

AMENDMENT TO H.R. 5299
OFFERED BY MR. SHERMAN OF CALIFORNIA

At the appropriate place, insert the following:

1 **SEC. __. LABOR PROVISIONS.**

2 (a) MEMBERSHIP OF BOARD.—Section
3 1413(b)(2)(A) of the BUILD Act of 2018 (22 U.S.C.
4 9612(b)(2)(A)) is amended—

5 (1) in clause (ii), by striking “and” at the end;

6 (2) by redesignating clause (iii) as clause (iv);

7 and

8 (3) by inserting after clause (ii) (as so amend-
9 ed) the following:

10 “(iii) at least one individual should be
11 appointed as a representative of labor or-
12 ganizations with a direct interest in the
13 Corporation’s investments; and”.

14 (b) AUTHORITIES RELATING TO PROVISION OF SUP-
15 PORT.—Section 1421 of the BUILD Act of 2018 (22
16 U.S.C. 9621) is amended—

17 (1) in subsection (c)—

18 (A) in paragraph (3), by adding at the end
19 the following:

1 “(G) The support would strengthen the se-
2 curity and resiliency of supply chains for the
3 national, energy, and economic security of the
4 United States through expanding domestic and
5 foreign capabilities.

6 “(H) The support would strengthen work-
7 place protections, remove human rights viola-
8 tions from supply chains, promote environ-
9 mental sustainability and prevent environmental
10 degradation in the country where the project
11 site is located.”;

12 (B) by redesignating paragraphs (4), (5),
13 and (6) as paragraphs (5), (6), and (7), respec-
14 tively; and

15 (C) by inserting after paragraph (3) the
16 following:

17 “(4) WORKFORCE PROTECTIONS AND ENVIRON-
18 MENTAL DEGRADATION DEFINED.—In paragraph
19 (3)(H)—

20 “(A) the term ‘workforce protections’ has
21 the meaning given the term internationally rec-
22 ognized worker rights as defined under the
23 labor standards embodied by the International
24 Labor Organization’s Declaration on Funda-
25 mental Principles and Rights at Work; and

1 “(B) ‘environmental degradation’ has the
2 meaning given the term antidegradation stand-
3 ards used to implement the requirements of the
4 Clean Water Act and Clean Air Act.”; and
5 (2) in subsection (g)(3), by adding at the end
6 the following:

7 “(G) To strengthen the security and resil-
8 iency of supply chains for the national, energy,
9 and economic security of the United States
10 through expanding domestic and foreign capa-
11 bilities.

12 “(H) To strengthen workplace protections
13 (as such term is defined in subsection (c)(4)),
14 remove human rights violations from supply
15 chains, promote environmental sustainability,
16 and prevent environmental degradation (as such
17 term is defined in subsection (c)(4)) in the
18 country where the project site is located.”.

19 (c) LIMITATIONS AND PREFERENCES.—Section 1451
20 of the BUILD Act of 2018 (22 U.S.C. 9671) is amend-
21 ed—

22 (1) in subsection (b)—

23 (A) in paragraph (1), by adding at the end
24 before the period the following: “with signifi-

1 cant positive impacts for United States employ-
2 ment”;

3 (B) by redesignating paragraph (2) as
4 paragraph (3);

5 (C) by inserting after paragraph (1) the
6 following:

7 “(2) PREFERENCE RELATING TO MATERIALS
8 AND CONTENT PRODUCED OR MANUFACTURED IN
9 THE UNITED STATES.—

10 “(A) IN GENERAL.—The Corporation shall
11 only support projects under title II sponsored
12 by or involving private sector entities that
13 produce or manufacture a minimum of 51 per-
14 cent of the materials and content in the United
15 States.

16 “(B) WAIVER.—The President may waive
17 the requirement under subparagraph (A) for
18 entities that produce or manufacture a min-
19 imum of 51 percent of the materials and con-
20 tent in the United States, if the President cer-
21 tifies to Congress that the project is in the na-
22 tional interest of the United States.”; and

23 (D) by adding at the end the following:

24 “(4) POSITIVE IMPACTS FOR UNITED STATES
25 EMPLOYMENT DEFINED.—In this subsection, the

1 term ‘positive impacts for United States employ-
2 ment’ means impacts that create new jobs and re-
3 tain current employment in the same sector as the
4 private sector entity involved.”;

5 (2) in subsection (d)—

6 (A) in paragraph (1), by striking “are tak-
7 ing steps to”;

8 (B) in paragraph (2)—

9 (i) in the first sentence of the quoted
10 matter—

11 (I) by inserting “to union neu-
12 trality and” after “agrees”; and

13 (II) by striking “take actions to”;
14 and

15 (ii) in the last sentence of the quoted
16 matter—

17 (I) by striking “not”; and

18 (II) by adding at the end before
19 the period the following: “if the per-
20 son is not in compliance with inter-
21 nationally recognized worker rights.
22 The person shall return the full
23 amount of such loan that has been
24 disbursed if it is determined that the

1 person has violated the agreement on
2 worker rights”;

3 (3) in subsection (e)—

4 (A) in the heading, by striking “NOTIFICA-
5 TION” and inserting “REQUIREMENT”;

6 (B) by striking “that are sensitive, diverse,
7 or unprecedented” and all that follows and in-
8 serting “, including the production of eligible
9 materials in countries with environmental pro-
10 tections comparable to such protections in the
11 United States.”.

12 (d) SAFEGUARDS, POLICIES, AND GUIDELINES.—
13 Section 1452(b) of the BUILD Act of 2018 (22 U.S.C.
14 9672(b)) is amended—

15 (1) in paragraph (2), by striking “and” at the
16 end;

17 (2) in paragraph (3)—

18 (A) by striking “a significant” and insert-
19 ing “an”; and

20 (B) by striking the period at the end and
21 inserting “; and”; and

22 (3) by adding at the end the following:

23 “(4) promotes environmental sustainability and
24 prevents environmental degradation.”.

1 (e) PROHIBITION ON SUPPORT OF ACTIVITIES SUP-
2 PORTED BY FOREIGN ENTITIES AND COUNTRIES OF CON-
3 CERN.—Section 1453 of the BUILD Act of 2018 (22
4 U.S.C. 9673) is amended by adding at the end the fol-
5 lowing;

6 “(d) PROHIBITION ON SUPPORT OF ACTIVITIES SUP-
7 PORTED BY FOREIGN ENTITIES AND COUNTRIES OF CON-
8 CERN.—

9 “(1) IN GENERAL.—The Corporation shall re-
10 quire any person receiving support under title II to
11 certify that the person, and any entity owned or con-
12 trolled by the person, is in compliance with a prohi-
13 bition on the procurement of supplies or projects
14 supported by foreign entities of concern or foreign
15 countries of concern. Such certification shall specify
16 that support under title II will not be used with re-
17 spect to activities or operations located in a foreign
18 country of concern, benefit entities organized under
19 the laws of a foreign country of concern or of any
20 jurisdiction within such a country, or benefit entities
21 owned, controlled, or operated by a foreign entity of
22 concern no matter where such project is located.

23 “(2) DEFINITIONS.—In this subsection, the
24 terms ‘foreign country of concern’ and ‘foreign enti-
25 ty of concern’ the meanings given such term in sec-

1 tion 9901 of the William M. (Mac) Thornberry Na-
2 tional Defense Authorization Act for Fiscal Year
3 2021 (15 U.S.C. 4651).”.

