

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2
OFFERED BY MR. PERRY OF PENNSYLVANIA**

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

1 **SEC. ____ . PROHIBITIONS ON CONSTRUCTION CONTRACTS.**

2 (a) PROHIBITION.—

3 (1) GENERAL RULE.—The Secretary of Trans-
4 portation, and any construction manager acting on
5 behalf of the Secretary with respect to any construc-
6 tion contract awarded pursuant to this Act, or obli-
7 gation of funds pursuant to such a contract, shall
8 not, in the contracts bid specifications, project
9 agreements, or other controlling documents—

10 (A) require or prohibit a bidder, offeror,
11 contractor, or subcontractor from entering into,
12 or adhering to, agreements with 1 or more
13 labor organizations, with respect to that con-
14 struction project or another related construction
15 project; or

16 (B) otherwise discriminate against or give
17 preference to a bidder, offeror, contractor, or

1 subcontractor because such bidder, contractor
2 or subcontractor—

3 (i) becomes a signatory, or otherwise
4 adheres to, an agreement with 1 or more
5 labor organizations with respect to that
6 construction project or another related
7 construction project; or

8 (ii) refuses to become a signatory, or
9 otherwise adhere to, an agreement with 1
10 or more labor organizations with respect to
11 that construction project or another related
12 construction project.

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

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

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

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

