. 201 et seq.);

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

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

11 (iv) the National Labor Relations Act
12 (29 U.S.C. 151 et seq.);

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

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

19 (vii) Executive Order 11246 (42
20 U.S.C. 2000e note; relating to equal em-
21 ployment opportunity), including any
22 amendment to such Executive order;

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

1 (ix) section 4212 of title 38, United
2 States Code;

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

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

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

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

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

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

16 (xvi) equivalent State laws, as defined
17 in guidance issued by the Secretary of
18 Labor; and

19 (2) to require any applicant for a covered
20 subaward from the entity—

21 (A) to represent to the best of the appli-
22 cant's knowledge and belief, whether there has
23 been any administrative merits determination,
24 arbitral award or decision, or civil judgment, as
25 defined in guidance issued by the Secretary of

1 Labor, rendered against the applicant in the
 2 preceding 3 years for violations of any of the
 3 labor laws listed in paragraph (1); and

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

7 (c) PRE-AWARD CORRECTIVE MEASURES.—The head
 8 of a relevant Federal agency shall, prior to awarding a
 9 covered award, provide an entity that makes a disclosure
 10 under subsection (b)(1) an opportunity to report any steps
 11 taken to correct a violation of or improve compliance with
 12 the labor laws listed in subsection (b)(1), including any
 13 agreements entered into by the entity with an enforcement
 14 agency.

15 (d) DISCLOSURE OF VIOLATIONS.—

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

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

20 (B) indicates each violation disclosed under
 21 subsection (b) or (e)(1) with respect to an enti-
 22 ty applying for, or receiving, a covered award or
 23 covered subaward until such violation is cor-
 24 rected and the entity is in compliance with all
 25 labor laws listed in subsection (b)(1); and

1 (C) is designed to enable interested parties
2 to easily identify entities applying for, or receiv-
3 ing, covered awards or covered subawards that
4 are in violation of any labor laws listed in sub-
5 section (b)(1) and steps taken by such entities
6 to correct the violations or improve compliance
7 with such laws.

8 (2) FULFILLING REPORTING REQUIREMENTS.—
9 The Secretary of Labor, in consultation with the Di-
10 rector of the Office of Management and Budget and
11 the heads of the relevant Federal agencies, shall in-
12 clude on the website established under paragraph (1)
13 the ability for all entities that apply for or receive
14 covered awards or covered subawards to fulfill re-
15 porting requirements under this section.

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

20 (e) POST-AWARD GRANT, LOAN, OR CONTRACT AC-
21 TIONS.—

22 (1) INFORMATION UPDATES.—The head of a
23 relevant Federal agency shall require each entity re-
24 ceiving a covered award or covered subaward to, not
25 later than once every 6 months, update the informa-

tion provided under paragraph (1) or (2), as applicable, of subsection (b).

(2) CORRECTIVE ACTIONS.—

(A) ENTITY AWARDED ASSISTANCE.—The head of a relevant Federal agency, in consultation with the Labor Compliance Advisor designated by such head under subsection (f) and in coordination with the heads of the other relevant Federal agencies as applicable, shall determine whether any information provided under paragraph (1) by an entity receiving a covered award warrants corrective action. Such action—

(i) may include—

(I) an agreement requiring appropriate remedial measures;

(II) compliance assistance;

(III) resolving issues to avoid further violations;

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

(V) in coordination with the heads of the other relevant Federal agencies, the decision to debar or sus-

1 pend the entity from future participa-
2 tion in any of the covered infrastruc-
3 ture programs; and

4 (ii) shall include disclosure on the
5 website established under subsection (d).

6 (B) SUBAWARDS.—An entity that receives
7 a covered award, in consultation with head of
8 the relevant Federal agency and the Labor
9 Compliance Advisor designated by such head
10 under subsection (f), shall determine whether
11 any information provided under subsection
12 (b)(2) by a recipient of a covered subaward
13 warrants corrective action, including remedial
14 measures, compliance assistance, and resolving
15 issues to avoid further violations.

16 (3) DEPARTMENT OF LABOR INVESTIGA-
17 TIONS.—The Secretary of Labor shall, as appro-
18 priate, inform the heads of the relevant Federal
19 agencies of investigations by the Secretary of entities
20 receiving covered awards or covered subawards for
21 purposes of determining the appropriateness of ac-
22 tions described in subparagraphs (A) and (B) of
23 paragraph (2).

24 (f) LABOR COMPLIANCE ADVISORS.—

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

5 (2) DUTIES.—The Labor Compliance Advisor
6 shall—

7 (A) meet quarterly with the Deputy Sec-
8 retary, Deputy Administrator, or equivalent of-
9 ficial of the agency with regard to matters cov-
10 ered under this section;

11 (B) work with officials of the agency to
12 promote greater awareness and understanding
13 of—

14 (i) the labor laws listed in subsection
15 (b)(1), including recordkeeping, reporting,
16 and notice requirements under such laws;
17 and

18 (ii) best practices for compliance with
19 such laws;

20 (C) advise the head of the relevant Federal
21 agency whether agreements are in place or are
22 otherwise needed to address appropriate reme-
23 dial measures, compliance assistance, steps to
24 resolve issues to avoid violations of the labor
25 laws listed in subsection (b)(1), or other related

1 matters concerning entities applying for or re-
2 ceiving covered awards or covered subawards;

3 (D) coordinate assistance for entities that
4 apply for or receive covered awards or covered
5 subawards that are seeking help in addressing
6 and preventing violations of such labor laws;

7 (E) in consultation with the Secretary of
8 Labor or other relevant enforcement agencies,
9 provide assistance to the head of the relevant
10 Federal agency regarding appropriate actions to
11 be taken in response to violations, by entities
12 applying for or receiving covered awards or cov-
13 ered subawards, of the labor laws listed in sub-
14 section (b)(1) identified prior to or after receipt
15 of such awards, and to address complaints in a
16 timely manner, by—

17 (i) providing assistance to officials of
18 the agency in reviewing the information
19 provided under subsections (b) and (e)(1),
20 or other information indicating a violation
21 of such a labor law, in order to assess the
22 serious, repeated, willful, or pervasive na-
23 ture of such violation and evaluate steps
24 entities applying for or receiving covered
25 awards or covered subawards have taken to

1 correct violations of or improve compliance
2 with such laws;

3 (ii) helping officials of the agency de-
4 termine the appropriate response to ad-
5 dress violations of the labor laws listed in
6 subsection (b)(1), or other information in-
7 dicating such violations, particularly seri-
8 ous, repeated, willful, or pervasive viola-
9 tions, including agreements requiring ap-
10 propriate remedial measures, decisions not
11 to award assistance or exercise an option
12 on an award of assistance, termination of
13 an award of assistance, or referral of de-
14 tails to be posted on the website estab-
15 lished under subsection (d);

16 (iii) providing assistance to officials of
17 the agency in receiving and responding to,
18 or making referrals of, complaints alleging
19 violations of the labor laws listed in sub-
20 section (b)(1) by entities applying for or
21 receiving covered awards or covered sub-
22 awards;

23 (iv) supporting officials of the agency
24 in the coordination of actions taken pursu-

ant to this section to ensure agency-wide consistency, to the extent practicable; and

(v) as appropriate, sending information to agency suspension and debarment officials in accordance with agency procedures;

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

(G) make recommendations to the head of the relevant Federal agency to strengthen agency management of compliance with such labor laws by entities applying for or receiving covered awards or covered subawards;

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

1 (I) participate in the interagency meetings
2 regularly convened by the Secretary of Labor
3 under subsection (g)(2).

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

7 (1) develop a process—

8 (A) for the Labor Compliance Advisors
9 designated under subsection (f) to consult with
10 the Secretary of Labor in carrying out the re-
11 sponsibilities of such Advisors under subsection
12 (f)(2)(E); and

13 (B) by which the head of the relevant Fed-
14 eral agencies and Labor Compliance Advisors
15 may give appropriate consideration to deter-
16 minations and agreements made by the Sec-
17 retary of Labor and such heads;

18 (2) regularly convene interagency meetings of
19 Labor Compliance Advisors to share and promote
20 best practices for improving compliance with the
21 labor laws listed in subsection (b)(1); and

22 (3) designate an appropriate contact within the
23 Department of Labor with whom the heads of the
24 relevant Federal agencies may consult with respect
25 to requirements and activities under this section.

1 (h) WORKFORCE DIVERSITY PROGRAMS.—

2 (1) IN GENERAL.—The head of a relevant Fed-
3 eral agency, in coordination with the Secretary of
4 Labor, shall require each entity that has not less
5 than 50 employees and receives a covered award or
6 covered subaward to develop and maintain a work-
7 force diversity program in accordance with this sub-
8 section to ensure equal employment opportunity
9 through the recruitment, selection, and advancement
10 of individuals who are qualified for the applicable
11 position and who are individuals with a barrier to
12 employment (including ex-offenders), racial or ethnic
13 minorities, women, disabled individuals, or veterans.

14 (2) STRUCTURE OF WORKFORCE DIVERSITY
15 PROGRAMS.—A workforce diversity program required
16 under paragraph (1) of an entity described in such
17 paragraph shall include programs, policies, practices,
18 and procedures that fulfill the purposes of this sub-
19 section. Such programs, policies, practices, and pro-
20 cedures shall—

21 (A) contain a diagnostic component that
22 includes more than 1 quantitative analysis de-
23 signed to evaluate the composition of the work-
24 force of the entity and compare such composi-

tion to the composition of other relevant workforces;

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

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

(i) measuring the entity's progress toward achieving a diverse workforce; and

(ii) monitoring and examining employment decisions and compensation systems to evaluate the impact of those systems on diverse applicants and employees;

(D) be incorporated into the entity's personnel policies, practices, and procedures;

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

(F) be readily available for reporting to the Secretary for the purposes of compliance review.

(3) DESIGNATION OF RESPONSIBILITY.—An entity described in paragraph (1) shall provide for the implementation of the workforce diversity program required under such paragraph by—

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

3 (B) providing the assigned official with the
4 authority, resources, and support of and access
5 to top management of the entity to ensure the
6 effective implementation of such program.

7 (4) IDENTIFICATION OF PROBLEM AREAS.—

8 (A) IN GENERAL.—An entity described in
9 paragraph (1) shall perform an in-depth anal-
10 ysis of the employment process of the entity to
11 determine—

12 (i) whether impediments to equal em-
13 ployment opportunity exist in such process;
14 and

15 (ii) if such impediments exist, the as-
16 pects of such process in which such im-
17 pediments exist.

18 (B) EVALUATIONS.—An analysis under
19 subparagraph (A) shall include an analysis of—

20 (i) whether, across different positions
21 of the entity, there are problems of utiliza-
22 tion or distribution of individuals who are
23 qualified for such positions and are individ-
24 uals with a barrier to employment (includ-
25 ing ex-offenders), racial or ethnic minori-

1 ties, women, disabled individuals, or vet-
2 erans;

3 (ii) personnel activity to determine
4 whether there are selection disparities,
5 which such analysis may include an anal-
6 ysis of the number of applications and
7 interviews, hires, terminations, promotions,
8 and other personnel actions of the entity;

9 (iii) compensation systems to deter-
10 mine whether there are disparities in com-
11 pensation;

12 (iv) selection, recruitment, referral,
13 and other personnel procedures to deter-
14 mine whether such procedures result in
15 disparities in the employment or advance-
16 ment of individuals who are qualified for
17 the applicable position and are individuals
18 with a barrier to employment (including
19 ex-offenders), racial or ethnic minorities,
20 women, disabled individuals, or veterans;
21 and

22 (v) any other issue that may impact
23 the success of the workforce diversity pro-
24 gram required of the entity under para-
25 graph (1).

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

4 (A) correct any problem areas identified
5 under this subsection; and

6 (B) attain established goals and objectives
7 that—

8 (i) require the entity to follow dif-
9 ferent procedures than those procedures
10 that may have previously produced inad-
11 equate results; and

12 (ii) demonstrate the entity has made
13 good faith efforts to remove identified bar-
14 riers to workforce diversity, expand em-
15 ployment opportunities, and produce meas-
16 urable results to achieve improved work-
17 force diversity.

18 (6) INTERNAL AUDIT AND REPORTING SYS-
19 TEM.—An entity described in paragraph (1) shall
20 develop and implement an auditing system that peri-
21 odically measures the effectiveness of the workforce
22 diversity program developed and maintained by the
23 entity under such paragraph. Such system shall in-
24 clude requirements for the entity to—

1 (A) monitor records of all personnel activ-
2 ity, including referrals, placements, transfers,
3 promotions, terminations, and compensation, at
4 all levels of employment with the entity to en-
5 sure the workforce diversity program is carried
6 out in accordance with the purposes of this sub-
7 section;

8 (B) require internal reporting on a sched-
9 uled basis as to the degree to which equal em-
10 ployment opportunity and organizational objec-
11 tives are attained;

12 (C) review the results of reports required
13 under this subsection with all levels of manage-
14 ment of the entity; and

15 (D) advise top management of the entity
16 of the effectiveness of the program and submit
17 recommendations to improve unsatisfactory per-
18 formance with respect to the program.

19 (7) COMPLIANCE STATUS.—

20 (A) IN GENERAL.—In determining whether
21 an entity described in paragraph (1) has com-
22 plied with the requirements for the workforce
23 diversity program under this subsection, the
24 head of the relevant Federal agency, in coordi-
25 nation with the Secretary of Labor, shall—

1 (i) review the nature and extent of the
2 entity's good faith in carrying out activities
3 under paragraphs (4), (5), and (6), and
4 the appropriateness of those activities to
5 identify equal employment opportunity
6 problems; and

7 (ii) analyze statistical data and other
8 non-statistical information to indicate
9 whether employees and applicants of the
10 entity are being treated without regard to
11 their race, color, religion, sex, sexual ori-
12 entation, gender identity, national origin,
13 or disability status.

14 (B) TECHNICAL ASSISTANCE.—The head
15 of the relevant Federal agency, in coordination
16 with the Secretary of Labor, may provide tech-
17 nical assistance to an entity described in para-
18 graph (1) to assist such entity in achieving
19 compliance with the requirements under this
20 subsection, which may include an agreement be-
21 tween the head of the relevant Federal agency
22 and the entity requiring appropriate remedial
23 measures.

24 (C) CORRECTIVE ACTION.—If an entity de-
25 scribed in paragraph (1) remains in noncompli-

1 ance with the requirements under this sub-
 2 section following technical assistance under sub-
 3 paragraph (B), the head of the relevant Federal
 4 agency, in coordination with the Secretary of
 5 Labor and the heads of the other relevant Fed-
 6 eral agencies as applicable, may take corrective
 7 action against the entity. Such action may in-
 8 clude—

9 (i) the decision not to exercise an op-
 10 tion on assistance awarded or to terminate
 11 the assistance awarded; or

12 (ii) in coordination with the heads of
 13 the other relevant Federal agencies, the de-
 14 cision to debar or suspend the entity from
 15 future participation in any of the covered
 16 infrastructure programs.

17 (i) PAYCHECK TRANSPARENCY.—

18 (1) IN GENERAL.—Except as provided in para-
 19 graph (3), each head of a relevant Federal agency
 20 shall require entities receiving a covered award or a
 21 covered subaward to provide each individual de-
 22 scribed in paragraph (2) with a document for each
 23 pay period containing information concerning, with
 24 respect to such individual for such pay period—

1 (A) hours worked, including overtime
2 hours worked;

3 (B) pay, including any additions made to
4 or deductions made from pay; and

5 (C) job classification.

6 (2) INDIVIDUALS DESCRIBED.—An individual
7 described in this paragraph is any individual per-
8 forming work on a project for an entity, receiving a
9 covered award or covered subaward, that is required
10 to maintain wage records with respect to such indi-
11 vidual under—

12 (A) the Fair Labor Standards Act of 1938
13 (29 U.S.C. 201 et seq.);

14 (B) subchapter IV of chapter 31 of title
15 40, United States Code (commonly referred to
16 as the “Davis-Bacon Act”);

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

20 (D) any applicable State law.

21 (3) EXCEPTIONS.—

22 (A) EMPLOYEES EXEMPT FROM OVERTIME
23 REQUIREMENTS.—A document provided under
24 paragraph (1) to an individual who is exempt
25 under section 13 of the Fair Labor Standards

1 Act of 1938 (29 U.S.C. 213) from the overtime
2 compensation requirements under section 7 of
3 such Act (29 U.S.C. 207) shall not be required
4 to include a record of the hours worked by the
5 individual if the entity receiving the covered
6 award or covered subaward informs the indi-
7 vidual of the status of such individual as ex-
8 empt from such overtime compensation require-
9 ments.

10 (B) SUBSTANTIALLY SIMILAR STATE
11 LAWS.—The requirements under this subsection
12 shall be deemed to be satisfied if the entity re-
13 ceiving the covered award or covered subaward
14 complies with State or local requirements that
15 the Secretary of Labor has determined are sub-
16 stantially similar to the requirements under this
17 subsection.

18 (4) INDEPENDENT CONTRACTORS.—If an entity
19 receiving a covered award or covered subaward
20 treats an individual performing work on a project
21 assisted by such award or subaward as an inde-
22 pendent contractor, and not as an employee, of the
23 entity, the entity shall provide the individual a docu-
24 ment informing the individual of the status of the
25 individual as an independent contractor.

1 (j) NOTICE OF HIRE.—

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

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

10 (B) The physical address of the entity's
11 main office or principal place of business, and
12 a mailing address, if different from such phys-
13 ical address.

14 (C) The telephone number of the entity.

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

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

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

21 (ii) any allowances claimed as part of
22 the minimum wage, including tips and
23 meal or lodging allowances; and

24 (iii) overtime rate of pay, including
25 any exemptions from overtime pay.

1 (F) The individual's job classification, and
2 the prevailing wage for the corresponding class
3 of laborers and mechanics employed on projects
4 of a similar character in the locality in which
5 the work is to be performed.

6 (2) ENFORCEMENT.—

7 (A) FINE.—

8 (i) IN GENERAL.—The head of a rel-
9 evant Federal agency may assess a civil
10 fine, subject to clause (ii), of \$500 against
11 an entity that knowingly violates para-
12 graph (1) for each individual to whom the
13 entity failed to notify in violation of such
14 paragraph.

15 (ii) INFLATION.—The head of a rel-
16 evant Federal agency shall, for each year
17 beginning 1 year after the date of enact-
18 ment of this Act, adjust the amount under
19 clause (i) for inflation.

20 (B) REBUTTABLE PRESUMPTION.—The
21 failure to provide a notice in compliance with
22 paragraph (1) shall be a rebuttable presumption
23 that an entity required to provide such notice
24 knowingly violated such paragraph.

25 (k) NEUTRALITY.—

1 (1) ALLOWABLE COSTS.—Except as provided in
2 paragraph (2), an entity receiving a covered award
3 or covered subaward may use the assistance of such
4 award or subaward for costs incurred in maintaining
5 satisfactory relations between the entity and employ-
6 ees of the entity on a project assisted by the award
7 or subaward, including costs of shop stewards, labor
8 management committees, employee publications, and
9 other related activities.

10 (2) LIMITATION ON FEDERAL ASSISTANCE.—

11 (A) IN GENERAL.—No Federal assistance
12 made available under a covered award or cov-
13 ered subaward may be used for costs incurred
14 in—

15 (i) activities undertaken to persuade
16 employees of any entity to exercise or not
17 to exercise, or concerning the manner of
18 such employees in exercising or not exer-
19 cising, the right to organize and bargain
20 collectively through representatives of the
21 employees' own choosing; or

22 (ii) any other activities that are sub-
23 ject to the requirements under section
24 203(b) of the Labor-Management Report-

ing and Disclosure Act of 1959 (29 U.S.C.
433(b)).

(B) EXAMPLES.—Examples of costs prohibited under subparagraph (A) include the costs of—

(i) preparing and distributing materials for a purpose described in subparagraph (A);

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

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

(iv) planning or conducting activities for such purpose during work hours by managers, supervisors, or labor organization representatives.

(I) COMPLAINT AND DISPUTE TRANSPARENCY.—

(1) IN GENERAL.—

(A) AWARDS.—Each head of a relevant Federal agency shall require entities receiving a covered award to agree that any decision to arbitrate the claim of an employee or independent contractor performing work for a project assisted by the award that arises under title VII

1 of the Civil Rights Act of 1964 (42 U.S.C.
2 2000e et seq.) or any tort related to or arising
3 out of sexual assault or sexual harassment may
4 only be made with the voluntary consent of the
5 employee or independent contractor after the
6 dispute arises.

7 (B) SUBAWARDS.—Each head of a relevant
8 Federal agency shall require that an entity cov-
9 ered under subparagraph (A) incorporate the
10 requirement under such subparagraph into each
11 subaward made for a project assisted by the
12 award at any tier under the award.

13 (2) EXCEPTION FOR EMPLOYEES AND INDE-
14 PENDENTS CONTRACTORS.—

15 (A) IN GENERAL.—The requirements
16 under paragraph (1) shall not apply with re-
17 spect to an employee or independent contractor
18 who—

19 (i) is covered by a collective bar-
20 gaining agreement negotiated between the
21 entity receiving an award or subaward and
22 a labor organization representing the em-
23 ployee or independent contractor; or

24 (ii) except as provided in subpara-
25 graph (B), entered into a valid agreement

1 to arbitrate claims described in such para-
2 graph before the entity received the award
3 or subaward described in such paragraph.

4 (B) APPLICABILITY.—The requirements
5 under paragraph (1) shall apply with respect to
6 an employee or independent contractor of an
7 entity receiving a covered award or covered
8 subaward—

9 (i) if the entity receiving the award or
10 subaward is permitted to change the terms
11 of the agreement described in subpara-
12 graph (A)(ii) with the employee or inde-
13 pendent contractor; or

14 (ii) in the event such agreement is re-
15 negotiated or replaced after the entity re-
16 ceives the award or subaward.

17 (m) DEFINITIONS.—In this section:

18 (1) DISABLED INDIVIDUAL.—The term “dis-
19 abled individual” has the meaning given such term
20 in section 121.

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) VETERAN.—The term “veteran” has the
2 meaning given such term in section 121.

3 **SEC. 303. BUY AMERICA BUREAU.**

4 (a) DEFINITIONS.—In this section:

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

7 (A) section 313 of title 23, United States
8 Code;

9 (B) section 5323(j) of title 49, United
10 States Code;

11 (C) section 22905(a) of title 49, United
12 States Code;

13 (D) section 50101(a) of title 49, United
14 States Code;

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

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

19 (2) DIRECTOR.—The term “Director” means
20 the Director of the Buy America Bureau established
21 by subsection (b).

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

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

3 (1) be appointed by the Secretary of Commerce;
4 and

5 (2) report to the Secretary of Commerce.

6 (d) DUTIES.—The Director shall—

7 (1) establish a program to certify and conduct
8 oversight of third-party auditors that work with enti-
9 ties that receive assistance under a covered infra-
10 structure program to ensure compliance with Buy
11 America laws;

12 (2) establish guidelines for ensuring trans-
13 parency in the Buy America auditing process under
14 paragraph (1), including—

15 (A) the use of and fulfillment of requests
16 pursuant to section 552 of title 5, United
17 States Code (commonly known as the “Freedom
18 of Information Act”); and

19 (B) the disclosure of information relating
20 to a Buy America audit by third-party auditors
21 under paragraph (1);

22 (3) establish guidelines to support the establish-
23 ment, strengthening, and oversight of compliance
24 with Buy America laws, taking into consideration

1 and seeking to maximize the direct and indirect do-
2 mestic jobs benefitted or created;

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

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

7 (B) third-party auditors that have received
8 a certification from the Director under para-
9 graph (1); and

10 (C) requested waivers of Buy America laws
11 under covered infrastructure programs; and

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

13 (A) waivers from a Buy America law that
14 have been requested;

15 (B) waivers from a Buy America law that
16 have been granted; and

17 (C) any supply chain gaps in the United
18 States that may need to be addressed to im-
19 prove compliance with Buy America laws with-
20 out a waiver.

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