

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3935  
OFFERED BY MR. PERRY OF PENNSYLVANIA**

At the end of title VIII, add the following:

1 **SEC. \_\_\_\_ . PROHIBITIONS ON CONSTRUCTION CONTRACTS.**

2 (a) PROHIBITION.—

3 (1) GENERAL RULE.—The Secretary of Trans-  
4 portation, and any construction manager acting on  
5 behalf of the Secretary with respect to any construc-  
6 tion contract awarded pursuant to this Act, or the  
7 amendments made by this Act, or obligation of  
8 funds pursuant to such a contract, shall not, in the  
9 contracts bid specifications, project agreements, or  
10 other controlling documents—

11 (A) require or prohibit a bidder, offeror,  
12 contractor, or subcontractor from entering into,  
13 or adhering to, agreements with 1 or more  
14 labor organizations, with respect to that con-  
15 struction project or another related construction  
16 project; or

17 (B) otherwise discriminate against or give  
18 preference to a bidder, offeror, contractor, or

1 subcontractor because such bidder, contractor  
2 or subcontractor—

3 (i) becomes a signatory, or otherwise  
4 adheres to, an agreement with 1 or more  
5 labor organizations with respect to that  
6 construction project or another related  
7 construction project; or

8 (ii) refuses to become a signatory, or  
9 otherwise adhere to, an agreement with 1  
10 or more labor organizations with respect to  
11 that construction project or another related  
12 construction project.

13 (2) RULE OF CONSTRUCTION.—Nothing in  
14 paragraph (1) shall be construed to prohibit a con-  
15 tractor or subcontractor from voluntarily entering  
16 into an agreement described in such paragraph.

17 (b) RECIPIENTS OF GRANTS AND OTHER ASSIST-  
18 ANCE.—The Secretary shall not award grants, provide fi-  
19 nancial assistance, or enter into cooperative agreements  
20 for construction projects pursuant to this Act, until the  
21 Secretary ensures that—

22 (1) the bid specifications, project agreements,  
23 or other controlling documents for such construction  
24 projects of a recipient of a grant or financial assist-  
25 ance, or by the parties to a cooperative agreement,

1 do not contain any of the requirements or prohibi-  
2 tions described in subparagraph (A) or (B) of sub-  
3 section (a)(1); or  
4 (2) the bid specifications, project agreements,  
5 or controlling documents for such construction  
6 projects of a construction manager acting on behalf  
7 of a recipient or party described in paragraph (1),  
8 do not contain any of the requirements or prohibi-  
9 tions described in subparagraph (A) or (B) of sub-  
10 section (a)(1).

