

AMENDMENT
TO RULES COMMITTEE PRINT 116-54
OFFERED BY MR. DEFAZIO OF OREGON

Page 70, line 7, strike “(1) IN GENERAL.—” and run the text onto line 6.

Page 70, strike lines 12 through 20.

Page 75, beginning on line 14, strike “subparagraph (A)” and insert “paragraph (1)”.

Page 75, beginning on line 18, strike “paragraph” and insert “subsection”.

Page 101, line 8, insert a comma after “(D)”.

Page 103, line 18, strike “and” at the end.

Page 103, line 21, strike period and the closing quotation marks.

Page 103, after line 21, insert the following:

1 “(iv) from the amounts made avail-
2 able for a fiscal year for the urbanized
3 areas formula grants under section 5307
4 of title 49, the amounts allocated for a fis-

1 cal year for the passenger ferry grant pro-
2 gram under section 5307(h) of such title;

3 “(v) from the amounts made available
4 for a fiscal year for the formula grants for
5 rural areas under section 5311 of such
6 title, the amounts allocated for a fiscal
7 year for public transportation on Indian
8 reservations;

9 “(vi) from the amounts made avail-
10 able for a fiscal year for the public trans-
11 portation innovation program under sec-
12 tion 5312 of such title—

13 “(I) the amounts allocated for
14 the zero emission vehicle component
15 assessment under section 5312(h) of
16 such title; and

17 “(II) the amounts allocated for
18 the transit cooperative research pro-
19 gram under section 5312(i) of such
20 title;

21 “(vii) from the amounts made avail-
22 able for a fiscal year for the technical as-
23 sistance and workforce development pro-
24 gram of section 5314 of such title, the
25 amounts allocated for the national transit

1 institute under section 5314(c) of such
2 title;

3 “(viii) from the amounts made avail-
4 able for a fiscal year for the bus and bus
5 facilities program under section 5339 of
6 such title, the amounts allocated for a fis-
7 cal year for the zero emission grants under
8 section 5339(c) of such title;

9 “(ix) the amounts made available for
10 growing States under section 5340(c) of
11 such title; and

12 “(x) the amounts made available for
13 high density states under section 5340(d)
14 of such title.”;

15 (3) in subsection (d) by inserting “and section
16 5324 of title 49” after “section 125”;

Page 103, line 22, strike “(3)” and insert “(4)”.

Page 104, line 3, strike “(4)” and insert “(5)”.

Page 121, strike lines 3 and 4 and insert the fol-
lowing:

17 “(i) notification and justification of
18 the deviation is provided to the Secretary
19 and the State; and

Page 121, line 13, strike “approve” and insert “consider”.

Page 121, line 14, strike “project, multiple project, or”.

Page 146, line 3, strike the opening bracket.

Page 146, line 4, strike “toll” and insert “HOV”.

Page 146, line 6, strike “toll” and insert “HOV”.

Page 146, line 7, strike the closing bracket.

Page 162, line 18, strike “travel” and insert “transportation”.

Page 163, line 15, insert a comma after “features”.

Page 163, line 16, strike the comma after “agencies”.

Page 184, line 9, strike “PREDISASTER”.

Page 184, line 12, strike “predisaster mitigation program” and insert “hazard mitigation pilot program”.

Page 184, strike lines 15 through page 186, line 8 and insert the following:

- 1 “(2) DISTRIBUTION OF FUNDS.—
- 2 “(A) AUTHORIZATION OF APPROPRIA-
- 3 TIONS.—There is authorized to be appropriated

1 such sums as may be necessary for the pilot
2 program established under this subsection.

3 “(B) CALCULATION.—Every 6 months, the
4 Secretary shall calculate the total amount of
5 outstanding eligible repair costs under the
6 emergency relief program under this section, in-
7 cluding the emergency relief backlog, for each
8 State, territory, Tribal government, or other eli-
9 gible entity.

10 “(C) DISTRIBUTION.—Any amounts made
11 available under this subsection shall be distrib-
12 uted to each State, territory, Tribal govern-
13 ment, or other eligible entity based on—

14 “(i) the ratio of the total amount of
15 outstanding eligible repair costs as de-
16 scribed under subparagraph (B); bears to

17 “(ii) the total amounts appropriated
18 for the purposes described in this sub-
19 section.

20 “(D) LIMITATION.—The distribution de-
21 scribed under subparagraph (C) shall not ex-
22 ceed 5 percent of the amount described in sub-
23 paragraph (B).

24 “(3) ELIGIBLE ACTIVITIES.—Amounts made
25 available under this subsection shall be used for pro-

1 tective features or other hazard mitigation activities
2 that—

3 “(A) the Secretary determines are cost ef-
4 fective and that reduce the risk of, or increase
5 the resilience to, future damage to existing as-
6 sets as a result of natural disasters; and

7 “(B) are eligible under section 124.

Page 186, after line 20, insert the following:

8 “(5) SUNSET.—The authority provided under
9 this subsection shall terminate on October 1, 2025.

Page 189, strike lines 8 through 11.

Page 206, strike lines 9 through 11.

Page 206, line 12, strike “(3)” and insert “(2)”.

Page 206, line 15, strike “(4)” and insert “(3)”.

Page 206, line 19, strike “(5)” and insert “(4)”.

Page 207, line 1, strike “(6)” and insert “(5)”.

Page 207, line 9, strike “(7)” and insert “(6)”.

Page 207, line 13, strike “(8)” and insert “(7)”.

Page 251, strike lines 3 through 10.

Page 265, line 8, strike “the funds” and insert “any
funds”.

Page 306, line 17, strike “reducing” and insert “reduce”.

Beginning on page 311, strike line 23 and all that follows through page 312, line 6.

Page 333, beginning on line 9, strike “an urbanized area, as designated by the Bureau of the Census, with a population of not less than 1,000,000” and insert “a combined statistical area, as defined by the Office of Management and Budget, with a population of not less than 1,300,000”.

Page 363, line 11, strike “MPOS” and insert “MPOS”.

Page 363, line 12, strike “METROPOLITAN” and insert “METROPOLITAN”.

Page 381, strike lines 1 through 3 and insert the following:

- 1 (A) by striking “PERFORMANCE TARGET
- 2 ACHIEVEMENT” in the heading and inserting
- 3 “PERFORMANCE MANAGEMENT”;

Page 384, strike lines 6 through 8 and insert the following:

1 (1) by striking “PERFORMANCE TARGET
2 ACHIEVEMENT” in the heading and inserting “PER-
3 FORMANCE MANAGEMENT”;

Page 385, after line 23, insert the following new subparagraph (and redesignate subsequent subparagraphs accordingly):

4 (C) the Bureau of Transportation Statis-
5 tics;

Page 399, line 12, strike “or section,” and insert a comma.

Page 458, line 2, strike “modification” and insert “modernization”.

Page 467, strike lines 6 through 18 and insert the following:

6 **SEC. 1612. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
7 **TEM FUNDING FLEXIBILITY.**

8 (a) IN GENERAL.—Any funds made available to a
9 State for the Appalachian development highway system
10 program under subtitle IV of title 40, United States Code,
11 before the date of enactment of this Act may be used, at
12 the request of such State to the Secretary of Transpor-
13 tation, for the purposes described in section 133(b) of title
14 23, United States Code.

1 (b) LIMITATION.—The authority in subsection (a)
2 may only be used by an Appalachian development highway
3 system State if all of the Appalachian development high-
4 way system corridors authorized by subtitle IV of title 40,
5 United States Code, in such State, have been fully com-
6 pleted and are open to traffic prior to the State making
7 a request to the Secretary as described in subsection (a).

Page 490, line 3, insert a comma after “natural gas”.

Page 490, line 4, insert a comma after “battery power”.

Page 492, strike line 20 and all that follows through line 2 on page 493.

Page 493, line 3, strike “1627” and insert “1626”.

Page 493, line 23, strike “intersection” and insert “intersections”.

Page 494, line 7, strike “1628” and insert “1627”.

Page 494, beginning on line 21, strike section 1629 of division B of the bill and insert such section at the end of title I of division E of the bill.

Page 496, beginning on line 18, strike section 1630 of division B of the bill and insert such section at the end of title I of division E of the bill.

Page 499, line 7, strike “1631” and insert “1628”.

Page 499, after line 22, insert the following:

1 SEC. 1629. HIGHWAY USE TAX EVASION PROJECTS.

2 Section 143(b)(2)(A) of title 23, United States Code,
3 is amended by striking “2016 through 2020” and insert-
4 ing “2022 through 2025”.

Page 499, after line 22, insert the following:

5 SEC. 1630. THE UNITED STATES OPPOSES CHILD LABOR.

6 It is the policy of the United States that funds au-
7 thorized or made available by this Act, or the amendments
8 made by this Act, should not be used to purchase products
9 produced whole or in part through the use of child labor,
10 as such term is defined in Article 3 of the International
11 Labor Organization Convention concerning the prohibition
12 and immediate action for the elimination of the worst
13 forms of child labor (December 2, 2000), or in violation
14 of human rights.

Page 510, line 23, strike the closing quotation marks and the second period and insert the following:

1 “(g) LIMITATION ON FINANCIAL ASSISTANCE FOR
2 STATE-OWNED ENTERPRISES.—

3 “(1) IN GENERAL.—Funds provided under this
4 section may not be used in awarding a contract, sub-
5 contract, grant, or loan to an entity that is owned
6 or controlled by, is a subsidiary of, or is otherwise
7 related legally or financially to a corporation based
8 in a country that—

9 “(A) is identified as a nonmarket economy
10 country (as defined in section 771(18) of the
11 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
12 the date of enactment of this Act;

13 “(B) was identified by the United States
14 Trade Representative in the most recent report
15 required by section 182 of the Trade Act of
16 1974 (19 U.S.C. 2242) as a priority foreign
17 country under subsection (a)(2) of that section;
18 and

19 “(C) is subject to monitoring by the Trade
20 Representative under section 306 of the Trade
21 Act of 1974 (19 U.S.C. 2416).

22 “(2) EXCEPTION.—For purposes of paragraph
23 (1), the term ‘otherwise related legally or financially’
24 does not include a minority relationship or invest-
25 ment.

1 “(3) INTERNATIONAL AGREEMENTS.—This sub-
2 section shall be applied in a manner consistent with
3 the obligations of the United States under inter-
4 national agreements.”.

Page 519, line 24, strike “request.” and insert “re-
quest and, if a recipient of assistance under this chapter
denies access to a private intercity or charter transpor-
tation operator based on the reasonable access standards,
provide, in writing, the reasons for the denial.”.

Page 530, line 20, strike “travel” and insert “trans-
portation”.

Page 532, strike line 24 and all that follows through
page 533, line 3.

Page 533, line 4, strike “(B)” and insert “(A)”.

Page 533, line 7, strike “(C)” and insert “(B)”.

Page 533, line 10, strike “(D)” and insert “(C)”.

Page 533, line 12, strike “(E)” and insert “(D)”.

Page 534, line 3, strike “(F)” and insert “(E)”.

Page 534, beginning on line 17, strike “World Wide
Web” and insert “internet”.

Page 538, beginning on line 20, strike “and related requirements under this section and section 135 of title 23”.

Page 541, line 22, strike “150(c)” and insert “150(d)”.

Page 549, strike line 17 and all that follows through line 22 on page 553.

Page 553, line 23, strike “2112” and insert “2111”.

Page 563, line 6, strike “80” and insert “70”.

Page 563, beginning on line 9, strike “be reduced by 25 percent if the recipient uses a third-party contract for a mobility on demand service” and insert “not exceed 90 percent for mobility on demand service operated exclusively by personnel employed by the recipient”.

Page 563, beginning on line 14, strike “be reduced by 25 percent” and insert “not exceed 90 percent”.

Page 563, line 16, insert “zero” before “carbon”.

Page 564, line 1, strike “substantial” and insert “meaningful”.

Page 564, line 22, strike “and” and insert “or”.

Page 566, line 3, strike “for purposes of” and insert “that operates under an exemption from testing requirements under”.

Page 566, line 13, strike “paragraph (2)” and insert “paragraphs (2) and (3)”.

Page 566, line 19, insert “unless the Secretary determines that such a waiver does not affect employment opportunities” before the semicolon.

Page 570, beginning on line 21, strike “are being carried out in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)” and insert “are—”.

Page 570, after line 23, insert the following:

- 1 “(1) being carried out in compliance with the
- 2 Americans with Disabilities Act of 1990 22(42
- 3 U.S.C. 12101 et seq.); or
- 4 “(2) projects eligible under section 5310 that
- 5 exceed the requirements of the Americans with Dis-
- 6 abilities Act of 1990 (42 U.S.C. 12101 et seq.)”.

Page 595, line 24, strike “5232(j)” and insert “5323(j)”.

Page 611, strike lines 10 through 12 and insert the following:

1 (6) in paragraph (8) by striking “3 fiscal
2 years” and inserting “4 fiscal years” and by striking
3 “3-fiscal-year period” and inserting “4-fiscal-year
4 period”; and

Page 616, line 21, insert “and” at the end.

Page 618, line 1, strike “(6)” and insert “(7)”.

Page 618, line 5, strike “; and” at the end and in-
sert a period.

Page 618, strike lines 6 through 15.

Page 618, line 19, strike “(8)” and insert “(9)”.

Page 630, line 10, strike “ladder” and insert “path-
way”.

Page 630, line 12, insert “registered” before “ap-
prenticeships”.

Page 631, line 9, insert “, skills, competencies, and
recognized postsecondary credentials” after “standards”.

Page 631, beginning on line 13, strike “national sys-
tems of qualification and apprenticeship” and insert “rec-
ommendations and best practices for curriculum and rec-
ognized postsecondary credentials, including related in-
struction and on-the-job learning for registered appren-
ticeship programs”.

Page 631, line 20, insert “, competencies, and recognized postsecondary credentials” after “skills”.

Page 632, line 8, insert “and competencies” after “skills”.

Page 633, beginning on line 4, strike “partnerships” and insert “programs”.

Page 633, line 13, insert “, the Bureau of Labor Statistics, the Employment and Training Administration,” after “Administration”.

Page 634, line 12, insert “the Employment and Training Administration, including” before “the National”.

Page 635, line 7, strike the closing quotation marks and semicolon and insert the following:

1 “(iii) LIMITATION.—Any funds made
2 available under this section that are used
3 to fund an apprenticeship or apprentice-
4 ship program shall only be used for, or
5 provided to, a registered apprenticeship
6 program, including any funds awarded for
7 the purposes of grants, contracts, or coop-
8 erative agreements, or the development,
9 implementation, or administration, of an

1 apprenticeship or an apprenticeship pro-
2 gram.

3 “(E) DEFINITIONS.—In this paragraph:

4 “(i) CAREER PATHWAY.—The term
5 ‘career pathway’ has the meaning given
6 such term in section 3 of the Workforce
7 Innovation and Opportunity Act (29
8 U.S.C. 3102).

9 “(ii) RECOGNIZED POSTSECONDARY
10 CREDENTIAL.—The term ‘recognized post-
11 secondary credential’ has the meaning
12 given such term in section 3 of the Work-
13 force Innovation and Opportunity Act (29
14 U.S.C. 3102).

15 “(iii) REGISTERED APPRENTICESHIP
16 PROGRAM.—The term ‘registered appren-
17 ticeship program’ means an apprenticeship
18 program registered with the Department of
19 Labor or a Federally-recognized State Ap-
20 prenticeship Agency and that complies with
21 the requirements under parts 29 and 30 of
22 title 29, Code of Federal Regulations, as in
23 effect on January 1, 2019.”;

Page 635, line 24, strike the period and insert a
semicolon.

Page 638, line 25, strike “duplicate, eliminate,” and insert “eliminate”.

Page 639, line 11, insert “5307, 5310, 5311, 5312, or” after “section”.

Page 640, line 7, insert “conventional” before “modes”.

Page 640, line 14, insert “conventional” before “modes”.

Page 641, beginning on line 19, strike “issuing” and all that follows through “such a vehicle” and insert “signing a contract for such service or procurement. A recipient shall provide employees copies of a request for a proposal related to an automated vehicle providing public transportation or mobility on demand services at the time such request is issued.”.

Page 643, after line 6, insert the following:

- 1 (e) SAVINGS CLAUSE.—Nothing in this section shall
- 2 prohibit the use of funds for an eligible activity or pilot
- 3 project of a covered recipient authorized under current law
- 4 prior to the date of enactment of this Act.

Page 650, strike lines 3 through 5 and insert the following:

1 “(h) AWARD BASIS.—In awarding grants”.

Page 650, line 8, strike “(A)” and insert “(1)” and move lines 8 through 19 2 ems to the left.

Page 650, line 16, strike “))” and insert “)))”.

Page 650, line 20, strike “(B)” and insert “(2)” and move lines 20 through 23 2 ems to the left.

Page 677, line 8, strike “concurred” and insert “consulted”.

Page 696, line 11, insert “and State” after “Federal”.

Page 697, line 2, insert “, in coordination with project partners,” after “project”.

Page 697, line 5, strike “reduced” and insert “changes to”.

Page 697, strike line 7.

Page 697, line 8, strike “reduced healthcare expenditures” and insert “changes to healthcare expenditures provided by projects partners”.

Page 697, line 9, strike the period and insert “; and”.

Page 697, after line 9, insert the following:

1 “(iii) changes to health care metrics,
2 including aggregate health outcomes pro-
3 vided by projects partners.

Page 697, line 18, strike “integrate” and insert “co-
ordinate”.

Page 698, after line 8, insert the following:

4 “(E) CONSULTATION.—In evaluating the
5 performance metrics described in subparagraph
6 (C), the Secretary shall consult with the Sec-
7 retary of Health and Human Services.

Page 699, line 11, insert “, as described in para-
graph (1)(B)(ii),” after “partners”.

Page 700, line 4, insert “and State” after “Fed-
eral”.

Page 700, line 17, insert “preventing hospital ad-
missions and” before “reducing”.

Page 700, line 21, insert “, in consultation with the
Secretary of Health and Human Services” before the pe-
riod.

Page 701, after line 9, insert the following:

8 “(I) CONSULTATION.—In evaluating the
9 health care metrics described in subparagraph

1 (F), the Secretary shall consult with the Sec-
2 retary of Health and Human Services.

3 “(J) ANNUAL GRANTEE REPORT.—Each
4 grantee shall submit a report, in coordination
5 with the project partners of such grantee, that
6 includes an evaluation of the outcomes of the
7 grant awarded to such grantee, including the
8 performance measures.

Page 701, line 18, insert “in consultation with the Secretary of Health and Human Services” before the period.

Page 747, line 12, strike “electronic” and insert “digital”.

Page 747, line 17, strike “electronic” and insert “digital”.

Page 753, after line 16, insert the following:

9 **SEC. 3014. REPORT ON MARIJUANA RESEARCH.**

10 (a) IN GENERAL.—Not later than 2 years after the
11 date of enactment of this Act, the Secretary of Transpor-
12 tation, in consultation with the Attorney General and the
13 Secretary of Health and Human Services, shall submit to
14 the Committee on Transportation and Infrastructure of
15 the House of Representatives and the Committee on Com-
16 merce, Science, and Transportation of the Senate, and

1 make publicly available on the Department of Transpor-
2 tation website, a report and recommendations on—

3 (1) increasing and improving access, for sci-
4 entific researchers studying impairment while driv-
5 ing under the influence of marijuana, to samples
6 and strains of marijuana and products containing
7 marijuana lawfully being offered to patients or con-
8 sumers in a State on a retail basis;

9 (2) establishing a national clearinghouse to col-
10 lect and distribute samples and strains of marijuana
11 for scientific research that includes marijuana and
12 products containing marijuana lawfully available to
13 patients or consumers in a State on a retail basis;

14 (3) facilitating access, for scientific researchers
15 located in States that have not legalized marijuana
16 for medical or recreational use, to samples and
17 strains of marijuana and products containing mari-
18 juana from such clearinghouse for purposes of re-
19 search on marijuana-impaired driving; and

20 (4) identifying Federal statutory and regulatory
21 barriers to the conduct of scientific research and the
22 establishment of a national clearinghouse for pur-
23 poses of facilitating research on marijuana-impaired
24 driving.

1 (b) DEFINITION OF MARIJUANA.—In this section, the
2 term “marijuana” has the meaning given such term in
3 section 4008 of the FAST Act (Public Law 114–94).

Page 757, line 20, strike “both”.

Page 757, line 21, strike “and” and insert “or”.

Page 757, line 24, strike “and” and insert “or”.

Page 758, strike lines 1 through 8 and insert the
following:

4 “(B) in which a State fails to report to the
5 Administrator of the Federal Motor Carrier
6 Safety Administration, during the previous fis-
7 cal year, the average number of days of delays
8 for an initial commercial driver’s license skills
9 test or retest within the State.”.

Page 819, line 11, insert “energy efficient” before
“truck”.

Page 819, line 14, insert “and does not result in in-
creased cargo capacity in weight or volume” after “vehi-
cle”.

Page 829, line 5, insert “and use” after “construc-
tion”.

Page 837, line 10, strike “6503(e)” and insert “6503(c)”.

Page 872, after line 24, insert the following:

1 **SEC. 5110. STRATEGIC TRANSPORTATION RESEARCH AGEN-**

2 **DA.**

3 (a) IN GENERAL.—Subchapter 1 of chapter 55 of
4 title 49, United States Code, as amended, is further
5 amended by adding at the end the following:

6 **“SEC. 5509. STRATEGIC TRANSPORTATION RESEARCH**
7 **AGENDA.**

8 “(a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this section, the Secretary shall enter
10 into an agreement with the National Academies to under-
11 take a study of the research needs of the surface transpor-
12 tation system to fully adapt and integrate advanced tech-
13 nologies and innovation. The focus areas of the study shall
14 include—

15 “(1) connected and autonomous technologies;

16 “(2) incorporating safety-related technologies;

17 “(3) addressing infrastructure resiliency;

18 “(4) multimodal connectivity;

19 “(5) data gathering of travel behavior, includ-
20 ing the public’s short and long-term responses to
21 transformational technologies;

1 **“§ 5510. Advanced transportation research and inno-**
2 **vation program.**

3 “(a) ESTABLISHMENT.—The Secretary of Transpor-
4 tation shall establish an advanced transportation research
5 and innovation program, to be administered by the Assist-
6 ant Secretary of Research and Technology, to—

7 “(1) support research that addresses the long-
8 term barriers to development of advanced transpor-
9 tation technologies with the potential to meet the
10 Nation’s long-term safety, competitiveness, and
11 transportation goals;

12 “(2) support high-risk research and develop-
13 ment to accelerate transformational transportation
14 innovations and emerging technology development;

15 “(3) advance research and development that
16 improves the resilience of regions of the United
17 States to natural disasters, extreme weather, and
18 the effects of climate change on modal and
19 multimodal transportation and infrastructure;

20 “(4) leverage Federal interagency research
21 mechanisms and the academic research enterprise;

22 “(5) educate and train students in science,
23 technology, engineering, and mathematics fields to
24 conduct research and standards development rel-
25 evant to transportation technologies, materials, sys-
26 tems, operations, processes, and policies; and

1 “(6) fostering collaboration among federal re-
2 searchers and academic researchers.

3 “(b) COLLABORATION.—

4 “(1) INTERAGENCY COLLABORATION.—In car-
5 rying out this section, the Secretary shall collaborate
6 on, identify, and disseminate within the Department,
7 as appropriate, advanced transportation research,
8 development, and other activities of other Federal
9 agencies, including the Office of Science and Tech-
10 nology Policy, the National Science Foundation, the
11 Department of Energy, the National Institute of
12 Standards and Technology, the Department of
13 Homeland Security, the National Aeronautics and
14 Space Administration, the National Oceanic and At-
15 mospheric Administration, and the Department of
16 Defense to ensure the Department’s research invest-
17 ments are making the best possible contribution to
18 the Nation’s goals of public health and safety, eco-
19 nomic prosperity, national security, environmental
20 quality, and a diverse transportation workforce.

21 “(2) NON-GOVERNMENTAL COLLABORATION.—

22 In carrying out this section, the Secretary shall col-
23 laborate with labor organizations, as appropriate.

1 “(c) RESEARCH GRANTS.—In carrying out this sec-
2 tion, the Secretary may carry out the activities described
3 under subsection (a) through—

4 “(1) competitive, merit-based basic research
5 grants to individual investigators and teams of in-
6 vestigators; and

7 “(2) centers of excellence selected through a
8 competitive, merit-based process.

9 “(d) APPLICATION.—

10 “(1) IN GENERAL.—An investigator, team of in-
11 vestigators, or an institution of higher education (or
12 consortium thereof) seeking funding under this sec-
13 tion shall submit an application to the Secretary at
14 such time, in such manner, and containing such in-
15 formation as the Secretary may require.

16 “(2) RESEARCH CENTERS.—Each application
17 under paragraph (1) from an institution of higher
18 education (or consortium thereof) shall include a de-
19 scription of how the Center will promote multidisci-
20 plinary transportation research and development col-
21 laboration.

22 “(e) RESEARCH.—At a minimum, the Secretary shall
23 award 75 percent of awards under this program to
24 projects for basic research.

1 “(f) REVIEW.—Not later than September 30, 2025,
2 the Secretary shall enter into an agreement with the Na-
3 tional Academies to conduct a review of the research and
4 activities carried out under this program and assess
5 whether such activities are consistent with subsection (a).
6 Members of the review panel shall represent, at a min-
7 imum, multimodal surface transportation researchers and
8 practitioners.

9 “(g) REPORT.—Not later than 1 year after the date
10 of enactment of the INVEST in America Act, and bienni-
11 ally thereafter, the Secretary shall provide to the Com-
12 mittee on Commerce, Science, and Transportation and
13 Environment and Public Works of the Senate and the
14 Committee on Transportation and Infrastructure and the
15 Committee on Science, Space, and Technology of the
16 House of Representatives a report on implementation of
17 the program under this section and research areas that
18 the program will support.

19 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$25,000,000 for each of fiscal years 2022 through 2025.”.

22 (b) CONFORMING AMENDMENT.—The analysis for
23 chapter 55 of title 49, United States Code, is further
24 amended by adding at the end the following:

“5510. Advanced transportation research and innovation program.”.

Page 904, line 14, strike “ladder” and insert “pathway”.

Page 915, after line 21, insert the following:

1 **SEC. 5310. MULTIMODAL TRANSPORTATION DEMONSTRATION PROGRAM.**
2

3 (a) IN GENERAL.—Subchapter 1 of chapter 55 of
4 title 49, United States Code is amended by adding at the
5 end the following:

6 **“SEC. 5511. MULTIMODAL TRANSPORTATION DEMONSTRATION PROGRAM.**
7

8 “(a) ESTABLISHMENT.—The Secretary of Transportation may establish a pilot program for the demonstration
9 of advanced transportation technologies for surface transportation modes in small- and mid-sized communities by
10 providing grants to entities to achieve the purposes of the
11 national transportation research and development program described in section 6503.

12 “(b) ELIGIBLE ACTIVITIES.—Activities eligible for
13 funding under this section include data interoperability,
14 mobility-on-demand, and micro-mobility projects to demonstrate first-mile transportation, last-mile transportation,
15 and any other activity as determined appropriate
16 by the Secretary.

1 “(c) JOINT INTERAGENCY FUNDING.—If determined
2 appropriate by the Secretary, joint interagency funding for
3 projects is authorized to support multimodal projects.

4 “(d) ELIGIBILITY.—Entities eligible to receive grants
5 under this program include local transportation organiza-
6 tions and transit agencies serving a population of not more
7 than 200,000 individuals, including communities of eco-
8 nomic hardship and communities that experience trans-
9 portation equity and accessibility issues.

10 “(e) APPLICATION.—

11 “(1) IN GENERAL.—An entity seeking funding
12 under this section shall submit an application to the
13 Secretary at such time, in such manner, and con-
14 taining such information as the Secretary may re-
15 quire.

16 “(2) COLLABORATION.—Each application sub-
17 mitted under this section shall describe how the ap-
18 plying entity will collaborate, as appropriate, with in-
19 stitutions of higher education, State and local gov-
20 ernments, regional transportation organizations,
21 nonprofit organizations, labor organizations, and pri-
22 vate sector entities.

23 “(f) AUTHORIZATION.—There is authorized to be ap-
24 propriated to carry out activities under this section
25 \$30,000,000 for each of fiscal years 2022 through 2025.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 55 of title 49, United States Code, is further
3 amended by adding at the end the following:

“5511. Multimodal transportation demonstration program.”.

4 **SEC. 5311. AUTOMATED COMMERCIAL VEHICLE REPORT-**
5 **ING.**

6 (a) ESTABLISHMENT.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary of Trans-
8 portation shall establish a repository for motor carriers,
9 shippers, technology companies, and other entities to sub-
10 mit information to the Secretary on testing, demonstra-
11 tions, or commercial operations of an automated commer-
12 cial motor vehicle on public roads.

13 (b) INFORMATION REQUIRED.—

14 (1) SUBMISSIONS.—Prior to the performance of
15 any tests, demonstrations, or commercial operations
16 of automated commercial motor vehicles on public
17 roads, the Secretary shall require an entity per-
18 forming such tests, demonstrations, or commercial
19 operations to provide the following information:

20 (A) The name of the entity responsible for
21 the operation of the automated commercial
22 motor vehicles to be used in the test, dem-
23 onstration, or commercial operation.

24 (B) The make and model of such vehicle or
25 vehicles.

1 (C) The level of automation of such vehicle
2 or vehicles, according to the standards de-
3 scribed in subsection (e)(1).

4 (D) The expected weight of such vehicle
5 during the test, demonstration, or operation.

6 (E) The Department of Transportation
7 number or operating authority assigned to the
8 entity described in subparagraph (A), if applica-
9 ble.

10 (F) The location of the testing, demonstra-
11 tion, or commercial operation, including the an-
12 ticipated route of such vehicle, planned stops,
13 and total anticipated miles traveled.

14 (G) Any cargo or passengers to be trans-
15 ported in such vehicle or vehicles, including
16 whether the entity is transporting such cargo or
17 passengers under contract with another entity.

18 (H) Documentation of training or certifi-
19 cations provided to any drivers, monitors, or
20 others involved in the operation or control of
21 the vehicle.

22 (I) Any fatigue management plans or work
23 hour limitations applicable to drivers or mon-
24 itors.

1 (J) Notices provided to local law enforce-
2 ment, State departments of transportation, and
3 related entities, if applicable.

4 (K) Proof of insurance coverage.

5 (2) UPDATES.—If an entity responsible for the
6 operation of an automated commercial motor vehicle
7 submits incomplete or inaccurate information pursu-
8 ant to subsection (d), the entity shall be given an
9 opportunity to amend or correct the submission
10 within a reasonable timeframe.

11 (3) NOTIFICATION.—Upon submission of the
12 information under paragraph (1), the Secretary shall
13 provide written notification acknowledging receipt of
14 the information and acknowledging that the submit-
15 ting entity will perform tests, demonstrations, or
16 commercial operations on public roads, as applicable.

17 (c) PUBLIC AVAILABILITY OF INFORMATION.—

18 (1) IN GENERAL.—The Secretary shall make
19 available information on the prevalence of, charac-
20 teristics of, and geographic location of testing, dem-
21 onstration, and commercial operations of automated
22 commercial motor vehicles on a publicly accessible
23 website of the Department of Transportation.

24 (2) PROTECTION OF INFORMATION.—Any data
25 collected under subsection (b) and made publicly

1 available pursuant to this subsection shall be made
2 available in a manner that—

3 (A) precludes the connection of the data to
4 any individual motor carrier, shipper, company,
5 or other entity submitting data; and

6 (B) protects the privacy and confidentiality
7 of individuals, operators, and entities submit-
8 ting the data.

9 (d) CRASH DATA.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, the Secretary
12 shall require entities to submit information regard-
13 ing safety incidents which occur during the testing,
14 demonstration, or commercial operation of an auto-
15 mated commercial motor vehicle on public roads, in-
16 cluding—

17 (A) injuries and fatalities involving the
18 automated commercial motor vehicle;

19 (B) collisions or damage to persons or
20 property as a result of an automated commer-
21 cial motor vehicle test, demonstration, or com-
22 mercial operation;

23 (C) any malfunction or issue with a safety
24 critical element of an automated commercial
25 motor vehicle which compromises the safety of

1 the automated commercial motor vehicle or
2 other road users; and

3 (D) the mode of transportation used by
4 any road users involved in a safety critical inci-
5 dent, including general road users as defined
6 under section 5304 of this Act.

7 (2) DATA AVAILABILITY.—The Secretary shall
8 ensure that any entity described under this section
9 that has a Department of Transportation number or
10 operating authority from the Federal Motor Carrier
11 Safety Administration—

12 (A) shall be subject to safety monitoring
13 and oversight under the Compliance, Safety,
14 and Accountability program of the Federal
15 Motor Carrier Safety Administration; and

16 (B) shall be included when the Secretary
17 restores the public availability of relevant safety
18 data under such program under section 4202(b)
19 of this Act.

20 (e) DEFINITIONS.—In this section:

21 (1) AUTOMATED COMMERCIAL MOTOR VEHI-
22 CLE.—The term “automated commercial motor vehi-
23 cle” means a commercial motor vehicle as such term
24 is defined in section 31101 of title 49, United States
25 Code, that is designed to be operated exclusively by

1 a Level 3, Level 4, or Level 5 automated driving
2 system for all trips according to the recommended
3 practice standards published on June 15, 2018, by
4 the Society of Automotive Engineers International
5 (J3016__201806) or equivalent standards adopted
6 by the Secretary with respect to automated motor
7 vehicles, while operating on public roads.

8 (2) SAFETY CRITICAL ELEMENT.—The term
9 “safety critical element” means both the hardware
10 and software designed to prevent, limit, control,
11 mitigate, or respond to a change in the vehicle’s en-
12 vironment thereby allowing the vehicle to prevent,
13 avoid, or minimize a potential collision or other safe-
14 ty incident on an automated commercial motor vehi-
15 cle.

Page 919, line 3, strike “\$17,5000,000” and insert
“\$17,500,000”.

Page 926, line 18, strike “(g)” and insert “(h)”.

Page 933, line 11, strike “subtitle III” and insert
“subchapter I”.

Beginning on page 933, strike line 14 and all that
follows through page 934, line 19.

Page 934, after line 19, insert the following:

1 **SEC. 5504. ADVISORY COUNCIL ON TRANSPORTATION STA-**
2 **TISTICS.**

3 Section 6305 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “The Direc-
6 tor” and all that follows to the period and inserting
7 “Notwithstanding section 418 of the FAA Reauthor-
8 ization Act of 2018 (Public Law 115–254), not later
9 than 6 months after the date of enactment of the
10 INVEST in America Act, the Director shall estab-
11 lish and consult with an advisory council on trans-
12 portation statistics.”; and

13 (2) by striking subsection (d)(3).

Page 960, strike line 10 and all that follows through
page 961, line 6 and insert the following:

14 (g) RULEMAKINGS.—

15 (1) IN GENERAL.—Any regulation authorizing
16 the transportation of liquefied natural gas by rail
17 tank car issued before the date of enactment of this
18 Act shall be stayed until the Secretary conducts the
19 evaluation, testing, and analysis required in sub-
20 sections (a), (b), and (c), issues the report required
21 by subsection (d), and the Comptroller General com-
22 pletes the evaluation and report required under sub-
23 section (f).

1 (2) PERMIT OR APPROVAL.—The Secretary of
2 Transportation shall rescind any special permit or
3 approval for the transportation of liquefied natural
4 gas by rail tank car issued before the date of enact-
5 ment of this Act.

Page 969, after line 25, insert the following:

6 (o) LIMITATION ON FINANCIAL ASSISTANCE FOR
7 STATE-OWNED ENTERPRISES.—

8 (1) IN GENERAL.—Funds provided under this
9 section and the amendments made by this section
10 may not be used in awarding a contract, sub-
11 contract, grant, or loan to an entity that is owned
12 or controlled by, is a subsidiary of, or is otherwise
13 related legally or financially to a corporation based
14 in a country that—

15 (A) is identified as a nonmarket economy
16 country (as defined in section 771(18) of the
17 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
18 the date of enactment of this Act;

19 (B) was identified by the United States
20 Trade Representative in the most recent report
21 required by section 182 of the Trade Act of
22 1974 (19 U.S.C. 2242) as a priority foreign
23 country under subsection (a)(2) of that section;
24 and

1 (C) is subject to monitoring by the Trade
2 Representative under section 306 of the Trade
3 Act of 1974 (19 U.S.C. 2416).

4 (2) EXCEPTION.—For purposes of paragraph
5 (1), the term “otherwise related legally or finan-
6 cially” does not include a minority relationship or in-
7 vestment.

8 (3) INTERNATIONAL AGREEMENTS.—This sub-
9 section shall be applied in a manner consistent with
10 the obligations of the United States under inter-
11 national agreements.

Page 978, line 16, strike “related” and insert “relat-
ing”.

Page 980, strike lines 3 and 4 and insert the fol-
lowing:

12 (3) in subsection (e)—

13 (A) by striking paragraph (1) and insert-
14 ing the following:

Page 980, line 24, insert “and” after the semicolon.

Page 980, after line 24, insert the following:

15 (B) in paragraph (3) by striking “para-
16 graph (1)(B)” and inserting “paragraph
17 (1)(A)”;

Page 981, line 4, strike “subsections (k), (l), (m), and (n)” and insert “subsections (l), (m), (n), and (o)”.

Page 983, line 17, insert closing quotation marks and a period at the end.

Page 995, strike line 24 and all that follows through page 996, line 8, and insert the following:

1 (b) TIMING OF NEW BOARD REQUIREMENTS.—

2 (1) IN GENERAL.—The appointment and mem-
3 bership requirements under section 24302 of title
4 49, United States Code (as amended by this Act),
5 shall apply to any member of the Board appointed
6 pursuant to subsection (a)(1)(C) of such section who
7 is appointed on or after the date of enactment of
8 this Act.

9 (2) REAPPOINTMENT.—Any member described
10 under paragraph (1) who is serving on such Board
11 as of the date of enactment of this Act may be re-
12 appointed on or after such date of enactment, sub-
13 ject to the advice and consent of the Senate, if such
14 member meets the requirements of such section.

15 (3) TERMINATION OF TERM.—The term of any
16 member described under paragraph (1) who is serv-
17 ing on such Board as of the date of enactment of
18 this Act who is not reappointed under paragraph (2)

1 before the date that is 60 days after the date of en-
2 actment of this Act, shall cease on such date.

Page 1017, line 6, strike “related” and insert “relat-
ing”.

Page 1028, line 13, insert “the first place it ap-
pears” before the semicolon.

Page 1029, line 6, strike “24324” and insert
“24325”.

Page 1030, line 3, insert closing quotation marks
and a period after “necessary”.

Page 1030, in the material proposed to be inserted
in the analysis for chapter 243 of title 49, United States
Code, after line 6, strike “24324” and insert “24325”.

Page 1031, line 7, strike “24325” and insert
“24326”.

Page 1032, in the material proposed to be inserted
in the analysis for chapter 243 of title 49, United States
Code, after line 6, strike “24325” and insert “24326”.

Page 1039, line 1, strike “subsections (d) and (e)”
and insert “subsection (d)”.

Page 1039, line 16, strike “(1) CONTENTS.—” and
run the text onto line 15.

Page 1040, line 1, strike “(A)” and insert “(1)” and move the text 2 ems to the left.

Page 1040, line 4, strike “(B)” and insert “(2)” and move the text 2 ems to the left.

Page 1040, line 5, strike “(i)” and insert “(A)” and move the text 2 ems to the left.

Page 1040, line 7, strike “(ii)” and insert “(B)” and move the text 2 ems to the left.

Page 1040, line 8, strike “(iii)” and insert “(C)” and move the text 2 ems to the left.

Page 1040, line 12, strike “(iv)” and insert “(D)” and move the text 2 ems to the left.

Page 1042, line 24, strike “State” and insert “States”.

Page 1068, line 23, strike “DB–60 air brake control valve” and insert “air brake control valve (defined in this section as an air brake control valve that was subject to the circular letter issued by the Association of American Railroads issued on October 25, 2013 (C–12027))”.

Page 1072, line 8, strike “subparagraph” and insert “paragraph”.

Page 1103, after line 5, insert the following:

1 **SEC. 10105. MINORITY AND DISADVANTAGED BUSINESS**
2 **SIZE STANDARDS.**

3 Section 47113(a)(1) of title 49, United States Code,
4 is amended to read as follows:

5 “(1) ‘small business concern’ has the meaning
6 given the term in section 3 of the Small Business
7 Act (15 U.S.C. 632);”.

Page 1116, line 24, strike “less” and insert “more”.

Page 1188, after line 18, insert the following:

8 “(7) REQUIREMENTS.—For fiscal year 2020
9 and each fiscal year thereafter, the requirements of
10 subchapter IV of chapter 31 of title 40, United
11 States Code, shall apply to the construction of
12 projects carried out in whole or in part with assist-
13 ance made available by an entity loan fund author-
14 ized by this section.

Page 1203, strike lines 12 through 25 and insert the
following:

15 “(B) REQUIREMENT.—The Secretary shall
16 require recipients of assistance under this sub-
17 section (d) to comply with section 113(a) of
18 title 23 with respect to all construction, alter-
19 ation, installation, or repair work, in the same
20 manner that recipients of assistance under

1 chapter 1 of such title are required to comply
2 with such section for construction work per-
3 formed on highway projects on Federal-aid
4 highways. With regard to the construction, al-
5 teration, or repair of vessels, the same require-
6 ments of such section shall apply regardless of
7 whether the location of contract performance is
8 known when bids for such work are solicited.

Page 1204, line 20, strike “80” and insert “70”.

Page 1206, strike line 7 and all that follows through
page 1207, line 2.

Page 1207, line 3, strike “(8)” and insert “(7)”.

Page 1208, strike lines 11 through 15.

Page 1208, line 16, strike “(v)” and insert “(iv)”.

Page 1208, line 18, insert “Department of Labor
approved or” before “State-approved”.

Page 1208, line 20, strike “(9)” and insert “(8)”.

Page 1209, line 22, strike “(10)” and insert “(9)”.

Page 1211, line 11, strike “(11)” and insert “(10)”.

Page 1212, line 19, strike “(12)” and insert “(11)”.

Page 1217, strike lines 11 through 20 and insert the following:

1 “(L) APPRENTICESHIP PROGRAM.—The
2 term ‘apprenticeship program’ means an ap-
3 prenticeship program registered under the Act
4 of August 16, 1937 (commonly known as the
5 ‘National Apprenticeship Act’; 50 Stat. 664,
6 chapter 663; 29 U.S.C. 50 et seq.), including
7 any requirement, standard, or rule promulgated
8 under such Act, as such requirement, standard,
9 or rule was in effect on December 30, 2019.

Page 1217, line 21, strike “(N)” and insert “(M)”.

Page 1218, line 1, strike “(O)” and insert “(N)”.

Page 1218, line 6, strike “(P)” and insert “(O)”.

Page 1229, strike line 20 and all that follows through page 1230, line 3, and insert the following (and redesignate succeeding subparagraphs accordingly):

10 (B) The Telecommunications Infrastruc-
11 ture Loans and Loan Guarantees, the Rural
12 Broadband Access Loans and Loan Guarantees,
13 the Substantially Underserved Trust Areas Pro-
14 visions, the Community Connect Grant Pro-
15 gram, and the Distance Learning and Tele-

1 medicine Grant Program of the Rural Utilities
2 Service of the Department of Agriculture.

Page 1305, line 22, strike “Not” and insert “Notwithstanding section 11(x)(2)(C)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(x)(2)(C)(i)), not”.

Page 1305, line 25, insert “, to the maximum extent practicable,” before “between”.

Page 1329, strike line 8 and all that follows through page 1331, line 10, and insert the following:

3 “(4) FUNDS PRIORITY PREFERENCE.—There
4 shall be a preference in a system of competitive bidding
5 for projects that would expand access to
6 broadband service in areas where at least 90 percent
7 of the population has no access to broadband service
8 or does not have access to broadband service offered
9 with a download speed of at least 25 megabits per
10 second, with an upload speed of at least 3 megabits
11 per second, and with latency that is sufficiently low
12 to allow real-time, interactive applications. Such
13 projects shall be given priority in such system of
14 competitive bidding over all other projects, regardless
15 of how many preferences under paragraph (5)
16 for which such other projects qualify.

1 “(5) FUNDS PREFERENCE.—There shall be a
2 preference in a system of competitive bidding, as de-
3 termined by the entity administering the system of
4 competitive bidding (either a State or the Commis-
5 sion), for any of the following projects:

6 “(A) Projects with at least 20 percent
7 matching funds from non-Federal sources.

8 “(B) Projects that would expand access to
9 broadband service on Tribal lands, as defined
10 by the Commission.

11 “(C) Projects that would provide
12 broadband service with higher speeds than
13 those specified in subsection (d)(2), except in
14 the case of funds awarded under subparagraph
15 (A) of paragraph (3).

16 “(D) Projects that would expand access to
17 broadband service in advance of the time speci-
18 fied in subsection (e)(5), except in the case of
19 funds awarded under subparagraph (A) of
20 paragraph (3).

21 “(E) Projects that would expand access to
22 broadband service to persistent poverty counties
23 or high-poverty areas at subsidized rates.

24 “(F) Projects that, at least until the date
25 that is 10 years after the date of the enactment

1 of this section, would provide broadband service
2 with comparable speeds to those provided in
3 areas that, on the day before such date of en-
4 actment, were not unserved areas, areas with
5 low-tier service, or areas with mid-tier service,
6 with minimal future investment.

7 “(G) Projects that would provide
8 broadband service consistent with consumer
9 preferences based on data and analysis con-
10 ducted by the Commission.

11 “(H) Projects that would provide for the
12 deployment of open-access broadband service
13 networks.

Page 1411, after line 9, insert the following:

14 “(9) CONTRACTING REQUIREMENTS.—All labor-
15 ers and mechanics employed by contractors or sub-
16 contractors in the performance of construction, al-
17 teration, or repair work carried out, in whole or in
18 part, with a grant under this section shall be paid
19 wages at rates not less than those prevailing on
20 projects of a similar character in the locality as de-
21 termined by the Secretary of Labor in accordance
22 with subchapter IV of chapter 31 of title 40, United
23 States Code. With respect to the labor standards in
24 this paragraph, the Secretary of Labor shall have

1 the authority and functions set forth in Reorganiza-
2 tion Plan Numbered 14 of 1950 (64 Stat. 1267; 5
3 U.S.C. App.) and section 3145 of title 40, United
4 States Code.

Page 1446, beginning on line 14, strike “drunk driv-
ing detection prevention technology” and insert “ad-
vanced drunk driving prevention technology”.

Page 1447, line 21, insert “advanced” before
“drunk”.

Page 1448, line 4, strike “(d)” and insert “(c)”.

Page 1448, line 10, insert “equal to and” after
“level”.

Page 1544, beginning on line 13, strike “new sub-
sections”.

Page 1544, strike lines 15 through 19.

Page 1544, line 20, strike “(g)” and insert “(f)”.

Page 1551, strike lines 7 through 15.

Page 1551, line 16, strike “(3)” and insert “(2)”.

Page 1618, line 24, strike “(d)” and insert “(e)”.

Page 1619, line 1, strike “ready” and insert “read”.

Page 1619, line 3, strike “(d)” and insert “(f)”.

Page 1677, line 26, strike “; and’” and insert “; or’”.

Page 1682, line 10, strike “(1) IN GENERAL.—”.

Page 1682, strike lines 17 through 22.

Page 1682, line 23, strike “(3)” and insert “(2)”.

Page 1684, line 15, strike the closing quotation marks and the second period.

Page 1684, after line 15, insert the following:

1 “(4) APPLICABILITY OF DAVIS-BACON ACT.—
2 “(A) IN GENERAL.—The Secretary shall
3 require that each entity applying for a grant for
4 any capital project pursuant to paragraph (1),
5 funded in whole or in part with funds made
6 available under this subsection, shall include in
7 such application written assurance that all la-
8 borers and mechanics employed by contractors
9 or subcontractors in the performance of con-
10 struction, alternation or repair, as part of such
11 project, shall be paid wages at rates not less
12 than those prevailing on similar work in the lo-
13 cality as determined by the Secretary of Labor
14 in accordance with subchapter IV of chapter 31
15 of part A of subtitle II of title 40, United

1 States Code (commonly referred to (and re-
2 ferred to in this section) as the ‘Davis-Bacon
3 Act’).

4 “(B) AUTHORITY TO ENFORCE.—With re-
5 spect to the labor standards specified in the
6 Davis-Bacon Act, the Secretary of Labor shall
7 have the authority and functions set forth in
8 Reorganization Plan Numbered 14 of 1950 (15
9 Fed. Reg. 3176; 5 U.S.C. Appendix) and sec-
10 tion 2 of the Act of June 13, 1934 (40 U.S.C.
11 276c).”.

Page 1686, after line 14, insert the following:

12 (c) APPLICABILITY OF DAVIS-BACON ACT.—

13 (1) IN GENERAL.—The Secretary shall require
14 that each State or political subdivision of a State ap-
15 plying for a grant, with respect to a project for the
16 improvement, renovation, or modernization of infra-
17 structure at clinical laboratories under this section,
18 funded in whole or in part with funds made available
19 under this section, shall include in such application
20 written assurance that all laborers and mechanics
21 employed by contractors or subcontractors in the
22 performance of construction, alternation, or repair,
23 as part of such project, shall be paid wages at rates
24 not less than those prevailing on similar work in the

1 locality as determined by the Secretary of Labor in
2 accordance with subchapter IV of chapter 31 of part
3 A of subtitle II of title 40, United States Code (com-
4 monly referred to (and referred to in this section) as
5 the “Davis-Bacon Act”).

6 (2) AUTHORITY TO ENFORCE.—With respect to
7 the labor standards specified in the Davis-Bacon
8 Act, the Secretary of Labor shall have the authority
9 and functions set forth in Reorganization Plan
10 Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C.
11 Appendix) and section 2 of the Act of June 13, 1934
12 (40 U.S.C. 276c).

Page 1686, line 15, strike “(c)” and insert “(d)”.

Page 1687, after line 18, insert the following:

13 “(c) TRIBAL CONSULTATION.—The Secretary shall
14 engage in consultation with Indian Tribes and Tribal or-
15 ganizations to receive guidance and recommendations
16 from Tribal officials before initiating any construction
17 projects under this section on federally-operated facilities
18 of the Service.”.

Page 1687, line 19, strike “(b)” and insert “(d)”.

Page 1688, line 12, strike “request,” and all that
follows through “based on the request.” on line 15 and
insert “request.”.

Page 1691, after line 5, insert the following:

1 (c) APPLICABILITY OF DAVIS-BACON ACT.—

2 (1) IN GENERAL.—The Secretary shall require
3 that each qualified teaching health center or behav-
4 ioral health care center applying for a grant, with
5 respect to a project for the improvement, renovation,
6 or modernization of infrastructure at a qualified
7 teaching health center or behavior health care center
8 under this section, funded in whole or in part with
9 funds made available under this section, shall in-
10 clude in such application written assurance that all
11 laborers and mechanics employed by contractors or
12 subcontractors in the performance of construction,
13 alternation, or repair, as part of such project, shall
14 be paid wages at rates not less than those prevailing
15 on similar work in the locality as determined by the
16 Secretary of Labor in accordance with subchapter
17 IV of chapter 31 of part A of subtitle II of title 40,
18 United States Code (commonly referred to (and re-
19 ferred to in this section) as the “Davis-Bacon Act”).

20 (2) AUTHORITY TO ENFORCE.—With respect to
21 the labor standards specified in the Davis-Bacon
22 Act, the Secretary of Labor shall have the authority
23 and functions set forth in Reorganization Plan
24 Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C.

1 Appendix) and section 2 of the Act of June 13, 1934
2 (40 U.S.C. 276e).

Page 1691, line 6, strike “(b)” and insert “(d)”.

Page 1691, after line 20, insert the following:

3 **SEC. 40002. AUTHORIZATION OF APPROPRIATIONS FOR DE-**
4 **PARTMENT OF VETERANS AFFAIRS.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated for the Department of Veterans Affairs
7 \$3,396,000,000 to carry out subsection (b). Amounts ap-
8 propriated pursuant to this section shall remain available
9 for obligation or expenditure without fiscal year limitation.

10 (b) USE OF AMOUNTS.—The amount authorized to
11 be appropriated under subsection (a) shall be used by the
12 Secretary of Veterans Affairs as follows:

13 (1) \$750,000,000 for minor construction.

14 (2) \$750,000,000 for non-recurring mainte-
15 nance.

16 (3) \$1,350,000,000 for major construction
17 projects that are partially funded for fiscal year
18 2021.

19 (4) \$546,000,000 for grants under subchapter
20 III of chapter 81 of title 38, United States Code.

21 (c) CONTRACTING GOALS.—The contracting goals
22 under section 15(g)(1) and (2) of the Small Business Act

1 (15 U.S.C. 644) shall apply to a contract entered into
2 using amounts authorized to be appropriated under this
3 section and used pursuant to subsection (b)(1) and (2).

Page 1692, line 11, strike “and other goods” and in-
sert “trailers, and other goods”.

Page 1701, after line 11, add the following:

4 (d) STANDARDS.—

5 (1) IN GENERAL.—All laborers and mechanics
6 employed by contractors or subcontractors in the
7 performance of construction, alteration or repair
8 work carried out, in whole or in part, with assistance
9 made available through this section shall be paid
10 wages at rates not less than those prevailing on
11 projects of a similar character in the locality as de-
12 termined by the Secretary of Labor in accordance
13 with subchapter IV of chapter 31 of title 40, United
14 States Code. With respect to the labor standards in
15 this paragraph, the Secretary of Labor shall have
16 the authority and functions set forth in Reorganiza-
17 tion Plan Numbered 14 of 1950 (64 Stat. 1267; 5
18 U.S.C. App.) and section 3145 of title 40, United
19 States Code.

20 (2) EXCEPTION BASED ON NUMBER OF
21 UNITS.—Paragraph (1) shall not apply to single-

1 family homes or residential properties of less than 5
2 units.

3 (3) EXCEPTION FOR CERTAIN INDIVIDUALS.—
4 Paragraph (1) shall not apply to any individual
5 that—

6 (A) performs services for which the indi-
7 vidual volunteered;

8 (B) does not receive compensation for such
9 services or is paid expenses, reasonable benefits,
10 or a nominal fee for such services; and

11 (C) is not otherwise employed at any time
12 in the construction work.

Page 1702, after line 6, insert the following:

13 (c) APPLICABILITY OF DAVIS-BACON ACT.—

14 (1) IN GENERAL.—All laborers and mechanics
15 employed by contractors and subcontractors in the
16 performance of construction work financed in whole
17 or in part with amounts made available pursuant to
18 this section shall be paid wages at rates not less
19 than those prevailing on similar construction in the
20 locality as determined by the Secretary of Labor in
21 accordance with the Davis-Bacon Act, as amended
22 (40 U.S.C. 276a-276a-5). The preceding sentence
23 shall apply to the rehabilitation of residential prop-
24 erty only if such property contains not less than 12

1 units. The Secretary of Labor shall have, with re-
2 spect to such labor standards, the authority and
3 functions set forth in Reorganization Plan Num-
4 bered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267)
5 and section 2 of the Act of June 13, 1934, as
6 amended (48 Stat. 948; 40 U.S.C. 276(c)).

7 (2) EXCEPTION.—Paragraph (1) shall not
8 apply to any individual that—

9 (A) performs services for which the indi-
10 vidual volunteered;

11 (B) does not receive compensation for such
12 services or is paid expenses, reasonable benefits,
13 or a nominal fee for such services; and

14 (C) is not otherwise employed at any time
15 in the construction work.

Page 1706, after line 9, insert the following:

16 (c) APPLICABILITY OF DAVIS-BACON ACT.—

17 (1) IN GENERAL.—All laborers and mechanics
18 employed by contractors and subcontractors in the
19 performance of construction work financed in whole
20 or in part with amounts made available pursuant to
21 this section shall be paid wages at rates not less
22 than those prevailing on similar construction in the
23 locality as determined by the Secretary of Labor in
24 accordance with the Davis-Bacon Act, as amended

1 (40 U.S.C. 276a-276a-5). The preceding sentence
2 shall apply to the rehabilitation of residential prop-
3 erty only if such property contains not less than 12
4 units. The Secretary of Labor shall have, with re-
5 spect to such labor standards, the authority and
6 functions set forth in Reorganization Plan Num-
7 bered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267)
8 and section 2 of the Act of June 13, 1934, as
9 amended (48 Stat. 948; 40 U.S.C. 276(c)).

10 (2) EXCEPTION.—Paragraph (1) shall not
11 apply to any individual that—

12 (A) performs services for which the indi-
13 vidual volunteered;

14 (B) does not receive compensation for such
15 services or is paid expenses, reasonable benefits,
16 or a nominal fee for such services; and

17 (C) is not otherwise employed at any time
18 in the construction work.

Page 1742, beginning on line 15, strike “the Inter-
national Green Construction Code” and insert “a nation-
ally-recognized, consensus-based standard”.

Page 1768, strike “Sec. 81201. Findings.” and in-
sert “Sec. 81201. Short title.”.

Page 1775, strike line 16 through page 1780, line 15 and insert the following:

1 **SEC. 81201. SHORT TITLE.**

2 This subtitle may be cited as the “Furthering Under-
3 utilized Technologies and Unleashing Responsible Expend-
4 itures for Western Water Infrastructure and Drought Re-
5 siliency Act” or the “FUTURE Western Water Infra-
6 structure and Drought Resiliency Act”.

Page 1842, after line 10, insert the following:

7 “(iii) DESIGNATED DESALINATION
8 PROJECT.—The term ‘designated desalina-
9 tion project’ means an eligible desalination
10 project that—

11 “(I) is an ocean desalination
12 project that uses a subsurface intake;

13 “(II) has a total estimated cost
14 of \$80,000,000 or less; and

15 “(III) is designed to serve a com-
16 munity or group of communities that
17 collectively import more than 75 per-
18 cent of their water supplies.

Page 1842, line 21, insert “or a designated desalina-
tion project” after “project”.

Page 1842, line 25, insert “AND DESIGNATED DESALINATION PROJECTS” after “PROJECTS”.

Page 1843, line 25, insert “or a designated desalination project” after “rural desalination project”.

Page 1851, line 19, strike “communities—” and insert “communities address a significant decline in the quantity or quality of drinking water.”.

Page 1851, strike lines 20 through 24.

Page 1852, strike lines 15 through 16, (and redesignate subsequent paragraphs accordingly).

Page 1853, strike lines 12 through 16, and insert the following:

- 1 (1) where the decline in the quantity or quality
- 2 of water poses the greatest threat to public health
- 3 and safety;

Page 1854, lines 15 through 18, strike “grants provided under” through “disadvantaged communities.” and insert “activities carried out under this section to help disadvantaged communities address a significant decline in the quantity or quality of drinking water.”.

Beginning on page 1888, strike line 20 and all that follows through page 1900, line 14, and update the table of contents accordingly.

Page 1920, line 23, strike “title” and insert “chapter”.

Beginning on page 1965, strike line 20 and all that follows through though page 1966, line 4, and update the table of contents accordingly.

Page 1971, strike lines 21 through 23.

Page 1972, line 1, strike “(2)” and insert “(1)”.

Page 1972, line 4, strike “(3)” and insert “(2)”.

Page 1972, line 6, strike “(4)” and insert “(3)”.

Page 1972, strike lines 15 through 19.

Page 1972, line 20, strike “(d)” and insert “(c)”.

Page 1972, line 24, strike “(e)” and insert “(d)”.

Page 1972, line 23, strike the period at the end and insert “and share the national strategy with the Committee on Natural Resources, Committee on Agriculture, and Committee on Appropriations of the House of Representatives, and the Committee on Appropriations, Committee on Agriculture, Nutrition, and Forestry, and the

Committee on Energy and Natural Resources of the Senate.”.

Page 1973, line 2, strike “2025” and insert “2023”.

Page 1973, after line 2, insert the following:

1 **Subtitle E—Long Bridge**
2 **SEC. 82501. AUTHORIZATION OF NATIONAL PARK SERVICE**
3 **CONVEYANCES.**

4 (a) On request of the State of Virginia or the District
5 of Columbia, as applicable, the Secretary of the Interior
6 (acting through the Director of the National Park Service)
7 (referred to in this section as the “Secretary”) may, sub-
8 ject to any terms and conditions that the Secretary deter-
9 mines to be necessary, convey to the State of Virginia or
10 the District of Columbia, as applicable, any Federal land
11 or interest in Federal land under the jurisdiction of the
12 Secretary that is identified by the State of Virginia or the
13 District of Columbia, as applicable, as necessary for the
14 Long Bridge Project, which is a project consisting of im-
15 provements to the Long Bridge and related railroad infra-
16 structure between Rosslyn (RO) Interlocking in Arlington,
17 Virginia, and L’Enfant (LE) Interlocking near 10th
18 Street SW in Washington, DC, the purpose of which is
19 to expand commuter and regional passenger rail service

1 and provide bicycle and pedestrian access crossings over
2 the Potomac River.

3 (b) If any portion of the Federal land or interest in
4 Federal land conveyed under subsection (a) is no longer
5 being used for railroad purposes or recreational use, the
6 portion of the Federal land or interest in the portion of
7 the land shall revert to the Secretary, on a determination
8 by the Secretary that the portion of the Federal land has
9 been remediated and restored to a condition determined
10 to be satisfactory by the Secretary.

11 (c) The Secretary may permit the temporary use of
12 any Federal land under the jurisdiction of the Secretary
13 that is identified by the State of Virginia or the District
14 of Columbia, as applicable, as necessary for the construc-
15 tion of the project described in subsection (a), subject to
16 any terms and conditions determined to be necessary by
17 the Secretary.

18 (d) Notwithstanding any other provision of law, the
19 Secretary may recover from the State of Virginia or the
20 District of Columbia, as applicable, all costs incurred by
21 the Secretary in providing or procuring necessary services
22 associated with a conveyance under subsection (a) or use
23 authorized under subsection (c), with such amounts to re-
24 main available to the Secretary until expended, without
25 further appropriation.

Page 1974, line 17, after “reefs;” insert “or”.

Page 1974, line 24, strike “; or” and all that follows through page 1975, line 4, and insert a period.

Page 1975, line 20, strike “and” and insert “or”.

Page 1976, strike lines 1 through 15.

Page 1976, line 16, strike “(g)” and insert “(f)”.

Page 1976, line 20, strike “(h)” and insert “(g)”.

Page 1977, beginning on line 2, strike “, the non-Federal interest for the water resources development project”.

Page 1993, strike lines 3 through 5 and insert:

1 (A) a fish, wildlife, or plant species that is
2 or was historically present in a particular eco-
3 system as a result of natural migratory or evo-
4 lutionary processes, including subspecies and
5 plant varieties; or

Page 1993, strike lines 6 through 11.

Page 1993, line 12, strike “(C)” and insert “(B)”.

Page 1994, line 5, after “Agriculture” insert “, acting through the Chief of the Forest Service, concerning land contained within the National Forest System”.

Page 2011, strike line 12 through page 2012, line 20 and run the text onto line 11 of page 2011.

Page 2035, line 15, strike “The Secretary of” and insert the following:

1 “(1) IN GENERAL.—The Secretary of

Page 2035, after line 21, insert the following:

2 “(2) ASSISTANCE.—The Secretary of Energy
3 shall work with the States, through the Interstate
4 Oil and Gas Compact Commission, to assist the
5 States in quantifying and mitigating environmental
6 risks of onshore orphaned or abandoned oil or gas
7 wells on State and private land.

8 “(3) ACTIVITIES.—The program under para-
9 graph (1) shall include—

10 “(A) mechanisms to facilitate identifica-
11 tion, if feasible, of the persons currently pro-
12 viding a bond or other form of financial assur-
13 ance required under State or Federal law for an
14 oil or gas well that is orphaned or abandoned;

15 “(B) criteria for ranking orphaned or
16 abandoned well sites based on factors such as
17 public health and safety, potential environ-
18 mental harm, and other land use priorities;

1 “(C) information and training programs on
2 best practices for remediation of different types
3 of sites; and
4 “(D) funding of State mitigation efforts on
5 a cost-shared basis.”.

Page 2047, line 21, after “project” insert “at minimum 30 days prior to submission to Office of Surface Mining Reclamation and Enforcement”.

Page 2047, line 22, strike “comment at” and insert “request”.

Page 2048, line 2, strike “of such meetings” and insert “of the proposed project 30 days prior to submission to Office of Surface Mining Reclamation and Enforcement and published notice of requested public meetings”.

Page 2056, strike line 17 through page 2057, line 7 and insert: “A State or Indian tribe may use up to 10 percent of its annual distribution under this section for the costs of administering this section consistent with existing practice under sections 401(c)(7) and 402(g)(1)(C) of the Surface Mining Control and Reclamation Act of 1977 and the Office of Surface Mining Reclamation and Enforcement Federal Assistance Manual.”.

Page 2057, after line 13, insert the following:

1 “(h) REGULATIONS AND GUIDELINES.—To the ex-
2 tent necessary to implement the provisions of this Act, the
3 Secretary shall propose rules and/or develop guidelines not
4 later than 90 days following enactment of the Act and
5 shall publish them as final rules and/or guidelines not later
6 than 90 days thereafter. Within 60 days following the
7 adoption of any such final rules and/or guidelines, the Sec-
8 retary shall distribute the funds under subsection (d).
9 Furthermore, project proposals under this Act shall be ini-
10 tially reviewed, vetted and approved by OSMRE Field Of-
11 fices within 45 days of receipt and authorizations to pro-
12 ceed shall be issued by the Field Office within 45 days
13 of request by the State or Tribe.

Page 2057, line 14, strike “(h)” and insert “(i)”.

Page 2058, line 7, strike “(i)” and insert “(j)”.

Page 2107, after line 25, insert the following:

14 **TITLE V—LABOR STANDARDS**

15 **SEC. 84701. LABOR STANDARDS.**

16 Except as otherwise provided in this Act or the
17 amendments made by this Act, and in a manner consistent
18 with this Act or the amendments made by this Act, all
19 laborers and mechanics employed by contractors and sub-
20 contractors on projects funded directly by or assisted in
21 whole or in part by or through the Federal Government

1 pursuant to any provision of this division (or an amend-
2 ment made by such a provision) shall be paid wages at
3 rates not less than those prevailing on projects of a char-
4 acter similar in the locality as determined by the Secretary
5 of Labor in accordance with subchapter IV of chapter 31
6 of title 40, United States Code, and with respect to the
7 labor standards specified in this section the Secretary of
8 Labor shall have the authority and functions set forth in
9 Reorganization Plan Numbered 14 of 1950 (64 Stat.
10 1267; 5 U.S.C. App.) and section 3145 of title 40, United
11 States Code.

Page 2116, after line 6, insert the following:

12 “(D) APPLICATION OF DAVIS-BACON ACT
13 REQUIREMENTS WITH RESPECT TO QUALIFIED
14 INFRASTRUCTURE BONDS.—Subchapter IV of
15 chapter 31 of the title 40, United States Code,
16 shall apply to projects financed with the pro-
17 ceeds of qualified infrastructure bonds.”.

Page 2116, strike lines 10 through page 2117, line
2, and insert the following:

18 (b) PAYMENTS MADE UNDER SECTION 6431A OF
19 THE INTERNAL REVENUE CODE OF 1986.—Section
20 255(g)(1)(A) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is

1 amended by inserting: “Payments made under section
2 6431A of the Internal Revenue Code of 1986” after the
3 item related to Payment to Radiation Exposure Com-
4 pensation Trust Fund.

Page 2124, line 19, strike “\$135” and insert
“\$115”.

Page 2124, line 22, strike “\$402,220,000” and in-
sert “\$353,775,000”.

Page 2133, strike lines 1 through 12, and insert the
following:

5 **SEC. 90108. CERTAIN WATER AND SEWAGE FACILITY BONDS**
6 **EXEMPT FROM VOLUME CAP ON PRIVATE AC-**
7 **TIVITY BONDS.**

8 (a) IN GENERAL.—Section 146(g) is amended by
9 striking “and” at the end of paragraph (3), striking the
10 period at the end of paragraph (4) and inserting “, and”,
11 and inserting after paragraph (4) the following new para-
12 graph:

13 “(5) any exempt facility bond issued as part of
14 an issue described in paragraph (4) or (5) of section
15 142(a) if 95 percent or more of the net proceeds of
16 such issue are to be used to provide facilities
17 which—

18 “(A) will be used—

1 “(i) by a person who was, as of July
2 1, 2020, engaged in operation of a facility
3 described in such paragraph, and

4 “(ii) to provide service within the area
5 served by such person on such date (or
6 within a county or city any portion of
7 which is within such area), or

8 “(B) will be used by a successor in interest
9 to such person for the same use and within the
10 same service area as described in subparagraph
11 (A).”.

12 (b) **EFFECTIVE DATE.**—The amendments made by
13 this section shall apply to obligations issued after the date
14 of the enactment of this Act.

Page 2133, strike lines 18 through page 2134, line
2.

Page 2134, line 3, strike “(c)” and insert “(b)”.

Page 2134, after line 5, insert the following:

15 **SEC. 90110. APPLICATION OF DAVIS-BACON ACT REQUIRE-**
16 **MENTS WITH RESPECT TO CERTAIN EXEMPT**
17 **FACILITY BONDS.**

18 (a) **IN GENERAL.**—Section 142(b) is amended by
19 adding at the end the following new paragraph:

1 “(3) APPLICATION OF DAVIS-BACON ACT RE-
2 QUIREMENTS WITH RESPECT TO CERTAIN EXEMPT
3 FACILITY BONDS.—If any proceeds of any issue are
4 used for construction, alteration, or repair of any fa-
5 cility otherwise described in paragraph (4), (5), (15),
6 or (16) of subsection (a), such facility shall be treat-
7 ed for purposes of subsection (a) as described in
8 such paragraph only if each entity that receives such
9 proceeds to conduct such construction, alteration, or
10 repair agrees to comply with the provisions of sub-
11 chapter IV of chapter 31 of title 40, United States
12 Code with respect to such construction, alteration, or
13 repair.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 this section shall apply to bonds issued after the date of
16 the enactment of this Act.

Page 2152, strike lines 4 through 20, and insert the
following:

17 (b) PAYMENTS MADE UNDER SECTION 6431B(B) OF
18 THE INTERNAL REVENUE CODE OF 1986.—Section
19 255(h) of the Balanced Budget and Emergency Deficit
20 Control Act of 1985 (2 U.S.C. 905(h)) is amended by in-
21 serting: “Payments made under section 6431B(b) of the
22 Internal Revenue Code of 1986” after the item related to
23 Payments for Foster Care and Permanency.

Page 2152, line 21, strike “(b)” and insert “(c)”.

Page 2153, line 5, strike “(c)” and insert “(d)”.

Page 2168, after line 25, insert the following:

1 “(3) LABOR STANDARDS FOR ALL GRANTS.—
2 The Secretary shall require that each entity, includ-
3 ing grantees and subgrantees, that applies for an in-
4 frastructure grant for constructing, renovating, or
5 improving child care facilities, including adapting,
6 reconfiguring, or expanding such facilities, which is
7 funded in whole or in part under this section, shall
8 include in its application written assurance that all
9 laborers and mechanics employed by contractors or
10 subcontractors in the performance of construction,
11 alternation or repair, as part of such project, shall
12 be paid wages at rates not less than those prevailing
13 on similar work in the locality as determined by the
14 Secretary of Labor in accordance with subchapter
15 IV of chapter 31 of part A of subtitle II of title 40,
16 United States Code (commonly referred to as the
17 ‘Davis-Bacon Act’), and with respect to the labor
18 standards specified in such subchapter the Secretary
19 of Labor shall have the authority and functions set
20 forth in Reorganization Plan Numbered 14 of 1950

1 (15 FR 3176; 5 U.S.C. Appendix) and section 2 of
2 the Act of June 13, 1934 (40 U.S.C. 276c).”.

Page 2169, line 1, strike “(3)” and insert “(4)”.

Page 2170, after line 4, insert the following:

3 “(5) LABOR STANDARDS FOR ALL GRANTS.—
4 The Secretary of Health and Human Services shall
5 require that each entity, including grantees and sub-
6 grantees, that applies for an infrastructure grant for
7 constructing, renovating, or improving child care fa-
8 cilities, including adapting, reconfiguring, or expand-
9 ing such facilities, which is funded in whole or in
10 part under this section, shall include in its applica-
11 tion written assurance that all laborers and mechan-
12 ics employed by contractors or subcontractors in the
13 performance of construction, alternation or repair,
14 as part of such project, shall be paid wages at rates
15 not less than those prevailing on similar work in the
16 locality as determined by the Secretary of Labor in
17 accordance with subchapter IV of chapter 31 of part
18 A of subtitle II of title 40, United States Code (com-
19 monly referred to as the ‘Davis-Bacon Act’), and
20 with respect to the labor standards specified in such
21 subchapter the Secretary of Labor shall have the au-
22 thority and functions set forth in Reorganization

1 Plan Numbered 14 of 1950 (15 FR 3176; 5 U.S.C.
2 Appendix) and section 2 of the Act of June 13, 1934
3 (40 U.S.C. 276e).”.

Page 2178, line 2, strike “taxable years beginning after” and insert “property placed in service after”.

Page 2240, strike lines 18 through page 2241, line 10, and insert the following:

4 “(4) SELECTION CRITERIA.—Selection criteria
5 similar to those in subsection (d)(3) shall apply, ex-
6 cept that in determining designations under this
7 subsection, the Secretary, after consultation with the
8 Secretary of Energy, shall—

9 “(A) require that applicants provide writ-
10 ten assurances to the Secretary that all laborers
11 and mechanics employed by contractors and
12 subcontractors in the performance of construc-
13 tion, alteration or repair work on a qualifying
14 advanced energy project shall be paid wages at
15 rates not less than those prevailing on projects
16 of a similar character in the locality as deter-
17 mined by the Secretary of Labor in accordance
18 with subchapter IV of chapter 31 of title 40,
19 United States Code, and

1 “(B) give the highest priority to projects
 2 which—
 3 “(i) manufacture (other than pri-
 4 marily assembly of components) property
 5 described in a subclause of subsection
 6 (c)(1)(A)(i) (or components thereof), and
 7 “(ii) have the greatest potential for
 8 commercial deployment of new applica-
 9 tions.”.

Page 2244, line 6, strike “45U” and insert “45V”.

Page 2244, line 14, strike “45U” and insert “45V”.

Page 2244, line 17, strike “45U” and insert “45V”.

Page 2244, line 21, strike “45U” and insert “45V”.

Page 2245, after line 13, insert the following:

10 **SEC. 90443. LABOR STANDARDS FOR CERTAIN ENERGY**

11 **JOBS.**

12 (a) DEPARTMENT OF LABOR CERTIFICATION OF
 13 QUALIFIED ENTITIES.—

14 (1) DEFINITIONS.—In this subsection—

15 (A) APPLICABLE CONSTRUCTION
 16 PROJECT.—The term “applicable construction
 17 project” means, with respect to any entity—

1 (i) the installation of any qualified al-
2 ternative fuel vehicle refueling property (as
3 defined in section 30C(c) of the Internal
4 Revenue Code of 1986),

5 (ii) the installation of any qualified
6 energy property described in section
7 48D(a)(1) of such Code,

8 (iii) the installation of any qualified
9 property referred to in paragraph (2) of
10 section 48D(a) of such Code as part of any
11 qualified investment credit facility de-
12 scribed in such paragraph, and

13 (iv) the installation of any energy effi-
14 cient commercial building property (as de-
15 fined in section 179D(c)(1) of such Code).

16 (B) COVERED PROJECT LABOR AGREE-
17 MENT.—The term “covered project labor agree-
18 ment” means a project labor agreement that—

19 (i) binds all contractors and sub-
20 contractors on the construction project
21 through the inclusion of appropriate speci-
22 fications in all relevant solicitation provi-
23 sions and contract documents,

24 (ii) allows all contractors and sub-
25 contractors to compete for contracts and

1 subcontracts without regard to whether
2 they are otherwise a party to a collective
3 bargaining agreement,

4 (iii) contains guarantees against
5 strikes, lockouts, and other similar job dis-
6 ruptions,

7 (iv) sets forth effective, prompt, and
8 mutually binding procedures for resolving
9 labor disputes arising during the covered
10 project labor agreement, and

11 (v) provides other mechanisms for
12 labor-management cooperation on matters
13 of mutual interest and concern, including
14 productivity, quality of work, safety, and
15 health.

16 (C) PROJECT LABOR AGREEMENT.—The
17 term “project labor agreement” means a pre-
18 hire collective bargaining agreement with one or
19 more labor organizations that establishes the
20 terms and conditions of employment for a spe-
21 cific construction project and is described in
22 section 8(f) of the National Labor Relations
23 Act (29 U.S.C. 158(f)).

24 (D) INSTALLATION INCLUDES ON-SITE
25 CONSTRUCTION.—Any reference in this sub-

1 section to the installation of any property shall
2 include the construction of such property if
3 such construction is performed on the site
4 where such property is installed.

5 (E) QUALIFIED ENTITY.—The term
6 “qualified entity” means an entity that the Sec-
7 retary of Labor certifies as a qualified entity in
8 accordance with paragraph (2).

9 (F) REGISTERED APPRENTICESHIP PRO-
10 GRAM.—The term “registered apprenticeship
11 program” means an apprenticeship program
12 registered under the Act of August 16, 1937
13 (commonly known as the “National Apprentice-
14 ship Act”; 50 Stat. 664, chapter 663; 29
15 U.S.C. 50 et seq.), including any requirement,
16 standard, or rule promulgated under such Act,
17 as such requirement, standard, or rule was in
18 effect on December 30, 2019.

19 (2) CERTIFICATION OF QUALIFIED ENTITIES.—

20 (A) IN GENERAL.—The Secretary of Labor
21 shall establish a process for certifying entities
22 that submit an application under subparagraph
23 (B) as qualified entities with respect to applica-
24 ble construction projects for purposes of the

1 amendments made by subsections (b), (c), and
2 (d).

3 (B) APPLICATION PROCESS.—

4 (i) IN GENERAL.—An entity seeking
5 certification as a qualified entity under this
6 paragraph shall submit an application to
7 the Secretary of Labor at such time, in
8 such manner, and containing such infor-
9 mation as the Secretary may reasonably
10 require, including information to dem-
11 onstrate compliance with the requirements
12 under subparagraph (C).

13 (ii) REQUESTS FOR ADDITIONAL IN-
14 FORMATION.—Not later than 1 year after
15 receiving an application from an entity
16 under clause (i)—

17 (I) the Secretary of Labor may
18 request additional information from
19 the entity in order to determine
20 whether the entity is in compliance
21 with the requirements under subpara-
22 graph (C), and

23 (II) the entity shall provide such
24 additional information.

1 (iii) DETERMINATION DEADLINE.—

2 The Secretary of Labor shall make a de-
3 termination on whether to certify an entity
4 under this subsection not later than—

5 (I) in a case in which the Sec-
6 retary requests additional information
7 described in paragraph (2)(B)(ii), 1
8 year after the Secretary receives such
9 additional information from the enti-
10 ty, or

11 (II) in a case that is not de-
12 scribed in subclause (I), 1 year after
13 the date on which the entity submits
14 the application under clause (i).

15 (iv) PRECERTIFICATION REMEDIES.—

16 The Secretary shall consider any corrective
17 actions taken by an entity seeking certifi-
18 cation under this paragraph to remedy an
19 administrative merits determination, arbi-
20 tral award or decision, or civil judgment
21 identified under subparagraph (C)(iii) and
22 shall impose as a condition of certification
23 any additional remedies necessary to avoid
24 further or repeated violations.

1 (C) LABOR STANDARDS REQUIREMENTS.—

2 The Secretary of Labor shall require an entity,
3 as a condition of certification under this sub-
4 section, to satisfy each of the following require-
5 ments—

6 (i) The entity shall ensure that all la-
7 borers and mechanics employed by contrac-
8 tors and subcontractors in the performance
9 of any applicable construction project shall
10 be paid wages at rates not less than those
11 prevailing on projects of a similar char-
12 acter in the locality as determined by the
13 Secretary of Labor in accordance with sub-
14 chapter IV of chapter 31 of title 40,
15 United States Code (commonly known as
16 the “Davis-Bacon Act”).

17 (ii) In the case of any applicable con-
18 struction project the cost of which exceeds
19 \$25,000,000, the entity shall be a party to,
20 or require contractors and subcontractors
21 in the performance of such applicable con-
22 struction project to consent to, a covered
23 project labor agreement.

24 (iii) The entity, and all contractors
25 and subcontractors in performance of any

1 applicable construction project, shall rep-
2 resent in the application submitted under
3 subparagraph (B) (and periodically there-
4 after during the performance of the appli-
5 cable construction project as the Secretary
6 of Labor may require) whether there has
7 been any administrative merits determina-
8 tion, arbitral award or decision, or civil
9 judgment, as defined in guidance issued by
10 the Secretary of Labor, rendered against
11 the entity in the preceding 3 years (or, in
12 the case of disclosures after the initial dis-
13 closure, during such period as the Sec-
14 retary of Labor may provide) for violations
15 of—

16 (I) the Fair Labor Standards Act
17 of 1938 (29 U.S.C. 201 et seq.),

18 (II) the Occupational Safety and
19 Health Act of 1970 (29 U.S.C. 651 et
20 seq.),

21 (III) the Migrant and Seasonal
22 Agricultural Worker Protection Act
23 (29 U.S.C. 1801 et seq.),

24 (IV) the National Labor Rela-
25 tions Act (29 U.S.C. 151 et seq.),

1 (V) subchapter IV of chapter 31
2 of title 40, United States Code (com-
3 monly known as the “Davis-Bacon
4 Act”),

5 (VI) chapter 67 of title 41,
6 United States Code (commonly known
7 as the “Service Contract Act”),

8 (VII) Executive Order 11246 (42
9 U.S.C. 2000e note; relating to equal
10 employment opportunity),

11 (VIII) section 503 of the Reha-
12 bilitation Act of 1973 (29 U.S.C.
13 793),

14 (IX) section 4212 of title 38,
15 United States Code;

16 (X) the Family and Medical
17 Leave Act of 1993 (29 U.S.C. 2601 et
18 seq.),

19 (XI) title VII of the Civil Rights
20 Act of 1964 (42 U.S.C. 2000e et
21 seq.),

22 (XII) the Americans with Dis-
23 abilities Act of 1990 (42 U.S.C.
24 12101 et seq.),

1 (XIII) the Age Discrimination in
2 Employment Act of 1967 (29 U.S.C.
3 621 et seq.),

4 (XIV) Federal Government
5 standards establishing a minimum
6 wage for contractors, or

7 (XV) equivalent State laws, as
8 defined in guidance issued by the Sec-
9 retary of Labor.

10 (iv) The entity, and all contractors
11 and subcontractors in the performance of
12 any applicable construction project, shall
13 not require mandatory arbitration for any
14 dispute involving a worker engaged in a
15 service for the entity unless such worker is
16 covered by a collective bargaining agree-
17 ment that provides otherwise.

18 (v) The entity, and all contractors and
19 subcontractors in the performance of any
20 applicable construction project, shall con-
21 sider an individual performing any service
22 in such performance as an employee (and
23 not an independent contractor) of the enti-
24 ty, contractor, or subcontractor, respec-
25 tively, unless—

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

6 (II) the service is performed out-
7 side the usual course of the business
8 of the entity, contractor, or subcon-
9 tractor, respectively, and

10 (III) the individual is customarily
11 engaged in an independently estab-
12 lished trade, occupation, profession, or
13 business of the same nature as that
14 involved in such service.

15 (vi) The entity shall prohibit all con-
16 tractors and subcontractors in the per-
17 formance of any applicable construction
18 project from hiring employees through a
19 temporary staffing agency unless the rel-
20 evant State workforce agency certifies that
21 temporary employees are necessary to ad-
22 dress an acute, short-term labor demand.

23 (vii) The entity shall require all con-
24 tractors, subcontractors, successors in in-
25 terest of the entity, and other entities that

1 may acquire the entity, in the performance
2 or acquisition of any applicable construc-
3 tion project, to have an explicit neutrality
4 policy on any issue involving the organiza-
5 tion of employees of the entity, and all con-
6 tractors and subcontractors in the per-
7 formance of any applicable construction
8 project, for purposes of collective bar-
9 gaining.

10 (viii) The entity shall require all con-
11 tractors and subcontractors to participate
12 in a registered apprenticeship program for
13 each skilled craft employed on any applica-
14 ble construction project.

15 (ix) The entity, and all contractors
16 and subcontractors in the performance of
17 any applicable construction project, shall
18 not request or otherwise consider the
19 criminal history of an applicant for em-
20 ployment before extending a conditional
21 offer to the applicant, unless—

22 (I) a background check is other-
23 wise required by law,

24 (II) the position is for a Federal
25 law enforcement officer (as defined in

1 section 115(c)(1) of title 18, United
2 States Code) position, or

3 (III) the Secretary of Labor,
4 after consultation with the Secretary
5 of Energy, certifies that precluding
6 criminal history prior to the condi-
7 tional offer would pose a threat to na-
8 tional security.

9 (D) DAVIS-BACON ACT.—The Secretary of
10 Labor shall have, with respect to the labor
11 standards described in subparagraph (C)(i), the
12 authority and functions set forth in Reorganiza-
13 tion Plan Numbered 14 of 1950 (64 Stat.
14 1267; 5 U.S.C. App.) and section 3145 of title
15 40, United States Code.

16 (E) PERIOD OF VALIDITY FOR CERTIFI-
17 CATIONS.—A certification made under this sub-
18 section shall be in effect for a period of 5 years.
19 An entity may reapply to the Secretary of
20 Labor for an additional certification under this
21 subsection in accordance with the application
22 process under paragraph (2)(B).

23 (F) REVOCATION OF QUALIFIED ENTITY
24 STATUS.—The Secretary of Labor may revoke
25 the certification of an entity under this sub-

1 section as a qualified entity at any time in
2 which the Secretary reasonably determines the
3 entity is no longer in compliance with para-
4 graph (2)(C).

5 (G) CERTIFICATION MAY COVER MORE
6 THAN 1 SUBSTANTIALLY SIMILAR PROJECT.—
7 The Secretary of Labor may make certifications
8 under this paragraph which apply with respect
9 to more than 1 project if the projects to which
10 such certification apply are substantially similar
11 projects which meet the requirements of this
12 subsection. Such projects shall be treated as a
13 specific construction project for purposes of
14 paragraph (1)(C).

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to carry out
17 this section \$10,000,000 for fiscal year 2020 and
18 each fiscal year thereafter.

19 (b) JOBS IN ENERGY CREDIT.—

20 (1) IN GENERAL.—Subpart E of part IV of
21 subchapter A of chapter 1 of the Internal Revenue
22 Code of 1986 is amended by inserting after section
23 48C the following new section:

1 **“SEC. 48D. JOBS IN ENERGY CREDIT.**

2 “(a) INVESTMENT CREDIT FOR QUALIFIED PROP-
3 ERTY.—For purposes of section 46, the jobs in energy
4 credit for any taxable year is an amount equal to 10 per-
5 cent of the basis of any qualified energy property placed
6 in service by the taxpayer during such taxable year if the
7 installation of such property is performed by a qualified
8 entity with respect to such property.

9 “(b) QUALIFIED ENERGY PROPERTY.—For purposes
10 of this section, the term ‘qualified energy property’
11 means—

12 “(1) energy property (as defined in section
13 48(a)(3)), or

14 “(2) qualified property which is part of a quali-
15 fied investment credit facility (as defined in section
16 48(a)(5) without regard to clause (a)(5)(C)(iii))
17 which is originally placed in service after December
18 31, 2020.

19 “(c) QUALIFIED ENTITY.—For purposes of this sec-
20 tion—

21 “(1) IN GENERAL.—The term ‘qualified entity’
22 means, with respect to the installation of any quali-
23 fied energy property, an entity which is certified by
24 the Secretary of Labor as being in compliance with
25 all of the applicable requirements under section
26 90443(a) of the GREEN Act of 2020 with respect

1 to such installation at all times during the period be-
2 ginning on the date on which the installation of such
3 property begins and ending on the date on which
4 such property is placed in service.

5 “(2) CERTIFICATION OF FACILITY REQUIRED.—
6 In the case of any qualified property referred to in
7 subsection (b)(2), an entity shall be treated as a
8 qualified entity with respect to the installation of
9 such property only if the Secretary of Labor has cer-
10 tified that the construction of the qualified invest-
11 ment credit facility of which such qualified property
12 is a part as being in compliance with all of the appli-
13 cable requirements under section 90443(a) of the
14 GREEN Act of 2020 for the period referred to in
15 paragraph (1).

16 “(d) SPECIAL RULES.—

17 “(1) CERTAIN PROGRESS EXPENDITURE RULES
18 MADE APPLICABLE.—Rules similar to the rules of
19 subsections (c)(4) and (d) of section 46 (as in effect
20 on the day before the date of the enactment of the
21 Revenue Reconciliation Act of 1990) shall apply for
22 purposes of subsection (a).

23 “(2) SPECIAL RULE FOR PROPERTY FINANCED
24 BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL
25 DEVELOPMENT BONDS.—For purposes of subsection

1 (a), rules similar to the rules of section 48(a)(4)
2 shall apply for purposes of determining the basis of
3 any qualified energy property.

4 “(3) INSTALLATION INCLUDES ON-SITE CON-
5 STRUCTION.—Any reference in this section to the in-
6 stallation of any property shall include the construc-
7 tion of such property if such construction is per-
8 formed on the site where such property is installed.

9 “(4) RECAPTURE.—If the Secretary of Labor
10 revokes the certification of a qualified entity with re-
11 spect to the installation of any property, the tax im-
12 posed under this chapter on the taxpayer to whom
13 the credit determined under this section is allowed
14 shall be increased for the taxable year which in-
15 cludes the date of such revocation by an amount
16 equal to the aggregate decrease in the credits al-
17 lowed under section 38 for all prior taxable years
18 which would have resulted solely from reducing to
19 zero any credit determined under this section with
20 respect to such property.

21 “(5) ELECTION NOT TO HAVE SECTION
22 APPLY.—This section shall not apply with respect to
23 any taxpayer for any taxable year if such taxpayer
24 elects (at such time and in such manner as the Sec-

1 retary may prescribe) not to have this section
2 apply.”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Section 46 of such Code is amended by
5 striking “and” at the end of paragraph (5), by
6 striking the period at the end of paragraph (6)
7 and inserting “, and”, and by adding at the end
8 the following new paragraph:

9 “(7) the jobs in energy credit.”.

10 (B) Section 49(a)(1)(C) of such Code is
11 amended by striking “and” at the end of clause
12 (iv), by striking the period at the end of clause
13 (v) and inserting a comma, and by adding at
14 the end the following new clause:

15 “(vi) the basis of any qualified energy
16 property under section 48D.”.

17 (C) Section 50(a)(2)(E) of such Code is
18 amended by striking “ or 48C(b)(2)” and in-
19 serting “48C(b)(2), or 48D(d)(1)”.

20 (D) The table of sections for subpart E of
21 part IV of subchapter A of chapter 1 of such
22 Code is amended by inserting after the item re-
23 lating to section 48C the following new item:

“Sec. 48D. Jobs in energy credit.”.

24 (3) EFFECTIVE DATE.—The amendments made
25 by this subsection shall apply to periods after De-

1 cember 31, 2020, under rules similar to the rules of
2 section 48(m) of the Internal Revenue Code of 1986
3 (as in effect on the day before the date of the enact-
4 ment of the Revenue Reconciliation Act of 1990).

5 (c) INCREASE IN ENERGY EFFICIENT COMMERCIAL
6 BUILDING DEDUCTION FOR INSTALLATION BY QUALI-
7 FIED ENTITIES.—

8 (1) IN GENERAL.—Section 179D(d) of the In-
9 ternal Revenue Code of 1986 is amended by adding
10 at the end the following:

11 “(7) ADJUSTMENT FOR QUALIFIED ENTITIES.—
12 In the case of any energy efficient commercial build-
13 ing property which was installed (within the mean-
14 ing of section 48D(d)(3)) by an entity which is cer-
15 tified by the Secretary of Labor as being in compli-
16 ance with all of the applicable requirements under
17 section 90443(a) of the GREEN Act of 2020 with
18 respect to such installation, subsection (b)(1)(A)
19 shall be applied by substituting ‘\$3.20’ for ‘\$3.’.”

20 (2) CONFORMING AMENDMENT.—Section
21 179D(d)(1)(A) of such Code is amended by inserting
22 “(or, in the case of property to which paragraph (7)
23 applies, by substituting ‘\$1.07’ for ‘\$3.20’ in such
24 paragraph)” before the period at the end.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to property placed in
3 service after December 31, 2020.

4 (d) INCREASE IN ALTERNATIVE FUEL VEHICLE RE-
5 FUELING PROPERTY CREDIT FOR INSTALLATION BY
6 QUALIFIED ENTITIES.—

7 (1) IN GENERAL.—Section 30C(a), as amended
8 by the preceding provisions of this Act, is amended
9 by striking “plus” at the end of paragraph (1), by
10 striking the period at the end of paragraph (2) and
11 inserting “, plus”, and by adding at the end the fol-
12 lowing new paragraph:

13 “(3) in the case of any qualified alternative fuel
14 vehicle refueling property which was installed (within
15 the meaning of section 48D(d)(3)) by an entity
16 which is certified by the Secretary of Labor as being
17 in compliance with all of the applicable requirements
18 under section 90443(a) of the GREEN Act of 2020
19 with respect to such installation, 10 percent of the
20 amount of costs taken into account under paragraph
21 (1) with respect to such property.”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by this subsection shall apply to property placed in
24 service after December 31, 2020.

Page 2256, line 4, strike “placed in service in taxable years” and insert “financed by an obligation issued in calendar years”.

Page 2257, strike lines 1 through 3, and insert “are placed in service by the taxpayer after January 20, 2020.”.

Page 2273, beginning on line 3, strike “the Secretary of Housing and Urban Development” and insert “housing credit agencies”.

Page 2274, line 13, strike “the qualified allocation plan of”.

Page 2304, line 20, insert “Alaska Native” before “village members”.

Page 2309, after line 24, insert the following:

1 **DIVISION N—RIGHTS FOR**
2 **TRANSPORTATION SECURITY**
3 **OFFICERS**

4 **SEC. 91001. SHORT TITLE.**

5 This division may be cited as the “Rights for Trans-
6 portation Security Officers Act of 2020”.

7 **SEC. 91002. DEFINITIONS.**

8 For purposes of this division—

9 (1) the term “adjusted basic pay” means—

1 (A) the rate of pay fixed by law or admin-
2 istrative action for the position held by a cov-
3 ered employee before any deductions; and

4 (B) any regular, fixed supplemental pay-
5 ment for non-overtime hours of work creditable
6 as basic pay for retirement purposes, including
7 any applicable locality payment and any special
8 rate supplement;

9 (2) the term “Administrator” means the Ad-
10 ministrator of the Transportation Security Adminis-
11 tration;

12 (3) the term “covered employee” means an em-
13 ployee who holds a covered position;

14 (4) the term “covered position” means a posi-
15 tion within the Transportation Security Administra-
16 tion;

17 (5) the term “conversion date” means the date
18 as of which paragraphs (1) through (4) of section
19 91003(c) take effect;

20 (6) the term “2019 Determination” means the
21 publication, entitled “Determination on Transpor-
22 tation Security Officers and Collective Bargaining”,
23 issued on July 13, 2019, by Administrator David P.
24 Pekoske;

1 (7) the term “employee” has the meaning given
2 such term by section 2105 of title 5, United States
3 Code;

4 (8) the term “Secretary” means the Secretary
5 of Homeland Security; and

6 (9) the term “TSA personnel management sys-
7 tem” means any personnel management system es-
8 tablished or modified under—

9 (A) section 111(d) of the Aviation and
10 Transportation Security Act (49 U.S.C. 44935
11 note); or

12 (B) section 114(n) of title 49, United
13 States Code.

14 **SEC. 91003. CONVERSION OF TSA PERSONNEL.**

15 (a) **RESTRICTIONS ON CERTAIN PERSONNEL AU-**
16 **THORITIES.**—Notwithstanding any other provision of law,
17 effective as of the date of the enactment of this division—

18 (1) any TSA personnel management system in
19 use for covered employees and covered positions on
20 the day before such date of enactment, and any TSA
21 personnel management policy, letters, guideline, or
22 directive in effect on such day may not be modified;

23 (2) no TSA personnel management policy, let-
24 ter, guideline, or directive that was not established
25 before such date issued pursuant to section 111(d)

1 of the Aviation and Transportation Security Act (49
2 U.S.C. 44935 note) or section 114(n) of title 49,
3 United States Code, may be established; and

4 (3) any authority to establish or adjust a
5 human resources management system under chapter
6 97 of title 5, United States Code, shall terminate
7 with respect to covered employees and covered posi-
8 tions.

9 (b) PERSONNEL AUTHORITIES DURING TRANSITION
10 PERIOD.—Any TSA personnel management system in use
11 for covered employees and covered positions on the day
12 before the date of enactment of this division and any TSA
13 personnel management policy, letter, guideline, or direc-
14 tive in effect on the day before the date of enactment of
15 this division shall remain in effect until the effective date
16 under subsection (c).

17 (c) TRANSITION TO GENERAL PERSONNEL MANAGE-
18 MENT SYSTEM APPLICABLE TO CIVIL SERVICE EMPLOY-
19 EES.—Effective as of the date determined by the Sec-
20 retary, but in no event later than 180 days after the date
21 of the enactment of this division—

22 (1) each provision of law cited in section
23 91002(9) is repealed;

1 (2) any TSA personnel management policy, let-
2 ter, guideline, and directive, including the 2019 De-
3 termination, shall cease to be effective;

4 (3) any human resources management system
5 established or adjusted under chapter 97 of title 5,
6 United States Code, with respect to covered employ-
7 ees or covered positions shall cease to be effective;
8 and

9 (4) covered employees and covered positions
10 shall be subject to the provisions of title 5, United
11 States Code.

12 (d) SAFEGUARDS ON GRIEVANCES.—In carrying out
13 this division, the Secretary shall take such actions as are
14 necessary to provide an opportunity to each covered em-
15 ployee with a grievance or disciplinary action (including
16 an adverse action) pending within TSA on the date of en-
17 actment of this division or at any time during the transi-
18 tion period described in subsection (c) to have such griev-
19 ance removed to proceedings pursuant to title 5, United
20 States Code, or continued within TSA.

21 **SEC. 91004. TRANSITION RULES.**

22 (a) NONREDUCTION IN PAY AND COMPENSATION.—
23 Under pay conversion rules as the Secretary may prescribe
24 to carry out this division, a covered employee converted
25 from a TSA personnel management system to the provi-

1 sions of title 5, United States Code, pursuant to section
2 91002(c)(4) shall not be subject to any reduction in the
3 rate of adjusted basic pay payable, or total compensation
4 provided, to such covered employee.

5 (b) PRESERVATION OF OTHER RIGHTS.—In the case
6 of each covered employee as of the conversion date, the
7 Secretary shall take any actions necessary to ensure
8 that—

9 (1) any annual leave, sick leave, or other paid
10 leave accrued, accumulated, or otherwise available to
11 a covered employee immediately before the conver-
12 sion date shall remain available to the employee
13 until used; and

14 (2) the Government share of any premiums or
15 other periodic charges under chapter 89 of title 5,
16 United States Code, governing group health insur-
17 ance shall remain at least the same as was the case
18 immediately before the conversion date.

19 (c) GAO STUDY ON TSA PAY RATES.—Not later
20 than the date that is 9 months after the date of enactment
21 of this division, the Comptroller General shall submit a
22 report to Congress on the differences in rates of pay, clas-
23 sified by pay system, between Transportation Security Ad-
24 ministration employees—

1 (1) with duty stations in the contiguous 48
2 States; and

3 (2) with duty stations outside of such States,
4 including those employees located in any territory or
5 possession of the United States.

6 (d) **RULE OF CONSTRUCTION.**—During the transition
7 period and after the conversion date, the Secretary shall
8 ensure that the Transportation Security Administration
9 continues to prevent the hiring of individuals who have
10 been convicted of a sex crime, an offense involving a
11 minor, a crime of violence, or terrorism.

12 **SEC. 91005. CONSULTATION REQUIREMENT.**

13 (a) **EXCLUSIVE REPRESENTATIVE.**—The labor orga-
14 nization certified by the Federal Labor Relations Author-
15 ity on June 29, 2011, or successor labor organization shall
16 be treated as the exclusive representative of full- and part-
17 time non-supervisory TSA personnel carrying out screen-
18 ing functions under section 44901 of title 49, United
19 States Code, and shall be the exclusive representative for
20 such personnel under chapter 71 of title 5, United States
21 Code, with full rights under such chapter. Any collective
22 bargaining agreement covering such personnel on the date
23 of enactment of this division shall remain in effect, con-
24 sistent with subsection (d).

1 (b) CONSULTATION RIGHTS.—Not later than 7 days
2 after the date of the enactment of this division, the Sec-
3 retary shall consult with the exclusive representative for
4 the personnel described in subsection (a) under chapter
5 71 of title 5, United States Code, on the formulation of
6 plans and deadlines to carry out the conversion of covered
7 employees and covered positions under this division. Prior
8 to the conversion date, the Secretary shall provide (in writ-
9 ing) to such exclusive representative the plans for how the
10 Secretary intends to carry out the conversion of covered
11 employees and covered positions under this division, in-
12 cluding with respect to such matters as—

13 (1) the anticipated conversion date; and

14 (2) measures to ensure compliance with sections
15 91003 and 91004.

16 (c) REQUIRED AGENCY RESPONSE.—If any views or
17 recommendations are presented under subsection (b) by
18 the exclusive representative, the Secretary shall consider
19 the views or recommendations before taking final action
20 on any matter with respect to which the views or rec-
21 ommendations are presented and provide the exclusive
22 representative a written statement of the reasons for the
23 final actions to be taken.

24 (d) SUNSET PROVISION.—The provisions of this sec-
25 tion shall cease to be effective as of the conversion date.

1 **SEC. 91006. NO RIGHT TO STRIKE.**

2 Nothing in this division shall be considered—

3 (1) to repeal or otherwise affect—

4 (A) section 1918 of title 18, United States
5 Code (relating to disloyalty and asserting the
6 right to strike against the Government); or

7 (B) section 7311 of title 5, United States
8 Code (relating to loyalty and striking); or

9 (2) to otherwise authorize any activity which is
10 not permitted under either provision of law cited in
11 paragraph (1).

12 **SEC. 91007. RULE OF CONSTRUCTION WITH RESPECT TO**
13 **CERTAIN CRIMES RELATING TO TERRORISM.**

14 Nothing in this division may be construed to con-
15 tradict chapter 113B of title 18, United States Code, in-
16 cluding with respect to—

17 (1) section 2332b (relating to acts of terrorism
18 transcending national boundaries);

19 (2) section 2339 (relating to harboring or con-
20 cealing terrorists); and

21 (3) section 2339A (relating to providing mate-
22 rial support to terrorists).

23 **SEC. 91008. REPORT BY GAO REGARDING TSA RECRUIT-**
24 **MENT.**

25 Not later than 1 year after the date of the enactment
26 of this division, the Comptroller General of the United

1 States shall submit to Congress a report on the efforts
2 of the Transportation Security Administration regarding
3 recruitment, including recruitment efforts relating to vet-
4 erans and the dependents of veterans and members of the
5 Armed Forces and the dependents of such members. Such
6 report shall also include recommendations regarding how
7 the Administration may improve such recruitment efforts.

8 **SEC. 91009. SENSE OF CONGRESS.**

9 It is the sense of Congress that the Transportation
10 Security Administration's personnel system provides in-
11 sufficient benefits and workplace protections to the work-
12 force that secures the nation's transportation systems and
13 that the Transportation Security Administration's work-
14 force should be provided protections and benefits under
15 title 5, United States Code.

16 **SEC. 91010. ASSISTANCE FOR FEDERAL AIR MARSHAL**
17 **SERVICE.**

18 The Administrator of the Transportation Security
19 Administration shall engage and consult with public and
20 private entities associated with the Federal Air Marshal
21 Service to address concerns regarding Federal Air Mar-
22 shals related to the following:

- 23 (1) Mental health.
- 24 (2) Suicide rates.
- 25 (3) Morale and recruitment.

1 (4) Any other personnel issues the Adminis-
2 trator determines appropriate.

3 **SEC. 91011. PROHIBITION ON CERTAIN SOCIAL MEDIA AP-**
4 **PLICATION.**

5 Beginning on the date of the enactment of this divi-
6 sion, covered employees may not use or have installed on
7 United States Government-issued mobile devices the social
8 media video application known as “TikTok” or any suc-
9 cessor application.

10 **SEC. 91012. VETERANS HIRING.**

11 The Secretary shall prioritize the hiring of veterans,
12 including disabled veterans, and other preference eligible
13 individuals, including widows and widowers of veterans, as
14 defined in section 2108 of title 5, United States Code, for
15 covered positions.

16 **SEC. 91013. PREVENTION AND PROTECTION AGAINST CER-**
17 **TAIN ILLNESS.**

18 The Administrator of the Transportation Security
19 Administration, in coordination with the Director of Cen-
20 ters for Disease Control and Prevention and the Director
21 of the National Institute of Allergy and Infectious Dis-
22 eases, shall ensure that covered employees are provided
23 proper guidance regarding prevention and protections
24 against coronavirus, including appropriate resources.

1 **DIVISION O—AGRICULTURE IN-**
2 **FRASTRUCTURE IMPROVE-**
3 **MENTS**

4 **SEC. 92001. REFORESTATION TRUST FUND.**

5 Section 303(b)(2) of Public Law 96–451 (16 U.S.C.
6 1606a(b)(2)) is amended by striking “\$30,000,000” and
7 inserting “\$60,000,000”.

8 **DIVISION P—BUDGETARY**
9 **EFFECTS**

10 **SEC. 93001. BUDGETARY EFFECTS.**

11 (a) **STATUTORY PAYGO SCORECARDS.**—The budg-
12 etary effects of each division of this Act shall not be en-
13 tered on either PAYGO scorecard maintained pursuant to
14 section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

15 (b) **SENATE PAYGO SCORECARDS.**—The budgetary
16 effects of each division of this Act shall not be entered
17 on any PAYGO scorecard maintained for purposes of sec-
18 tion 4106 of H. Con. Res. 71 (115th Congress).

