

118TH CONGRESS
2D SESSION

H. R. 8253

To establish a green transportation infrastructure grant program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2024

Mr. ROBERT GARCIA of California (for himself, Ms. OCASIO-CORTEZ, Mr. HUFFMAN, Mr. NADLER, Ms. NORTON, Mr. VARGAS, Ms. BARRAGÁN, Mr. ESPAILLAT, Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, Ms. TLAIB, Ms. BUSH, Mr. BOYLE of Pennsylvania, Ms. PINGREE, Ms. MCCOLLUM, Mr. BOWMAN, Mr. POCAN, Ms. LEE of Pennsylvania, Mr. MULLIN, Mr. GARCÍA of Illinois, Ms. VELÁZQUEZ, Mr. KHANNA, Ms. JAYAPAL, Mr. GOMEZ, Ms. OMAR, Mr. COHEN, and Mrs. RAMIREZ) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish a green transportation infrastructure grant program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Better Utilizing Invest-
5 ments to Leverage Development and Generating Renew-
6 able Energy to Electrify the Nation’s Infrastructure and

1 Jobs Act” or the “BUILD GREEN Infrastructure and
2 Jobs Act”.

3 **SEC. 2. GREEN TRANSPORTATION INFRASTRUCTURE**
4 **GRANT PROGRAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) ELECTRIC VEHICLE.—The term “electric
7 vehicle” has the meaning given the term in section
8 523.2 of title 49, Code of Federal Regulations (or
9 successor regulations).

10 (2) FRONTLINE, VULNERABLE, OR DISADVAN-
11 TAGED COMMUNITY.—The term “frontline, vulner-
12 able, or disadvantaged community” means a commu-
13 nity—

14 (A) in an area described in section 301(a)
15 of the Public Works and Economic Develop-
16 ment Act of 1965 (42 U.S.C. 3161(a));

17 (B) in which climate change, pollution, or
18 environmental destruction has exacerbated sys-
19 temic racial, regional, social, environmental,
20 gender, and economic injustices by dispropor-
21 tionately affecting Black, Brown, and Indige-
22 nous peoples, other communities of color, mi-
23 grant communities, deindustrialized commu-
24 nities, depopulated rural communities, the poor,

low-income workers, women, the elderly, the
unhoused, people with disabilities, or youth;

(C) eligible for assistance under the
Justice40 Initiative described in section 223 of
Executive Order 14008 (42 U.S.C. 4321 note;
relating to tackling the climate crisis at home
and abroad); or

(D) located in a census tract that has a
high energy burden.

(3) GREEN PROJECT.—The term “green
project” means a project that—

(A) deeply reduces transportation green-
house gas emissions and local air pollution; and

(B) results in a reduction in overall energy
use, maximization of energy efficiency, imple-
mentation and use of energy recovery, and an
offset of the remaining demand for energy with
production of energy from renewable energy
sources, such that the project produces as much
energy or energy savings as the project uses
over the course of a year.

(4) GREEN SPACE.—

(A) IN GENERAL.—The term “green
space” means publicly accessible land or water
that—

1 (i) is partly or completely covered with
2 grass, trees, shrubs, or other vegetation;
3 and

4 (ii) provides floodwater alleviation,
5 storm water mitigation, green travel
6 routes, water purification, cooling tempera-
7 tures, pollution management, public health
8 benefits, enhancements to biodiversity, eco-
9 logical resilience, or greenhouse gas emis-
10 sions sequestration.

11 (B) INCLUSIONS.—The term “green
12 space” includes parks, gardens, playing fields,
13 children’s play areas, woods, grassed areas,
14 bodies of water, and trails.

15 (5) GREENHOUSE GAS.—The term “greenhouse
16 gas” means—

- 17 (A) carbon dioxide;
- 18 (B) hydrofluorocarbons;
- 19 (C) methane;
- 20 (D) nitrous oxide;
- 21 (E) perfluorocarbons;
- 22 (F) sulfur hexafluoride;
- 23 (G) nitrogen trifluoride;
- 24 (H) chlorofluorocarbons;

1 (I) criteria pollutants for which there are
2 national ambient air quality standards under
3 section 109 of the Clean Air Act (42 U.S.C.
4 7409); and

5 (J) any other anthropogenically-emitted
6 gas or particulate that the Administrator of the
7 Environmental Protection Agency determines,
8 after notice and comment—

9 (i) to contribute to climate change; or

10 (ii) to produce negative effects on
11 human health, biodiversity, or ecological
12 resilience.

13 (6) GREENHOUSE GAS EMISSIONS.—The term
14 “greenhouse gas emissions” means emissions of
15 greenhouse gas, expressed in terms of metric tons of
16 carbon dioxide equivalent.

17 (7) NEW RENEWABLE ENERGY.—The term
18 “new renewable energy” means renewable energy
19 from a source that is not currently producing power.

20 (8) PROGRAM.—The term “program” means
21 the green transportation infrastructure grant pro-
22 gram established under subsection (b).

23 (9) PUBLICLY AVAILABLE EVSE.—

24 (A) IN GENERAL.—The term “publicly
25 available EVSE” means Electric Vehicle Supply

1 Equipment and any associated parking spaces
2 designated by the property owner or lessee to be
3 available to, and accessible by, the public for
4 any period of time, including Electric Vehicle
5 Supply Equipment and associated parking
6 spaces located in parking garages or gated fa-
7 cilities if any member of the public can obtain
8 vehicular access to the facility for free or
9 through payment of a fee.

10 (B) EXCLUSION.—The term “publicly
11 available EVSE” does not include Electric Ve-
12 hicle Supply Equipment and any associated
13 parking spaces in a workplace if the Electric
14 Vehicle Supply Equipment and associated park-
15 ing spaces are clearly marked and operated as
16 available exclusively to employees or contracted
17 drivers.

18 (10) RENEWABLE ENERGY SOURCE.—The term
19 “renewable energy source” means energy generated
20 from renewable sources, including the following:

21 (A) Solar, including electricity.

22 (B) Wind.

23 (C) Ocean, including tidal, wave, current,
24 and thermal.

1 (D) Geothermal, including electricity and
2 heat pumps.

3 (E) Hydroelectric generation capacity
4 achieved from increased efficiency or additions
5 of new capacity—

6 (i) at an existing hydroelectric project;
7 and

8 (ii) that was placed in service on or
9 after January 1, 1999.

10 (F) Hydrogen used in fuel cells or other
11 non-combustion technologies, if the quantity of
12 lifecycle greenhouse gas emissions per unit of
13 fuel energy is zero.

14 (G) Thermal energy generated by any of
15 the sources described in subparagraphs (A)
16 through (F).

17 (11) RESILIENT.—The term “resilient”, with
18 respect to transportation infrastructure projects,
19 means an anticipation of, preparation for, and adap-
20 tation of the project to disruptions and changing en-
21 vironmental and security conditions, and the
22 achievement and maintenance by the project of the
23 capability to withstand, respond to, and recover rap-
24 idly from disruptions while ensuring the sustainment
25 of operations.

1 (12) RURAL AREA.—The term “rural area”
2 means an area with a population of 200,000 or
3 fewer.

4 (13) SECRETARY.—The term “Secretary”
5 means the Secretary of Transportation.

6 (14) URBANIZED AREA.—The term “urbanized
7 area” means an area with a population of more than
8 200,000.

9 (b) ESTABLISHMENT.—The Secretary shall establish
10 a green transportation infrastructure grant program to
11 provide grants on a competitive basis to eligible entities
12 for capital investments in electrified surface transpor-
13 tation infrastructure projects that—

14 (1) will have a significant local or regional im-
15 pact to improve transportation and reduce green-
16 house gas emissions and toxic emissions; and

17 (2) are—

18 (A) sustainable and resilient; and

19 (B) green projects.

20 (c) ELIGIBLE ENTITIES.—An entity eligible to re-
21 ceive a grant under the program is—

22 (1) a State or territory;

23 (2) a unit of local government;

24 (3) a transit agency;

25 (4) a port authority;

1 (5) an Indian tribe (as defined in section 4 of
2 the Indian Self-Determination and Education Assist-
3 ance Act (25 U.S.C. 5304));

4 (6) a Federal land management agency that
5 jointly applies with a State or a group of States; or

6 (7) a multi-State or multijurisdictional group of
7 entities described in paragraphs (1) through (6).

8 (d) ELIGIBLE PROJECTS.—

9 (1) IN GENERAL.—A project eligible to be car-
10 ried out with funds from a grant provided under the
11 program is—

12 (A) a fixed route public transportation
13 project eligible for assistance under chapter 53
14 of title 49, United States Code, that improves
15 public transportation service for transit-depend-
16 ent populations, supports increased transit rid-
17 ership, and is powered by electricity, includ-
18 ing—

19 (i) corridor-based bus rapid transit
20 projects or new fixed guideway capital
21 projects, such as light rail transit, heavy
22 rail transit, or commuter rail transit
23 projects;

24 (ii) the acquisition or lease of low-
25 emission or zero-emission public transit ve-

1 hicles, with or without a leased power
2 source, that will be used to decrease
3 headways or provide new or expanded serv-
4 ice areas or times; and

5 (iii) the construction, lease, rehabilita-
6 tion, or improvement of new or existing fa-
7 cilities and related equipment for low-emis-
8 sion or zero-emission vehicles, including
9 overhead-wire in-motion charging tech-
10 nology;

11 (B) a passenger or freight rail project that
12 is powered solely by an external source of elec-
13 tricity or solar power;

14 (C) a port infrastructure investment, in-
15 cluding inland port infrastructure and land
16 ports of entry, that—

17 (i) installs publicly available EVSE;

18 (ii) facilitates the movement of goods
19 via zero-emission modes; or

20 (iii) supports the deployment of zero-
21 emission port equipment or technology (as
22 defined in section 133(d) of the Clean Air
23 Act (42 U.S.C. 7433(d)));

1 (D) an electrified public micromobility
2 project, including an e-bike share and related
3 projects; and

4 (E) any other project that—

5 (i) the Secretary determines to be ap-
6 propriate; and

7 (ii) clearly demonstrates a contribu-
8 tion to the reduction of greenhouse gas
9 emissions and toxic emissions.

10 (2) LIMITATION.—Funds from a grant provided
11 under the program may not be used to purchase
12 fully automated cargo-handling equipment that is re-
13 motely operated or remotely monitored, with or with-
14 out the exercise of human intervention or control.

15 (e) APPLICATION.—

16 (1) IN GENERAL.—To be eligible to receive a
17 grant under the program, an eligible entity shall
18 submit to the Secretary an application at such time,
19 in such manner, and containing such information as
20 the Secretary may require, including a zero-emission
21 transition plan that examines the impact of the pro-
22 posed project on the workforce of the eligible entity,
23 including an identification of skill gaps, training
24 needs, and retraining needs of that workforce—

1 (A) to operate and maintain infrastructure
2 that is part of the eligible project; and

3 (B) to avoid displacement of that work-
4 force.

5 (2) DEADLINES.—The Secretary shall—

6 (A) publish a notice of funding opportunity
7 for the program by not later than 10 days after
8 October 1 of each fiscal year;

9 (B) require applications for grants under
10 the program to be submitted to the Secretary
11 by not later than 90 days after the date on
12 which the notice of funding opportunity is pub-
13 lished; and

14 (C) select eligible projects to receive grants
15 under the program, in accordance with sub-
16 section (f), by not later than 270 days after Oc-
17 tober 1 of each fiscal year.

18 (f) SELECTION.—

19 (1) IN GENERAL.—The Secretary shall select el-
20 igible projects to receive a grant under the program
21 based on sustainability and workforce criteria, in-
22 cluding—

23 (A) criteria that prioritize collective trans-
24 portation over individual transportation;

1 (B) criteria developed by the Secretary to
2 reduce overall vehicle miles traveled in single
3 occupancy, internal combustion engine vehicles;

4 (C) the extent to which the project pro-
5 motes the electrification of all public transpor-
6 tation, intercity passenger and freight rail
7 transportation, intercity bus service, and school
8 bus service;

9 (D) the extent to which the eligible entity
10 has—

11 (i) used funds apportioned under sec-
12 tion 104(b) of title 23, United States
13 Code, to carry out the project; or

14 (ii) demonstrated why the eligible en-
15 tity was unable to use those funds to carry
16 out the project;

17 (E) criteria developed by the Secretary, in
18 consultation with the Administrator of the En-
19 vironmental Protection Agency, that consider
20 the extent to which the eligible project contrib-
21 utes to—

22 (i) climate resilience;

23 (ii) climate mitigation;

24 (iii) air pollution and emissions of
25 hazardous air pollutants (as defined in sec-

1 tion 112(a) of the Clean Air Act (42
2 U.S.C. 7412(a)); and

3 (iv) greenhouse gas emissions;

4 (F) criteria developed by the Secretary, in
5 consultation with the Secretary of Energy, that
6 consider the extent to which the eligible project
7 will achieve energy savings and reduced energy
8 usage compared to other eligible projects;

9 (G) criteria developed by the Secretary, in
10 consultation with the Secretary of Energy, that
11 consider the extent to which the eligible project
12 will improve pedestrian and nonmotorized vehi-
13 cle access and safety compared to other eligible
14 projects;

15 (H) the extent to which the project will im-
16 prove the frequency of existing fixed route pub-
17 lic transportation service;

18 (I) criteria developed by the Secretary, in
19 consultation with the Secretary of Housing and
20 Urban Development, that consider the extent to
21 which a public transportation project serves
22 areas of affordable housing or promotes transit-
23 oriented development;

24 (J) the extent to which the eligible entity
25 demonstrates methods to preserve or encourage

1 affordable housing near the project, as the Sec-
2 retary determines to be appropriate;

3 (K) criteria developed by the Secretary, in
4 consultation with the Secretary of Labor, that
5 consider the information described in subsection
6 (m)(2); and

7 (L) criteria developed by the Secretary to
8 identify projects underserved by existing Fed-
9 eral funding opportunities.

10 (2) EXCLUSION.—In selecting eligible projects
11 to receive a grant under the program, the Secretary
12 shall not use the Federal share percentage or the
13 ability of an applicant to generate non-Federal rev-
14 enue as a selection criterion.

15 (3) PRIORITY.—In selecting eligible projects to
16 receive a grant under the program, the Secretary
17 shall give priority to an eligible project—

18 (A) that is located in—

19 (i) a frontline, vulnerable, or dis-
20 advantaged community;

21 (ii) an area identified as having dis-
22 proportionately high adverse human health
23 and environmental impacts on minority
24 populations and low-income populations;

25 (iii) a community of color;

- 1 (iv) a low-income community;
- 2 (v) a deindustrialized community; or
- 3 (vi) a community facing environ-
- 4 mental injustice.

5 (B) that requires a contribution of Federal
6 funds in order to complete an overall financing
7 package;

8 (C) that includes—

9 (i) the addition of—

10 (I) a new green space; or

11 (II) new State or local park sys-
12 tem units and recreation areas admin-
13 istered for outdoor recreation pur-
14 poses; or

15 (ii) an improvement to improve access
16 to an existing green space, State or local
17 park system unit, or recreation area ad-
18 ministered for outdoor recreation purposes,
19 including pedestrian and bicycle access;

20 (D) for which the applicant commits to
21 give preference to prime contractors, and sub-
22 contractors performing more than 50 percent of
23 the work, that have a collective bargaining
24 agreement in place with their employees that is

1 not a covered project labor agreement (as de-
2 fined in subsection (m)(3)(B)); or

3 (E) that includes partnerships between
4 Federal, State, and local agencies to ensure
5 that the project is well-coordinated and meets
6 the needs of the communities served by the
7 project.

8 (4) REPORT.—Not less frequently than once
9 each year, the Secretary shall —

10 (A) submit a report that contains the cri-
11 teria for eligible projects developed under para-
12 graph (1) to—

13 (i) the Committee on Commerce,
14 Science, and Transportation of the Senate;

15 (ii) the Committee on Environment
16 and Public Works of the Senate;

17 (iii) the Committee on Health, Edu-
18 cation, Labor, and Pensions of the Senate;

19 (iv) the Committee on Transportation
20 and Infrastructure of the House of Rep-
21 resentatives;

22 (v) the Committee on Energy and
23 Commerce of the House of Representa-
24 tives; and

1 (vi) the Committee on Education and
2 Workforce of the House of Representa-
3 tives; and

4 (B) make the report under subparagraph
5 (A) available to the public.

6 (g) GRANT REQUIREMENTS.—

7 (1) ENVIRONMENTAL STANDARD.—As a condi-
8 tion of receiving a grant under the program, any
9 building or structure that is part of an eligible
10 project, including existing buildings, shall comply
11 with, or, in the case of an existing building, be ren-
12 ovated to comply with, environmental standards de-
13 termined by the Secretary, that are at least as strin-
14 gent as the Leadership in Energy and Environ-
15 mental Design (LEED) standards of the United
16 States Green Building Council.

17 (2) WORKFORCE DEVELOPMENT.—

18 (A) IN GENERAL.—Except as provided in
19 subparagraph (B), an eligible entity that re-
20 ceives a grant under the program shall use not
21 less than 5 percent of the funds from the grant
22 to fund workforce development training, includ-
23 ing registered apprenticeships and other labor
24 management training programs, as part of the

1 zero-emission transition plan of the eligible enti-
2 ty described in subsection (e)(1).

3 (B) EXCEPTION.—The Secretary may re-
4 duce the amount set aside under subparagraph
5 (A) for workforce development training with re-
6 spect to an eligible entity if the eligible entity
7 certifies that a smaller percentage of grant
8 funds is sufficient to fund the workforce devel-
9 opment training described in that subpara-
10 graph.

11 (3) RAILWAY LABOR.—

12 (A) IN GENERAL.—In the case of a rail
13 project that receives a grant under the pro-
14 gram, the eligible entity shall—

15 (i) comply with subsections (b), (c),
16 and (d) of section 22905 of title 49,
17 United States Code; and

18 (ii) ensure that work on the project is
19 carried out by workers who are part of the
20 existing workforce of the eligible entity, to
21 the maximum extent possible.

22 (B) EMPLOYEE PROTECTIONS.—In the
23 case of a rail project that receives a grant
24 under the program, the eligible entity shall

1 comply with section 22404 of title 49, United
2 States Code.

3 (4) USE OF RENEWABLE ENERGY.—

4 (A) IN GENERAL.—As a condition of re-
5 ceiving a grant under the program, any eligible
6 project that, after completion of the project,
7 uses electrical energy shall use electrical energy
8 in a manner that does not increase usage of
9 nonrenewable energy sources, in accordance
10 with subparagraph (B).

11 (B) METHODS.—An eligible entity may
12 comply with subparagraph (A) by—

13 (i) purchasing new renewable energy
14 or renewable energy credits for the eligible
15 project;

16 (ii) generating new renewable energy
17 for the eligible project;

18 (iii) converting to use of renewable en-
19 ergy for another project of the eligible enti-
20 ty in an equivalent quantity of nonrenew-
21 able energy used for the eligible project; or

22 (iv) any combination of the methods
23 described in clauses (i) through (iii).

24 (C) REPORT.—An eligible entity that re-
25 ceives a grant under the program shall report

1 to the Secretary annually on the percentage of
2 renewable energy used and steps taken for en-
3 ergy conservation in the eligible project.

4 (5) LABOR REQUIREMENTS.—As a condition of
5 receiving a grant under the program, the eligible en-
6 tity shall submit to the Secretary a certification that
7 the eligible entity is in compliance with subsection
8 (m).

9 (6) COMPLIANCE.—

10 (A) IN GENERAL.—If the Secretary deter-
11 mines that an eligible project is not in compli-
12 ance with any provision of this subsection, the
13 Secretary shall promptly notify the eligible enti-
14 ty of the noncompliance.

15 (B) WITHHOLDING OF FUNDS FOR NON-
16 COMPLIANCE.—If an eligible entity that receives
17 a notification of noncompliance under subpara-
18 graph (A) is not in compliance with this sub-
19 section beginning on the date that is 180 days
20 after the date of the notification under subpara-
21 graph (A), the Secretary shall withhold from
22 the State in which the eligible project is located
23 10 percent of the amount required to be appor-
24 tioned to the State under section 104(b) of title
25 23, United States Code, from that State until

1 the eligible project is in compliance with this
2 subsection.

3 (h) DISTRIBUTION OF GRANTS.—

4 (1) IN GENERAL.—For each fiscal year, in car-
5 rying out the program, the Secretary shall ensure
6 that grants are provided—

7 (A) on an equitable geographical basis, in-
8 cluding with respect to Tribal communities;

9 (B) in a manner that achieves an appro-
10 priate balance in addressing the needs of urban-
11 ized areas and rural areas; and

12 (C) in a manner that prioritizes eligible
13 projects in areas described in section 301(a) of
14 the Public Works and Economic Development
15 Act of 1965 (42 U.S.C. 3161(a)).

16 (2) STATE AMOUNTS.—

17 (A) MINIMUM AMOUNT.—For each fiscal
18 year, the total amount awarded to eligible
19 projects in each State shall be not less than the
20 lesser of—

21 (i) 0.8 percent of the amounts made
22 available to carry out the program for that
23 fiscal year; and

24 (ii) the total amount requested for eli-
25 gible projects in that State for that fiscal

1 year for which the Secretary has deter-
2 mined meet the selection criteria under the
3 program.

4 (B) MAXIMUM AMOUNT.—For each fiscal
5 year, the total amount provided under the pro-
6 gram for eligible projects in a single State shall
7 not exceed an amount equal to 8 percent of the
8 amounts made available to carry out the pro-
9 gram for that fiscal year.

10 (3) RURAL AREAS, URBANIZED AREAS, AND
11 FRONTLINE, VULNERABLE, OR DISADVANTAGED
12 COMMUNITIES.—

13 (A) RURAL AREAS.—

14 (i) IN GENERAL.—Of the amounts
15 made available to carry out the program
16 for each fiscal year, not less than 30 per-
17 cent and not more than 40 percent shall be
18 used for eligible projects located in rural
19 areas.

20 (ii) GRANT AMOUNT.—The amount of
21 a grant provided under the program for a
22 project in a rural area shall be not less
23 than \$1,000,000.

24 (iii) FEDERAL SHARE.—The Federal
25 share of the cost of an eligible project in

1 a rural area carried out with a grant under
2 the program may exceed 90 percent, at the
3 discretion of the Secretary.

4 (B) URBANIZED AREAS.—

5 (i) IN GENERAL.—Of the amounts
6 made available to carry out the program
7 for each fiscal year, not less than 60 per-
8 cent and not more than 70 percent shall be
9 used for eligible projects located in urban-
10 ized areas.

11 (ii) METROPOLITAN PLANNING
12 AREA.—Amounts made available under
13 clause (i) may be used for eligible projects
14 in the metropolitan planning area estab-
15 lished under section 134 of title 23, United
16 States Code, that encompasses the urban-
17 ized area.

18 (C) FRONTLINE, VULNERABLE, OR DIS-
19 ADVANTAGED COMMUNITIES.—

20 (i) IN GENERAL.—Of the total
21 amounts made available to carry out the
22 program for each fiscal year under sub-
23 paragraphs (A) and (B), not less than 40
24 percent shall be used for eligible projects

1 located in frontline, vulnerable, or dis-
2 advantaged communities.

3 (ii) GRANT AMOUNT.—The amount of
4 a grant provided under the program for a
5 project in a frontline, vulnerable, or dis-
6 advantaged community shall be not less
7 than \$1,000,000.

8 (iii) FEDERAL SHARE.—The Federal
9 share of the cost of an eligible project in
10 a frontline, vulnerable, or disadvantaged
11 community carried out with a grant under
12 the program may exceed 90 percent, at the
13 discretion of the Secretary.

14 (i) GRANT AMOUNT.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), a grant under the program shall be in an
17 amount that is not less than \$2,000,000.

18 (2) PLANNING GRANTS.—A grant under the
19 program for the planning, preparation, or design of
20 an eligible project shall not be subject to a minimum
21 grant amount.

22 (j) FEDERAL SHARE.—Except as otherwise provided
23 in this section, the Federal share of the cost of a project
24 carried out with a grant under the program shall be, at
25 the discretion of the eligible entity—

1 (1) not more than 90 percent, for the purpose
2 of planning, design, and construction of the project;
3 and

4 (2) up to 100 percent of the operation and
5 maintenance costs of the project for the first 10
6 years of the project.

7 (k) TIFIA; RRIF.—For each fiscal year, the Sec-
8 retary may use an amount equal to not more than 20 per-
9 cent of the amounts made available to carry out the pro-
10 gram for that fiscal year to pay the subsidy and adminis-
11 trative costs of projects eligible for Federal credit assist-
12 ance under chapter 6 of title 23, United States Code, or
13 chapter 224 of title 49, United States Code, if the Sec-
14 retary finds that such use of those amounts would advance
15 the purposes of the program.

16 (l) BUY AMERICA.—Section 70914 of the Infrastruc-
17 ture Investment and Jobs Act (41 U.S.C. 8301 note; Pub-
18 lic Law 117–58) shall apply to an eligible project that re-
19 ceives a grant under the program.

20 (m) LABOR PROVISIONS.—

21 (1) EMPLOYEE WAGES AND PROTECTIONS.—
22 Each contractor and subcontractor for an eligible
23 project carried out under the program shall comply
24 with the following:

25 (A) MINIMUM WAGE.—

1 (i) IN GENERAL.—All employees em-
2 ployed in the performance of the eligible
3 project shall be paid at a rate of not less
4 than—

5 (I) \$17.00 an hour, beginning on
6 the date of enactment of this Act; and

7 (II) beginning on the date that is
8 1 year after such date of enactment,
9 and annually thereafter, the amount
10 in effect under this clause for the pre-
11 ceding year, increased by the annual
12 percentage increase, if any, in the me-
13 dian hourly wage of all employees as
14 determined by the Bureau of Labor
15 Statistics and rounded up to the near-
16 est multiple of \$0.05 (if not otherwise
17 a multiple of \$0.05).

18 (ii) CALCULATION.—In calculating the
19 annual percentage increase in the median
20 hourly wage of all employees for purposes
21 of clause (i)(II), the Secretary of Labor,
22 through the Bureau of Labor Statistics,
23 shall—

1 (I) compile data on the hourly
2 wages of all employees to determine
3 such a median hourly wage; and

4 (II) compare such median hourly
5 wage for the most recent year for
6 which data are available with the me-
7 dian hourly wage determined for the
8 preceding year.

9 (iii) PREVAILING WAGES FOR LABOR-
10 ERS AND MECHANICS.—

11 (I) IN GENERAL.—All laborers
12 and mechanics employed by contrac-
13 tors or subcontractors in the perform-
14 ance of construction, alteration, or re-
15 pair work carried out, in whole or in
16 part, with assistance made available
17 under the program shall be paid
18 wages at rates not less than the great-
19 er of—

20 (aa) the rates prevailing on
21 similar construction in the local-
22 ity as determined by the Sec-
23 retary of Labor in accordance
24 with subchapter IV of chapter 31

1 of title 40, United States Code;
2 or

3 (bb) the rate required under
4 clause (i).

5 (II) AUTHORITIES.—With respect
6 to the labor standards specified in
7 subclause (I)(aa), the Secretary of
8 Labor shall have the authority and
9 functions set forth in Reorganization
10 Plan Numbered 14 of 1950 (64 Stat.
11 1267; 5 U.S.C. App.) and section
12 3145 of title 40, United States Code.

13 (B) EMPLOYEE PROTECTIVE ARRANGE-
14 MENTS.—The contractor or subcontractor shall
15 ensure the interests of employees employed in
16 the performance of the eligible project shall be
17 protected under arrangements the Secretary of
18 Labor concludes are fair and equitable in ac-
19 cordance with section 5333(b) of title 49,
20 United States Code, and meet the requirements
21 of such section. The solicitation for the grant
22 under this section shall specify the arrange-
23 ments.

1 (C) NEUTRALITY TOWARD ORGANIZED
2 LABOR.—The contractor or subcontractor shall
3 have—

4 (i) an explicit policy of neutrality with
5 regard to—

6 (I) labor organizing for the em-
7 ployees of the contractor or subcon-
8 tractor employed in the performance
9 of the eligible project; and

10 (II) such employees' choice to
11 form and join labor organizations; and
12 (ii) policies that require—

13 (I) the posting and maintenance
14 of notices in the workplace to such
15 employees of their rights under the
16 National Labor Relations Act (29
17 U.S.C. 151 et seq.); and

18 (II) that such employees are, at
19 the beginning of their employment in
20 the performance of the eligible
21 project, provided notice and informa-
22 tion regarding the employees' rights
23 under such Act.

24 (D) PAID FAMILY AND MEDICAL LEAVE.—
25 The contractor or subcontractor shall have an

1 explicit policy providing all employees employed
2 in the performance of the eligible project not
3 less than 12 workweeks of paid leave in a 12-
4 month period for any purpose described in sec-
5 tion 102(a)(1) of the Family and Medical Leave
6 Act of 1993 (29 U.S.C. 2612(a)(1)), in accord-
7 ance with regulations promulgated by the Sec-
8 retary of Labor.

9 (E) FAIR SCHEDULING.—

10 (i) IN GENERAL.—The contractor or
11 subcontractor shall have an explicit policy
12 for fair scheduling for employees employed
13 in the performance of the eligible project,
14 which shall include—

15 (I) an opportunity for the em-
16 ployee to request—

17 (aa) an adjustment in the
18 number of hours, work location,
19 or times of the employee's work
20 schedule;

21 (bb) a change in the amount
22 of notification provided to the
23 employee regarding the work
24 schedule; or

1 (cc) the minimizing of fluctuations in the number of hours
2
3 the employee is scheduled to
4 work on a daily, weekly, or
5 monthly basis; and

6 (II) a timely, good faith interactive process through which the contractor or subcontractor and employee
7
8 discuss the employee's request under
9 subclause (I) and the contractor or
10 subcontractor grants the request or
11 suggests any alternatives that might
12 meet the employee's needs.

13
14 (ii) EXCEPTION.—Clause (i) shall not
15 apply to any employee covered by a valid
16 collective bargaining agreement if—

17 (I) the terms of the collective
18 bargaining agreement include terms
19 that govern work scheduling practices;
20 and

21 (II) the provisions of clause (i)
22 are expressly waived in such collective
23 bargaining agreement.

1 (F) PREFERENCES IN HIRING.—The con-
2 tractor or subcontractor shall have explicit poli-
3 cies that provide—

4 (i) a preference for local hiring for all
5 construction work conducted in the per-
6 formance of the eligible project, consistent
7 with applicable Federal law and subject to
8 rules issued by the Secretary of Labor; and

9 (ii) a preference for the hiring of indi-
10 viduals from frontline, vulnerable, or dis-
11 advantaged communities for construction
12 in the performance of an eligible contract.

13 (G) CONTRACTOR REQUIREMENT REGARD-
14 ING SUBCONTRACTORS.—The contractor or sub-
15 contractor shall require that each subcontractor
16 of the contractor for an eligible project carried
17 out under the program comply with the require-
18 ments of this paragraph with respect to all em-
19 ployees of the subcontractor employed in the
20 performance of the project.

21 (2) DISCLOSURE.—A contractor desiring a con-
22 tract under an eligible project carried out under the
23 program shall disclose to the Secretary in the con-
24 tract application any administrative merits deter-
25 mination, arbitral award or decision, or civil judg-

1 ment against the contractor during the previous 5
2 years for any violation of—

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

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

7 (C) the Migrant and Seasonal Agricultural
8 Worker Protection Act (29 U.S.C. 1801 et
9 seq.);

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

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

15 (F) chapter 67 of title 41, United States
16 Code (commonly known as the “Service Con-
17 tract Act”);

18 (G) Executive Order 11246 (42 U.S.C.
19 2000e note; relating to equal employment op-
20 portunity);

21 (H) section 503 of the Rehabilitation Act
22 of 1973 (29 U.S.C. 793);

23 (I) chapter 42 or 43 of title 38, United
24 States Code;

1 (J) the Family and Medical Leave Act of
2 1993 (29 U.S.C. 2601 et seq.);

3 (K) title VII of the Civil Rights Act of
4 1964 (42 U.S.C. 2000e et seq.);

5 (L) title I of the Americans with Disabil-
6 ities Act of 1990 (42 U.S.C. 12111 et seq.);

7 (M) the Age Discrimination in Employ-
8 ment Act of 1967 (29 U.S.C. 621 et seq.);

9 (N) Executive Order 13658 (79 Fed. Reg.
10 9851; relating to establishing a minimum wage
11 for contractors);

12 (O) title II of the Genetic Information
13 Nondiscrimination Act of 2008 (42 U.S.C.
14 2000ff et seq.);

15 (P) section 40002(b)(13)(A) of the Vio-
16 lence Against Women Act of 1994 (34 U.S.C.
17 12291(b)(13)(A));

18 (Q) the Pregnant Workers Fairness Act
19 (42 U.S.C. 2000gg et seq.); or

20 (R) any State law equivalent of a law de-
21 scribed in any of subparagraphs (A) through
22 (Q), in accordance with guidance issued by the
23 Secretary of Labor.

24 (3) LABOR AGREEMENTS FOR CONSTRUCTION
25 PROJECTS.—

1 (A) IN GENERAL.—A contractor for an eli-
2 gible project carried out under the program
3 that is a construction project shall be a party
4 to a covered project labor agreement.

5 (B) DEFINITIONS.—In this paragraph:

6 (i) COVERED PROJECT LABOR AGREE-
7 MENT.—The term “covered project labor
8 agreement” means a project labor agree-
9 ment that—

10 (I) binds all contractors and sub-
11 contractors on the construction
12 project through the inclusion of ap-
13 propriate specifications in all relevant
14 solicitation provisions and contract
15 documents;

16 (II) allows all contractors and
17 subcontractors to compete for con-
18 tracts and subcontracts without re-
19 gard to whether they are otherwise a
20 party to a collective bargaining agree-
21 ment;

22 (III) contains guarantees against
23 strikes, lockouts, and other similar job
24 disruptions;

1 (IV) sets forth effective, prompt,
2 and mutually binding procedures for
3 resolving labor disputes arising during
4 the covered project labor agreement;
5 and

6 (V) provides other mechanisms
7 for labor-management cooperation on
8 matters of mutual interest and con-
9 cern, including productivity, quality of
10 work, safety, and health.

11 (ii) PROJECT LABOR AGREEMENT.—
12 The term “project labor agreement” means
13 a pre-hire collective bargaining agreement
14 with one or more labor organizations that
15 establishes the terms and conditions of em-
16 ployment for a specific construction project
17 and is described in section 8(f) of the Na-
18 tional Labor Relations Act (29 U.S.C.
19 158(f)).

20 (4) DETERMINING EMPLOYMENT RELATION-
21 SHIP.—For purposes of this subsection, an indi-
22 vidual performing any service in the performance of
23 an eligible project for a contractor or subcontractor
24 shall be considered an employee, and not an inde-

1 pendent contractor, of that contractor or subcon-
2 tractor, unless—

3 (A) the individual is free from control and
4 direction in connection with the performance of
5 the service, both under the contract for the per-
6 formance of service and in fact;

7 (B) the service is performed outside the
8 usual course of the business of the contractor
9 or subcontractor; and

10 (C) the individual is customarily engaged
11 in an independently established trade, occupa-
12 tion, profession, or business of the same nature
13 as that involved in the service performed.

14 (n) FUNDING.—

15 (1) IN GENERAL.—There is authorized to be
16 appropriated to carry out the program
17 \$50,000,000,000 for each of fiscal years 2025
18 through 2034, of which not less than
19 \$15,000,000,000 shall be for grants for fixed route
20 public transportation projects eligible for assistance
21 under chapter 53 of title 49, United States Code.

22 (2) AVAILABILITY.—Amounts made available
23 under paragraph (1) shall remain available until
24 January 1, 2045.

1 **SEC. 3. FEDERAL FUNDING EXCHANGE PROGRAMS.**

2 Section 106(g) of title 23, United States Code, is
3 amended by adding at the end the following:

4 “(6) FEDERAL FUNDING EXCHANGE PRO-
5 GRAMS.—A State may implement a program under
6 which a subrecipient has the option to exchange
7 Federal funds allocated to the subrecipient in ac-
8 cordance with the requirements of this title for State
9 or local funds if the State certifies to the Secretary
10 that—

11 “(A) the State has prevailing wage and do-
12 mestic content requirements that are com-
13 parable to the requirements under sections 113
14 and 313, respectively; and

15 “(B) the requirements described in sub-
16 paragraph (A) shall apply to projects carried
17 out using the State or local funds if the
18 projects would have been subject to the require-
19 ments of sections 113 and 313 if the projects
20 were carried out using Federal funds.”.

21 **SEC. 4. CLOSING THE LOW-NO LOOPHOLE.**

22 Section 5339(c)(5)(B) of title 49, United States
23 Code, is amended by striking “no less than 25 percent”
24 and inserting “not more than 5 percent”.

1 **SEC. 5. EXPANDING THE ELIGIBILITY OF FIXED GUIDEWAY**
2 **GRANTS.**

3 Section 5309(b)(2) of title 49, United States Code,
4 is amended by inserting “planning for a new fixed guide-
5 way capital project that would relieve crowding on an ex-
6 isting fixed guideway corridor, the installation of platform
7 screen doors, the construction of new entrances to existing
8 stations, the automation of operations that increase the
9 frequency of service on the automated corridor,” after
10 “construction of infill stations,”.

11 **SEC. 6. PROHIBITION ON DISCRIMINATION.**

12 No individual in the United States may, on the basis
13 of actual or perceived race, color, religion, national origin,
14 sex (including gender identity and sexual orientation), age,
15 or disability, be excluded from participation in, be denied
16 the benefits of, or be subjected to discrimination under,
17 any program or activity that is funded in whole or in part
18 with funds made available to carry out this Act.

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