

103^D CONGRESS
2^D SESSION

H. R. 4183

To authorize the Secretary of Commerce to make grants to State and local governments for infrastructure projects in distressed areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 1994

Miss COLLINS of Michigan introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To authorize the Secretary of Commerce to make grants to State and local governments for infrastructure projects in distressed areas, 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 “Infrastructure Jobs
5 Act of 1993”.

6 **SEC. 2. DIRECT GRANTS.**

7 (a) CONSTRUCTION.—The Secretary is authorized to
8 make grants to any State or local government for the con-
9 struction (including demolition and other site preparation

1 activities), renovation, repair, or other improvement of
2 local public works projects, including those public works
3 projects of State and local governments for which Federal
4 financial assistance is authorized under provisions of law
5 other than this Act.

6 (b) COMPLETION OF PLANNING.—In addition, the
7 Secretary is authorized to make grants to any State or
8 local government for the completion of plans, specifica-
9 tions, and estimates for local public works projects where
10 either architectural design or preliminary engineering or
11 related planning has already been undertaken and where
12 additional architectural and engineering work or related
13 planning is required to permit construction of the project
14 under this Act.

15 (c) FEDERAL SHARE.—The Federal share of any
16 project for which a grant is made under this section shall
17 be 100 percent of the cost of the project.

18 **SEC. 3. GRANTS SUPPLEMENTING OTHER FEDERAL GRANT**
19 **PROGRAMS.**

20 (a) IN GENERAL.—In addition to the grants other-
21 wise authorized by this Act, the Secretary is authorized
22 to make a grant for the purpose of increasing the Federal
23 contribution to a public works project for which Federal
24 financial assistance is authorized under provisions of law
25 other than this Act.

1 (b) FEDERAL SHARE.—Any grant made for a public
2 works project under this section shall be in such amount
3 as may be necessary to make the Federal share of the
4 cost of such project 100 percent.

5 (c) LIMITATIONS.—No grant shall be made for a
6 project under this section unless the Federal financial as-
7 sistance for such project authorized under provisions of
8 law other than this Act is immediately available for such
9 project and construction of such project has not yet been
10 initiated because of lack of funding for the non-Federal
11 share.

12 **SEC. 4. GRANTS SUPPLEMENTING STATE AND LOCAL**
13 **GRANT PROGRAMS.**

14 (a) IN GENERAL.—In addition to the grants other-
15 wise authorized by this Act, the Secretary is authorized
16 to make a grant for the purpose of providing all or any
17 portion of the required State or local share of the cost
18 of any public works project for which financial assistance
19 is authorized under any provision of State or local law re-
20 quiring such contribution.

21 (b) AMOUNT OF GRANTS.—Any grant made for a
22 public works project under this section shall be made in
23 such amount as may be necessary to provide the requested
24 State or local share of the cost of such project.

1 **SEC. 5. GENERAL LIMITATIONS.**

2 (a) ACQUISITION OF LAND.—No part of any grant
3 made under section 2, 3, or 4 of this Act shall be used
4 for the acquisition of any interest in real property.

5 (b) MAINTENANCE COSTS.—Nothing in this Act shall
6 be construed to authorize the payment of maintenance
7 costs in connection with any projects constructed (in whole
8 or in part) with Federal financial assistance under this
9 Act.

10 (c) ON-SITE LABOR.—Grants made by the Secretary
11 under this Act shall be made only for projects for which
12 the applicant gives satisfactory assurances, in such man-
13 ner and form as may be required by the Secretary and
14 in accordance with such terms and conditions as the Sec-
15 retary may prescribe, that, if funds are available, on-site
16 labor can begin within 180 days of project approval.

17 (d) CONTRACTING.—

18 (1) CONTRACTING OUT REQUIRED.—No part of
19 the construction (including demolition and other site
20 preparation activities), renovation, repair, or other
21 improvement of any public works project for which
22 a grant is made under this Act shall be performed
23 directly by any department, agency, or instrumental-
24 ity of any State or local government.

25 (2) COMPETITIVE BIDDING.—Construction of
26 each project for which a grant is made under this

1 Act shall be performed by contract awarded by com-
2 petitive bidding, unless the Secretary shall affirma-
3 tively find that, under the circumstances relating to
4 such project, some other method is in the public
5 interest.

6 (3) LOWEST RESPONSIVE BID.—Contracts for
7 the construction of each project for which a grant is
8 made under this Act shall be awarded only on the
9 basis of the lowest responsive bid submitted by a
10 bidder meeting established criteria of responsibility.

11 (4) ADVERTISING.—No requirement or obliga-
12 tion shall be imposed as a condition precedent to the
13 award of a contract to a bidder for a project for
14 which a grant is made under this Act, or to the Sec-
15 retary's concurrence in the award of a contract to
16 such bidder, unless such requirement or obligation is
17 otherwise lawful and is specifically set forth in the
18 advertised specifications.

19 (e) BUY AMERICAN.—If a local public works project
20 carried out with Federal financial assistance under this
21 Act would be eligible for Federal financial assistance
22 under provisions of law other than this Act and, under
23 such other provisions of law, would be subject to title III
24 of the Act of March 3, 1933, popularly known as the Buy
25 American Act, or similar requirements, such project shall

1 be subject to such title of such Act of March 3, 1933,
2 or such similar requirements under this Act in the same
3 manner and to the same extent as such project would be
4 subject to such title of such Act of March 3, 1933, or such
5 similar requirements under such other provisions of law.

6 (f) MINORITY PARTICIPATION.—If a local public
7 works project carried out with Federal financial assistance
8 under this Act would be eligible for Federal financial as-
9 sistance under provisions of law other than this Act and,
10 under such other provisions of law, would be subject to
11 any minority participation requirement, such project shall
12 be subject to such requirement under this Act in the same
13 manner and to the same extent as such project would be
14 subject to such requirement under such other provisions
15 of law.

16 (g) APPLICABILITY OF LAWS REGARDING INDIVID-
17 UALS WITH DISABILITIES.—Sections 504 and 505 of the
18 Rehabilitation Act of 1973 and the Americans With Dis-
19 abilities Act of 1990 shall apply to local public works
20 projects carried out under this Act.

21 **SEC. 6. RULES, REGULATIONS, AND PROCEDURES.**

22 (a) IN GENERAL.—The Secretary shall, not later
23 than 30 days after date of enactment of this Act, prescribe
24 those rules, regulations, and procedures (including appli-
25 cation forms) necessary to carry out this Act. Such rules,

1 regulations, and procedures shall assure that adequate
2 consideration is given to the relative needs of various sec-
3 tions of the country. The Secretary shall consider among
4 other factors (1) the severity and duration of unemploy-
5 ment in proposed project areas, (2) the income levels and
6 extent of underemployment in proposed project area, and
7 (3) the extent to which proposed projects will contribute
8 to the reduction of unemployment.

9 (b) CONSIDERATION OF APPLICATIONS.—The Sec-
10 retary shall make a final determination with respect to
11 each completed application for a grant submitted under
12 this Act not later than the 60th day after the date the
13 Secretary receives such completed application. Failure to
14 make such final determination within such period shall be
15 deemed to be an approval by the Secretary of the grant
16 requested.

17 (c) CONSIDERATION OF CONSTRUCTION INDUSTRY
18 UNEMPLOYMENT.—For purposes of this section, in con-
19 sidering the extent of unemployment or underemployment,
20 the Secretary shall consider the amount of unemployment
21 or underemployment in the construction and construction-
22 related industries.

1 **SEC. 7. ALLOCATION OF FUNDS; PREFERENCES.**

2 (a) ALLOCATION OF FUNDS.—The Secretary shall al-
3 locate funds appropriated under section 9 of this Act as
4 follows:

5 (1) INDIAN TRIBES.—2¹/₂ percent of such funds
6 shall be set aside and shall be expended only for
7 grants for public works projects under this Act to
8 Indian tribes and Alaska Native villages. None of
9 the remainder of such funds shall be expended for
10 such grants to such tribes and villages.

11 (2) OTHERS.—After the set-aside required by
12 paragraph (1) of this subsection, 65 percent of such
13 funds shall be allocated among the States on the
14 basis of the ratio that the number of unemployed
15 persons in each State bears to the total number of
16 unemployed persons in all the States and 35 percent
17 of such funds shall be allocated among those States
18 with an average unemployment rate for the preced-
19 ing 6-month period in excess of 6.0 percent on the
20 basis of the relative severity of unemployment in
21 each such State, except that no State shall be allo-
22 cated less than three-quarters of one percent or
23 more than 12¹/₂ percent of such funds for local pub-
24 lic works projects within such State, except that in
25 the case of Guam, the Virgin Islands, American
26 Samoa, the Commonwealth of the Northern Mariana

1 Islands, and the Trust Territory of the Pacific Is-
2 lands, not less than $\frac{1}{2}$ of 1 percent in the aggregate
3 shall be granted for such projects in all 5 of such
4 territories.

5 (b) PREFERENCES.—

6 (1) LOCAL GOVERNMENT PROJECTS.—In mak-
7 ing grants under this Act, the Secretary shall give
8 priority and preference to public works projects of
9 local governments.

10 (2) LOCALLY ENDORSED PROJECTS.—In mak-
11 ing grants under this Act, the Secretary shall also
12 give priority and preference to any public works
13 project requested by a State or by a special purpose
14 unit of local government which is endorsed by a gen-
15 eral purpose local government within such State.

16 (c) HIGH UNEMPLOYMENT RATES.—

17 (1) PRIORITY.—In making grants under this
18 Act, if for the 12 most recent consecutive months,
19 the average national unemployment rate is equal to
20 or exceeds 6.0 percent, the Secretary shall (A) expe-
21 dite and give priority to applications submitted by
22 States or local governments having unemployment
23 rates for the 12 most recent consecutive months in
24 excess of the national unemployment rate, and (B)
25 shall give priority thereafter to applications submit-

1 ted by States or local governments having average
2 unemployment rates for the 12 most recent consecu-
3 tive months in excess of 6.0 percent, but less than
4 the national unemployment rate.

5 (2) INFORMATION REGARDING UNEMPLOYMENT
6 RATES.—Information regarding unemployment rates
7 may be furnished either by the Federal Government,
8 or by States or local governments, provided the Sec-
9 retary (A) determines that the unemployment rates
10 furnished by States or local governments are accu-
11 rate, and (B) shall provide assistance to States or
12 local governments in the calculation of such rates to
13 ensure validity and standardization.

14 (3) LIMITATION ON APPLICABILITY.—Para-
15 graph (1) of this subsection shall not apply to any
16 State which receives a minimum allocation pursuant
17 to paragraph (2) of subsection (a) of this section.

18 (d) STATE AND LOCAL PRIORITIZATION OF APPLICA-
19 TIONS.—Whenever a State or local government submits
20 applications for grants under this Act for 2 or more
21 projects, such State or local government shall submit as
22 part of such applications its priority for each such project.

23 (e) LOCALIZATION OF UNEMPLOYMENT DETERMINA-
24 TIONS.—The unemployment rate of a local government
25 shall, for the purposes of this Act, and upon request of

1 the applicant, be based upon the unemployment rate of
2 any community or neighborhood (defined without regard
3 to political or other subdivisions or boundaries) within the
4 jurisdiction of such local government.

5 **SEC. 8. PREVAILING RATE OF WAGES.**

6 If a local public works project carried out with Fed-
7 eral financial assistance under this Act would be eligible
8 for Federal financial assistance under provisions of law
9 other than this Act and, under such other provisions of
10 law, would be subject to the Act of March 3, 1931, known
11 as the Davis-Bacon Act (40 U.S.C. 276a–276a–5), or
12 similar requirements, such project shall be subject to such
13 Act of March 3, 1931, or such similar requirements under
14 this Act in the same manner and to the same extent as
15 such project would be subject to such Act of March 3,
16 1931, or such similar requirements under such other pro-
17 visions of law.

18 **SEC. 9. FUNDING.**

19 There is authorized to be appropriated to carry out
20 this Act not to exceed \$10,000,000,000.

21 **SEC. 10. DEFINITIONS.**

22 As used in this Act, the following definitions apply:

23 (1) SECRETARY.—The term “Secretary” means
24 the Secretary of Commerce, acting through the Eco-
25 nomic Development Administration.

1 (2) LOCAL GOVERNMENT.—The term “local
2 government” means any city, county, town, parish,
3 or other political subdivision of a State, and any In-
4 dian tribe.

5 (3) STATE.—The term “State” includes the
6 several States, the District of Columbia, the Com-
7 monwealth of Puerto Rico, the Virgin Islands,
8 Guam, American Samoa, the Commonwealth of the
9 Northern Mariana Islands, and the Trust Territory
10 of the Pacific Islands.

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