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:

“(iv) from the amounts made available for a fiscal year for the urbanized areas formula grants under section 5307 of title 49, the amounts allocated for a fis-
ocal year for the passenger ferry grant pro-
gram under section 5307(h) of such title;

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

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

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

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

“(vii) from the amounts made avail-
able for a fiscal year for the technical as-
sistance and workforce development pro-
gram of section 5314 of such title, the
amounts allocated for the national transit
institute under section 5314(c) of such title;

“(viii) from the amounts made available for a fiscal year for the bus and bus facilities program under section 5339 of such title, the amounts allocated for a fiscal year for the zero emission grants under section 5339(c) of such title;

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

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

(3) in subsection (d) by inserting “and section 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 following:

“(i) notification and justification of the deviation is provided to the Secretary 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:

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(2) DISTRIBUTION OF FUNDS.—

(A) Authorization of Appropriations.—There is authorized to be appropriated
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such sums as may be necessary for the pilot
program established under this subsection.

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

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

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

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

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

“(3) ELIGIBLE ACTIVITIES.—Amounts made
available under this subsection shall be used for pro-
tective features or other hazard mitigation activities that—

“(A) the Secretary determines are cost effective and that reduce the risk of, or increase the resilience to, future damage to existing assets as a result of natural disasters; and

“(B) are eligible under section 124.

Page 186, after line 20, insert the following:

“(5) SUNSET.—The authority provided under 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 ACHIEVEMENT” in the heading and inserting “PERFORMANCE MANAGEMENT”;

Page 384, strike lines 6 through 8 and insert the following:
(1) by striking “PERFORMANCE TARGET ACHIEVEMENT” in the heading and inserting “PERFORMANCE MANAGEMENT”;

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

(C) the Bureau of Transportation Statistics;

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:

SEC. 1612. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM FUNDING FLEXIBILITY.

(a) IN GENERAL.—Any funds made available to a State for the Appalachian development highway system program under subtitle IV of title 40, United States Code, before the date of enactment of this Act may be used, at the request of such State to the Secretary of Transportation, for the purposes described in section 133(b) of title 23, United States Code.
(b) LIMITATION.—The authority in subsection (a) may only be used by an Appalachian development highway system State if all of the Appalachian development highway system corridors authorized by subtitle IV of title 40, United States Code, in such State, have been fully completed and are open to traffic prior to the State making 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.
   Section 143(b)(2)(A) of title 23, United States Code, is amended by striking “2016 through 2020” and inserting “2022 through 2025”.

Page 499, after line 22, insert the following:

5 SEC. 1630. THE UNITED STATES OPPOSES CHILD LABOR.
   It is the policy of the United States that funds authorized or made available by this Act, or the amendments made by this Act, should not be used to purchase products produced whole or in part through the use of child labor, as such term is defined in Article 3 of the International Labor Organization Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labor (December 2, 2000), or in violation of human rights.

Page 510, line 23, strike the closing quotation marks and the second period and insert the following:
“(g) LIMITATION ON FINANCIAL ASSISTANCE FOR STATE-OWNED ENTERPRISES.—

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

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

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

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

“(2) EXCEPTION.—For purposes of paragraph (1), the term ‘otherwise related legally or financially’ does not include a minority relationship or investment.
“(3) INTERNATIONAL AGREEMENTS.—This sub-
section shall be applied in a manner consistent with
the obligations of the United States under inter-
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 transport-
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(e)” 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:

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“(1) being carried out in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); or

“(2) projects eligible under section 5310 that exceed the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).”.
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Page 595, line 24, strike “5232(j)” and insert “5323(j)”.

Page 611, strike lines 10 through 12 and insert the following:
(6) in paragraph (8) by striking “3 fiscal years” and inserting “4 fiscal years” and by striking “3-fiscal-year period” and inserting “4-fiscal-year 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 insert 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 “pathway”.

Page 630, line 12, insert “registered” before “apprenticeships”.

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

Page 631, beginning on line 13, strike “national systems of qualification and apprenticeship” and insert “recommendations and best practices for curriculum and recognized postsecondary credentials, including related instruction and on-the-job learning for registered apprenticeship 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:

“(iii) LIMITATION.—Any funds made available under this section that are used to fund an apprenticeship or apprenticeship program shall only be used for, or provided to, a registered apprenticeship program, including any funds awarded for the purposes of grants, contracts, or cooperative agreements, or the development, implementation, or administration, of an
apprenticeship or an apprenticeship program.

“(E) DEFINITIONS.—In this paragraph:

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

“(ii) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ‘recognized postsecondary credential’ has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

“(iii) REGISTERED APPRENTICESHIP PROGRAM.—The term ‘registered apprenticeship program’ means an apprenticeship program registered with the Department of Labor or a Federally-recognized State Apprenticeship Agency and that complies with the requirements under parts 29 and 30 of title 29, Code of Federal Regulations, as in 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:

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

Page 650, strike lines 3 through 5 and insert the following:
“(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:
“(iii) changes to health care metrics, including aggregate health outcomes provided by projects partners.

Page 697, line 18, strike “integrate” and insert “coordinate”.

Page 698, after line 8, insert the following:

“(E) CONSULTATION.—In evaluating the performance metrics described in subparagraph (C), the Secretary shall consult with the Secretary of Health and Human Services.

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

Page 700, line 4, insert “and State” after “Federal”.

Page 700, line 17, insert “preventing hospital admissions and” before “reducing”.

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

Page 701, after line 9, insert the following:

“(I) CONSULTATION.—In evaluating the health care metrics described in subparagraph
(F), the Secretary shall consult with the Secretary of Health and Human Services.

“(J) ANNUAL GRANTEE REPORT.—Each grantee shall submit a report, in coordination with the project partners of such grantee, that includes an evaluation of the outcomes of the grant awarded to such grantee, including the 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:

SEC. 3014. REPORT ON MARIJUANA RESEARCH.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Attorney General and the Secretary of Health and Human Services, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and
make publicly available on the Department of Transportation website, a report and recommendations on—

(1) increasing and improving access, for scientific researchers studying impairment while driving under the influence of marijuana, to samples and strains of marijuana and products containing marijuana lawfully being offered to patients or consumers in a State on a retail basis;

(2) establishing a national clearinghouse to collect and distribute samples and strains of marijuana for scientific research that includes marijuana and products containing marijuana lawfully available to patients or consumers in a State on a retail basis;

(3) facilitating access, for scientific researchers located in States that have not legalized marijuana for medical or recreational use, to samples and strains of marijuana and products containing marijuana from such clearinghouse for purposes of research on marijuana-impaired driving; and

(4) identifying Federal statutory and regulatory barriers to the conduct of scientific research and the establishment of a national clearinghouse for purposes of facilitating research on marijuana-impaired driving.
(b) DEFINITION OF MARIJUANA.—In this section, the term “marijuana” has the meaning given such term in 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:

“(B) in which a State fails to report to the Administrator of the Federal Motor Carrier Safety Administration, during the previous fiscal year, the average number of days of delays for an initial commercial driver’s license skills 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 increased cargo capacity in weight or volume” after “vehicle”.

Page 829, line 5, insert “and use” after “construction”.
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 AGENDA.

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

“SEC. 5509. STRATEGIC TRANSPORTATION RESEARCH AGENDA.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall enter into an agreement with the National Academies to undertake a study of the research needs of the surface transportation system to fully adapt and integrate advanced technologies and innovation. The focus areas of the study shall include—

“(1) connected and autonomous technologies;

“(2) incorporating safety-related technologies;

“(3) addressing infrastructure resiliency;

“(4) multimodal connectivity;

“(5) data gathering of travel behavior, including the public’s short and long-term responses to transformational technologies;
“(6) impacts of private-sector transportation product development on society and the traditional research enterprise;

“(7) support for a public-sector culture of transportation innovation and acceleration of federally funded research into practice, codes, and standards; and

“(8) fostering development of transportation educators and transportation professionals.

“(b) REPORT.—The agreement entered into under this section shall require the National Academies to submit to Congress a report containing the results of the study not later than 2 years after the date of enactment of this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for fiscal year 2022.”.

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

“5509. Strategic transportation research agenda.”.

SEC. 5111. ADVANCED TRANSPORTATION RESEARCH AND INNOVATION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, as amended, is further amended by adding at the end the following:
§ 5510. Advanced transportation research and innovation program.

(a) Establishment.—The Secretary of Transportation shall establish an advanced transportation research and innovation program, to be administered by the Assistant Secretary of Research and Technology, to—

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

“(2) support high-risk research and development to accelerate transformational transportation innovations and emerging technology development;

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

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

“(5) educate and train students in science, technology, engineering, and mathematics fields to conduct research and standards development relevant to transportation technologies, materials, systems, operations, processes, and policies; and
“(6) fostering collaboration among federal researchers and academic researchers.

“(b) COLLABORATION.—

“(1) INTERAGENCY COLLABORATION.—In carrying out this section, the Secretary shall collaborate on, identify, and disseminate within the Department, as appropriate, advanced transportation research, development, and other activities of other Federal agencies, including the Office of Science and Technology Policy, the National Science Foundation, the Department of Energy, the National Institute of Standards and Technology, the Department of Homeland Security, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and the Department of Defense to ensure the Department’s research investments are making the best possible contribution to the Nation’s goals of public health and safety, economic prosperity, national security, environmental quality, and a diverse transportation workforce.

“(2) NON-GOVERNMENTAL COLLABORATION.—In carrying out this section, the Secretary shall collaborate with labor organizations, as appropriate.
“(c) RESEARCH GRANTS.—In carrying out this section, the Secretary may carry out the activities described under subsection (a) through—

“(1) competitive, merit-based basic research grants to individual investigators and teams of investigators; and

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

“(d) APPLICATION.—

“(1) IN GENERAL.—An investigator, team of investigators, or an institution of higher education (or consortium thereof) seeking funding under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) RESEARCH CENTERS.—Each application under paragraph (1) from an institution of higher education (or consortium thereof) shall include a description of how the Center will promote multidisciplinary transportation research and development collaboration.

“(e) RESEARCH.—At a minimum, the Secretary shall award 75 percent of awards under this program to projects for basic research.
“(f) Review.—Not later than September 30, 2025, the Secretary shall enter into an agreement with the National Academies to conduct a review of the research and activities carried out under this program and assess whether such activities are consistent with subsection (a). Members of the review panel shall represent, at a minimum, multimodal surface transportation researchers and practitioners.

“(g) Report.—Not later than 1 year after the date of enactment of the INVEST in America Act, and biennially thereafter, the Secretary shall provide to the Committee on Commerce, Science, and Transportation and Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives a report on implementation of the program under this section and research areas that the program will support.

“(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2022 through 2025.”.

(b) Conforming Amendment.—The analysis for chapter 55 of title 49, United States Code, is further amended by adding at 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:

SEC. 5310. MULTIMODAL TRANSPORTATION DEMONSTRATION PROGRAM.

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

“SEC. 5511. MULTIMODAL TRANSPORTATION DEMONSTRATION PROGRAM.

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

“(b) ELIGIBLE ACTIVITIES.—Activities eligible for funding under this section include data interoperability, mobility-on-demand, and micro-mobility projects to demonstrate first-mile transportation, last-mile transportation, and any other activity as determined appropriate by the Secretary.
“(e) JOINT INTERAGENCY FUNDING.—If determined appropriate by the Secretary, joint interagency funding for projects is authorized to support multimodal projects.

“(d) ELIGIBILITY.—Entities eligible to receive grants under this program include local transportation organizations and transit agencies serving a population of not more than 200,000 individuals, including communities of economic hardship and communities that experience transportation equity and accessibility issues.

“(e) APPLICATION.—

“(1) IN GENERAL.—An entity seeking funding under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) COLLABORATION.—Each application submitted under this section shall describe how the applying entity will collaborate, as appropriate, with institutions of higher education, State and local governments, regional transportation organizations, nonprofit organizations, labor organizations, and private sector entities.

“(f) AUTHORIZATION.—There is authorized to be appropriated to carry out activities under this section $30,000,000 for each of fiscal years 2022 through 2025.”.
(b) CONFORMING AMENDMENT.—The analysis for
chapter 55 of title 49, United States Code, is further
amended by adding at the end the following:

“5511. Multimodal transportation demonstration program.”.

SEC. 5311. AUTOMATED COMMERCIAL VEHICLE REPORTING.

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

(b) INFORMATION REQUIRED.—

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

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

(B) The make and model of such vehicle or
vehicles.
(C) The level of automation of such vehicle or vehicles, according to the standards described in subsection (e)(1).

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

(E) The Department of Transportation number or operating authority assigned to the entity described in subparagraph (A), if applicable.

(F) The location of the testing, demonstration, or commercial operation, including the anticipated route of such vehicle, planned stops, and total anticipated miles traveled.

(G) Any cargo or passengers to be transported in such vehicle or vehicles, including whether the entity is transporting such cargo or passengers under contract with another entity.

(H) Documentation of training or certifications provided to any drivers, monitors, or others involved in the operation or control of the vehicle.

(I) Any fatigue management plans or work hour limitations applicable to drivers or monitors.
(J) Notices provided to local law enforcement, State departments of transportation, and related entities, if applicable.

(K) Proof of insurance coverage.

(2) UPDATES.—If an entity responsible for the operation of an automated commercial motor vehicle submits incomplete or inaccurate information pursuant to subsection (d), the entity shall be given an opportunity to amend or correct the submission within a reasonable timeframe.

(3) NOTIFICATION.—Upon submission of the information under paragraph (1), the Secretary shall provide written notification acknowledging receipt of the information and acknowledging that the submitting entity will perform tests, demonstrations, or commercial operations on public roads, as applicable.

(c) PUBLIC AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall make available information on the prevalence of, characteristics of, and geographic location of testing, demonstration, and commercial operations of automated commercial motor vehicles on a publicly accessible website of the Department of Transportation.

(2) PROTECTION OF INFORMATION.—Any data collected under subsection (b) and made publicly
available pursuant to this subsection shall be made available in a manner that—

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

(B) protects the privacy and confidentiality of individuals, operators, and entities submitting the data.

(d) CRASH DATA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall require entities to submit information regarding safety incidents which occur during the testing, demonstration, or commercial operation of an automated commercial motor vehicle on public roads, including—

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

(B) collisions or damage to persons or property as a result of an automated commercial motor vehicle test, demonstration, or commercial operation;

(C) any malfunction or issue with a safety critical element of an automated commercial motor vehicle which compromises the safety of
the automated commercial motor vehicle or
other road users; and

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

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

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

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

(e) DEFINITIONS.—In this section:

(1) AUTOMATED COMMERCIAL MOTOR VEHI-
CLE.—The term “automated commercial motor vehi-
cle” means a commercial motor vehicle as such term
is defined in section 31101 of title 49, United States
Code, that is designed to be operated exclusively by
a Level 3, Level 4, or Level 5 automated driving
system for all trips according to the recommended
practice standards published on June 15, 2018, by
the Society of Automotive Engineers International
(J3016_201806) or equivalent standards adopted
by the Secretary with respect to automated motor
vehicles, while operating on public roads.

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

Page 919, line 3, strike "$17,500,000" 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:
SEC. 5504. ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.

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

(1) in subsection (a), by striking “The Director” and all that follows to the period and inserting “Notwithstanding section 418 of the FAA Reauthorization Act of 2018 (Public Law 115–254), not later than 6 months after the date of enactment of the INVEST in America Act, the Director shall establish and consult with an advisory council on transportation statistics.”; and

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

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

(g) RULEMAKINGS.—

(1) IN GENERAL.—Any regulation authorizing the transportation of liquefied natural gas by rail tank car issued before the date of enactment of this Act shall be stayed until the Secretary conducts the evaluation, testing, and analysis required in subsections (a), (b), and (c), issues the report required by subsection (d), and the Comptroller General completes the evaluation and report required under subsection (f).
(2) PERMIT OR APPROVAL.—The Secretary of Transportation shall rescind any special permit or approval for the transportation of liquefied natural gas by rail tank car issued before the date of enactment of this Act.

Page 969, after line 25, insert the following:

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

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

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

(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and
(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(2) Exception.—For purposes of paragraph (1), the term “otherwise related legally or financially” does not include a minority relationship or investment.

(3) International agreements.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

Page 978, line 16, strike “related” and insert “relating”.

Page 980, strike lines 3 and 4 and insert the following:

(3) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

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

Page 980, after line 24, insert the following:

(B) in paragraph (3) by striking “paragraph (1)(B)” and inserting “paragraph (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:

(b) **TIMING OF NEW BOARD REQUIREMENTS.**—

(1) **IN GENERAL.**—The appointment and membership requirements under section 24302 of title 49, United States Code (as amended by this Act), shall apply to any member of the Board appointed pursuant to subsection (a)(1)(C) of such section who is appointed on or after the date of enactment of this Act.

(2) **REAPPOINTMENT.**—Any member described under paragraph (1) who is serving on such Board as of the date of enactment of this Act may be reappointed on or after such date of enactment, subject to the advice and consent of the Senate, if such member meets the requirements of such section.

(3) **TERMINATION OF TERM.**—The term of any member described under paragraph (1) who is serving on such Board as of the date of enactment of 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:
SEC. 10105. MINORITY AND DISADVANTAGED BUSINESS SIZE STANDARDS.

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

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

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

Page 1188, after line 18, insert the following:

“(7) REQUIREMENTS.—For fiscal year 2020 and each fiscal year thereafter, the requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to the construction of projects carried out in whole or in part with assistance made available by an entity loan fund authorized by this section.

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

“(B) REQUIREMENT.—The Secretary shall require recipients of assistance under this subsection (d) to comply with section 113(a) of title 23 with respect to all construction, alteration, installation, or repair work, in the same manner that recipients of assistance under
chapter 1 of such title are required to comply with such section for construction work performed on highway projects on Federal-aid highways. With regard to the construction, alteration, or repair of vessels, the same requirements of such section shall apply regardless of whether the location of contract performance is 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:

“(L) APPRENTICESHIP PROGRAM.—The term ‘apprenticeship program’ means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, 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):

(B) The Telecommunications Infrastructure Loans and Loan Guarantees, the Rural Broadband Access Loans and Loan Guarantees, the Substantially Underserved Trust Areas Provisions, the Community Connect Grant Program, and the Distance Learning and Tele-
medicine Grant Program of the Rural Utilities Service of the Department of Agriculture.


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:

“(4) FUNDS PRIORITY PREFERENCE.—There shall be a preference in a system of competitive bidding for projects that would expand access to broadband service in areas where at least 90 percent of the population has no access to broadband service or does not have access to broadband service offered with a download speed of at least 25 megabits per second, with an upload speed of at least 3 megabits per second, and with latency that is sufficiently low to allow real-time, interactive applications. Such projects shall be given priority in such system of competitive bidding over all other projects, regardless of how many preferences under paragraph (5) for which such other projects qualify.
“(5) Funds Preference.—There shall be a preference in a system of competitive bidding, as determined by the entity administering the system of competitive bidding (either a State or the Commission), for any of the following projects:

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

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

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

“(D) Projects that would expand access to broadband service in advance of the time specified in subsection (e)(5), except in the case of funds awarded under subparagraph (A) of paragraph (3).

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

“(F) Projects that, at least until the date that is 10 years after the date of the enactment
of this section, would provide broadband service
with comparable speeds to those provided in
areas that, on the day before such date of en-
actment, were not unserved areas, areas with
low-tier service, or areas with mid-tier service,
with minimal future investment.

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

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

Page 1411, after line 9, insert the following:

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

Page 1446, beginning on line 14, strike “drunk driving detection prevention technology” and insert “advanced 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 subsections”.

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:

“(4) APPLICABILITY OF DAVIS-BACON ACT.—

“(A) IN GENERAL.—The Secretary shall require that each entity applying for a grant for any capital project pursuant to paragraph (1), funded in whole or in part with funds made available under this subsection, shall include in such application written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alternation or repair, as part of such project, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United
States Code (commonly referred to (and referred to in this section) as the 'Davis-Bacon Act').

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

Page 1686, after line 14, insert the following:

(c) APPLICABILITY OF DAVIS-BACON ACT.—

(1) IN GENERAL.—The Secretary shall require that each State or political subdivision of a State applying for a grant, with respect to a project for the improvement, renovation, or modernization of infrastructure at clinical laboratories under this section, funded in whole or in part with funds made available under this section, shall include in such application written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alternation, or repair, as part of such project, shall be paid wages at rates not less than those prevailing on similar work in the
locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to (and referred to in this section) as the “Davis-Bacon Act”).

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

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

Page 1687, after line 18, insert the following:

“(c) TRIBAL CONSULTATION.—The Secretary shall engage in consultation with Indian Tribes and Tribal organizations to receive guidance and recommendations from Tribal officials before initiating any construction projects under this section on federally-operated facilities 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:

(c) Applicability of Davis-Bacon Act.—

(1) In general.—The Secretary shall require that each qualified teaching health center or behavioral health care center applying for a grant, with respect to a project for the improvement, renovation, or modernization of infrastructure at a qualified teaching health center or behavior health care center under this section, funded in whole or in part with funds made available under this section, shall include in such application written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alternation, or repair, as part of such project, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to (and referred to in this section) as the “Davis-Bacon Act”).

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

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

Page 1691, after line 20, insert the following:

SEC. 40002. AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF VETERANS AFFAIRS.

(a) In General.—There is authorized to be appropriated for the Department of Veterans Affairs $3,396,000,000 to carry out subsection (b). Amounts appropriated pursuant to this section shall remain available for obligation or expenditure without fiscal year limitation.

(b) Use of Amounts.—The amount authorized to be appropriated under subsection (a) shall be used by the Secretary of Veterans Affairs as follows:

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

(2) $750,000,000 for non-recurring maintenance.

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

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

(e) Contracting Goals.—The contracting goals under section 15(g)(1) and (2) of the Small Business Act
(15 U.S.C. 644) shall apply to a contract entered into using amounts authorized to be appropriated under this section and used pursuant to subsection (b)(1) and (2).

Page 1692, line 11, strike “and other goods” and insert “trailers, and other goods”.

Page 1701, after line 11, add the following:

(d) Standards.—

(1) In general.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration or repair work carried out, in whole or in part, with assistance made available through this section shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this paragraph, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(2) Exception based on number of units.—Paragraph (1) shall not apply to single-
family homes or residential properties of less than 5 units.

(3) Exception for certain individuals.—
Paragraph (1) shall not apply to any individual that—

(A) performs services for which the individual volunteered;
(B) does not receive compensation for such services or is paid expenses, reasonable benefits, or a nominal fee for such services; and
(C) is not otherwise employed at any time in the construction work.

Page 1702, after line 6, insert the following:

e) Applicability of Davis-Bacon Act.—
(1) In general.—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part with amounts made available pursuant to this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The preceding sentence shall apply to the rehabilitation of residential property only if such property contains not less than 12
units. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

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

(A) performs services for which the individual volunteered;

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

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

Page 1706, after line 9, insert the following:

(c) APPLICABILITY OF DAVIS-BACON ACT.—

(1) IN GENERAL.—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part with amounts made available pursuant to this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended
(40 U.S.C. 276a-276a-5). The preceding sentence shall apply to the rehabilitation of residential property only if such property contains not less than 12 units. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

(2) Exception.—Paragraph (1) shall not apply to any individual that—

(A) performs services for which the individual volunteered;

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

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

Page 1742, beginning on line 15, strike “the International Green Construction Code” and insert “a nationally-recognized, consensus-based standard”.

Page 1768, strike “Sec. 81201. Findings.” and insert “Sec. 81201. Short title.”.
Page 1775, strike line 16 through page 1780, line 15 and insert the following:

1 SEC. 81201. SHORT TITLE.

This subtitle may be cited as the “Furthering Underutilized Technologies and Unleashing Responsible Expenditures for Western Water Infrastructure and Drought Resiliency Act” or the “FUTURE Western Water Infrastructure and Drought Resiliency Act”.

Page 1842, after line 10, insert the following:

“(iii) DESIGNATED DESALINATION PROJECT.—The term ‘designated desalination project’ means an eligible desalination project that—

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

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

“(III) is designed to serve a community or group of communities that collectively import more than 75 percent of their water supplies.

Page 1842, line 21, insert “or a designated desalination 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) where the decline in the quantity or quality of water poses the greatest threat to public health 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 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 “(e)”.

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:

Subtitle E—Long Bridge

SEC. 82501. AUTHORIZATION OF NATIONAL PARK SERVICE CONVEYANCES.

(a) On request of the State of Virginia or the District of Columbia, as applicable, the Secretary of the Interior (acting through the Director of the National Park Service) (referred to in this section as the “Secretary”) may, subject to any terms and conditions that the Secretary determines to be necessary, convey to the State of Virginia or the District of Columbia, as applicable, any Federal land or interest in Federal land under the jurisdiction of the Secretary that is identified by the State of Virginia or the District of Columbia, as applicable, as necessary for the Long Bridge Project, which is a project consisting of improvements to the Long Bridge and related railroad infrastructure between Rosslyn (RO) Interlocking in Arlington, Virginia, and L’Enfant (LE) Interlocking near 10th Street SW in Washington, DC, the purpose of which is to expand commuter and regional passenger rail service
and provide bicycle and pedestrian access crossings over
the Potomac River.

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

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

(d) Notwithstanding any other provision of law, the
Secretary may recover from the State of Virginia or the
District of Columbia, as applicable, all costs incurred by
the Secretary in providing or procuring necessary services
associated with a conveyance under subsection (a) or use
authorized under subsection (c), with such amounts to re-
main available to the Secretary until expended, without
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 or was historically present in a particular ecosystem as a result of natural migratory or evolutionary processes, including subspecies and 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) IN GENERAL.—The Secretary of

Page 2035, after line 21, insert the following:

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

“(3) ACTIVITIES.—The program under paragraph (1) shall include—

“(A) mechanisms to facilitate identification, if feasible, of the persons currently providing a bond or other form of financial assurance required under State or Federal law for an oil or gas well that is orphaned or abandoned;

“(B) criteria for ranking orphaned or abandoned well sites based on factors such as public health and safety, potential environmental harm, and other land use priorities;
“(C) information and training programs on best practices for remediation of different types of sites; and

“(D) funding of State mitigation efforts on 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:
“(h) REGULATIONS AND GUIDELINES.—To the extent necessary to implement the provisions of this Act, the Secretary shall propose rules and/or develop guidelines not later than 90 days following enactment of the Act and shall publish them as final rules and/or guidelines not later than 90 days thereafter. Within 60 days following the adoption of any such final rules and/or guidelines, the Secretary shall distribute the funds under subsection (d).

Furthermore, project proposals under this Act shall be initially reviewed, vetted and approved by OSMRE Field Offices within 45 days of receipt and authorizations to proceed shall be issued by the Field Office within 45 days 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:

TITLE V—LABOR STANDARDS

SEC. 84701. LABOR STANDARDS.

Except as otherwise provided in this Act or the amendments made by this Act, and in a manner consistent with this Act or the amendments made by this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by or through the Federal Government
pursuant to any provision of this division (or an amend-
ment made by such a provision) shall be paid wages at
rates not less than those prevailing on projects of a char-
acter similar in the locality as determined by the Secretary
of Labor in accordance with subchapter IV of chapter 31
of title 40, United States Code, and with respect to the
labor standards specified in this section the Secretary of
Labor shall have the authority and functions set forth in
Reorganization Plan Numbered 14 of 1950 (64 Stat.
1267; 5 U.S.C. App.) and section 3145 of title 40, United
States Code.

Page 2116, after line 6, insert the following:

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

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

(b) PAYMENTS MADE UNDER SECTION 6431A OF
THE INTERNAL REVENUE CODE OF 1986.—Section
255(g)(1)(A) of the Balanced Budget and Emergency
Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is
amended by inserting: “Payments made under section 6431A of the Internal Revenue Code of 1986” after the item related to Payment to Radiation Exposure Compensation Trust Fund.

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

Page 2124, line 22, strike “$402,220,000” and insert “$353,775,000”.

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

SEC. 90108. CERTAIN WATER AND SEWAGE FACILITY BONDS EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) In General.—Section 146(g) is amended by striking “and” at the end of paragraph (3), striking the period at the end of paragraph (4) and inserting “, and”, and inserting after paragraph (4) the following new paragraph:

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

“(A) will be used—
“(i) by a person who was, as of July 1, 2020, engaged in operation of a facility described in such paragraph, and

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

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

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date 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:

SEC. 90110. APPLICATION OF DAVIS-BACON ACT REQUIREMENTS WITH RESPECT TO CERTAIN EXEMPT FACILITY BONDS.

(a) IN GENERAL.—Section 142(b) is amended by adding at the end the following new paragraph:
“(3) APPLICATION OF DAVIS-BACON ACT REQUIREMENTS WITH RESPECT TO CERTAIN EXEMPT FACILITY BONDS.—If any proceeds of any issue are used for construction, alteration, or repair of any facility otherwise described in paragraph (4), (5), (15), or (16) of subsection (a), such facility shall be treated for purposes of subsection (a) as described in such paragraph only if each entity that receives such proceeds to conduct such construction, alteration, or repair agrees to comply with the provisions of subchapter IV of chapter 31 of title 40, United States Code with respect to such construction, alteration, or repair.”.

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

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

(b) PAYMENTS MADE UNDER SECTION 6431B(B) OF THE INTERNAL REVENUE CODE OF 1986.—Section 255(h) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(h)) is amended by inserting: “Payments made under section 6431B(b) of the Internal Revenue Code of 1986” after the item related to 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:

“(3) **LABOR STANDARDS FOR ALL GRANTS.**—

The Secretary shall require that each entity, including grantees and subgrantees, that applies for an infrastructure grant for constructing, renovating, or improving child care facilities, including adapting, reconfiguring, or expanding such facilities, which is funded in whole or in part under this section, shall include in its application written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alternation or repair, as part of such project, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ‘Davis-Bacon Act’), and with respect to the labor standards specified in such subchapter the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950.
(15 FR 3176; 5 U.S.C. Appendix) and section 2 of 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:

“(5) LABOR STANDARDS FOR ALL GRANTS.—

The Secretary of Health and Human Services shall require that each entity, including grantees and sub-grantees, that applies for an infrastructure grant for constructing, renovating, or improving child care facilities, including adapting, reconfiguring, or expanding such facilities, which is funded in whole or in part under this section, shall include in its application written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alternation or repair, as part of such project, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ‘Davis-Bacon Act’), and with respect to the labor standards specified in such subchapter the Secretary of Labor shall have the authority and functions set forth in Reorganization

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) **Selection Criteria.**—Selection criteria similar to those in subsection (d)(3) shall apply, except that in determining designations under this subsection, the Secretary, after consultation with the Secretary of Energy, shall—

“(A) require that applicants provide written assurances to the Secretary that all laborers and mechanics employed by contractors and subcontractors in the performance of construction, alteration or repair work on a qualifying advanced energy project shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code, and
“(B) give the highest priority to projects which—

“(i) manufacture (other than primarily assembly of components) property described in a subclause of subsection (c)(1)(A)(i) (or components thereof), and

“(ii) have the greatest potential for commercial deployment of new applications.”.

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:

SEC. 90443. LABOR STANDARDS FOR CERTAIN ENERGY JOBS.

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

(1) DEFINITIONS.—In this subsection—

(A) APPLICABLE CONSTRUCTION PROJECT.—The term “applicable construction project” means, with respect to any entity—
(i) the installation of any qualified alternative fuel vehicle refueling property (as defined in section 30C(e) of the Internal Revenue Code of 1986),

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

(iii) the installation of any qualified property referred to in paragraph (2) of section 48D(a) of such Code as part of any qualified investment credit facility described in such paragraph, and

(iv) the installation of any energy efficient commercial building property (as defined in section 179D(c)(1) of such Code).

(B) COVERED PROJECT LABOR AGREEMENT.—The term “covered project labor agreement” means a project labor agreement that—

(i) binds all contractors and subcontractors on the construction project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents,

(ii) allows all contractors and subcontractors to compete for contracts and
subcontracts without regard to whether
they are otherwise a party to a collective
bargaining agreement,

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

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

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

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

(D) INSTALLATION INCLUDES ON-SITE
CONSTRUCTION.—Any reference in this sub-
section to the installation of any property shall include the construction of such property if such construction is performed on the site where such property is installed.

(E) QUALIFIED ENTITY.—The term “qualified entity” means an entity that the Secretary of Labor certifies as a qualified entity in accordance with paragraph (2).

(F) REGISTERED APPRENTICESHIP PROGRAM.—The term “registered apprenticeship program” means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019.

(2) CERTIFICATION OF QUALIFIED ENTITIES.—

(A) IN GENERAL.—The Secretary of Labor shall establish a process for certifying entities that submit an application under subparagraph (B) as qualified entities with respect to applicable construction projects for purposes of the
amendments made by subsections (b), (c), and (d).

(B) APPLICATION PROCESS.—

(i) IN GENERAL.—An entity seeking certification as a qualified entity under this paragraph shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary may reasonably require, including information to demonstrate compliance with the requirements under subparagraph (C).

(ii) REQUESTS FOR ADDITIONAL INFORMATION.—Not later than 1 year after receiving an application from an entity under clause (i)—

(I) the Secretary of Labor may request additional information from the entity in order to determine whether the entity is in compliance with the requirements under subparagraph (C), and

(II) the entity shall provide such additional information.
(iii) **DETERMINATION DEADLINE.**—

The Secretary of Labor shall make a determination on whether to certify an entity under this subsection not later than—

(I) in a case in which the Secretary requests additional information described in paragraph (2)(B)(ii), 1 year after the Secretary receives such additional information from the entity, or

(II) in a case that is not described in subclause (I), 1 year after the date on which the entity submits the application under clause (i).

(iv) **PRECERTIFICATION REMEDIES.**—

The Secretary shall consider any corrective actions taken by an entity seeking certification under this paragraph to remedy an administrative merits determination, arbitral award or decision, or civil judgment identified under subparagraph (C)(iii) and shall impose as a condition of certification any additional remedies necessary to avoid further or repeated violations.
(C) LABOR STANDARDS REQUIREMENTS.—

The Secretary of Labor shall require an entity, as a condition of certification under this subsection, to satisfy each of the following requirements—

(i) The entity shall ensure that all laborers and mechanics employed by contractors and subcontractors in the performance of any applicable construction project shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”).

(ii) In the case of any applicable construction project the cost of which exceeds $25,000,000, the entity shall be a party to, or require contractors and subcontractors in the performance of such applicable construction project to consent to, a covered project labor agreement.

(iii) The entity, and all contractors and subcontractors in performance of any
applicable construction project, shall rep-
resent in the application submitted under
subparagraph (B) (and periodically there-
after during the performance of the appli-
cable construction project as the Secretary
of Labor may require) whether there has
been any administrative merits determina-
tion, arbitral award or decision, or civil
judgment, as defined in guidance issued by
the Secretary of Labor, rendered against
the entity in the preceding 3 years (or, in
the case of disclosures after the initial dis-
closure, during such period as the Sec-
retary of Labor may provide) for violations
of—

(I) the Fair Labor Standards Act
of 1938 (29 U.S.C. 201 et seq.),
(II) the Occupational Safety and
Health Act of 1970 (29 U.S.C. 651 et
seq.),
(III) the Migrant and Seasonal
Agricultural Worker Protection Act
(29 U.S.C. 1801 et seq.),
(IV) the National Labor Rela-
tions Act (29 U.S.C. 151 et seq.),
(V) subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”),

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

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

(VIII) section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793),

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

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

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

(XII) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.),
(XIII) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.),

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

(XV) equivalent State laws, as defined in guidance issued by the Secretary of Labor.

(iv) The entity, and all contractors and subcontractors in the performance of any applicable construction project, shall not require mandatory arbitration for any dispute involving a worker engaged in a service for the entity unless such worker is covered by a collective bargaining agreement that provides otherwise.

(v) The entity, and all contractors and subcontractors in the performance of any applicable construction project, shall consider an individual performing any service in such performance as an employee (and not an independent contractor) of the entity, contractor, or subcontractor, respectively, unless—
(I) the individual is free from control and direction in connection with the performance of the service, both under the contract for the performance of the service and in fact,

(II) the service is performed outside the usual course of the business of the entity, contractor, or subcontractor, respectively, and

(III) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in such service.

(vi) The entity shall prohibit all contractors and subcontractors in the performance of any applicable construction project from hiring employees through a temporary staffing agency unless the relevant State workforce agency certifies that temporary employees are necessary to address an acute, short-term labor demand.

(vii) The entity shall require all contractors, subcontractors, successors in interest of the entity, and other entities that
may acquire the entity, in the performance
or acquisition of any applicable construc-
tion project, to have an explicit neutrality
policy on any issue involving the organiza-
tion of employees of the entity, and all con-
tractors and subcontractors in the per-
formance of any applicable construction
project, for purposes of collective bar-
gaining.

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

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

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

(II) the position is for a Federal
law enforcement officer (as defined in
section 115(c)(1) of title 18, United States Code) position, or

(III) the Secretary of Labor, after consultation with the Secretary of Energy, certifies that precluding criminal history prior to the conditional offer would pose a threat to national security.

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

(E) PERIOD OF VALIDITY FOR CERTIFICATIONS.—A certification made under this subsection shall be in effect for a period of 5 years. An entity may reapply to the Secretary of Labor for an additional certification under this subsection in accordance with the application process under paragraph (2)(B).

(F) REVOCATION OF QUALIFIED ENTITY STATUS.—The Secretary of Labor may revoke the certification of an entity under this subsection.
section as a qualified entity at any time in
which the Secretary reasonably determines the
entity is no longer in compliance with para-
graph (2)(C).

(G) Certification may cover more
than 1 substantially similar project.—
The Secretary of Labor may make certifications
under this paragraph which apply with respect
to more than 1 project if the projects to which
such certification apply are substantially similar
projects which meet the requirements of this
subsection. Such projects shall be treated as a
specific construction project for purposes of
paragraph (1)(C).

(3) Authorization of Appropriations.—
There is authorized to be appropriated to carry out
this section $10,000,000 for fiscal year 2020 and
each fiscal year thereafter.

(b) Jobs in Energy Credit.—

(1) In general.—Subpart E of part IV of
subchapter A of chapter 1 of the Internal Revenue
Code of 1986 is amended by inserting after section
48C the following new section:
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SEC. 48D. JOBS IN ENERGY CREDIT.

(a) INVESTMENT CREDIT FOR QUALIFIED PROPERTY.—For purposes of section 46, the jobs in energy credit for any taxable year is an amount equal to 10 percent of the basis of any qualified energy property placed in service by the taxpayer during such taxable year if the installation of such property is performed by a qualified entity with respect to such property.

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

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

(2) qualified property which is part of a qualified investment credit facility (as defined in section 48(a)(5) without regard to clause (a)(5)(C)(iii)) which is originally placed in service after December 31, 2020.

(c) QUALIFIED ENTITY.—For purposes of this section—

(1) IN GENERAL.—The term ‘qualified entity’ means, with respect to the installation of any qualified energy property, an entity which is certified by the Secretary of Labor as being in compliance with all of the applicable requirements under section 90443(a) of the GREEN Act of 2020 with respect
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to such installation at all times during the period begin-
ning on the date on which the installation of such
property begins and ending on the date on which
such property is placed in service.

“(2) Certification of facility required.—
In the case of any qualified property referred to in
subsection (b)(2), an entity shall be treated as a
qualified entity with respect to the installation of
such property only if the Secretary of Labor has cer-
tified that the construction of the qualified invest-
ment credit facility of which such qualified property
is a part as being in compliance with all of the appli-
cable requirements under section 90443(a) of the
GREEN Act of 2020 for the period referred to in
paragraph (1).

“(d) Special Rules.—

“(1) Certain progress expenditure rules
made applicable.—Rules similar to the rules of
subsections (c)(4) and (d) of section 46 (as in effect
on the day before the date of the enactment of the
Revenue Reconciliation Act of 1990) shall apply for
purposes of subsection (a).

“(2) Special rule for property financed
by subsidized energy financing or industrial
development bonds.—For purposes of subsection
(a), rules similar to the rules of section 48(a)(4) shall apply for purposes of determining the basis of any qualified energy property.

“(3) INSTALLATION INCLUDES ON-SITE CONSTRUCTION.—Any reference in this section to the installation of any property shall include the construction of such property if such construction is performed on the site where such property is installed.

“(4) RECAPTURE.—If the Secretary of Labor revokes the certification of a qualified entity with respect to the installation of any property, the tax imposed under this chapter on the taxpayer to whom the credit determined under this section is allowed shall be increased for the taxable year which includes the date of such revocation by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero any credit determined under this section with respect to such property.

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

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

“(7) the jobs in energy credit.”.

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

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

(C) Section 50(a)(2)(E) of such Code is amended by striking “ or 48C(b)(2)” and inserting “48C(b)(2), or 48D(d)(1)”.

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

“Sec. 48D. Jobs in energy credit.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after De-
cember 31, 2020, under rules similar to the rules of
section 48(m) of the Internal Revenue Code of 1986
(as in effect on the day before the date of the enact-

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

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

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

(2) CONFORMING AMENDMENT.—Section
179D(d)(1)(A) of such Code is amended by inserting
“(or, in the case of property to which paragraph (7)
applies, by substituting ‘$1.07’ for ‘$3.20’ in such
paragraph)” before the period at the end.
(3) Effective date.—The amendments made by this subsection shall apply to property placed in service after December 31, 2020.

(d) Increase in Alternative Fuel Vehicle Refueling Property Credit for Installation by Qualified Entities.—

(1) In general.—Section 30C(a), as amended by the preceding provisions of this Act, is amended by striking “plus” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, plus”, and by adding at the end the following new paragraph:

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

(2) Effective date.—The amendments made by this subsection shall apply to property placed in 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:

DIVISION N—RIGHTS FOR TRANSPORTATION SECURITY OFFICERS

SEC. 91001. SHORT TITLE.

This division may be cited as the “Rights for Transportation Security Officers Act of 2020”.

SEC. 91002. DEFINITIONS.

For purposes of this division—

(1) the term “adjusted basic pay” means—
(A) the rate of pay fixed by law or administrative action for the position held by a covered employee before any deductions; and

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

(2) the term “Administrator” means the Administrator of the Transportation Security Administration;

(3) the term “covered employee” means an employee who holds a covered position;

(4) the term “covered position” means a position within the Transportation Security Administration;

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

(6) the term “2019 Determination” means the publication, entitled “Determination on Transportation Security Officers and Collective Bargaining”, issued on July 13, 2019, by Administrator David P. Pekoske;
(7) the term “employee” has the meaning given such term by section 2105 of title 5, United States Code;

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

(9) the term “TSA personnel management system” means any personnel management system established or modified under—

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

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

SEC. 91003. CONVERSION OF TSA PERSONNEL.

(a) Restrictions on certain personnel authorities.—Notwithstanding any other provision of law, effective as of the date of the enactment of this division—

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

(2) no TSA personnel management policy, letter, guideline, or directive that was not established before such date issued pursuant to section 111(d)
of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) or section 114(n) of title 49, United States Code, may be established; and

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

(b) PERSONNEL AUTHORITIES DURING TRANSITION PERIOD.—Any TSA personnel management system in use for covered employees and covered positions on the day before the date of enactment of this division and any TSA personnel management policy, letter, guideline, or directive in effect on the day before the date of enactment of this division shall remain in effect until the effective date under subsection (c).

(c) TRANSITION TO GENERAL PERSONNEL MANAGEMENT SYSTEM APPLICABLE TO CIVIL SERVICE EMPLOYEES.—Effective as of the date determined by the Secretary, but in no event later than 180 days after the date of the enactment of this division—

(1) each provision of law cited in section 91002(9) is repealed;
(2) any TSA personnel management policy, letter, guideline, and directive, including the 2019 Determination, shall cease to be effective;

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

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

(d) SAFEGUARDS ON GRIEVANCES.—In carrying out this division, the Secretary shall take such actions as are necessary to provide an opportunity to each covered employee with a grievance or disciplinary action (including an adverse action) pending within TSA on the date of enactment of this division or at any time during the transition period described in subsection (e) to have such grievance removed to proceedings pursuant to title 5, United States Code, or continued within TSA.

SEC. 91004. TRANSITION RULES.

(a) NONREDUCTION IN PAY AND COMPENSATION.—

Under pay conversion rules as the Secretary may prescribe to carry out this division, a covered employee converted from a TSA personnel management system to the provi-
sions of title 5, United States Code, pursuant to section 91002(c)(4) shall not be subject to any reduction in the rate of adjusted basic pay payable, or total compensation provided, to such covered employee.

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

(1) any annual leave, sick leave, or other paid leave accrued, accumulated, or otherwise available to a covered employee immediately before the conversion date shall remain available to the employee until used; and

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

c) GAO STUDY ON TSA PAY RATES.—Not later than the date that is 9 months after the date of enactment of this division, the Comptroller General shall submit a report to Congress on the differences in rates of pay, classified by pay system, between Transportation Security Administration employees—
(1) with duty stations in the contiguous 48 States; and

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

(d) Rule of Construction.—During the transition period and after the conversion date, the Secretary shall ensure that the Transportation Security Administration continues to prevent the hiring of individuals who have been convicted of a sex crime, an offense involving a minor, a crime of violence, or terrorism.

SEC. 91005. CONSULTATION REQUIREMENT.

(a) Exclusive Representative.—The labor organization certified by the Federal Labor Relations Authority on June 29, 2011, or successor labor organization shall be treated as the exclusive representative of full- and part-time non-supervisory TSA personnel carrying out screening functions under section 44901 of title 49, United States Code, and shall be the exclusive representative for such personnel under chapter 71 of title 5, United States Code, with full rights under such chapter. Any collective bargaining agreement covering such personnel on the date of enactment of this division shall remain in effect, consistent with subsection (d).
(b) CONSULTATION RIGHTS.—Not later than 7 days after the date of the enactment of this division, the Secretary shall consult with the exclusive representative for the personnel described in subsection (a) under chapter 71 of title 5, United States Code, on the formulation of plans and deadlines to carry out the conversion of covered employees and covered positions under this division. Prior to the conversion date, the Secretary shall provide (in writing) to such exclusive representative the plans for how the Secretary intends to carry out the conversion of covered employees and covered positions under this division, including with respect to such matters as—

(1) the anticipated conversion date; and

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

(e) REQUIRED AGENCY RESPONSE.—If any views or recommendations are presented under subsection (b) by the exclusive representative, the Secretary shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented and provide the exclusive representative a written statement of the reasons for the final actions to be taken.

(d) SUNSET PROVISION.—The provisions of this section shall cease to be effective as of the conversion date.
SEC. 91006. NO RIGHT TO STRIKE.

Nothing in this division shall be considered—

(1) to repeal or otherwise affect—

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

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

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

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

Nothing in this division may be construed to contradict chapter 113B of title 18, United States Code, including with respect to—

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

(2) section 2339 (relating to harboring or concealing terrorists); and 

(3) section 2339A (relating to providing material support to terrorists).

SEC. 91008. REPORT BY GAO REGARDING TSA RECRUITMENT.

Not later than 1 year after the date of the enactment of this division, the Comptroller General of the United
States shall submit to Congress a report on the efforts
of the Transportation Security Administration regarding
recruitment, including recruitment efforts relating to vet-
erans and the dependents of veterans and members of the
Armed Forces and the dependents of such members. Such
report shall also include recommendations regarding how
the Administration may improve such recruitment efforts.

SEC. 91009. SENSE OF CONGRESS.

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

SEC. 91010. ASSISTANCE FOR FEDERAL AIR MARSHAL
SERVICE.

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

(1) Mental health.

(2) Suicide rates.

(3) Morale and recruitment.
(4) Any other personnel issues the Administrator determines appropriate.

SEC. 91011. PROHIBITION ON CERTAIN SOCIAL MEDIA APPLICATION.

Beginning on the date of the enactment of this division, covered employees may not use or have installed on United States Government-issued mobile devices the social media video application known as “TikTok” or any successor application.

SEC. 91012. VETERANS HIRING.

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

SEC. 91013. PREVENTION AND PROTECTION AGAINST CERTAIN ILLNESS.

The Administrator of the Transportation Security Administration, in coordination with the Director of Centers for Disease Control and Prevention and the Director of the National Institute of Allergy and Infectious Diseases, shall ensure that covered employees are provided proper guidance regarding prevention and protections against coronavirus, including appropriate resources.
DIVISION O—AGRICULTURE INFRASTRUCTURE IMPROVEMENTS

SEC. 92001. REFORESTATION TRUST FUND.

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

DIVISION P—BUDGETARY EFFECTS

SEC. 93001. BUDGETARY EFFECTS.

(a) Statutory PAYGO Scorecards.—The budgetary effects of each division of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) Senate PAYGO Scorecards.—The budgetary effects of each division of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).