

117TH CONGRESS
1ST SESSION

S. _____

To establish a Federal agenda to transform, heal, and renew the United States by investing in a vibrant economy, to provide funds to certain Federal investment programs that meet related labor, equity, and environmental standards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself, Ms. WARREN, Mr. WYDEN, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. SANDERS, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish a Federal agenda to transform, heal, and renew the United States by investing in a vibrant economy, to provide funds to certain Federal investment programs that meet related labor, equity, and environmental standards, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transform, Heal, and
5 Renew by Investing in a Vibrant Economy Act” or the
6 “THRIVE Act”.

1 **SEC. 2. PURPOSE; POLICY GOALS; AGENDA.**

2 (a) PURPOSE.—The purpose of this Act is to mobilize
3 Federal efforts to respond, in a manner that is bold and
4 holistic, to the urgent concurrent crises of racial injustice,
5 the undermining of Tribal sovereignty, mass unemploy-
6 ment and economic inequality, the Coronavirus Disease
7 2019 pandemic, and climate change by establishing a na-
8 tional agenda to transform, heal, and renew the United
9 States to create a society that enables and supports—

- 10 (1) greater racial, Indigenous, gender, environ-
11 mental, and economic justice;
- 12 (2) dignified work opportunities;
- 13 (3) healthy communities;
- 14 (4) a stable climate; and
- 15 (5) healthy ecosystems.

16 (b) POLICY GOALS.—It is the policy of the United
17 States—

- 18 (1) to create and sustain millions of good, safe,
19 family-sustaining jobs with appropriate access to
20 labor organizations;
- 21 (2) to increase the power of workers to fight in-
22 equality in the workplace;
- 23 (3) to invest in historically underserved and im-
24 pacted communities, including Black, Tribal, Indige-
25 nous, Latinx, Arab, Asian, and Pacific Islander com-
26 munities, to increase the capacity of those commu-

1 nities to counteract racial, ethnic, gender, and other
2 social and economic injustices;

3 (4) to strengthen and heal the nation-to-nation
4 relationship between the United States and sov-
5 ereign Indian Tribes;

6 (5) to combat environmental injustice and en-
7 sure healthy lives for all people;

8 (6) to avert further climate and environmental
9 catastrophe;

10 (7) to ensure fairness for workers and commu-
11 nities affected by economic transitions; and

12 (8) to reinvest in public sector institutions that
13 enable workers and communities to thrive.

14 (c) AGENDA.—

15 (1) ESTABLISHMENT.—Not later than 120 days
16 after the date of enactment of this Act, the Presi-
17 dent, in consultation with the Board, shall establish
18 a 10-year plan, to be known as the “Agenda to
19 Transform, Heal, and Renew by Investing in a Vi-
20 brant Economy”, in accordance with which the pur-
21 pose and policy goals described in subsections (a)
22 and (b), respectively, shall be achieved.

23 (2) SUBMISSION.—The agenda established
24 under paragraph (1) shall be submitted to—

25 (A) the National Economic Council; and

1 (B) the Office of Management and Budget
2 for inclusion in each annual budget request sub-
3 mitted to Congress under section 1105 of title
4 31, United States Code, during the 10-year pe-
5 riod covered by the agenda.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTERING AGENCY.—The term “ad-
9 ministering agency” means a Federal department or
10 agency with administrative jurisdiction over a quali-
11 fied investment program.

12 (2) BOARD.—The term “Board” means the
13 Transform, Heal, and Renew by Investing in a Vi-
14 brant Economy Recovery Board established under
15 section 4(a).

16 (3) CARE WORKER.—The term “care worker”
17 means any individual who provides paid or unpaid
18 child care or dependent adult care, including—

19 (A) a domestic worker;

20 (B) a health care worker;

21 (C) a home health aide; and

22 (D) a nanny.

23 (4) ENVIRONMENTAL JUSTICE COMMUNITY.—

24 (A) IN GENERAL.—The term “environ-
25 mental justice community” means a low-income

1 or low-wealth community facing environmental
2 injustice.

3 (B) INCLUSIONS.—The term “environ-
4 mental justice community” includes any com-
5 munity that, as determined by the Board, in
6 consultation with the White House Environ-
7 mental Justice Advisory Council and the Na-
8 tional Environmental Justice Advisory Coun-
9 cil—

10 (i) is located nearest to an existing
11 area of grave environmental pollution and
12 degradation;

13 (ii) bears a burden of negative public
14 health effects of pollution;

15 (iii) includes 1 or more sites of—

16 (I) a facility that is a part of a
17 polluting industry;

18 (II) a waste dump; or

19 (III) a facility for resource ex-
20 traction;

21 (iv) experiences a high incidence of
22 climate change impacts and extreme
23 weather disasters;

1 (v) has been excluded or harmed by
2 racist or discriminatory policies that have
3 resulted in economic or health disparities;

4 (vi) has a land-based or food subsist-
5 ence culture that is experiencing ecosystem
6 disruption and devastation;

7 (vii) faces relocation and resettlement
8 resulting from—

9 (I) climate change;

10 (II) impacts to the environment
11 and ecosystems; or

12 (III) impacts associated with eco-
13 nomic inequities; or

14 (viii) is an Indigenous community.

15 (5) EQUITY ASSESSMENT.—The term “equity
16 assessment”, with respect to an investment, pro-
17 gram, plan, regulation, or operational decision, mean
18 an assessment (which may include the assignment of
19 an equity score)—

20 (A) to evaluate the social, economic, and
21 environmental impacts of the investment, pro-
22 gram, plan, regulation, or decision on—

23 (i) impacted communities; and

24 (ii) environmental justice commu-
25 nities; and

- 1 (B) the goals of which are—
- 2 (i) to address historic inequality;
- 3 (ii) to ensure an equitable outcome;
- 4 (iii) to prevent further concentration
- 5 of pollution in areas experiencing an al-
- 6 ready high concentration of a pollutant or
- 7 other toxic substance; and
- 8 (iv) to minimize inadvertent dis-
- 9 proportionate social, economic, and envi-
- 10 ronmental effects of the investment, pro-
- 11 gram, plan, regulation, or decision.

12 (6) FAMILY-SUSTAINING JOB.—The term “fam-

13 ily-sustaining job” means an employment oppor-

14 tunity that provides an individual with a wage that

15 is sufficient to cover necessary expenses for the fam-

16 ily of the individual, such as food, medical care,

17 child care, housing, and transportation, without re-

18 quiring reliance by the family on financial assistance

19 from any other source.

20 (7) FEDERAL SPENDING PROGRAM.—The term

21 “Federal spending program” means any program,

22 project, or other activity—

- 23 (A) carried out by, or pursuant to a con-
- 24 tract with, a Federal department or agency;
- 25 and

1 (B) for which Federal funds are made
2 available.

3 (8) HIGH-ROAD LABOR, EQUITY, OR ENVIRON-
4 MENTAL CONDITION.—The term “high-road labor,
5 equity, or environmental condition” means any con-
6 dition on the provision of Federal funding for a
7 qualified investment program, as established by the
8 President, based on advice of the Board, under sec-
9 tion 5(d)(3)(A).

10 (9) IMPACTED COMMUNITY.—

11 (A) IN GENERAL.—The term “impacted
12 community” means a community that is
13 harmed by environmental, economic, or socio-
14 economic injustice.

15 (B) INCLUSIONS.—The term “impacted
16 community” includes—

17 (i) an environmental justice commu-
18 nity; and

19 (ii) a community that, as determined
20 by the Board, in consultation with the
21 White House Environmental Justice Advi-
22 sory Council and the National Environ-
23 mental Justice Advisory Council—

24 (I) has a high concentration of
25 low-income and low-wealth house-

1 holds, including households comprised
2 primarily of members of groups that
3 have historically experienced discrimi-
4 nation on the basis of race, gender,
5 national origin, or ethnicity (including
6 Black, Indigenous, Latinx, Arab,
7 Asian, and Pacific Islander commu-
8 nities); or

9 (II) faces economic transition,
10 deindustrialization, historic under-
11 investment, and poverty.

12 (10) IMPLEMENTING ENTITY.—The term “im-
13 plementing entity” means any public or private enti-
14 ty (including any Federal, Tribal, State, or local
15 agency and any firm, supplier, or subcontractor
16 throughout the supply chain) that carries out a
17 qualified investment program using public support.

18 (11) INDIAN TRIBE.—The term “Indian Tribe”
19 means an Indian or Alaska Native tribe, band, na-
20 tion, pueblo, village, or community that the Sec-
21 retary of the Interior acknowledges to exist as an In-
22 dian Tribe pursuant to the Federally Recognized In-
23 dian Tribe List Act of 1994 (25 U.S.C. 5130 et
24 seq.).

1 (12) INDIGENOUS COMMUNITY.—The term “In-
2 digenous community” means—

3 (A) an Indian Tribe;

4 (B) a Native Hawaiian organization;

5 (C) a State-recognized Indian tribe;

6 (D) any reservation-based, urban Indige-
7 nous, or intertribal community, group, organi-
8 zation, or coalition; and

9 (E) an Alaska Native village.

10 (13) PUBLIC SUPPORT.—

11 (A) IN GENERAL.—The term “public sup-
12 port” means any financial or in-kind contribu-
13 tion provided by the President under section 5
14 for the administration, development, or imple-
15 mentation of a qualified investment program
16 carried out under this Act.

17 (B) INCLUSIONS.—The term “public sup-
18 port” includes—

19 (i) technical support;

20 (ii) grants;

21 (iii) loans;

22 (iv) investments; and

23 (v) equity stakes.

24 (14) QUALIFIED INVESTMENT PROGRAM.—The
25 term “qualified investment program” means any

1 Federal spending program certified by the President
2 pursuant to section 5(c).

3 (15) STATE.—The term “State” means—

4 (A) a State;

5 (B) the District of Columbia;

6 (C) the Commonwealth of Puerto Rico;

7 and

8 (D) any other territory or possession of the

9 United States.

10 **SEC. 4. THRIVE RECOVERY BOARD.**

11 (a) ESTABLISHMENT.—Not later than 60 days after
12 the date of enactment of this Act, the President shall es-
13 tablish an advisory board, to be known as the “Transform,
14 Heal, and Renew by Investing in a Vibrant Economy Re-
15 covery Board”, to advise the President and the heads of
16 appropriate Federal departments and agencies regarding
17 the implementation of this Act.

18 (b) MEMBERSHIP.—

19 (1) COMPOSITION.—The Board shall be com-
20 posed of 20 members who, as determined by the
21 President—

22 (A) provide diverse and fair representation
23 from—

24 (i) impacted communities;

1 (ii) allies identified by impacted com-
2 munities;

3 (iii) Indigenous communities; and

4 (iv) labor organizations; and

5 (B) are qualified, through education, train-
6 ing, and experience, to evaluate information re-
7 lating to matters referred to the Board.

8 (2) APPOINTMENT.—

9 (A) IN GENERAL.—The members of the
10 Board shall be appointed by the President from
11 among individuals recommended by interested
12 individuals and entities.

13 (B) PROHIBITION.—A member of the
14 Board may not be an employee or former em-
15 ployee of the Federal Government.

16 (3) TERM; VACANCIES.—

17 (A) TERM.—A member of the Board—

18 (i) shall be appointed to serve the
19 Board for an initial term of 3 years; and

20 (ii) may be reappointed to serve not
21 more than 1 additional term of not longer
22 than 3 years.

23 (B) VACANCIES.—A vacancy on the
24 Board—

1 (i) shall not affect the powers of the
2 Board; and

3 (ii) shall be filled in the same manner
4 as the original appointment was made.

5 (4) CHAIRPERSON.—The Board shall select a
6 chairperson from among the members of the Board.

7 (5) INITIAL MEETING.—Not later than 14 days
8 after the date on which all members of the Board
9 have been appointed, the Board shall hold the initial
10 meeting of the Board.

11 (6) MEETINGS.—The Board shall meet at the
12 call of the chairperson.

13 (7) QUORUM.—A majority of members of the
14 Board shall constitute a quorum, but a lesser num-
15 ber of members may hold hearings.

16 (8) TREATMENT AND COMPENSATION.—A
17 member of the Board shall be—

18 (A) a full-time employee of the Board; and

19 (B) compensated at such rate as the Presi-
20 dent may establish, not to exceed the maximum
21 amount of compensation payable to a member
22 of the Senior Executive Service under section
23 5382(b) of title 5, United States Code.

24 (c) DUTIES.—

25 (1) PROPOSED CRITERIA.—

1 (A) PRECERTIFICATION AND INVESTMENT
2 REQUIREMENTS.—Not later than 120 days
3 after the date of enactment of this Act, the
4 Board shall develop and submit to the Presi-
5 dent proposed criteria for—

6 (i) precertification of existing Federal
7 spending programs under section
8 5(c)(1)(A); and

9 (ii) certification of existing and new
10 Federal spending programs as qualified in-
11 vestment programs with respect to re-
12 quired investments, in accordance with sec-
13 tion 5(d)(2).

14 (B) HIGH-ROAD LABOR, EQUITY, AND EN-
15 VIRONMENTAL CONDITIONS.—

16 (i) IN GENERAL.—Not later than 180
17 days after the date of enactment of this
18 Act, the Board shall develop and submit to
19 the President proposed criteria for certifi-
20 cation of existing and new Federal spend-
21 ing programs as qualified investment pro-
22 grams with respect to high-road labor, eq-
23 uity, and environmental conditions, in ac-
24 cordance with section 5(d)(3)(A).

1 (ii) PUBLIC PARTICIPATION.—In de-
2 veloping the proposed criteria relating to
3 high-road labor, equity, and environmental
4 conditions under clause (i), the Board
5 shall—

6 (I) make the proposed criteria
7 available for public comment; and

8 (II) host public hearings and
9 other direct engagement opportunities
10 for impacted communities and Indige-
11 nous communities.

12 (iii) PUBLICATION.—Not later than
13 190 days after the date of enactment of
14 this Act, the President shall publish in the
15 Federal Register the proposed criteria de-
16 veloped by the Board under clause (i).

17 (2) STUDY.—

18 (A) IN GENERAL.—Not less frequently
19 than annually, the Board shall conduct a study
20 of all matters relating to qualified investment
21 programs.

22 (B) INCLUSIONS.—The study conducted by
23 the Board under subparagraph (A) shall include
24 an evaluation of—

1 (i) any legislative or administrative
2 actions (including with respect to invest-
3 ment requirements and other criteria
4 under section 5(d)) carried out under this
5 Act during the period covered by the study;

6 (ii) the degree to which qualified in-
7 vestment programs have contributed to
8 achieving the policy goals described in sec-
9 tion 2(b);

10 (iii) the effectiveness of the criteria
11 relating to investment requirements estab-
12 lished under section 5(d)(2) in achieving
13 those policy goals; and

14 (iv) practicable modifications to those
15 requirements to better achieve those goals.

16 (3) RECOMMENDATIONS.—The Board shall de-
17 velop recommendations regarding—

18 (A) the method by which the President can
19 effectuate the Agenda to Transform, Heal, and
20 Renew by Investing in a Vibrant Economy es-
21 tablished under section 2(c)(1) pursuant to the
22 annual budget request submitted to Congress
23 under section 1105 of title 31, United States
24 Code;

1 (B) the means by which Federal spending
2 programs may be certified under section 5(d) as
3 qualified investment programs to receive public
4 support under this Act;

5 (C) legislative and administrative actions
6 (including with respect to investment require-
7 ments and other criteria) to best achieve the
8 purpose and policy goals described in section 2;

9 (D) the effectiveness of the criteria relat-
10 ing to investment requirements established
11 under section 5(d)(2) in achieving those policy
12 goals; and

13 (E) modifications to those criteria, if any.

14 (4) REPORTS.—

15 (A) STUDY AND RECOMMENDATIONS.—

16 (i) IN GENERAL.—Not less frequently
17 than annually, the Board shall submit to
18 the President and Congress a report that
19 contains—

20 (I) a detailed statement of the
21 findings and conclusions of the Board
22 under paragraph (2); and

23 (II) the recommendations of the
24 Board under paragraph (3).

1 (ii) PUBLICATION.—The President
2 shall publish each report submitted by the
3 Board under clause (i) in the Federal Reg-
4 ister.

5 (B) HIGH-ROAD LABOR, EQUITY, AND EN-
6 VIRONMENTAL CONDITIONS.—

7 (i) IN GENERAL.—Not less frequently
8 than once every 2 years, the Board shall
9 submit to the President and Congress a re-
10 port assessing—

11 (I) the degree of compliance by
12 implementing entities with applicable
13 high-road labor, equity, and environ-
14 mental conditions; and

15 (II) the relative efficacy of en-
16 forcement by administering agencies
17 of those high-road labor, equity, and
18 environmental conditions.

19 (ii) COMMUNITY IMPACT ASSESS-
20 MENTS.—The Board shall conduct regular
21 regional community impact assessments to
22 gather information for each report sub-
23 mitted under clause (i).

24 (d) POWERS.—

1 (1) HEARINGS.—The Board may hold such
2 hearings, meet and act at such times and places,
3 take such testimony, and receive such evidence as
4 the Board considers to be advisable to carry out this
5 Act.

6 (2) INFORMATION FROM AGENCIES.—

7 (A) IN GENERAL.—The Board may secure
8 directly from a Federal department or agency
9 such information as the Board considers to be
10 necessary to carry out this Act.

11 (B) PROVISION OF INFORMATION.—On re-
12 quest of the chairperson of the Board, the head
13 of a Federal department or agency shall provide
14 any requested information to the Board.

15 (3) POSTAL SERVICES.—The Board may use
16 the United States mails in the same manner and
17 under the same conditions as other Federal depart-
18 ments and agencies.

19 (4) GIFTS.—The Board may accept, use, and
20 dispose of gifts or donations of services or property.

21 (e) INAPPLICABILITY OF FACA.—The Federal Advi-
22 sory Committee Act (5 U.S.C. App.) shall not apply to
23 the Board.

1 **SEC. 5. TRANSFORM, HEAL, AND RENEW BY INVESTING IN**
2 **A VIBRANT ECONOMY (THRIVE) QUALIFIED**
3 **INVESTMENT PROGRAMS.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—The President shall establish
6 and carry out a program under which the President
7 shall provide public support in accordance with this
8 Act to implementing entities to carry out 1 or more
9 qualified investment programs certified by the Presi-
10 dent, in consultation with the Board, under sub-
11 section (d).

12 (2) CONDITION OF RECEIPT.—As a condition of
13 receiving public support under this section, an imple-
14 menting entity shall agree to carry out each applica-
15 ble qualified investment program—

16 (A) pursuant to a contract or agreement
17 with the administering agency; and

18 (B) subject to oversight by—

19 (i) the administering agency; and

20 (ii) the President, in consultation with
21 the Board.

22 (3) AUTHORIZATION OF APPROPRIATIONS.—

23 There are authorized to be appropriated to the
24 President to carry out the program under this sec-
25 tion such sums as are necessary, but not less than

1 \$1,000,000,000,000, for each of fiscal years 2022
2 through 2032.

3 (b) TARGETS.—In selecting implementing entities to
4 receive public support under this section, the President
5 shall ensure that, in the aggregate, the qualified invest-
6 ment programs funded under this section will enable—

7 (1) the creation and support of not fewer than
8 15,500,000 family-sustaining jobs;

9 (2) the achievement of—

10 (A) full employment; and

11 (B) economic security for all individuals;

12 (3) the meaningful and measurable counter-
13 action of racial, ethnic, Indigenous, gender, and
14 other social, economic, and environmental injustices;

15 (4) by not later than December 31, 2025, 100
16 percent of all newly constructed buildings in the
17 United States (including territories) to be zero-emis-
18 sion buildings;

19 (5) a rapid transition to ensure—

20 (A) 100 percent of all new vehicles pur-
21 chased in the United States (including terri-
22 tories) are zero-emission vehicles; and

23 (B) the deployment of a nationwide net-
24 work of zero-emission vehicle infrastructure;

1 that is the subject of a nomination under
2 paragraph (2) as a qualified investment
3 program.

4 (ii) PRECERTIFICATION.—The process
5 under clause (i) shall include a process for
6 precertification by the President of existing
7 Federal spending programs as qualified in-
8 vestment programs, if the President deter-
9 mines that the existing Federal spending
10 programs are consistent with the policy
11 goals described in section 2(b).

12 (B) EXPEDITED PROCESS FOR INTERIM
13 CERTIFICATION.—

14 (i) IN GENERAL.—Not later than 60
15 days after the date of enactment of this
16 Act, the President, in coordination with
17 the Director of the Office of Management
18 and Budget, the Chairperson of the Coun-
19 cil on Environmental Quality, and the
20 White House Domestic Climate Advisor,
21 shall establish an expedited process to pro-
22 vide interim certification of appropriate ex-
23 isting Federal spending programs as quali-
24 fied investment programs for receipt of
25 public support under this section to enable

1 the rapid disbursement of funds urgently need-
2 ed for economic recovery.

3 (ii) INCLUSION.—The expedited proc-
4 ess established under clause (i) shall in-
5 clude an expedited process for nomination
6 by interested Federal departments and
7 agencies, Indian Tribes, stakeholders, and
8 members of the public of existing Federal
9 spending programs for interim certification
10 under this subparagraph.

11 (iii) USE OF CRITERIA.—The criteria
12 described in subsection (d) shall apply to
13 the expedited process established under
14 clause (i).

15 (2) NOMINATIONS.—

16 (A) IN GENERAL.—Not later than 240
17 days after the date of enactment of this Act,
18 any interested Federal department or agency,
19 Indian Tribe, stakeholder, or member of the
20 public may submit to the President and the
21 Board a nomination of an existing or new Fed-
22 eral spending program for certification as a
23 qualified investment program under this sub-
24 section.

1 (B) EFFECT.—The President may not cer-
2 tify a Federal spending program as a qualified
3 investment program under this subsection un-
4 less the Federal spending program is the sub-
5 ject of a nomination submitted under subpara-
6 graph (A).

7 (3) CERTIFICATION.—

8 (A) IN GENERAL.—Not later than 300
9 days after the date of enactment of this Act, for
10 each Federal spending program nominated
11 under paragraph (2), the President, in con-
12 sultation with the Board, shall—

13 (i) determine whether the Federal
14 spending program—

15 (I) achieves compliance with the
16 applicable criteria described in sub-
17 section (d); and

18 (II) includes or establishes an en-
19 vironmental justice screening in ac-
20 cordance with subparagraph (B), for
21 the purpose of preventing projects
22 from concentrating pollution and dis-
23 proportionate health and economic
24 burdens on impacted communities;
25 and

1 (ii) on making a positive determina-
2 tion under each of subclauses (I) and (II)
3 of clause (i)—

4 (I) approve the nomination of the
5 Federal spending program under
6 paragraph (2); and

7 (II) certify the Federal spending
8 program as a qualified investment
9 program for purposes of this Act.

10 (B) ENVIRONMENTAL JUSTICE SCREEN-
11 ING.—An environmental justice screening under
12 subparagraph (A)(i)(II) shall include an evalua-
13 tion, over the lifecycle of the applicable Federal
14 spending program, of—

15 (i) lifecycle greenhouse gas emissions
16 under the Federal spending program, in-
17 cluding direct, indirect, and supply chain
18 emissions, taking into consideration mate-
19 rials and operations;

20 (ii) the cumulative toxic pollution
21 emitted under the Federal spending pro-
22 gram;

23 (iii) resource depletion caused by the
24 Federal spending program;

1 (iv) the biodiversity and climate
2 change impacts of the Federal spending
3 program; and

4 (v) the lifecycle social and cultural im-
5 pacts of the Federal spending program.

6 (C) PUBLICATION.—Each determination of
7 the President under subparagraph (A) relating
8 to a Federal spending program shall be pub-
9 lished in the Federal Register, together with the
10 rationale of the President and the Board for
11 approving or disapproving the nomination of
12 the Federal spending program.

13 (4) DISTRIBUTION OF FUNDING.—The Presi-
14 dent shall distribute to implementing entities the
15 amounts made available to carry out this section, on
16 an equitable basis pursuant to paragraph (5)—

17 (A) as soon as practicable for each quali-
18 fied investment program for which an interim
19 certification is provided under the expedited
20 process under paragraph (1)(B); and

21 (B) by not later than 1 year after the date
22 of enactment of this Act for each qualified in-
23 vestment program certified under paragraph
24 (3).

1 (bb) programs, plans, regu-
2 lations, and operational decisions;

3 (B) the public support provided to the ad-
4 ministering agency under this Act shall be equi-
5 tably distributed across all States, based on
6 population size and poverty level, subject to the
7 condition that the shares of funding for each of
8 the District of Columbia, the Commonwealth of
9 Puerto Rico, the United States Virgin Islands,
10 Guam, and any other territory or possession of
11 the United States shall be—

12 (i) not less than proportional to the
13 population of that jurisdiction; and

14 (ii) responsive to the unique and spe-
15 cific challenges faced by the residents of
16 those jurisdictions; and

17 (C) Tribal, State, and local units of gov-
18 ernment shall be adequately funded to develop,
19 administer, service, support, and monitor quali-
20 fied investment programs, as applicable, to en-
21 sure that no unfunded mandate is imposed on
22 those governments.

23 (d) CRITERIA.—

24 (1) ESTABLISHMENT.—The President shall es-
25 tablish such criteria as the President determines to

1 be appropriate, in accordance with paragraphs (2)
2 through (4) and taking into consideration the pro-
3 posed criteria developed by the Board under section
4 4(c)(1), for—

5 (A) the precertification of existing Federal
6 spending programs under subsection
7 (c)(1)(A)(ii); and

8 (B) the certification of new Federal spend-
9 ing programs and existing Federal spending
10 programs that receive precertification under
11 subsection (c)(1)(A)(ii) as qualified investment
12 programs under subsection (c)(3), if the Fed-
13 eral spending programs—

14 (i) are consistent with the policy goals
15 described in section 2(b); and

16 (ii) achieve compliance with, as appli-
17 cable—

18 (I) the investment requirements
19 described in paragraph (2);

20 (II) the high-road labor, equity,
21 and environmental conditions de-
22 scribed in paragraph (3); and

23 (III) the prohibitions described in
24 paragraph (4).

- 1 (III) child care;
- 2 (IV) home care or elder care;
- 3 (V) mental health care;
- 4 (VI) care workers;
- 5 (VII) expanding access to qual-
- 6 ity, secure, affordable health care and
- 7 homes; or
- 8 (VIII) increasing jobs, employ-
- 9 ment protection, wages, and benefits
- 10 for historically underpaid, unpaid, and
- 11 undervalued care workers.

12 (C) HOUSING.—Expanded access to hous-

13 ing, without displacing existing residents or

14 community-serving entities, by—

15 (i) investing in housing by modern-

16 izing and retrofitting homes, schools, of-

17 fices, industrial buildings, and apartment

18 buildings, including tenant-owned and com-

19 munity-owned properties—

20 (I) to decrease pollution; and

21 (II) to maintain affordability by

22 decreasing costs to low-income com-

23 munities and Indigenous communities;

1 (ii) ensuring an increase in accessible
2 units for individuals with disabilities and
3 chronic illnesses; or

4 (iii) mitigating and adapting to ex-
5 treme weather impacts.

6 (D) ECOSYSTEMS.—Supporting eco-
7 systems, by—

8 (i) protecting and restoring biodiver-
9 sity or natural habitat, including wetlands,
10 forests, prairies, deserts, aquifers, ground-
11 water, public land, and Indian land;

12 (ii) remediating pollution in impacted
13 communities, including—

14 (I) Superfund sites on the Na-
15 tional Priorities List developed by the
16 President in accordance with section
17 105(a)(8)(B) of that Act (42 U.S.C.
18 9605(a)(8)(B));

19 (II) brownfield sites (as defined
20 in section 101 of the Comprehensive
21 Environmental Response, Compensa-
22 tion, and Liability Act of 1980 (42
23 U.S.C. 9601)); and

24 (III) abandoned fossil fuel infra-
25 structure; or

1 (iii) ensuring sustainable resource use.

2 (E) AGRICULTURE.—Supporting agri-
3 culture, by—

4 (i) creating opportunities for family,
5 Indigenous, and Black farmers and ranch-
6 ers, rural communities, and urban agri-
7 culture, including by disentangling the
8 hyperconsolidated food supply chain;

9 (ii) supporting agroecology;

10 (iii) supporting regenerative agri-
11 culture; or

12 (iv) investing in local and regional
13 food systems that support farmers, agricul-
14 tural workers, healthy soil, and climate re-
15 siliience.

16 (F) INDUSTRY.—Developing and trans-
17 forming the industrial base of the United
18 States, while creating high-skill, high-wage
19 manufacturing jobs and nonextractive, nature-
20 based jobs and opportunities for locally and
21 Tribally owned businesses throughout the
22 United States, including by—

23 (i) expanding manufacturing of clean
24 technologies;

25 (ii) reducing industrial pollution; and

1 (iii) prioritizing domestic production
2 for an investment described in clause (i) or
3 (ii).

4 (3) HIGH-ROAD LABOR, EQUITY, AND ENVIRON-
5 MENTAL CONDITIONS.—

6 (A) CONDITIONS.—To be eligible for cer-
7 tification as a qualified investment program
8 under subsection (c), a Federal spending pro-
9 gram shall achieve compliance with, as applica-
10 ble, the following high-road labor, equity, and
11 environmental conditions:

12 (i) EMPOWERING WORKERS AGAINST
13 INEQUALITY.—Increase the power of work-
14 ers to oppose inequality by—

15 (I) ensuring that no investment
16 made under the Federal spending pro-
17 gram degrades the quality of jobs or
18 obstructs the right of workers—

19 (aa) to form or join a labor
20 organization;

21 (bb) to bargain collectively
22 over terms and conditions of em-
23 ployment; or

1 (cc) to engage in other con-
2 certed activities for mutual aid or
3 protection;

4 (II) creating quality jobs that
5 provide—

6 (aa) family-sustaining job
7 benefits and wages equal to not
8 less than the greater of—

9 (AA) \$15 per hour; and

10 (BB) the prevailing
11 wage for jobs of a similar
12 nature;

13 (bb) the right of workers to
14 form or join a labor organization
15 and engage in collective bar-
16 gaining, free of harassment and
17 intimidation;

18 (cc) child care support;

19 (dd) not fewer than 84 days
20 per calendar year of paid family
21 leave;

22 (ee) not fewer than 14 days
23 per calendar year of paid sick
24 leave;

1 (ff) not fewer than 14 days
2 per calendar year of paid vaca-
3 tion;

4 (gg) robust worker safety
5 standards; and

6 (hh) the right of workers to
7 not be disciplined or discharged
8 except for just cause;

9 (III) including all affected care
10 workers and agricultural workers in
11 worker protections and investments
12 under the Federal spending program;

13 (IV) advancing principles and
14 policies that ensure or support—

15 (aa) more effective and
16 timely remedies in cases in which
17 employers interfere with the
18 rights of workers;

19 (bb) expanded freedom for
20 workers to organize without em-
21 ployer interference;

22 (cc) requiring employers to
23 submit to interest arbitration for
24 purposes of establishing an initial
25 collective bargaining agreement

1 following the initial certification
2 or recognition of a collective bar-
3 gaining representative in any
4 case in which, after a reasonable
5 period, collective bargaining fails
6 to produce an initial collective
7 bargaining agreement;

8 (dd) allowing collective bar-
9 gaining agreements covering pri-
10 vate-sector workers to include
11 agency shop agreements, subject
12 to the condition that those agree-
13 ments shall be valid and enforce-
14 able, notwithstanding—

15 (AA) section 14(b) of
16 the National Labor Rela-
17 tions Act (29 U.S.C.
18 164(b)); or

19 (BB) any applicable
20 State or territorial law;

21 (ee) protecting strikes and
22 other concerted worker activities,
23 including by prohibiting perma-
24 nent replacement of striking
25 workers; and

1 (ff) expansion of organizing
2 and bargaining rights for work-
3 ers;

4 (V) with respect to the engage-
5 ment of employers by the Federal
6 spending program—

7 (aa) avoiding the use of any
8 employer that—

9 (AA) misclassifies em-
10 ployees as independent con-
11 tractors; or

12 (BB) seeks to use a
13 corporate structure to
14 hinder collective bargaining
15 on a companywide, regional,
16 or national basis; and

17 (bb) giving preference to the
18 use of any employer that recog-
19 nizes, and agrees to collectively
20 bargain with, any labor organiza-
21 tion that obtains written author-
22 ization from a majority of em-
23 ployees in any appropriate bar-
24 gaining unit stating that the em-

1 employees wish to be represented by
2 the labor organization;

3 (VI) using project labor agree-
4 ments or community workforce agree-
5 ments, where appropriate;

6 (VII) supporting domestic job
7 creation by applying and fortifying do-
8 mestic content standards, such as the
9 standards under chapter 83 of title
10 41, United States Code (formerly
11 known as the “Buy American Act”),
12 including among contractors and sub-
13 contractors of a primary employer;

14 (VIII) creating pathways of op-
15 portunity, particularly for priority
16 groups described in subparagraph (B),
17 including by supporting—

18 (aa) community benefits
19 agreements;

20 (bb) local hire standards;

21 (cc) high-road training part-
22 nerships; and

23 (dd) access to registered ap-
24 prenticeship and
25 preapprenticeship programs in

1 communities of all sizes across
2 the United States; and

3 (IX) where appropriate, using the
4 rescission of a contract under the
5 Federal spending program as an en-
6 forcement mechanism in any case in
7 which an employer engaged by the
8 Federal spending program has vio-
9 lated—

10 (aa) a provision of an appli-
11 cable contract; or

12 (bb) a Federal labor or em-
13 ployment law (including regula-
14 tions).

15 (ii) HISTORICALLY UNDERSERVED
16 AND IMPACTED COMMUNITIES.—Invest in
17 historically underserved communities and
18 impacted communities, to increase the
19 power of those communities and counteract
20 racial, ethnic, gender, and other social and
21 economic injustices by—

22 (I) ensuring no investment made
23 under the Federal spending pro-
24 gram—

1 (aa) damages such a com-
2 munity; or

3 (bb) reduces the ability of
4 residents, businesses, and institu-
5 tions of the community to live
6 and operate with equity and dig-
7 nity;

8 (II) ensuring that those commu-
9 nities have—

10 (aa) the ability to democrat-
11 ically plan, implement, and ad-
12 minister projects under the Fed-
13 eral spending program, where ap-
14 plicable, including through part-
15 nership with, and oversight by,
16 community residents, scholars,
17 and community-based organiza-
18 tions; and

19 (bb) meaningful involvement
20 in the implementation and gov-
21 ernance of proposed activities
22 under the Federal spending pro-
23 gram;

24 (III) including a mandatory eq-
25 uity assessment to identify potential

1 disproportionate impacts and support
2 more-equitable outcomes of invest-
3 ments, programs, plans, regulations,
4 and operational decisions;

5 (IV) addressing historic discrimi-
6 natory practices in hiring, investment,
7 and procurement by prioritizing local
8 and equitable hiring and contracting
9 that creates opportunities for priority
10 groups described in subparagraph (B),
11 including a requirement to hire and
12 contract with members of those pri-
13 ority groups at a rate that is not less
14 than twice the average rate reflected
15 in the industry standard of that hir-
16 ing;

17 (V) including specific fair hire
18 provisions, including those similar to
19 “Ban the Box” provisions, that sup-
20 port traditionally marginalized work-
21 ers;

22 (VI) increasing equitable public
23 education opportunities by including
24 career and technical education path-
25 ways that prepare youth (especially

1 youth who are members of historically
2 marginalized communities or impacted
3 communities) for high-quality jobs, in-
4 cluding access to quality workforce
5 training and registered apprentice-
6 ships;

7 (VII)(aa) ensuring that any in-
8 vestment made under the Federal
9 spending program to upgrade a build-
10 ing does not displace any existing resi-
11 dent or community-serving entity oc-
12 cupying the building; and

13 (bb) investing in the creation of
14 new low- or zero-emission public hous-
15 ing and affordable housing, including
16 through community land trusts;

17 (VIII) centering and uplifting
18 historically underserved communities,
19 impacted communities, and workers
20 located in rural areas, including by
21 developing provisions—

22 (aa) to improve the status of
23 impacted agricultural producers
24 and workers; and

1 (bb) for Federal spending
2 programs carried out by the De-
3 partment of Agriculture, to end
4 the systematic mistreatment of
5 those producers and workers by
6 the Department;

7 (IX) directing funds to support,
8 create, and provide debt relief, where
9 appropriate, to community-owned and
10 operated organizations, including—

11 (aa) electric cooperatives;

12 (bb) worker-owned coopera-
13 tives engaging in sustainability
14 initiatives;

15 (cc) community land trusts;
16 and

17 (dd) publicly owned or com-
18 munity-owned entities, includ-
19 ing—

20 (AA) not-for-profit pub-
21 lic power utilities;

22 (BB) not-for-profit
23 public water utilities; and

24 (CC) tribally owned or
25 operated utilities; and

1 (X) directing funds to support
2 and diversify local economies and cre-
3 ate opportunities for entrepreneur-
4 ship.

5 (iii) INDIAN TRIBES AND INDIGENOUS
6 COMMUNITIES.—Heal and reinforce the na-
7 tion-to-nation relationship between the
8 United States and Indian Tribes by—

9 (I) carrying out the responsibil-
10 ities of the administering agency de-
11 scribed in section 6(b);

12 (II) preserving and protecting sa-
13 cred and cultural sites of significance
14 to Indian Tribes and Indigenous com-
15 munities in carrying out the Federal
16 spending program;

17 (III) providing significantly ex-
18 panded funding to Indian Tribes and
19 Indigenous communities for recovery
20 and relief with respect to establishing
21 sustainable economies and jobs based
22 on the principle known as “Indigenous
23 Just Transition”;

1 (IV) prioritizing investments in
2 Tribal and local community-based
3 projects that contribute to—

4 (aa) improved infrastruc-
5 ture, health care, clean water,
6 and sanitation;

7 (bb) food sovereignty and
8 agroecological farming;

9 (cc) housing, with signifi-
10 cantly expanded investments in
11 local and community-based hous-
12 ing; and

13 (dd) renewable energy;

14 (V) providing equitable funding
15 for environmental and ecosystems
16 management, clean-up, and remedi-
17 ation of contaminated and hazardous
18 sites on and near Indian land, includ-
19 ing Federal and State land located
20 near Indian land or Indigenous com-
21 munities;

22 (VI) addressing Tribal housing
23 needs by—

24 (aa) significantly expanding
25 funding to meet housing and

1 community development needs on
2 Indian land, including needs re-
3 lating to health, water, and sani-
4 tation;

5 (bb) advancing the goals of
6 the Native American Housing
7 Assistance and Self-Determina-
8 tion Act of 1996 (25 U.S.C.
9 4101 et seq.); and

10 (cc) allowing for innovative
11 and alternative community-based
12 housing programs based on tradi-
13 tional Indigenous design, the use
14 of local natural materials, and lo-
15 calized training and employment;
16 and

17 (VII) adequately and equitably
18 addressing violence against Indige-
19 nous women, Indigenous trans women
20 and femmes, and Indigenous children,
21 in a manner that is inclusive of the
22 inherent authority of Indian Tribes
23 with respect to that violence.

1 (iv) ENVIRONMENTAL JUSTICE.—

2 Combat environmental injustice and ensure

3 healthy lives for all individuals by—

4 (I) promoting and including

5 meaningful involvement by impacted

6 communities, particularly the most

7 vulnerable environmental justice com-

8 munities, in the implementation and

9 governance of proposed programs and

10 expenditures in a manner that aligns

11 and is consistent with the principles

12 entitled “Jemez Principles for Demo-

13 cratic Organizing” and dated Decem-

14 ber 1996;

15 (II) holding polluting corpora-

16 tions accountable by establishing pen-

17 alties and liabilities for historic, per-

18 sistent, and concentrated pollution in

19 environmental justice communities in

20 a manner that ensures that the costs

21 of those penalties and liabilities are

22 not passed through to ratepayers, con-

23 sumers, or workers;

24 (III) prioritizing investment in

25 remediation of polluted sites located

1 in environmental justice communities,
2 including—

3 (aa) Superfund sites on the
4 National Priorities List developed
5 by the President in accordance
6 with section 105(a)(8)(B) of that
7 Act (42 U.S.C. 9605(a)(8)(B));

8 (bb) brownfield sites (as de-
9 fined in section 101 of the Com-
10 prehensive Environmental Re-
11 sponse, Compensation, and Li-
12 ability Act of 1980 (42 U.S.C.
13 9601));

14 (cc) abandoned mines and
15 factories; and

16 (dd) retired fossil fuel, de-
17 fense, and nuclear energy sites;

18 (IV) reducing toxic pollution at
19 the source and fortifying the regula-
20 tion and accounting of the cumulative
21 health impacts of toxic pollution;

22 (V) developing provisions to in-
23 crease equitable access to public
24 health resources in historically under-
25 served communities (including rural

1 communities) and impacted commu-
2 nities; and

3 (VI) recognizing the dispro-
4 portionate burden of health impacts in
5 historically underserved communities
6 (including rural communities) and im-
7 pacted communities and the historic
8 disinvestment in public health re-
9 sources, including public hospitals,
10 mental health services, care worker
11 services, and other facilities and serv-
12 ices in those communities.

13 (v) CLIMATE AND ENVIRONMENT.—
14 Avert additional climate and environmental
15 catastrophe by—

16 (I) ensuring that the Federal
17 spending program supports the emis-
18 sions reductions necessary—

19 (aa) to maintain an increase
20 in global temperature due to
21 global warming of less than 1.5
22 degrees Celsius; and

23 (bb) to achieve the targets
24 described in subsection (b);

- 1 (II) ensuring that the Federal
2 spending program will not expand—
- 3 (aa) the extraction, proc-
4 essing, or use of fossil fuels or
5 uranium at any level of the sup-
6 ply chain;
- 7 (bb) the use of emissions
8 offsets;
- 9 (cc) geoengineering; or
- 10 (dd) the use of any other en-
11 ergy source that would not pass
12 the environmental justice screen-
13 ing described in subsection
14 (c)(3)(B);
- 15 (III) investing in—
- 16 (aa) the protection of eco-
17 systems and biodiversity; and
- 18 (bb) the sustainable use of
19 natural resources;
- 20 (IV) requiring the use of climate-
21 resilient designs for infrastructure
22 and low-emissions operations, as ap-
23 plicable;
- 24 (V) requiring that materials shall
25 be produced with high standards for

1 environmental sustainability, includ-
2 ing—

3 (aa) technologically feasible
4 limits on embodied greenhouse
5 gas emissions;

6 (bb) restrictions on toxic
7 pollution; and

8 (cc) requirements for sus-
9 tainable resource use and the
10 protection of ecosystems and bio-
11 diversity;

12 (VI) requiring that materials and
13 appliances meet high environmental
14 performance standards, including
15 standards relating to energy efficiency
16 and climate resilience;

17 (VII) ensuring that environ-
18 mental standards apply across the
19 international supply chain; and

20 (VIII) supporting public and
21 community-based services and actions
22 for increased mitigation of, and adap-
23 tation to, the impacts of climate
24 change, particularly in communities
25 vulnerable to climate impacts, includ-

1 affected by economic transitions, includ-
2 ing to address historic injustices, as
3 determined by community- and work-
4 er-led planning processes;

5 (IV) to ensure adequate physical
6 and social infrastructure and services
7 in economically transitioning commu-
8 nities, including—

9 (aa) public health services;

10 (bb) social services;

11 (cc) child care and depend-
12 ent adult care; and

13 (dd) broadband internet in-
14 vestment; and

15 (V) to the reorganization, conver-
16 sion, reclamation, and remediation of
17 closed and abandoned facilities and
18 sites.

19 (vii) PUBLIC INSTITUTIONS.—Rein-
20 vest in public institutions that enable all
21 communities and workers to thrive by—

22 (I) preventing privatization of—

23 (aa) any public land, water,
24 or natural resource; or

1 (bb) existing public sector
2 jobs;

3 (II) prioritizing public edu-
4 cational institutions as centers of in-
5 novation and pathways to green collar
6 jobs through investments in vocational
7 and technical education in public
8 schools, trade schools, and community
9 colleges that connect to labor organi-
10 zation apprenticeship and other high-
11 road jobs;

12 (III) directing funding to support
13 and expand public health care sys-
14 tems, public education, and other pub-
15 lic services at the State and local lev-
16 els to address the health, environ-
17 mental, and socioeconomic impacts of
18 climate crises, especially in impacted
19 communities, including by sup-
20 porting—

21 (aa) climate mitigation ef-
22 forts and resilience; and

23 (bb) access to nature; and

24 (IV) directing funding to institu-
25 tional reforms that reorganize the

1 process of Federal decisionmaking re-
2 garding the allocation of funds to
3 make government investments more
4 coordinated, effective, accountable to
5 impacted communities, and appro-
6 priate to respond to the full scale of
7 the major challenges expected to occur
8 during the period of calendar years
9 2022 through 2032.

10 (viii) THRIVE RESOLUTION.—Com-
11 pliance with, as applicable—

12 (I) the labor, equity, and environ-
13 mental provisions described in Senate
14 Resolution 43, 117th Congress, intro-
15 duced on February 8, 2021; and

16 (II) such additional, specific
17 labor, equity, and environmental con-
18 ditions as are required to make the
19 resolution described in subclause (I)
20 operable, as determined by the Presi-
21 dent, based on the advice of the
22 Board under section 4(c)(1)(B).

23 (B) PRIORITY GROUPS.—A priority group
24 referred to in subparagraph (A) is any group
25 comprised of low-income and low-wealth individ-

1 uals, subject to the condition that highest pri-
2 ority shall be given to a group comprised of
3 low-income and low-wealth individuals who have
4 been excluded from economic opportunities, in-
5 cluding individuals who are—

6 (i) members of impacted communities;

7 (ii) members of any other groups that
8 have historically experienced discrimination
9 on the basis of race, gender, national ori-
10 gin, or ethnicity (including Black, Indige-
11 nous, Latinx, Arab, Asian, and Pacific Is-
12 lander communities);

13 (iii) immigrants to the United States
14 (regardless of immigration status);

15 (iv) formerly incarcerated individuals;

16 (v) women;

17 (vi) LGBTQIAP+ individuals;

18 (vii) individuals with disabilities or
19 chronic illness;

20 (viii) young or elderly;

21 (ix) young adults exiting the foster
22 care system; and

23 (x) unhoused individuals.

1 (4) PROHIBITIONS.—To be eligible for certifi-
2 cation as a qualified investment program under sub-
3 section (c), a Federal spending program shall not—

4 (A) exacerbate any racial, Indigenous, gen-
5 der, or income disparity;

6 (B) privatize any public infrastructure,
7 service, land, water, or natural resource;

8 (C) violate human rights;

9 (D) destroy any ecosystem;

10 (E) decrease labor organization density or
11 membership;

12 (F) in any investment made under the
13 Federal spending program to upgrade a build-
14 ing, displace any resident or community-serving
15 entity occupying the building; or

16 (G) invest or participate in the use of
17 emissions offset or geoengineering programs.

18 (e) MONITORING.—

19 (1) IN GENERAL.—The President, in consulta-
20 tion with the Board, shall monitor qualified invest-
21 ment programs that receive public support under
22 this section to ensure that each qualified investment
23 program—

24 (A) contributes to the policy goals de-
25 scribed in section 2(b); and

1 (B) continues to achieve compliance with
2 all applicable high-road labor, equity, and envi-
3 ronmental conditions under subsection (d)(3).

4 (2) REVOCATION.—The President shall revoke
5 any public support provided under this section for a
6 qualified investment program if the President deter-
7 mines that the qualified investment program—

8 (A) fails to achieve compliance with sub-
9 paragraph (A) or (B) of paragraph (1); or

10 (B) displaces workers or depresses wages
11 or benefits due to increased costs associated
12 with participating in the public support pro-
13 gram under this section.

14 **SEC. 6. TRIBAL SOVEREIGNTY.**

15 (a) RECOGNITION.—Congress recognizes that—

16 (1) the authority, obligations, and fiduciary
17 trust responsibilities of United States to provide pro-
18 grams and services to Indians Tribes and individual
19 Indians have been established in—

20 (A) Acts of Congress;

21 (B) treaties; and

22 (C) jurisprudence; and

23 (2) the United States and Indian Tribes have
24 a unique legal and political relationship.

1 (b) RESPONSIBILITIES OF ADMINISTERING AGEN-
2 CIES.—The head of each administering agency shall, in
3 any relevant agency actions—

4 (1) establish, by regulation, a special initiative
5 that reflects and supports the relationship between
6 the United States and Indian Tribes described in
7 subsection (a)(2);

8 (2) confirm that each Indian Tribe may exercise
9 full and inherent civil regulatory and adjudicatory
10 authority over all land and resources within the exte-
11 rior boundaries of the reservation or other land sub-
12 ject to the jurisdiction of the Indian Tribe;

13 (3) establish, by regulation, standards and pro-
14 cedural requirements—

15 (A) to secure free, prior, and informed con-
16 sent of Indian Tribes—

17 (i) to agency actions that affect In-
18 dian land, water, livelihoods, and culture
19 (including off-reservation treaty-reserved
20 rights to hunting, fishing, gathering, and
21 protection of, and access to, sacred sites);
22 and

23 (ii) on an ongoing basis, to any meas-
24 ure or other action carried out by the ad-
25 ministering agency under this Act; and

1 (B) to include consideration of the tangible
2 and intangible cultural heritage, intellectual
3 property, and traditional Indigenous knowledge
4 of Indian Tribes and Indigenous communities in
5 agency actions and programs;

6 (4) take into consideration the provisions and
7 standards contained in the United Nations Declara-
8 tion on the Rights of Indigenous Peoples, dated Sep-
9 tember 13, 2007, without qualification;

10 (5)(A) strengthen and support Tribal sov-
11 ereignty by ensuring that all treaties and agreements
12 with Indian Tribes and members of Indian Tribes
13 and Indigenous communities are observed and re-
14 spected in their entirety; and

15 (B) protect and enforce that sovereignty by tak-
16 ing effective measures to extend the fiduciary trust
17 responsibilities of the United States to Indian Tribes
18 to—

19 (i) environmental, socioeconomic, health,
20 education, and agricultural issues; and

21 (ii) trade issues between and among Indig-
22 enous communities, the United States, Canada,
23 and Mexico; and

24 (6) ensure that the standards, processes, and
25 criteria for qualified investment programs of the ad-

1 ministering agency, and the allocation of funds
2 under those qualified investment programs, shall
3 incur obligations relating to a mandatory set-aside
4 of investments and funding for Indian Tribes and
5 Indigenous communities.

6 **SEC. 7. AGENCY ENFORCEMENT; GAO REPORT.**

7 (a) AGENCY ENFORCEMENT.—Not later than 2 years
8 after the date on which public support is initially provided
9 to an administering agency under this Act, the head of
10 the administering agency shall promulgate regulations, in
11 consultation with the Board, to ensure that each qualified
12 investment program of the administering agency achieves
13 compliance with applicable high-road labor, equity, and
14 environmental conditions, in accordance with existing au-
15 thorities, by—

16 (1) including in any contract with an imple-
17 menting entity those high-road labor, equity, and en-
18 vironmental conditions;

19 (2) ensuring that public implementing entities
20 receive funding to adequately ensure compliance
21 with applicable implementation, monitoring, compli-
22 ance, and enforcement requirements in a manner
23 that avoids establishing any unfunded mandate for
24 a Tribal, State, or local government agency;

1 (3) certifying, on an annual basis, that all im-
2 plementing entities throughout the supply chain that
3 benefit from support under the qualified investment
4 program achieve compliance with all applicable high-
5 road labor, equity, and environmental conditions;

6 (4) issuing a warning and directives for correc-
7 tive action relating to instances of noncompliance
8 with applicable high-road labor, equity, and environ-
9 mental conditions;

10 (5) establishing a process for implementing en-
11 tities to appeal the classification of an action as non-
12 compliant with an applicable high-road labor, equity,
13 or environmental condition; and

14 (6) revoking public support from any imple-
15 menting entity that fails to rectify an instance of
16 noncompliance with a high-road labor, equity, or en-
17 vironmental condition, as applicable—

18 (A) for a major instance of noncompliance,
19 by the date that is 60 days after the date of re-
20 ceipt of a warning relating to that instance
21 under paragraph (4); or

22 (B) for a minor instance of noncompliance,
23 by such deadline as the head of the admin-
24 istering agency, in consultation with the Board,
25 may establish.

1 (b) GAO REPORT.—Not less frequently than once
2 every 3 years, the Comptroller General of the United
3 States shall prepare and publish a report assessing—

4 (1) the degree of compliance by implementing
5 entities with high-road labor, equity, and environ-
6 mental conditions; and

7 (2) the relative efficacy of enforcement by ad-
8 ministering agencies of those high-road labor, equity,
9 and environmental conditions.