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CONSENT CALENDAR
DATE: May 11, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin and Councilmember Sophie Hahn

Subject: Resolution in Support of Green New Deal for Cities Act of 2021

# **RECOMMENDATION**

Adopt a resolution in support of the Green New Deal for Cities, Counties, States, Tribes, and Territories by Reps. Cori Bush (D-MO) and Alexandria Ocasio-Cortez (D-NY), cosponsored by California's 13<sup>th</sup> Congressional District Rep. Barbara Lee (D-CA), representing Berkeley.

#### **BACKGROUND**

On April 19, 2021, Rep. Cori Bush (MO-01) and Rep. Alexandria Ocasio-Cortez (NY-14) introduced the Green New Deal for Cities Act of 2021, which would provide \$1 trillion in federal funding for state and local governments to respond to the global climate crisis while creating thousands of green infrastructure jobs. The federal funding is modeled after local funding grants provided in the HEROES Act of 2020 and the American Rescue Plan of 2021.

According to the authors, the Green New Deal for Cities would:

- Authorize \$1 trillion, with a minimum of 50% of all investments going each to frontline communities and climate mitigation (these categories can overlap)
- Fund an expansive array of climate and environmental justice projects in keeping with the values of the Green New Deal, including wind power procurement, clean water infrastructure, and air quality monitoring
- Prohibit false solutions or projects that may be applicable elsewhere but do not fit into this bill. Examples include geoengineering, expanding fossil fuel infrastructure, direct air capture, among others
- Support housing stability by conditioning funding to local governments to ensure they work with tenant and community groups to prevent displacement in communities receiving investment

 Prioritize workers by including prevailing wage requirements, equitable and local hiring provisions, apprenticeship and workforce development requirements, project labor agreements and Buy America provisions<sup>1</sup>

The Green New Deal<sup>2</sup> is a longstanding campaign promise of progressive elected officials across the country to decarbonize the U.S. economy through a large-scale public works and infrastructure program to modernize the electrical grid and procure green energy while revitalizing American industry, reinvesting in frontline communities and attaining full employment, effectively tying long-term economic prosperity, racial justice, and structural reform to climate resilience.

# RATIONALE FOR RECOMMENDATION

In 2006, Berkeley residents voted to reduce the community's greenhouse gas (GHG) emissions by 80% below 2000 levels by 2050, and the resulting Climate Action Plan (CAP) was adopted by Berkeley City Council in 2009. In 2018, then-Governor Brown committed California to carbon neutrality by 2045, the Berkeley City Council resolved to become a "Fossil FuelFree City," and the Council declared a Climate Emergency. As of 2019, data shows that Berkeley residents have reduced overall GHG emissions by 26% since 2000, despite population increasing by 18% and an expanding economy at the time.<sup>3</sup> In 2019, Berkeley prohibited natural gas in new buildings, continuing a trend of GHG reductions through energy use in buildings. Municipal buildings such as the North Berkeley Senior Center and Live Oak Recreation Center have recently been upgraded with electrical heating, induction, and solar power.

There are still greater opportunities to reduce the city's carbon footprint, but major infrastructural investments will be needed, even going beyond building electrification.

According to the 2020 Climate Action Plan update, the transportation sector offers the greatest opportunity for GHG reductions in the city, as it comprises nearly 60% of citywide GHG emissions. The city's Electric Mobility Roadmap "includes scenario modeling of what is needed to reach carbon neutrality by 2045 and found that electric vehicle (EV) sales in Berkeley would need to reach about 90% of vehicle purchases by 2025 and nearly 100% by 2030 (up from 16% in 2017). This would translate to EVs being approximately 25% of vehicles in use within Berkeley by 2025, 55% by 2030, and 100% by 2045. However, these numbers could be offset by supporting clean alternatives to driving which could also reduce the total number of vehicles and provide

<sup>&</sup>lt;sup>1</sup> https://bush.house.gov/sites/evo-subsites/bush.house.gov/files/evo-media-document/Bush\_AOC%20GND4Cities%20One%20Pager.pdf

<sup>&</sup>lt;sup>2</sup> https://www.sierraclub.org/trade/what-green-new-deal

<sup>&</sup>lt;sup>3</sup> https://www.cityofberkeley.info/uploadedFiles/Manager/Economic\_Development/2019-03-26%20Item%2026%20Berkeley%20Economic%20Dashboards.pdf

co-benefits such as lower traffic congestion and healthy, active transportation, as well as reduced or eliminated GHG emissions."

This will necessitate a major expansion of EV charging facilities, as well as public transit, micro-mobility services, and bike and pedestrian infrastructure, that federal funding could help support.

Additionally, federal support for investments in infill development of affordable housing can aid in GHG reductions<sup>5</sup> by providing more housing for Berkeley's workforce closer to public transit and safe pedestrian infrastructure, reducing per capita VMT.

The bill has support from more than 70 grassroots and environmental organizations, including People's Action, Labor Network for Sustainability, the Center for Biological Diversity, Food and Water Watch, Friends of the Earth U.S., Greenpeace USA, Earthworks, 350.org, Socio-Spatial Climate Collaborative, the Sunrise Movement, Zero Hour, Progressive Democrats of America, Indigenous Environmental Network, GreenLatinos, For the People, Our Revolution, Poder in Action, Climate Justice Alliance, Earth Action, Inc., Climate Hawks Vote, Jewish Voice for Peace Action, GreenFaith, Dayenu: A Jewish Call to Climate Action, RapidShift Network, CatholicNetwork US, Alliance of Nurses for Healthy Environments, GASP, Equal Justice Society, Flint Rising, Hispanic Access Foundation, The Climate Mobilization, Justice Democrats, Indivisible, Global Center for Climate Justice, and Earthjustice.

### **ENVIRONMENTAL IMPACTS**

None; resolution does not guarantee passage of legislation.

FISCAL IMPACTS

None.

#### CONTACT

Councilmember Terry Taplin, District 2, 510-981-7120

#### ATTACHMENTS/SUPPORTING MATERIALS

- 1. Resolution
- 2. Green New Deal Act of 2021

<sup>&</sup>lt;sup>4</sup> https://www.cityofberkeley.info/Clerk/City Council/2020/07 Jul/Documents/2020-07-

<sup>21</sup> Special Item 05 Climate Action Plan pdf.aspx

<sup>&</sup>lt;sup>5</sup> https://coolcalifornia.arb.ca.gov/california-local-government-climate-policy-tool

# RESOLUTION NO. ##,###-N.S. RESOLUTION IN SUPPORT OF GREEN NEW DEAL FOR CITIES ACT OF 2021

WHEREAS the state of California has committed to a goal of reducing greenhouse gas emissions to 40 percent below 1990 levels by 2030 and achieving carbon-neutrality by 2045; and

WHEREAS the City of Berkeley has committed to reducing greenhouse gas emissions by 80 percent below 2000 levels by 2050; and

WHEREAS Berkeley residents reduced overall GHG emissions by 26% from 2000 to 2018, despite population increasing by 18% and economic expansion; and

WHEREAS electric vehicle (EV) sales in Berkeley would need to reach about 90% of vehicle purchases by 2025 and nearly 100% by 2030, or approximately 25% of vehicles in use within Berkeley by 2025, 55% by 2030, and 100% by 2045;

WHEREAS the Green New Deal Act for Cities of 2021 by Reps. Cori Bush (D-MO) and Alexandria Ocasio-Cortez (D-NY) would provide \$1 trillion in federal funding for local and state jurisdictions to for green infrastructure and public works jobs to decarbonize the economy, invest in frontline communities, build community wealth and heal racial inequities;

THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley registers its support for the Green New Deal Act for Cities of 2021.

	(Original Signature of Member)
	TH CONGRESS 1ST SESSION H.R.
	To provide direct funding to local, Tribal, and territorial governments to cablish Green New Deal programs and initiatives, and for other purposes.
	IN THE HOUSE OF REPRESENTATIVES
Ms.	. Bush introduced the following bill; which was referred to the Committee on
	A BILL
То	provide direct funding to local, Tribal, and territorial governments to establish Green New Deal programs and initiatives, and for other purposes.
1	Be it enacted by the Senate and House of Representa-
2	tives of the United States of America in Congress assembled,
3	SECTION 1. DEFINITIONS.
4	In this Act:
5	(1) CLIMATE MITIGATION.—The term "climate

mitigation" means policies and activities intended to

reduce the greenhouse gas forcing of the climate sys-

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tem.

1	(2) FPIC.—The term "FPIC" means free,
2	prior, and informed consent.
3	(3) Frontline community.—The term
4	"frontline community" means a community with sig-
5	nificant representation of communities of color, low-
6	income communities, deindustrialized communities,
7	fossil fuel communities, or Tribal and indigenous
8	communities, that experiences, or is at risk of expe-
9	riencing, higher or more adverse climate change,
10	human health, or environmental effects, as compared
11	to other communities.
12	(4) Local government.—The term "local
13	government" means a territory or any unit of local
14	government within a State or territory, including a
15	county, borough, municipality, city, town, township,
16	parish, local public authority, transit agency (includ-
17	ing multistate transit agencies), special district,
18	school district, intrastate district, council of govern-
19	ments, any other instrumentality of local govern-
20	ment.
21	(5) Local green new deal program pro-
22	POSAL.—The term "local Green New Deal program
23	proposal" means a proposal of a local government or
24	a Native American Nation that commits—

1	(A) to achieve zero greenhouse gas emis-
2	sions, by 2030, through a fair and just transi-
3	tion for all communities and workers;
4	(B) to create hundreds of good, high-wage
5	jobs and ensure prosperity and economic secu-
6	rity for all people of the local government or
7	Native American Nation;
8	(C) to invest in the infrastructure and in-
9	dustry of the local government to sustainably
10	meet the challenges of the 21st century;
11	(D) to secure for all people of the United
12	States for generations to come—
13	(i) clean air and water;
14	(ii) climate and community resiliency;
15	(iii) healthy and sustainably produced
16	food;
17	(iv) access to nature; and
18	(v) a sustainable environment; and
19	(E) to promote justice and equity by stop-
20	ping current, preventing future, and repairing
21	historic oppression of indigenous peoples, com-
22	munities of color, migrant communities,
23	deindustrialized communities, depopulated rural
24	communities, the poor, low-income workers,
25	women, the elderly, the unhoused, people with

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1	disabilities, incarcerated communities, and com-
2	munities experiencing police violence and youth.
3	(6) Native American Nation.—The term
4	"Native American Nation" means—
5	(A) the governing body of any individually
6	identified and federally recognized Indian or
7	Alaska Native Tribe, band, nation, pueblo, vil-
8	lage, community, affiliated tribal group, or com-
9	ponent reservation in the list published pursu-
10	ant to section 104(a) of the Federally Recog-
11	nized Indian Tribe List Act of 1994 (25 U.S.C.
12	5131(a));
13	(B) the governing body of any individually
14	identified Indian or Alaska Native Tribe, band,
15	nation, pueblo, village, community, affiliated
16	tribal group, or component reservation, exclud-
17	ing tribal corporations; and
18	(C) a State recognized Tribe.
19	TITLE I—GREEN NEW DEAL FOR
20	CITIES, COUNTIES, STATES,
21	TRIBES, AND TERRITORIES
22	SEC. 101. SHORT TITLE.
23	This Act may be cited as the "Green New Deals for
24	Cities Act of 2021".

1	SEC. 102. GREEN NEW DEAL FOR CITIES, TOWNS, AND NA-
2	TIVE AMERICAN NATIONS.
3	(a) In General.—From amounts appropriated to
4	carry out this title, the Secretary of Housing and Urban
5	Development, in coordination with the Secretary of En-
6	ergy, the Secretary of Labor, and the Office of Domestic
7	Climate Policy, shall be allocated directly to eligible local
8	or State entities in the same manner as amounts appro-
9	priated under sections 602 and 603 of title VI of the So-
10	cial Security Act (42 U.S.C. 801 et seq.), as applicable,
11	to carry out eligible Green New Deal projects.
12	(b) USE OF FUNDS.—An eligible local or State entity
13	receiving an allocation under this section—
14	(1) may use such funds to carry out an eligible
15	Green New Deal project;
16	(2) shall allocate not less than 50 percent of
17	such allocation for projects related to climate mitiga-
18	tion;
19	(3) with respect to an eligible local or State en-
20	tity that includes at least 1 frontline community,
21	shall ensure not less than 50 percent of such alloca-
22	tion is invested in frontline communities; and
23	(4) may not use such funds for—
24	(A) fossil fuel procurement, development,
25	infrastructure repair that would in anyway ex-

1	tend lifespan or production capacity, or any re-
2	lated subsidy;
3	(B) carbon capture and storage (CCS) or
4	carbon capture, utilisation, and storage
5	(CCUS);
6	(C) direct air capture;
7	(D) the procurement of nuclear power;
8	(E) research and development;
9	(F) the establishment or advancement of
10	carbon markets, including cap and trade;
11	(G) geoengineering;
12	(H) highway expansion;
13	(I) road improvements or automobile infra-
14	structure, other than electric vehicle charging
15	stations;
16	(J) industrial scale bioenergy, including
17	biofuels, biomass, and biogas, development or
18	any related subsidy; or
19	(K) any investments or projects supporting
20	law enforcement, immigration detention centers,
21	and prisons, including buildings and vehicles
22	under the control of law enforcement or a pris-
23	on.
24	(c) Requirement.—As a condition of accepting an
25	allocation provided under this section, an eligible local or

- 1 State entity shall agree to take steps, in consultation with
- 2 community groups and tenant advocates, to secure exist-
- 3 ing housing in neighborhoods receiving benefits from an
- 4 allocation under this section, including through the use of
- 5 rent control, rent stabilization, and other methods to pre-
- 6 vent gentrification and stabilize property values.
- 7 (d) Consultation.—In carrying out the program
- 8 established under subsection (a), the Secretary shall con-
- 9 sult with Administration of the Environmental Protection
- 10 Agency, the Assistant Secretary of the Bureau of Indian
- 11 Affairs, and the Council on Environmental Quality.
- 12 (e) Native American FPIC.—Prior to the author-
- 13 ization of any project on land that may affect a Native
- 14 American Nation, the Secretary shall ensure that such
- 15 Nation has given FPIC.
- 16 (f) Material Requirement.—In carrying out any
- 17 eligible Green New Deal project that uses renewable en-
- 18 ergy materials, an eligible local or State entity shall use
- 19 only renewable energy materials from Initiative for Re-
- 20 sponsible Mining Assurance (IRMA) certified mines.
- 21 (g) Community Involvement.—In carrying out
- 22 any eligible Green New Deal project, an eligible local or
- 23 State entity shall develop a public participation plan to
- 24 establish steps for ensuring decision-making inclusion of

1	frontline communities for such eligible Green New Deal
2	project.
3	(h) Definitions.—In this section:
4	(1) ELIGIBLE LOCAL OR STATE ENTITY.—The
5	term "eligible local or State entity" means a State,
6	local government, or Native American Nation that
7	has a local Green New Deal program proposal.
8	(2) Eligible green new deal project.—
9	The term "eligible Green New Deal project" includes
10	a project and associated labor—
11	(A) for solar power procurement, installa-
12	tion, maintenance, and operations;
13	(B) for wind power procurement, installa-
14	tion, maintenance, coating, and operations;
15	(C) to carry out an American Society of
16	Heating, Refrigerating, and Air Conditioning
17	Engineers (ASHRAE) level II audit for com-
18	mercial buildings;
19	(D) to procure dialysis machines or other
20	equipment known to save lives of the most vul-
21	nerable populations in extreme weather events
22	that may cause power outages;
23	(E) to provide grants for acquisition of pri-
24	vate lands by Native American Land Trusts,
25	nations, and Tribes;

1	(F) to build electrification for heating, hot
2	water, and cooking;
3	(G) for public electric vehicle procurement;
4	(H) to build capacity for communities to
5	endure extreme weather events, such as invest-
6	ments to cooling and heating centers and dis-
7	aster preparedness;
8	(I) for community farming initiatives that
9	promote and foster food sovereignty;
10	(J) to procure, install, and operate geo-
11	thermal power;
12	(K) for phasing out existing fossil fuel in-
13	frastructure;
14	(L) for testing of soils and waters in
15	parks, playgrounds, and other sites for haz-
16	ardous and radioactive wastes as well as dan-
17	gerous chemicals, including PFAS;
18	(M) for the establishment of local Worker
19	and Community Protection Funds (WCPF) to
20	support fossil fuel workers, families of such
21	workers, and impacted communities in the en-
22	ergy transition;
23	(N) to repair gas pipeline leaks and cover
24	orphan wells, so long as such pipelines and
25	wells in no way expand fossil fuel production;

1	(O) to build, expand, and maintain public
2	parks, trails, forests, and recreation sites;
3	(P) for installation of weatherization and
4	efficiency measures, including reflecting coat-
5	ings;
6	(Q) for adaptation measures;
7	(R) to procure and install electric vehicle
8	charging stations;
9	(S) to remediate lead paint, mold, and as-
10	bestos;
11	(T) to support reparations programs for
12	Black and Indigenous people and communities;
13	(U) for investment in new or improved
14	public green space, parks, playgrounds, or com-
15	munity gardens;
16	(V) for the zero energy construction or im-
17	provement of public or rent-secured housing or
18	community land trusts;
19	(W) to provide, electrify, improve, expand,
20	maintain, or operate public transit and public
21	school buses;
22	(X) for remediation of a brownfield;
23	(Y) for air quality monitoring;
24	(Z) for pollution cleanup;

1	(AA) to procure, install, and maintain
2	clean drinking water infrastructure piping and
3	transmission lines, including replacing lead
4	pipelines;
5	(BB) for public utility procurement, mod-
6	ernization, and decarbonization;
7	(CC) for wetland, forest, and public land
8	revitalization and other climate adaptation
9	measures;
10	(DD) for public sanitation, broadband, and
11	utility expansion for frontline communities;
12	(EE) for community solar power;
13	(FF) to construct and improve bike and
14	pedestrian infrastructure, including bus stops
15	and any improvements to transit infrastructure
16	to comply with the Americans With Disabilities
17	Act of 1990 (42 U.S.C. 12101 et seq.);
18	(GG) for restoring public lands, water-
19	sheds, coastal areas, wildlife corridors, and
20	other critical ecosystems, including investment
21	in county and city parks and Tribal manage-
22	ment of public lands;
23	(HH) for temporary housing for low-in-
24	come families receiving housing improvements;
25	or

1	(II) for conservation projects on family
2	farms, including water conservation projects,
3	shelterbelts, and ecosystem restoration efforts.
4	SEC. 103. AUTHORIZATION OF APPROPRIATIONS.
5	For purposes of carrying out this title, there is au-
6	thorized to be appropriated out of the general fund of the
7	Treasury—
8	(1) \$400,000,000,000 for fiscal year 2022;
9	(2) \$300,000,000,000 for fiscal year 2023;
10	(3) \$200,000,000,000 for fiscal year 2024; and
11	(4) \$100,000,000,000 for fiscal year 2025.
12	TITLE II—LABOR STANDARDS
13	SEC. 201. LABOR STANDARDS REQUIREMENTS.
13 14	SEC. 201. LABOR STANDARDS REQUIREMENTS.  (a) IN GENERAL.—The Secretary of Labor shall re-
14	(a) In General.—The Secretary of Labor shall re-
14 15	(a) In General.—The Secretary of Labor shall require an eligible local or State entity under section 102,
14 15 16	(a) In General.—The Secretary of Labor shall require an eligible local or State entity under section 102, as a condition of receiving a grant under such section, to
14 15 16 17	(a) In General.—The Secretary of Labor shall require an eligible local or State entity under section 102, as a condition of receiving a grant under such section, to satisfy each of the following requirements:
14 15 16 17	<ul> <li>(a) IN GENERAL.—The Secretary of Labor shall require an eligible local or State entity under section 102, as a condition of receiving a grant under such section, to satisfy each of the following requirements:</li> <li>(1) The entity shall ensure that all laborers and</li> </ul>
114 115 116 117 118	<ul> <li>(a) In General.—The Secretary of Labor shall require an eligible local or State entity under section 102, as a condition of receiving a grant under such section, to satisfy each of the following requirements:</li> <li>(1) The entity shall ensure that all laborers and mechanics employed by contractors and subcontractors</li> </ul>
14 15 16 17 18 19 20	<ul> <li>(a) In General.—The Secretary of Labor shall require an eligible local or State entity under section 102, as a condition of receiving a grant under such section, to satisfy each of the following requirements:</li> <li>(1) The entity shall ensure that all laborers and mechanics employed by contractors and subcontractors in the performance of any applicable project</li> </ul>
14 15 16 17 18 19 20 21	<ul> <li>(a) In General.—The Secretary of Labor shall require an eligible local or State entity under section 102, as a condition of receiving a grant under such section, to satisfy each of the following requirements: <ul> <li>(1) The entity shall ensure that all laborers and mechanics employed by contractors and subcontractors in the performance of any applicable project shall be paid wages at rates not less than those pre-</li> </ul> </li> </ul>

1	40, United States Code (commonly known as the
2	"Davis-Bacon Act").
3	(2) The entity shall give preference to local and
4	equitable hiring and contracting that creates oppor-
5	tunities for—
6	(A) people of color;
7	(B) immigrants, regardless of immigration
8	status;
9	(C) formerly incarcerated individuals;
10	(D) women;
11	(E) LGBTQIAP+ individuals;
12	(F) disabled and chronically ill individuals;
13	(G) marginalized communities; and
14	(H) BIPOC employee-owned businesses
15	and co-ops.
16	(3) The entity shall be a party to, or require
17	contractors and subcontractors in the performance
18	of any applicable project to consent to, a covered
19	project labor agreement, as long as the entity dem-
20	onstrates that such agreement protects or furthers
21	its proprietary interest in the project.
22	(4) The entity, and all contractors and sub-
23	contractors in performance of any applicable project,
24	shall abide by prevailing wage standards, prioritize

1	Project Labor Agreements, and prioritize local hir-
2	ing and targeted hiring provisions.
3	(5) The entity, and all contractors and sub-
4	contractors in the performance of any applicable
5	project, shall not require mandatory arbitration for
6	any dispute involving a worker engaged in a service
7	for the entity.
8	(6) The entity, and all contractors and sub-
9	contractors in the performance of any applicable
10	project, shall consider an individual performing any
11	service in such performance as an employee (and not
12	an independent contractor) of the entity, contractor,
13	or subcontractor, respectively, unless—
14	(A) the individual is free from control and
15	direction in connection with the performance of
16	the service, both under the contract for the per-
17	formance of the service and in fact;
18	(B) the service is performed outside the
19	usual course of the business of the entity, con-
20	tractor, or subcontractor, respectively; and
21	(C) the individual is customarily engaged
22	in an independently established trade, occupa-
23	tion, profession, or business of the same nature
24	as that involved in such service.

1	(7) The entity shall prohibit the employees of					
2	all contractors and subcontractors in the perform-					
3	ance of any applicable project from hiring employees					
4	through a temporary staffing agency unless the rel-					
5	evant State workforce agency certifies that tem-					
6	porary employees are necessary to address an acute,					
7	short-term labor demand. The entity may not pro-					
8	hibit the use of certified union hiring halls.					
9	(8) The entity shall require all contractors, sub-					
10	contractors, successors in interest of the entity, and					
11	other entities that may acquire the entity, in the					
12	performance or acquisition of any applicable project,					
13	to have—					
14	(A) an explicit policy of neutrality with re-					
15	gard to—					
16	(i) labor organizing for the employees					
17	of the contractor or subcontractor em-					
18	ployed in the performance of the eligible					
19	project; and					
20	(ii) such employees' choice to form					
21	and join labor organizations; and					
22	(B) policies that require—					
23	(i) the posting and maintenance of no-					
24	tices in the workplace to such employees of					

1	their rights under the National Labor Re-
2	lations Act (29 U.S.C. 151 et seq.); and
3	(ii) that such employees are, at the
4	beginning of their employment in the per-
5	formance of the eligible project, provided
6	notice and information regarding the em-
7	ployees' rights under such Act.
8	(9) The entity shall, for each skilled craft em-
9	ployed on any applicable project, demonstrate an
10	ability to use and commit to use individuals enrolled
11	in a Department of Labor registered apprenticeship
12	program under subpart A of part 29 of title 29,
13	Code of Federal Regulations, which such individuals
14	shall, to the greatest extent practicable, constitute
15	not less than 20 percent of the individuals working
16	on such project.
17	(10) The entity shall fund and utilize, and,
18	where appropriate, establish, a robust pre-appren-
19	ticeship and workforce development program, to
20	serve BIPOC communities, in consultation with ap-
21	propriate labor organizations.
22	(11) The entity, and all contractors and sub-
23	contractors in the performance of any applicable
24	project, shall not request or otherwise consider the
25	criminal history of an applicant for employment be-

1	fore extending a conditional offer to the applicant,					
2	unless—					
3	(A) a background check is otherwise re-					
4	quired by law; or					
5	(B) the Secretary, in consultation with the					
6	Secretary of Energy, certifies that precluding					
7	criminal history prior to the conditional offer					
8	would pose a threat to national security.					
9	(12) The entity shall exclude companies that					
10	have been found guilty of wage theft or Occupational					
11	Safety and Health Act of 1970 (29 U.S.C. 651 et					
12	seq.) safety violations.					
13	(b) Davis-Bacon Act.—The Secretary of Labor					
14	shall have, with respect to the labor standards described					
15	in subparagraph (A)(i), the authority and functions set					
16	forth in Reorganization Plan Numbered 14 of 1950 (64					
17	Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40,					
18	United States Code.					
19	SEC. 202. BUY AMERICA REQUIREMENTS.					
20	(a) In General.—For all goods and materials an					
21	entity purchases in whole or in part with funds provided					
22	by this Act, the entity shall be required to comply with,					
23	and ensure compliance by all contractors, subcontractors,					
24	and suppliers of contractors of, the domestic content pro-					
25	visions of the section 5323(j) of title 49, United States					

I	Code, and all applicable Federal labor and employment					
2	laws.					
3	(b) Inclusive Procurement Policies.—Notwith-					
4	standing any federal laws or regulations to the contrary,					
5	the entity may adhere to an inclusive procurement policy					
6	for all goods and materials that are part of any project					
7	funded in whole or in part by this Act that includes any					
8	of the following:					
9	(1) Greater domestic content than is required					
10	by Federal law.					
11	(2) A disclosure and evaluation of the embed-					
12	ded carbon emissions of all industrial products.					
13	(3) Requirements for disclosure by the contrac-					
14	tors, subcontractors, and suppliers of contractors					
15	of—					
16	(A) wages and benefits of employees of the					
17	contractor, subcontractor, and suppliers;					
18	(B) training program commitments for em-					
19	ployees and potential employees; and					
20	(C) targeted hiring commitments for mem-					
21	bers of disadvantaged communities, including					
22	veterans, women, low-income populations, and					
23	formerly incarcerated individuals.					
24	(4) Job quality evaluation and incentives.					

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1	(5) Job quality commitment enforcement, in-
2	cluding contract enforcement provisions for adher-
3	ence to job quality commitments.
4	(6) Transparency to the public of job quality
5	commitments and adherence to such commitments.