



# Best Practices for Implementation: How the Lessons from the Bipartisan Infrastructure Law Can Ensure the Inflation Reduction Act Delivers Good Jobs and Community Benefits

## Introduction

On November 15, 2021, President Joe Biden signed the Bipartisan Infrastructure Law (BIL)—also known as the Infrastructure Investment and Jobs Act. The law includes \$550 billion in new federal funding to repair and help rebuild the nation’s infrastructure. The following year, on August 16, 2022, President Biden signed the Inflation Reduction Act into law. The Inflation Reduction Act invests \$369 billion of federal funding to

- revitalize and clean up U.S. manufacturing;
- support clean energy;
- create good union jobs across the country with high-road labor standards and domestic content incentives; and
- tackle the climate crisis head on by reducing emissions [up to 42% by 2030](#).<sup>1</sup>

These two laws hold the transformational potential to reduce pollution, prevent the worst impacts of climate change, make our workers and communities safer and healthier, and create the good-paying, union jobs we need to give all workers in the United States the opportunity for a middle-class life.

Federal agencies are playing a crucial role in uplifting workers and communities as they develop programmatic requirements and incentives to implement BIL and Inflation Reduction Act investments. In parallel, the Biden administration laid out clear commitments to maximize the job quality, equity, and community benefits of these laws and other federal spending through executive orders and initiatives. The president and his administration are seeking to deliver on their commitment to working people by advancing high-road labor standards and securing worker rights and protections through policies such as [Executive Order 14063](#) on Project Labor Agreements (PLAs).<sup>2</sup>

To build on the administration’s commitment to create and improve access to high-quality jobs, the White House National Economic Council and U.S. Department of Labor (DOL) established the [Good Jobs Initiative](#).<sup>3</sup> The initiative starts from the premise that good jobs are the foundation of an equitable economy

that lifts up workers and families while making businesses more competitive. Through the Initiative, DOL worked with the U.S. Department of Commerce (DOC) to create eight [Good Jobs Principles](#) to establish a shared framework of job quality for workers, businesses, labor unions, advocates, researchers, and state and local governments. DOL also partnered with the U.S. Department of Transportation (DOT), the U.S. Department of Energy (DOE), and DOC through a Memoranda of Understanding (MOU) to continue supporting the creation of high-quality jobs.<sup>4</sup>

However, as federal agencies have worked to implement the programs established by the BIL, the benchmarks set by the Good Jobs Initiative and corresponding MOUs are not being applied consistently across agencies and programs. As implementation of the Inflation Reduction Act begins in earnest, the BlueGreen Alliance (BGA) has identified opportunities to achieve the Biden administration’s goal of ensuring workers and communities see the benefits of these investments while creating good union jobs.

Indeed, in the Inflation Reduction Act itself, Congress created a funded mandate for the administration to track the implementation of labor, equity, and environmental standards across the law’s many programs. Section 70005 of the law appropriates \$25 million to the U.S. Office of Management and Budget and Section 70004 appropriates \$25 million to the U.S. Government Accountability Office to assess “whether the economic, social, and environmental impacts of the funds...are equitable.”

By working to more consistently apply the Good Jobs Principles and associated metrics across Inflation Reduction Act and BIL-funded programs, agencies can help advance equity and rebuild the middle class. Federal agencies that have not already entered into MOUs with the DOL to support this effort should do so.

## Methodology

The eight Good Jobs Principles established through the Good Jobs Initiative support the creation and maintenance of high-quality jobs and community benefits. These principles are:

1. Recruitment and Hiring
2. Benefits
3. Diversity, Equity, Inclusion, and Accessibility (DEIA)
4. Empowerment and Representation
5. Job Security and Working Conditions
6. Organizational Culture
7. Pay
8. Skills and Career Advancement

Using DOL's Good Jobs Toolkit, BGA identified a set of metrics for each of these eight principles and evaluated how these labor and equity standards are being applied in agency guidance, Funding Opportunity Announcements (FOA), and/or Notices of Funding Opportunities (NOFO) for a targeted set of BIL programs. For this analysis, sixteen programs funded by the BIL were reviewed from the following five federal agencies: DOE, the U.S. Department of the Interior (DOI), the U.S. Environmental Protection Agency (EPA), DOT, and the U.S. Department of Homeland Security (DHS) (See Appendix A).

The specific programs assessed for job quality measurements were:

- **DOE:** Regional Clean Hydrogen Hubs; Battery Materials Processing and Battery Manufacturing; Solar and Wind Grid Services and Reliability Demonstration; Regional Direct Air Capture Hubs; and Industrial Decarbonization and Emission Reduction
- **DOI:** Orphaned Wells (State Initial Grants) and Abandoned Mine Lands (AML)
- **EPA:** The Clean Water and Drinking Water State Revolving Funds (SRF); and the Clean School Bus Rebate
- **DOT:** Rebuilding American Infrastructure with Sustainability and Equity (RAISE), Port Infrastructure Development Program (PIDP); Low and No Emission Grant; Multimodal Project Discretionary Grant (MPDG); Reconnecting Communities Pilot (RCP); and National Electric Vehicle Infrastructure (NEVI)
- **DHS:** U.S. Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA)

It is our hope that this analysis will identify how to improve cohesion across federal agencies and between the Good Jobs Principles, existing MOUs, program guidance, FOAs, and NOFOs for BIL and Inflation Reduction Act investments. This white paper is intended to be a resource to agencies working to build job quality and equity into program implementation. It is important to note that agencies have varying legal authorities and mandates. The purpose of this white paper is to assess and compare job quality across a standardized set of metrics, without delving into the nuances of each agency's specific legal frameworks.

## Analysis

The eight Good Jobs Principles—Recruitment and Hiring; Benefits; Diversity, Equity, Inclusion, and Accessibility (DEIA); Empowerment and Representation; Job Security and Working Conditions; Organizational Culture; Pay; and Skills and Career Advancement—provide a roadmap to support and create high-quality jobs and community benefits. Because the principles are high-level in nature, BGA has identified a more specific and measurable set of metrics under the umbrella of these eight principles. The eight principles as well as the identified metrics are defined below.

The Good Jobs Principles are overlapping and interconnected, therefore metrics for measuring good jobs could be relevant in multiple places. BGA identified metrics within each principle where they add the most value to the analysis. Additionally, the "Organizational Culture" principle was not included as a standalone principle or metric in the analysis below. BGA determined that this principle is overlapping with other principles and is already measured in other metrics.

## Recruitment and Hiring

**The Principle as Defined by DOL:** Qualified applicants are actively recruited—especially those from underserved communities. Applicants are free from discrimination, including unequal treatment or application of selection criteria that are unrelated to job performance. Applicants are evaluated with relevant skills-based requirements. Unnecessary educational, credential, and experience requirements are minimized.

**Metrics:** For this principle, BGA has identified the following metrics:

- **Project Labor Agreement (PLA) and Community Workforce Agreements (CWAs):** A PLA is an instrument used on construction projects to predict and control project timelines and labor costs. Sometimes referred to as a CWA because of the benefits and opportunities these agreements provide to local communities. PLAs establish the terms and conditions of employing workers on specific construction projects, including wages, hours, working conditions, and dispute resolution methods.
- **Community Benefits Agreement (CBA):** CBAs are legally binding agreements used to ensure that community interests are taken into account in large development or construction projects. They can be negotiated with both union and community partners.
- **Local Hire:** Local hire benchmarks—often a key feature of CWAs—support the hiring of workers from within the state or local community.
- **Targeted Hire:** These benchmarks—also a key feature of CWAs—support employing workers from certain communities, which may include women, people of color, veterans, the formerly incarcerated, indigenous people, economically disadvantaged communities, communities heavily impacted by climate change, pollution, energy transition, or deindustrialization, and many others.
- **Collective Bargaining Agreement:** A collective bargaining agreement is a written legal contract between an employer and a union representing the employees. The collective bargaining agreement is the result of a negotiation process between the parties regarding topics such as wages, hours, and terms and conditions of employment.<sup>5</sup>

### Why This Is Important:

To maximize the benefits of federal projects and programs on workforce development, job quality, and economic opportunity, federal agencies should—depending on their statutory authority and type of project—require or strongly encourage a range of tools. For example, Collective Bargaining Agreements are agreements negotiated between employers and labor unions that outline the terms and conditions of employment, including wages, benefits, and working conditions. PLAs ensure high-road labor standards and timely project completion by providing project owners with access to the safest, most productive, and best-trained construction workers available in any given market. Large construction projects can benefit from a PLA even if they're not subject to Executive Order 14063 that requires the use of PLAs—like federal projects over \$35 million.<sup>6</sup>

In addition, CWAs and CBAs can include provisions such as local and targeted hire, pre-apprenticeship training programs, and other community benefits. These agreements help ensure that jobs are created where they are needed most, including low-income communities, communities of color, and deindustrialized communities. Local hire and targeted hire provisions are also important tools to help ensure that jobs go to the communities where projects are built. These provisions may mandate a certain percentage of local workers be used, offer incentives to hire local workers, or prioritize funding opportunities through contracting and hiring requirements. Without local hire provisions, job creation benefits for the local community could be minimized. Targeted hire provisions can help ensure that certain underrepresented populations are prioritized for hire on federally-funded projects, which could include dislocated workers.

## Benefits

**The Principle as Defined by DOL:** Full-time and part-time workers are provided family-sustaining benefits that promote economic security and mobility. These include health insurance, a retirement plan, workers' compensation benefits, work-family benefits—such as paid leave and caregiving supports—and others that may arise from engagement with workers. Workers are empowered and encouraged to use these benefits.

**Metrics:** For this principle, BGA has identified the following metrics:

- **Retirement Contributions:** Retirement contribution is a payment made by an employer on behalf of an employee to a retirement savings plan or account, such as a 401(k) or pension plan.
- **Fringe Benefits:** Fringe benefits are additional compensation or benefits provided by an employer to an employee beyond their regular salary or wages, such as health insurance, paid time off, or bonuses.

### Why This Is Important:

By promoting retirement and fringe benefits, federal agencies can help ensure that workers can thrive, both in and outside of the workplace, and contribute to a more stable and prosperous society. Employers are already legally required to provide a range of benefits, including Social Security, health insurance, unemployment insurance, medical leave, and workers' compensation. In addition to these legally required benefits, employers are free to offer additional benefits—or “fringe benefits”—to attract and retain employees, such as retirement contribution, life insurance, transportation benefits, tuition assistance, childcare support, paid leave, caregiving support, educational assistance, sick days, or any other compensation provided to employees beyond salary and wages. High-road benefits like retirement contributions and fringe benefits can support employer recruitment efforts, motivate existing employees to increase and maintain high performance, and reduce employee burden with certain free and money-saving accommodations like transportation assistance or meal stipends. Employers stand to greatly benefit when their workforce is healthy and satisfied with their employment. When an employer has a satisfied workforce, they will likely face less turnover which saves the employer money.<sup>7,8</sup>

Retirement contributions can be difficult to measure because they may be included or excluded depending on other requirements. For example, if a workforce is covered under a PLA or collective bargaining agreement, retirement provisions are more likely to be secured. Similarly, if they are included as a requirement of locally offered fringe benefits, they are also likely to be secured. However, if retirement is not included in fringe benefits and the project is not covered by an agreement, then retirement provisions may be precarious. As a stand-alone metric, none of the identified program guidance and/or funding announcements offer recommendations or requirements for retirement contributions. This is a category where stronger language is needed to ensure workers have access to this compensation. Retirement contributions can help workers prepare for their future by building savings over time.

## Diversity, Equity, Inclusion, and Accessibility (DEIA):

**The Principle as Defined by DOL:** All workers have equal opportunity. Workers are respected, empowered, and treated fairly. DEIA is a core value and practiced norm in the workplace. Individuals from underserved communities do not face systemic barriers in the workplace. Underserved communities are persons adversely affected by persistent poverty, discrimination, or inequality, including people of color; LGBTQ+ individuals; women; immigrants; veterans; individuals with disabilities; individuals in rural communities; individuals without a college degree; individuals with or recovering from substance use disorder; and justice-involved individuals.

**Metrics:** For this principle, BGA has identified the following metric:

- **Adherence to Title VI of the Civil Rights Act:** Applicants that receive federal financial assistance in the form of grants, contracts, loans, or other forms of financial assistance are required to comply with Title VI and promote equal access and prevent discrimination based on race, color, or national origin in any program or activity.
- **DEIA Plans:** Applicants are required to develop and submit a DEIA plan that describes the actions the applicant will take to advance equity, including fostering a welcoming and inclusive environment; supporting people from underrepresented groups; and encouraging participation by and partnership with
  - » institutions serving disadvantaged communities,
  - » businesses and enterprises owned by people of color,
  - » woman owned businesses,
  - » veteran owned businesses,
  - » Tribal colleges and universities,
  - » community-based groups,
  - » faith-based organizations, or
  - » entities located in an underserved community that meet the eligibility requirements.
- **Project Assessment:** Applicants are required to develop and submit an assessment of project impacts that includes a description of impacted communities and groups; which of these are considered disadvantaged communities; a characterization of the existing burdens these communities face using the EPA's [EJSCREEN](#) tool, disadvantaged community definition tools or other analytical tools; and an assessment of project benefits, negative impacts and where each flow.<sup>9</sup>

### Why This Is Important:

By upholding the principles of Title VI of the Civil Rights Act, federal agencies can help promote a more inclusive and equitable society, and ensure that all individuals have the opportunity to participate fully in the benefits of federal programs and activities. Title VI applies to both public and private entities that receive federal funds, such as schools, hospitals, housing authorities, transportation providers, and many others. Compliance can include implementing policies and procedures to prevent discrimination, providing training

to employees and volunteers on Title VI compliance, and establishing complaint procedures to address allegations of discrimination. Similarly, DEIA planning and project assessment can help applicants ensure that projects are planned with equity embedded in the design and implementation. This includes ensuring that projects support underrepresented groups and businesses and that impacts on communities are taken into consideration in project design.



## Empowerment and Representation

**The Principle as Defined by DOL:** Workers can form and join unions. Workers can engage in protected, concerted activity without fear of retaliation. Workers contribute to decisions about their work, how that work is performed, and organizational direction.

**Metrics:** For this principle, BGA has identified the following metrics:

- **A Worker's Right to Organize and Collectively Bargain:** Agencies require that award recipients or any subrecipient affirm a worker's right to organize, which refers to the legal right of workers to form and join unions, engage in collective bargaining, and engage in other concerted activities for the purpose of representation and protection.
- **Prohibition on Spending:** Agencies require that award recipients or any subrecipient may not use grant funds, whether directly or indirectly, to support or oppose union organizing.

### Why This Is Important:

The right to organize is an important tool for promoting workers' rights, improving wages and working conditions, and ensuring greater economic and social justice. Through the collective bargaining process, workers represented by a union negotiate the terms of their employment with their employer. This includes wages, benefits, hours, health and safety requirements, dispute resolution, advancement, and more. Research has shown that through the collective bargaining power of unions, workers are able to get consistent and better benefits across the covered workforce—such as health insurance and pensions. Workers are also able to fight for greater enforcement of the labor protections they have a right to under the law, like safety and health regulations and overtime.<sup>10,11</sup> Additionally, collective bargaining is one of the most powerful tools for comprehensively and consistently raising standards for any industry, as each renegotiated collective bargaining agreement—which typically has a three to five year lifetime—usually includes gains for the workers.

Moreover, research has shown that across the board, union members earn higher wages than non-union workers and this difference is most pronounced for workers of color and women.<sup>12</sup>

- White male union members earn 17% more in wages on average compared to white male non-union workers;
- Female union members earn 28% more in wages on average compared to non-union female workers;
- Black union members earn 28% more in wages on average compared to non-union Black workers; and
- Latine union members earn 40% more in wages on average compared to non-union Latine workers.

Federal agencies can use their influence and resources to promote fair labor practices and ensure that workers are able to exercise their rights to organize and engage in collective bargaining. This can include encouraging applicants for federal funding to comply with these rights. Agencies should also require contractors to provide workers with information about their rights under applicable labor laws and regulations, particularly the National Labor Relations Act (NLRA). In principle, the NLRA guarantees workers the right to form and join unions, to bargain collectively with their employers, and to engage in other forms of concerted activity, such as strikes and protests, without fear of retaliation or discrimination by their employers.

## Job Security and Working Conditions

**The Principle as Defined by DOL:** Workers have a safe, healthy, and accessible workplace, built on input from workers and their representatives. Workers have job security without arbitrary or discriminatory discipline or dismissal. They have adequate hours and predictable schedules. The use of electronic monitoring, data, and algorithms is transparent, equitable, and carefully deployed with input from workers. Workers are free from harassment, discrimination, and retaliation at work. Workers are properly classified under applicable laws. Temporary or contractor labor solutions are minimized.

**Metrics:** For this principle, BGA has identified the following metrics:

- **Adherence to the Contract Work Hours and Safety Standards Act (CWHSSA):** The CWHSSA requires contractors and subcontractors on covered contracts to pay laborers and mechanics employed in the performance of the contracts one and one-half times their basic rate of pay for all hours worked over 40 hours in a work week.<sup>13</sup>
- **Evidence of a safety and health program:** This program is designed and implemented with workers and their representatives, adheres to all U.S. Occupational Safety and Health Administration (OSHA) regulations, and actively identifies and minimizes workplace hazards. Where OSHA coverage is not applicable, the project should comply with other relevant worker safety regulations.
- **Misclassification:** The Fair Labor Standards Act (FLSA) provides minimum wage and overtime pay protections to nearly all workers in the U.S. Some employers incorrectly treat workers who are employees under this federal law as independent contractors. We call this “misclassification.”<sup>14</sup>

### Why This Is Important:

Funding applicants should be requested or required to describe planned activities and policies that ensure worker engagement in the design and execution of workplace safety and health programs. These programs should include a comprehensive analysis and a management plan for all risks. They should also address how a strong safety culture will be built and maintained, how open communication about safety and lessons learned will be encouraged, how workers will be protected from harassment and discrimination, how retention rates will be measured, and how worker and workplace concerns will be addressed.

One way to help achieve this is by requiring applicants to express commitment to CWHSSA and OSHA at the time of the application, and during the use of program funds. Requiring compliance with CWHSSA ensures that workers are not exposed to unsanitary, hazardous, or dangerous working conditions on federal and federally financed construction projects. Frequently, workers in the construction industry are subject to overtime hours and the CWHSSA offers an avenue for intervention by the workers if the contractor violates the overtime requirements.

Requiring compliance with applicable OSHA and other safety standards ensures that the safety and health of workers are prioritized. Federal and state OSHAs are responsible for setting and enforcing standards related to workplace safety and health, and for providing education, training, and assistance to employers and workers to help them comply with these standards. OSHA standards cover a wide range of hazards and risks that can arise in the workplace. Where OSHA coverage is not applicable, the project should comply with other relevant worker safety regulations.

Additionally, prevention of misclassification is critical to ensure workers are guaranteed benefits and protections. When workers are misclassified as an independent contractor, employers may try to deny them benefits and protections to which they are legally entitled. Federal agencies can require that applicants explain how projects will properly classify employees and notify all workers of their rights, including workers treated as independent contractors.

## Pay

**The Principle as Defined by DOL:** All workers are paid a stable and predictable living wage before overtime, tips, and commissions. Workers' pay is fair, transparent, and equitable. Workers' wages increase with increased skills and experience.

**Metrics:** For this principle, BGA has identified the following metrics:

- **Adherence to the Davis-Bacon Act:** The Davis-Bacon Act and Related Acts require contractors and subcontractors on federal and federally assisted construction projects to pay their workers no less than the local prevailing wages and fringe benefits for the same type of work within the geographic area.
- **Living Wage:** Living wage is calculated based on the cost of living in a particular geographic area, taking into account the average cost of housing, food, healthcare, transportation, and other basic necessities.<sup>15</sup>

### Why This Is Important:

Higher wages on a given project can attract high-road contractors employing skilled professionals who perform high quality work, helping projects meet construction milestones on-time and safely, without increasing total construction costs. Higher wages can have long-term economic benefits to a community and create a long-standing professional workforce for future projects.

Compliance with the Davis-Bacon Act and Related Acts, adherence to prevailing wage requirements, and supporting living wages are essential for promoting fair compensation and high-quality work in the construction industry. Davis-Bacon rates are determined by DOL based on surveys of wages and benefits paid to workers

in a local area. These rates typically include wages and fringe benefits such as health insurance, pension contributions, and other benefits that are customary for the type of work being performed. The goal of a living wage is to ensure that workers can afford basic expenses without having to sacrifice other important aspects of their lives, such as healthcare, education, or saving for retirement. A living wage is considerably higher than the minimum wage set by law, and it is intended to provide workers with a minimum level of economic security and stability. Living wage policies have been implemented by labor unions, community groups, and governments as a way to address poverty and income inequality.



## Skills and Career Advancement

**The Principle as Defined by DOL:** Workers have equitable opportunities and tools to progress to future good jobs within their organizations or outside of them. Workers have transparent promotion or advancement opportunities. Workers have access to quality employer- or labor-management-provided training and education.

**Metrics:** For this principle, BGA has identified the following metrics:

- **Union-Affiliated Training Programs:** Industrial unions work with their employers on a variety of structures for labor-management training programs (some are registered apprenticeship programs) that provide a combination of classroom and on-the-job skills training. These programs provide workers with job training and career development opportunities to help them gain new skills and advance their careers.
- **Registered Apprenticeship:** A registered apprenticeship program is a training program that combines on-the-job training and classroom instruction. Apprenticeships are sponsored by employers, industry groups, or labor-management training committees. Registered apprenticeship programs are overseen by the U.S. Department of Labor or a DOL-recognized State Apprenticeship Agency.
- **Pre-Apprenticeship:** A pre-apprenticeship program is a training program designed to prepare individuals for entry into an apprenticeship program.

### Why This Is Important:

These kinds of training programs offer wrap-around services to support trainees through the programs and help ensure that workers have a clear path towards skills advancement and career development. Federal agencies should encourage or—where statutory authority permits—require the use of these programs to promote workforce development and ensure that workers receive appropriate training and education. Requiring the use of these programs can also help promote equity and fairness in the workplace by providing training and career advancement to individuals from underrepresented groups. In particular, pre-apprenticeships provide individuals with the basic skills and knowledge needed to succeed in a particular trade or occupation. These programs may include classroom instruction, hands-on training, and mentorship opportunities, and they can help individuals build relationships with potential employers and apprenticeship sponsors. Pre-apprenticeships are often targeted towards individuals who may face barriers to entry into apprenticeships such as low-income workers, workers of color, women, and other disadvantaged communities. Additionally, the use of these programs can help to promote a more skilled and capable workforce, supporting the economic development and prosperity of communities across the country. It is critical, however, that quality pre-apprenticeship programs are used.

DOL published model funding opportunity language that includes guidance on how to define a quality pre-apprenticeship and lays out five standards. A quality pre-apprenticeship

1. is designed in collaboration with registered apprenticeship program sponsors;
2. provides meaningful hands-on training that does not displace paid employees;
3. facilitates entry and/or articulates into a registered apprenticeship program;
4. creates sustainable partnerships that promote the use of registered apprenticeships as a preferred means for industry to develop a skilled workforce and to create career opportunities and pathways leading to registered apprenticeship enrollment; and
5. provide access to appropriate supportive services (e.g., wrap-around services such as child-care and transportation).<sup>16</sup>



# DOE Regional Clean Hydrogen Hub FOA:

## *A Model for Job Quality & Community Benefits*

The DOE Regional Clean Hydrogen Hub FOA is an example of how agencies can get closer to meeting the goals of the Good Jobs Principles and provide a baseline for how agencies can implement labor standards and community benefits in other BIL and Inflation Reduction Act programs. It achieves this primarily through a Community Benefits Plan (CBP) that requires applicants to describe how they will meaningfully engage with the community and labor; invest in the workforce; advance DEIA; and contribute to the Justice40 initiative.

Below, we provide a summary of the four primary components of the CBP, as outlined in the Clean Hydrogen Hub FOA, and highlight the strengths of each component. At the same time, there are areas where this FOA and the CBP could be strengthened. To inform agencies that may look to this FOA as a model moving forward, we offer recommendations for ways that each component and the CBP overall could be strengthened.

### Community and Labor Engagement

The Hydrogen CBP includes a subsection “Community and Labor Engagement,” which requests extensive documentation from applicants demonstrating their efforts to engage with and solicit input from labor and community stakeholders. The CBP requires applicants include the following elements:

- **Background:** A description of prior and ongoing efforts by the applicant and its project partners to engage communities, Tribes, and labor stakeholders relevant to the program.
- **Social Characterization Assessment:** A brief writeup of a social characterization assessment of the community (which describes community dynamics, decision-making processes, etc.).
- **Initial Stakeholder Analysis Summary:** A description of how the applicant identified stakeholders and in what sectors (labor unions, communities, organizations, etc.). The analysis summary must also include the applicant’s current or anticipated level of engagement (e.g., advisory committee, working group member, or active public participant). Additionally, applicants must provide an assessment of existing labor and community support for—and/or concerns with—the program, including a description of the steps taken to gather this information.
- **Engagement Methods and Timeline:** An engagement schedule that includes when and how they will engage stakeholders, workforce organizations including labor unions and communities, as well as the objectives for engagement. This should include a description of specific engagement methods (e.g., listening sessions, town halls, open houses, mediated discussions, etc.), which should be matched to program phases.
- **Two-way Engagement Statement:** The application should include a statement discussing how the applicant plans to incorporate community input for the project and the extent to which the host community has already indicated support. This section should also include a discussion of community participation and access to monitoring data.
- **Workforce and Community Agreement Statement:** The application should include a statement describing any plans to negotiate a CBA, Community Investment/Equity Agreement, Good Neighbor Agreement, PLA, CWA, and/or other collective bargaining agreements.
- **Engagement Evaluation Strategy:** The application should include a description of plans for activities to evaluate the success of stakeholder engagement, including evaluating community and labor stakeholder perceptions of the progress.
- **Resource Summary:** The application should describe the resources dedicated to implementing the plan, including staff, facilities, capabilities, and budget.

## How this Section of the CBP Could be Strengthened:

To achieve the goals of the CBP subsection “Community and Labor Engagement” and strengthen future CBPs, BGA offers the following additional recommendations:

- The Hydrogen FOA encourages applicants to submit letters of support from established labor unions and community-based organizations that demonstrate the applicant’s ability to achieve the above goals. Submission of these letters or other ways of demonstrating good faith engagement with labor unions and community groups should be required. Furthermore, it is critical that the unions and groups engaged in this process are those that would be most relevant and impacted to the project.
- To promote accountability, federal agencies should include reference checks in their review process for applications. By conducting reference checks, agencies can confirm that applicants have interacted with the labor, social justice, and workforce development organizations they have claimed to work with in their applications. This fosters collaboration and responsibility among applicants and guarantees that they are working with pertinent organizations to promote fairness and generate employment opportunities.

## Investing in Job Quality and the Workforce

The Hydrogen FOA’s CBP subsection “Investing in the American Workforce” is intended to support the creation and retention of high-paying quality jobs and before development of a skilled workforce. Both include elements related to attracting and retaining a skilled, trained, or credentialed workforce supported by workforce development activities:

- **Background:** Summarize the applicants’ and its project partners’ previous and planned efforts to provide above average pay and benefits to properly classified employees in both the construction and ongoing operations phases; support the rights of workers to a free and fair chance to join a union; and invest in workforce development efforts.
- **Quality Jobs:** Describe plans to attract, train, and retain a skilled, qualified, local, and diverse workforce for both construction and ongoing operations/production/maintenance activities, including the anticipated quality of jobs the program will create (e.g., wages beyond compliance with Davis-Bacon prevailing wages and benefits, opportunities for wage progression, classification as employees, jobs for in-state workers, etc.). Describe how these jobs will sufficiently attract skilled and trained workers under competitive labor market conditions.<sup>17</sup>
- **Promoting Workforce Development:** Describe plans to invest in workforce education and training (e.g., labor-management training programs, registered apprenticeships, partnerships with community colleges, sector-based approaches to workforce development) and utilization of an appropriately credentialed workforce (e.g., requirements for appropriate and relevant professional and safety training, certification, and licensure, including, where appropriate, utilization of graduates from registered apprenticeship programs).
- **Advancing Workers’ Rights:** Provide information regarding employees’ ability to organize, bargain collectively, and participate—through labor organizations of their choosing—in decisions that affect them. Contribute to the effective conduct of business and facilitate amicable settlements of any potential disputes between employees and employers, providing assurances of project efficiency, continuity, and multiple public benefits. Specifically, provide information describing:<sup>18</sup>
  - » How the applicant will support and protect workers’ free and fair chance to form or join unions of their choosing and exercising collective voice in the workplace, in both construction and ongoing operations;
  - » Plans to ensure project success and continuity by mitigating labor disputes or strikes (e.g. protection of workers rights organize; good faith negotiations, etc.);
  - » Activities and policies that ensure worker engagement in the design and execution of workplace safety and health plans;
  - » How to ensure workplace health and safety and worksites free from harassment and discrimination;
  - » How PLAs or CWAs will be utilized in construction activity (e.g., collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);
  - » Plans to track retention rates and address areas of worker or workplace concern.

## How this Section of the CBP Could be Strengthened:

To achieve the goals of the CBP subsection “Investing in the American Workforce” and strengthen future CBPs, BGA offers the following additional recommendations:

- All subcontractors, employers of temporary employees, and any other project partners making use of DOE funds must agree to comply with requirements set forth in the CBP. For example, in its Broadband Equity, Access, and Deployment Program (BEAD) NOFO, the DOC includes language requesting that applicants describe how they will seek legally binding commitments with subcontractors and/or subgrantees, such as commitments to hire local workers, provide apprenticeship opportunities, use sustainable construction practices, and ensure fair wages and benefits for all workers involved in the project.<sup>19</sup>
- In allocating DOE funds, applicants should prioritize projects and investments with a focus on local and targeted hire. As required by statute, other FOAs include language around dislocated worker retention. For example, DOE’s Battery Materials Processing and Battery Manufacturing FOA encourages applicants to note efforts to create jobs for workers in low and moderate income communities that have lost or anticipate losing jobs due to deindustrialization or the displacement of fossil energy.<sup>20</sup>
- Where applicable, applicants should include pre-apprenticeships that have agreements with registered apprenticeships in their description of investing in workforce education and training, in addition to job skills training programs. Applicants should include information on wraparound services for training programs. Pre-apprenticeships are included in DOE’s Guidance for Creating a CBP and CBP Frequently Asked Questions (FAQs), but should also be included in the FOA.<sup>21,22</sup>
- Federal agencies should require applicants to provide a plan for access to child care for both facility and construction workers, as seen in the CHIPS Broadband Equity, Access, and Deployment Program.<sup>23</sup> This will help to support access to child care for facility and construction workers, and can include on- or near-site child care, pre-arranged agreements with existing child care providers, child care subsidies, or other similar measures.<sup>24</sup>
- Requirements for investing in workforce education and training should be refined and clarified with specific funding amounts, number of workers, and/or hours.
- Applicants should have clear pathways for advancement for every worker, and should make these pathways known to workers. The most fair and impactful method is through a collective bargaining agreement that clearly lays out pathways for raises and advancement.
- Applicants should be required or incentivized to enter into formal agreements with labor organizations. For example, DOE’s FOA for the Solar and Wind Grid Services and Reliability Demonstration program established by the BIL requires applicants to describe their plan to support workers’ free and fair chance to join a union and exercise collective voice in the workplace, including labor peace agreements.<sup>25</sup>



## Benefitting Disadvantaged Workers & Communities

The CBP's subsections "Diversity, Equity, Inclusion, and Accessibility" and "Justice40 Initiative" include the following language related to benefitting workers and communities who need it most:

**Diversity, Equity, Inclusion, and Accessibility (DEIA):** Applicants should submit a DEIA section within the CBP that describes the actions the applicant will take to advance equity, including fostering a welcoming and inclusive environment, supporting people from underrepresented groups, and advance equity encouraging partnership and participation with institutions serving disadvantaged communities; businesses and enterprises owned by people of color; woman-owned businesses; veteran-owned businesses; Tribal colleges and universities; community-based groups; faith-based organizations; or entities located in an underserved community that meet the eligibility requirements are.<sup>26</sup>

- Elements of the DEIA plan should include:
  - » Prior and ongoing efforts relevant to DEIA, based on findings from an initial assessment that examines the context of DEIA in organizations related to the project team;
  - » Targeted DEIA outcomes and implementation strategies, including milestones and a schedule for execution; and
  - » Project resources dedicated to implementing DEIA activities including staff, facilities, capabilities, and budget.

**Justice40 Initiative:** Within the CBP, applicants should submit a Justice40 Initiative section that describes plans to address energy and environmental justice concerns. The Justice40 Initiative section has two subsections:

- **Subsection 1** should include an assessment of project impacts, including a description of impacted communities and groups, which of these are considered disadvantaged communities; a characterization of the existing burdens these communities face using the EPA's [EJSCREEN](#) tool; disadvantaged community definition tools or other analytical tools; and an assessment of project benefits and where they flow as well as negative impacts and where they flow.
- **Subsection 2** should include the "Implementation Strategy," which outlines concrete steps the applicant will take to maximize benefits; minimize negative impacts; and measure, track, and report project impacts.

## How this Section of the CBP Could be Strengthened:

To achieve the goals of these CBP subsections and strengthen future CBPs, BGA offers the following additional recommendations:

- Applicants should be encouraged or required to integrate training programs with community-based wrap around services to maximize retention of disadvantaged and underrepresented workers. This is included in DOE's Guidance for Creating a CBP and CBP Frequently Asked Questions (FAQs), but should be also included in the FOA.<sup>27,28</sup>
- Applicants should be encouraged or required to include language on how they will support training and hiring for members of disadvantaged communities. For example, the DOE Battery Materials Processing and Battery Manufacturing FOA asks applicants to describe how the application will support quality pre-apprenticeship programs in the local community to improve access to career-track training and jobs for underrepresented workers, including returning citizens. Describe local and/or economic hire efforts (e.g., preferences for economically disadvantaged populations).<sup>29</sup>
- DOE should consider requiring or incentivizing Community Benefit Agreements as a way to ensure that development projects provide real and meaningful community benefits. CBAs can be expansive in scope and are often negotiated with both union and community partners. Because they are legally-binding agreements, they provide a higher level of accountability and enforceability and can therefore help ensure that specific workforce and community benefits are provided. For these reasons, by requiring CBAs, the DOE can ensure that developers are held accountable for providing the benefits they promise, and that community groups have a say in the development process.

## Ensuring Worker Safety

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Safety is critical in any work environment and it is important to maintain a continued focus on safety culture across all aspects of work. Separate from the worker health and safety provisions in the CBP, the FOA application requirements include a section on “Safety, Security, and Regulatory Requirements.” This section includes the following:

- Fostering a strong safety culture must be a priority for the entire scope of the Clean Hydrogen Hub project. Each Hub must develop a comprehensive Safety Program that encompasses all sites, technologies, and end-uses.
  - » Applications should include a detailed description of current and future intentions around safety culture, including a five-year construction/operation safety performance history (such as an OSHA 300A form, or Experience Modification Rating).
  - » The Safety Program Lead will coordinate the development of a comprehensive safety plan for all relevant sites, to be reviewed by DOE or third-party consultants representing DOE interests.

### How this Section of the CBP Could be Strengthened:

To achieve the goals of the CBP subsection “Ensuring Worker Safety” and strengthen future CBPs, BGA offers the following additional recommendations:

- Applicants should be required to provide regular training to keep workers up to date on hazards and controls to prevent illness or injury.
- Applicants and project partners should be required to update safety rules as industry standards and regulations change.
- Applicants should be required to describe how workers will be involved in the development and implementation of health and safety plans. For example, the DOE Battery Materials Processing and Battery Manufacturing FOA asks applicants to “detail how employees will be involved in the development and execution of a workplace safety and health plan, including worksite analysis, hazard prevention and control, safety and health training, and anti-harassment training.”<sup>30</sup>

### Structural Opportunities for Community Benefits Plan Improvement:

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In addition to the recommendations above to improve each section of the CBP, the structure and scoring mechanism of the CBP model in general could be improved. Specifically, the inclusion of labor engagement and job quality metrics within the broader CBP framework may undercut DOE’s ability to ensure that projects are creating good, union jobs. Because of the scoring mechanism in the FOA, applicants may be able to ignore or fall short on key labor standards outlined in the CBP while satisfying a significant portion of the community standards, and therefore still score highly in the evaluation process. In future funding announcements, DOE and other agencies utilizing this model should develop a better scoring mechanism that separately takes into account both labor and community standards and ensures that applicants meet a minimum threshold of both. While community benefits and labor standards are both important, they possess distinct characteristics and cannot be considered synonymous. As such, it is imperative to approach each aspect separately and with the appropriate attention and consideration.

# Recommendations for Federal Agencies to Align Program Implementation with Good Jobs and Community Benefits

BGA recognizes the tremendous effort undertaken by federal agencies to uphold the principles of the Good Jobs Initiative and maximize benefits to workers and communities. BGA supports the consistent use of the application criteria described below to:

- Invest in America's workforce to support and create good union jobs and develop a local, skilled, diverse, inclusive, and safe high-road workforce;
- Advance diversity, equity, inclusion, and accessibility;
- Support meaningful community and labor engagement; and
- Ensure project benefits are delivered to workers and communities.

To that end, BGA recommends that agencies consistently incorporate the following provisions in their implementation of BIL and Inflation Reduction Act programs. Many agencies have been incorporating some of these provisions during implementation, but not consistently or comprehensively. These recommendations are specific to the principles and metrics outlined in this paper and are not comprehensive to everything agencies can and should be doing to maximize benefits for workers, communities, and the environment.

- **Project Labor Agreement (PLA):** Agencies should require applicants utilize PLAs for construction projects to ensure high-road labor standards and timely project completion. PLAs can establish the terms and conditions of employment of workers on specific construction projects, including wages, hours, working conditions, and dispute resolution methods. By using PLAs, federal agencies can ensure that construction projects are completed on time, on budget, and with high-quality standards.
- **A Workers' Right to Organize and Collectively Bargain:** Applicants should be required to provide information on how the applicant will support and protect workers' right to form or join unions in both construction and ongoing operations. By supporting workers' rights to organize and bargain collectively, federal agencies can promote fair and safe working conditions, protect workers' interests, and foster a more inclusive and equitable society. This could be demonstrated by a signed Labor Peace Agreement or MOU with a relevant union.<sup>31</sup>
- **Collective Bargaining Agreements:** Applicants should be required to describe if and whether the applicant or subapplicants have existing collective bargaining relationships.
- **Prohibition on Spending:** Agencies should require that award recipients or any subrecipient may not use grant funds, whether directly or indirectly, to oppose union organizing.
- **Community Benefits Agreement (CBA):** Agencies should require or incentivize CBAs to ensure that community interests are taken into account in large development or construction projects. By requiring or incentivizing CBAs, agencies can ensure that developers are held accountable for providing the benefits they promise, and that community groups have a say in the development process.
- **Demonstrated Community Engagement:**  
Applicants should be required to demonstrate successful community consultation through:
  - » letters of support from community organizations, Tribes, and unions;
  - » a plan to engage with and address the concerns of Tribes, organizations representing residents and businesses, labor unions and other worker organizations relevant to the project, workforce development organizations, local government, emergency responders, communities with environmental justice concerns, disadvantaged communities, and community-based organizations that support or work with disadvantaged communities;
  - » a project implementation strategy with concrete steps the applicant will take to maximize benefits, minimize negative impacts, and measure project impacts;
  - » and an analysis of the community and the potential negative and positive impacts of the proposed investment including the technology-based risk.

To ensure that applicants are engaging in good faith practices and to deter fraud, federal agencies should require a reference check as part of the review process. By checking references, agencies can verify that applicants have engaged with labor, social justice, and workforce development groups that they have named in their applications. This promotes collaboration and accountability among applicants and ensures that they are working with relevant organizations to advance equity and create high-quality jobs.

- **Local Hire:** Agencies should require or incentivize local hire benchmarks to help support the hiring of workers from within the state or local community. Local hire provisions may mandate a certain percentage of local workers be used, they may offer incentives to hire local workers, or they may simply require that local employment impacts are considered alongside other benefits of projects being evaluated.
- **Targeted Hire:** Agencies should require or incentivize targeted hire benchmarks to help support the hiring of workers on a project from certain communities, which could include women, people of color, veterans, the formerly incarcerated, dislocated workers, indigenous people, economically disadvantaged communities, historically marginalized populations, communities heavily impacted by climate change, pollution, energy transition, or deindustrialization, and many others. These communities may be prioritized for funding opportunities through contracting requirements, hiring requirements, or the use or establishment of pre-apprenticeship programs. Ideally, these provisions establish long-lasting pipelines for members of disadvantaged communities to access good jobs and careers in the clean economy.
- **Union-Affiliated Training Programs, Registered Apprenticeships, and Pre-Apprenticeship:** Agencies should require or incentivize the use of labor-management training programs, registered apprenticeships, and quality pre-apprenticeship programs to ensure workers have the skills and support they need to succeed.
- **Davis-Bacon:** Agencies should ensure compliance with the Davis-Bacon Act and Related Acts, which requires contractors on federally funded construction projects to pay their workers at rates that are no less than the locally prevailing wages and benefits for similar work.
- **Living Wage:** Agencies should encourage applicants to consider creating quality jobs with wages that go beyond prevailing wage, such as living wage, and include opportunities for wage progression.
- **Retirement Contribution:** Applicants should be required to include retirement contribution as a job benefit. This is an important aspect of creating high-quality jobs because it provides financial security and stability for workers during their retirement years. By offering retirement benefits, employers are able to attract and retain skilled workers who value long-term financial planning and stability. In addition, retirement benefits can help to reduce financial stress and increase overall job satisfaction, as employees feel supported and valued by their employer.
- **Fringe Benefits:** Applicants should be required to provide fringe benefits in job programs to create high-quality jobs that prioritize workers' financial security and well-being. Offering a comprehensive benefits package—including retirement contributions, access to high-quality child care health insurance, and paid time off—attracts and retains skilled workers while reducing financial stress and increasing job satisfaction. A comprehensive fringe benefits package provides workers with access to essential resources and support that help to improve their quality of life and contribute to a more equitable workforce.
- **Preventing Worker Misclassification:** Agencies should require that applicants prevent misclassification to ensure workers are guaranteed benefits and protections. Federal agencies can require that applicants explain how projects will properly classify employees and notify all workers of their rights, including workers treated as independent contractors.
- **Title VI of the Civil Rights Act of 1964:** Agencies should require compliance with Title VI in order to promote equal opportunity and prevent discrimination in all federally funded programs and activities. This can help to ensure that all individuals, regardless of their race, color, or national origin, have access to the benefits of federally funded programs and are not subjected to discrimination.
- **Contract Work Hours and Safety Standards Act:** Agencies should require compliance with CWHSSA because it helps ensure that workers on federal and federally-assisted construction projects are paid fairly and work in safe conditions. The CWHSSA requires contractors and subcontractors on covered contracts to pay laborers and mechanics employed in the performance of the contracts one and one-half times their basic rate of pay for all hours worked over 40 hours in a workweek. The act also prohibits unsanitary, hazardous, or dangerous working conditions on federal and federally financed and assisted construction projects. Compliance with the CWHSSA helps protect workers from being exploited and creates a level playing field for contractors bidding on federal projects.

- **Occupational Safety and Health:** Agencies should require evidence of a workplace safety and health program that is designed and implemented with workers and their representatives and in compliance with OSHA or the appropriate safety agency to ensure safe and healthy working conditions. Compliance with OSHA regulations helps prevent workplace injuries and illnesses and promotes a culture of safety in the workplace. Where OSHA coverage is not applicable, the project should comply with other relevant worker safety regulations.
- **Transparency:** Agencies should prioritize transparency in job programs by encouraging the sharing of application information and narratives, especially when it comes to meeting labor and J40 goals. By making application narratives publicly available or sharing application information within and across federal agencies, agencies can promote collaboration and knowledge-sharing, while also ensuring accountability and transparency in the selection process.

To incorporate these recommendations into program guidance and funding opportunities moving forward, agencies can reference DOL's model language to build these recommendations into funding opportunities. Furthermore, DOL recently launched several new resources to support agencies in these efforts. First, DOL released a Good Jobs Toolkit with a checklist to help employers, workers, and all levels of government ensure federal investments are creating good jobs.<sup>32,33</sup> In addition, DOL's Office of Federal Contract Compliance Program (OFCCP) announced the Mega Construction Project Program in collaboration with the Good Jobs Initiative, DOT, and GSA. This program focuses on providing diverse pools of qualified workers with access to good jobs in the construction trades on select large federal construction projects known as "Megaprojects." OFCCP will be partnering with GSA and DOT to provide extensive and no-cost compliance assistance to contractors and subcontractors, and the agencies involved have expressed a high priority in union contractors meeting DEIA goals. The Mega Construction Project Program Reference Sheet, Quick Reference Guide, OFCCP Letter to Bipartisan Infrastructure Law Grantees, and Sixteen Affirmative Action Steps toolkit are among the resources available.<sup>34,35,36,37</sup> These are all key resources and developments to support federal agencies in creating and improving access to high quality jobs through their various programs. In addition to taking advantage of these resources, we recommend that all federal agencies releasing BIL and Inflation Reduction Act funds sign MOUs with the DOL.



## Conclusion

The BIL and Inflation Reduction Act represent landmark policy victories, setting the stage for a major economic transformation that addresses climate change and improves public health, creates good union jobs across the country, and results in a more fair and equitable economy for everyone. But the work is just beginning. Implementation of these laws is critically important to ensure the promise of these transformative pieces of legislation is realized and that benefits for workers, communities, and the environment are maximized.

Federal agencies have been working tirelessly to implement the programs established by the BIL and significant progress is being made. At the same time, the benchmarks set by the Good Jobs Initiative and corresponding MOUs are not being applied consistently across agencies and programs. As implementation of the Inflation Reduction Act's historic investments begins in earnest, federal agencies have the opportunity to strengthen implementation of BIL and the Inflation Reduction Act in order to achieve the Biden administration's goals of ensuring workers and communities see the benefits of these investments while creating good union jobs. The magnitude of this undertaking to effectively implement these bills cannot be understated—nor the risk of failing to implement them in the right way.

By working to more consistently apply the Good Jobs Principles and associated metrics outlined in this paper across the Inflation Reduction Act and BIL-funded programs, agencies can ensure that these historic investments advance equity and rebuild the middle class.

**APPENDIX A**

Administering Agency or Office	Eligible Entities	Funding Level	Program Name and Description	Program Type
DOE - Office of Energy Efficiency and Renewable Energy	“Clean Hydrogen” producers and end-users with connective infrastructure located in close proximity	\$8 Billion	<b>Regional Clean Hydrogen Hubs</b> -The goal of this program is to accelerate the development of a hydrogen economy in the United States by supporting regional hubs that will produce, use, and distribute clean hydrogen. The program will fund up to five regional hubs that will demonstrate the viability of a clean hydrogen ecosystem in different regions of the country.	<a href="#"><u>Funding Opportunity Announcement</u></a>
DOE - Office of Energy Efficiency and Renewable Energy	Institutions of higher education, National Labs, nonprofit and for-profit private entities, state and local governments	\$6 Billion	<b>Battery Materials Processing and Battery Manufacturing</b> - The program aims to accelerate the development of advanced battery manufacturing technologies that can reduce the cost and improve the performance of advanced batteries for electric vehicles and other applications. The program will provide funding for research and development projects focused on developing and demonstrating advanced manufacturing processes for battery materials and components, as well as projects aimed at improving battery cell and pack manufacturing technologies.	<a href="#"><u>Funding Opportunity Announcement</u></a>

DOE - Office of Energy Efficiency and Renewable Energy	Utilities, transmission organizations, and other entities that operate or manage the electric grid	\$3 Billion	<p><b>Solar &amp; Wind Grid Services and Reliability Demonstration</b> - The program aims to demonstrate the ability of solar and wind power to provide grid services that support the reliability and resilience of the electricity grid. Specifically, the program will fund projects that demonstrate the technical and economic feasibility of integrating solar and wind power into the electricity grid, including the use of advanced control systems, energy storage, and other grid management technologies.</p>	<p><a href="#"><u>Funding Opportunity Announcement</u></a></p>
DOE - Office of Energy Efficiency and Renewable Energy	Direct air capture project or a component project of a regional direct air capture hub that meets criteria set by DOE and approved by the Energy Secretary	\$3.5 Billion	<p><b>Regional Direct Air Capture Hubs</b> - The program aims to support the development and deployment of direct air capture (DAC) technologies that can capture carbon dioxide from the air and convert it into useful products or permanently store it underground. The program will provide funding for research and development projects focused on developing and demonstrating advanced DAC technologies, as well as projects aimed at improving the efficiency and reducing the cost of DAC systems. The program will also support the establishment of regional DAC hubs that can serve as testing sites and centers of excellence for DAC research and development.</p>	<p><a href="#"><u>Notice of Funding Opportunity</u></a></p>

EPA - Office of Water	States/Tribes awarded grants/loans to utilities/municipalities/qualified nonprofits	\$11.713 Billion	<b>Clean Water and Drinking Water State Revolving Fund</b> - The program aims to provide guidance and support to states, territories, and tribes in the implementation of their Clean Water and Drinking Water State Revolving Fund (SRF) programs. Specifically, the program provides guidance on the allowable uses of SRF funds, project eligibility criteria, financial management and reporting requirements, and other program requirements.	<a href="#">Guidance</a>
EPA - Office of Transportation and Air Quality	School districts, non-profit transportation associations, tribes, contractors	Up to \$5 Billion	<b>Clean School Bus</b> - The program aims to reduce diesel emissions from school buses by providing rebates to eligible school bus owners who replace older, polluting buses with new, cleaner vehicles. The program will provide rebates of up to \$20,000 per bus for the purchase of new, eligible school buses, or up to \$6,000 per bus for the retrofit of older buses with emission control technologies.	<a href="#">Guidance</a>
DOT - Office of the Secretary	States, Tribes or consortium of Tribes, territories, local government; a public agency or publicly chartered authority established by one or more States; a special purpose district or public authority with a transportation function, including a port authority; a transit agency; and a multi-State or multijurisdictional group of entities that are separately eligible	\$7.5 Billion	<b>Rebuilding American Infrastructure with Sustainability and Equity (RAISE)</b> - The program aims to provide funding to support the construction, renovation, and repair of transportation infrastructure that improves safety, mobility, and accessibility, while also promoting environmental sustainability and equity. Specifically, the program provides grants to eligible state, local, and tribal governments, as well as other entities, for the development of transportation projects that enhance the nation's infrastructure, support economic growth, and improve quality of life for communities.	<a href="#">Notice of Funding Opportunity</a>

<p>DOT - Maritime Administration</p>	<p>A port authority, a commission or its subdivision or agent under existing authority, States, Tribes, local government, a public agency or publicly chartered authority established by one or more States, a special purpose district with a transportation function, a multistate or multijurisdictional group of entities, or a lead entity described above jointly with a private entity or group of private entities (including the owners or operators of a facility, or collection of facilities, at a port)</p>	<p>\$2 Million</p>	<p><b>Port Infrastructure Development Program (PIPD)</b> - The program aims to provide funding to support the development, improvement, and modernization of ports and port-related infrastructure. Specifically, the program provides grants to eligible public and private entities for the planning, construction, renovation, and repair of port infrastructure projects that enhance port efficiency, safety, and security, while also promoting economic growth and environmental sustainability. The program prioritizes projects that improve the safety and efficiency of freight movement, enhance port resiliency and preparedness, and promote economic opportunity in underserved communities.</p>	<p><a href="#">Notice of Funding Opportunity</a></p>
<p>DOT - Federal Transit Administration</p>	<p>State DOTs, MPOs, et. al.</p>	<p>\$5.6 Billion</p>	<p><b>Low &amp; No Emissions Grant</b> - The program aims to provide funding to support the purchase or lease of low or no emission buses and associated equipment, such as charging or refueling infrastructure. Specifically, the program provides grants to eligible state and local government entities, as well as transit agencies, for the procurement of buses that operate on clean energy technologies, such as battery electric, fuel cell, or hydrogen fuel cell electric power.</p>	<p><a href="#">Notice of Funding Opportunity</a></p>



<p>DOT - Office of the Secretary</p>	<p>Dependent on funding opportunity - see NOFO for details</p>	<p>\$1 Billion</p>	<p><b>Multimodal Project Discretionary Grant</b>  - The program aims to provide funding to support the development of transportation infrastructure projects that enhance mobility, safety, and economic competitiveness across multiple transportation modes, including highways, transit, rail, aviation, and maritime. Specifically, the program provides grants to eligible state and local government entities, as well as transit agencies, port authorities, and other public and private entities, for the development of transportation projects that address critical transportation needs, support economic growth, and improve quality of life for communities.</p>	<p><a href="#">Notice of Funding Opportunity</a></p>
<p>DOT - Office of the Secretary</p>	<p>State DOTs, MPOs, et. al.</p>	<p>\$1 Billion</p>	<p><b>Reconnecting Communities Pilot</b> - The program aims to provide funding to support the planning, design, and construction of transportation infrastructure projects that can help to reconnect communities that were divided or impacted by transportation infrastructure in the past. Specifically, the program provides grants to eligible state and local government entities, as well as tribal governments, for the development of transportation projects that address the impacts of highways and other transportation infrastructure that may have disproportionately affected low-income and minority communities, including through the creation of physical barriers, noise pollution, and other negative impacts.</p>	<p><a href="#">Notice of Funding Opportunity</a></p>

<p>DOE and DOT - Joint office of Energy and Transportation</p>	<p>State DOTs, MPOs, et. al.</p>	<p>\$5 Billion</p>	<p><b>National Electric Vehicle Infrastructure (NEVI)</b> - The program aims to support the deployment of electric vehicle charging infrastructure along designated alternative fuel corridors and in eligible areas across the United States. The program will provide formula grants to state and local governments for the planning, design, construction, and operation of electric vehicle charging infrastructure. The program will prioritize projects that increase access to charging infrastructure in underserved and disadvantaged communities and that support the development of zero-emission vehicle corridors.</p>	<p><a href="#">Guidance</a></p>
<p>DOI - Orphaned Wells Program Office</p>	<p>States and Tribes</p>	<p>\$4.7 Billion</p>	<p><b>Orphaned Wells (Initial State Grants)</b> - This program aims to reduce the environmental and safety risks posed by orphaned oil and gas wells on public and tribal lands. Orphaned wells are wells that have been abandoned by their owners without proper closure and restoration, which can lead to leaks of oil, gas, and other pollutants that can contaminate the surrounding land and water resources. The program provides funding for the plugging, reclamation, and remediation of orphaned wells, as well as for the restoration of affected ecosystems and habitats.</p>	<p><a href="#">Guidance</a></p>

DOI - Office of Surface Mining Reclamation and Enforcement	Certified/uncertified States and Tribes	\$11.3 Billion	<b>Abandoned Mine Lands (AML)</b> - The program provides grants to states and tribes to reclaim and restore abandoned mine lands, including stabilizing land and waterways, mitigating acid mine drainage, and restoring ecosystems. The program also supports research and development of innovative techniques for mine reclamation and cleanup.	<a href="#">Guidance</a>
DHS - Federal Emergency Management Agency	States, Local Communities, Tribes, and territories	\$1 Billion	<b>Building Resilient Infrastructure and Communities (BRIC)</b> - The program provides grants to state, local, and tribal governments, as well as certain private nonprofit organizations, to fund projects that address risks related to flooding, earthquakes, wildfires, and other hazards. Eligible project categories include physical infrastructure, social infrastructure, and mitigation planning.	<a href="#">Notice of Funding Opportunity</a>
DHS - Federal Emergency Management Agency	States, Local Communities, Tribes, and territories	\$3.5 Billion	<b>Flood Mitigation Assistance (FMA)</b> - The program provides grants to state, local, and tribal governments, as well as certain private nonprofit organizations, to fund projects such as floodplain and shoreline management, property acquisition and demolition, and structural and nonstructural flood mitigation measures.	<a href="#">Notice of Funding Opportunity</a>

## Endnotes

1 Rhodium Group, “A Turning Point for US Climate Progress: Assessing the Climate and Clean Energy Provisions in the Inflation Reduction Act,” August 12, 2022. Available Online: <https://rhg.com/research/climate-clean-energy-inflation-reduction-act/>

2 The White House, “Executive Order on the Use of Project Labor Agreements for Federal Construction Projects,” February 4, 2022. Available Online: <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/02/04/executive-order-on-use-of-project-labor-agreements-for-federal-construction-projects/>

3 U.S. Department of Labor, The Good Jobs Initiative. <https://www.dol.gov/sites/dolgov/files/goodjobs/Good-Jobs-Summit-Principles-Factsheet.pdf>

4 U.S. Department of Commerce and U.S. Department of Labor, “Good Jobs Principles.” Available Online: Available Online: <https://www.dol.gov/general/good-jobs>

5 Thomson Reuters Practical Law, Glossary: Collective Bargaining Agreement. Available online: [https://content.next.westlaw.com/practical-law/document/lbb09e90eef0511e28578f7ccc38dcbee/Collective-Bargaining-Agreement?contextData=\(sc.Default\)&transitionType=Default&viewType=FullText&firstPage=true](https://content.next.westlaw.com/practical-law/document/lbb09e90eef0511e28578f7ccc38dcbee/Collective-Bargaining-Agreement?contextData=(sc.Default)&transitionType=Default&viewType=FullText&firstPage=true)

6 EO 14063 applies to U.S. federal construction projects with a total estimated cost of \$35 million or more procured by the U.S. Army Corp of Engineers, General Services Administration, Naval Facilities Engineering Systems Command, and other federal agencies that directly procure federal construction contracts. “Agencies shall require every contractor or subcontractor engaged in construction on the project to agree, for that project, to negotiate or become a party to a project labor agreement with one or more appropriate labor organizations”(Section 3). This order does not apply to federally assisted construction contracts procured by state, local, and private stakeholders although other Biden administration policies promote the use of PLAs on certain federally assisted construction projects.

7 A report by the Center for American Progress found that replacing an employee can cost a business anywhere from 16% to 213% of the employees salary, depending on the industry and position. By contrast, investing in employee satisfaction and retention can lead to significant cost savings for employers.

8 Center for American Progress, “There Are Significant Business Costs to Replacing Employees,” November 16, 2012. Available online: <https://www.americanprogress.org/article/there-are-significant-business-costs-to-replacing-employees/>

9 U.S. EPA, EJScreen: Environmental Justice Screening and Mapping Tool. Available Online: <https://www.epa.gov/ejscreen>

10 The Economic Policy Institute has conducted extensive research on unions’ impact on worker benefits. According to their research, unionized workers are more likely to have employer-provided health insurance, pensions, and other benefits than non-union workers. For example, they found that 94% of unionized workers have access to employer-provided health insurance, compared to 67% of non-union workers. They also found that unionized workers are more likely to have paid vacation and sick days, as well as better job security.

11 Economic Policy Institute, “Union workers are more likely to have paid sick days and health insurance,” March 12, 2020. Available online: <https://www.epi.org/blog/union-workers-are-more-likely-to-have-paid-sick-days-and-health-insurance-covid-19-sheds-light-on-inequalities-among-the-poorest-and-least-empowered-workers/>

12 U.S Department of Labor, Union Members 2022 News Release. Available online: <https://www.bls.gov/news.release/pdf/union2.pdf>

13 CWHSSA applies to federal service contracts and federally assisted construction contracts worth over \$100,000.

14 U.S. Department of Labor, Get the Facts on Misclassification. Available online: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/misclassification-facts.pdf>

15 The Davis-Bacon Act (DBA) of 1931, 40 U.S.C. § 3141 et seq., applies to “every contract in excess of \$2,000, to which the Federal Government . . . is a party, for construction, alteration, or repair, including painting and decorating of public buildings and public works of the Government.” Id. § 3142. Since the DBA’s enactment, Congress has passed over 100 laws, known as Davis-Bacon Related Acts—extending prevailing wage requirements to projects that receive various forms of federal assistance, including federal grants, loans, loan guarantees, insurance, bonds, tax credits, and other innovative financing methods.

16 U.S. Department of Labor, Job Quality and Equity Notice of Funding Opportunity (NOFO) Draft Language for Federal Agencies, 2023. Available online: <https://www.dol.gov/general/good-jobs/job-quality-and-equity-nofo-language>

17 The National Institute of Standards and Technology released a NOFO for the CHIPS Incentives Program on Commercial Fabrication Facilities that significantly emphasizes creating quality jobs. The NOFO describes a Workforce Development Plan as a crucial strategy that includes both a Facility Workforce Plan and a Construction Workforce Plan. The Facility Workforce Plan comprises Workforce Needs Assessment, Worker Recruitment and Retention, Good Jobs Principles Approach, Workforce Training and Wraparound Services, and Metrics and Milestones. Similarly, the Construction Workforce Plan includes elements such as workforce needs assessment, worker recruitment and retention, Good Jobs Principles approach, workforce training and wraparound services, and metrics. Both plans require applicants to identify job types, skills, and workers required over time; map identified workforce needs to existing resources and the existing labor market to determine gaps; and provide wraparound services for workers, including adult care, transportation assistance, language support, tools, uniforms, appropriately sized safety gear and equipment, and mentorships. The plans also require applicants to ensure compliance with all Federal labor laws, prevent the misclassification of workers, and ensure a safe working environment free of harassment, discrimination, and retaliation.

18 The CHIPS NOFO requires applicants to provide a comprehensive plan that outlines their approach to meeting the Good Jobs Principles for newly created jobs, as well as enhancing job quality for existing jobs at expanded facilities. Incorporating the Good Jobs Principles into the workforce development plan is essential for creating a sustainable and equitable workforce. This approach ensures that applicants commit to offering jobs that provide a living wage, benefits, and opportunities for advancement.

19 U.S. Department of Commerce, Broadband Equity, Access, and Deployment Program. Available online: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>

20 U.S. Department of Energy, “Bipartisan Infrastructure Law - Battery Materials Processing and Battery Manufacturing Funding Opportunity Announcement,” June 2022. Available online: <https://eere-exchange.energy.gov/Default.aspx#Foaldc53b6390-dfb8-480a-9265-3ffdec6c97b3>

21 U.S. Department of Energy Office of Clean Energy Demonstrations, “Guidance for Creating a Community Benefits Plan for the Regional Clean Hydrogen Hubs,” October 2022. Available online: <https://oced-exchange.energy.gov/FileContent.aspx?FileID=9c024599-7d5c-4e84-9029-d307d7621ab7>

22 U.S. Department of Energy, Community Benefits Plans Frequently Asked Questions. Available online: <https://www.energy.gov/clean-energy-infrastructure/community-benefits-plan-frequently-asked-questions-faqs>

23 U.S. Department of Commerce, CHIPS Incentives Program - Commercial Fabrication Facilities. Available online: [https://www.nist.gov/system/files/documents/2023/02/28/CHIPS-Commercial\\_Fabrication\\_Facilities\\_NOFO\\_0.pdf](https://www.nist.gov/system/files/documents/2023/02/28/CHIPS-Commercial_Fabrication_Facilities_NOFO_0.pdf)

24 The CHIPS NOFO prioritizes affordable and high-quality child care and wraparound services to expand employment opportunities for economically disadvantaged individuals. Applicants requesting CHIPS Direct Funding over \$150 million must submit a plan for access to child care for facility and construction workers, which may include on- or near-site child care, pre-arranged agreements with existing providers, or child care subsidies. These plans and wraparound services, such as adult care, transportation assistance, language support, and mentorships, foster a supportive work environment that helps workers balance their personal and professional lives, benefiting families and communities.

25 U.S. Department of Energy, “Bipartisan Infrastructure Law - Solar and Wind Grid Services and Reliability Demonstration Funding Opportunity Announcement,” December 2022. Available online: <https://www.energy.gov>

[gov/eere/solar/articles/funding-notice-solar-and-wind-grid-services-and-reliability-demonstration](https://www.energy.gov/eere/solar/articles/funding-notice-solar-and-wind-grid-services-and-reliability-demonstration)

26 Recipients of funding under the CHIPS Incentives Program may be required to participate in the Mega Construction Project Program in partnership with the Department of Labor's Office of Federal Contract Compliance Programs. This program ensures compliance with federal labor and employment laws and promotes safe and equitable working conditions for all workers. Recipients with costs above \$35 million may be required to participate and make it clear to prime contractors in the pre-bid phase that their award terms will require their participation in the program. The Institute is committed to ensuring that all recipients of funding under the CHIPS Incentives Program comply with applicable federal labor and employment laws and promote safe and equitable working conditions for all workers.

27 U.S. Department of Energy Office of Clean Energy Demonstrations, Guidance for Creating a Community Benefits Plan for the Regional Clean Hydrogen Hubs. October 2022. Available online: <https://oced-exchange.energy.gov/FileContent.aspx?FileID=9c024599-7d5c-4e84-9029-d307d7621ab7>

28 U.S. Department of Energy Community Benefits Plans Frequently Asked Questions. Available online: <https://www.energy.gov/clean-energy-infrastructure/community-benefits-plan-frequently-asked-questions-faqs>

29 U.S. Department of Energy. Bipartisan Infrastructure Law - Battery Materials Processing and Battery Manufacturing Funding Opportunity Announcement. June 2022. Available online: <https://eere-exchange.energy.gov/Default.aspx#Foaldc53b6390-dfb8-480a-9265-3ffdec6c97b3>

30 U.S. Department of Energy, "Bipartisan Infrastructure Law - Battery Materials Processing and Battery Manufacturing Funding Opportunity Announcement," June 2022. Available online: <https://eere-exchange.energy.gov/Default.aspx#Foaldc53b6390-dfb8-480a-9265-3ffdec6c97b3>

31 A labor peace agreement is a contract between an employer and a union in which the employer agrees to be neutral during a union organizing campaign. As part of this agreement, unions generally agree not to engage in picketing, work stoppages, or other similar activity for a period of time.

32 U.S. Department of Labor, Good Jobs in Federal Investments: A Toolkit for Employers, Workers, and Government. 2023. Available online: <https://www.dol.gov/sites/dolgov/files/OPA/GoodJobs/Toolkit/Good-Jobs-Toolkit.pdf>

33 U.S. Department of Labor, good jobs checklist for grant applications. Available online: <https://www.transportation.gov/grants/dot-navigator/grant-application-checklist-for-strong-workforce-and-labor-plan>

34 U.S. Department of Labor, Mega Construction Projects Program Reference Guide. Available online: <https://www.dol.gov/sites/dolgov/files/OFCCP/Construction/MegaProgram/Files/OFCCP-Mega-Construction-Projects-Program-Reference-Sheet.pdf>

35 U.S. Department of Labor, Quick Reference Guide. Available online: <https://www.dol.gov/sites/dolgov/files/OFCCP/Construction/MegaProgram/Files/OFCCP-Mega-Construction-Project-Quick-Reference-Guide.pdf>

36 U.S. Department of Labor, OFCCP Letter to Bipartisan Infrastructure Law Grantees. Available online: <https://www.dol.gov/sites/dolgov/files/OFCCP/Construction/MegaProgram/Files/OFCCP-Letter-to-BIL-Grantees-re-contractor-obligations.pdf>

37 U.S. Department of Labor, Sixteen Affirmative Action Steps toolkit. Available online: <https://www.dol.gov/sites/dolgov/files/OFCCP/Construction/MegaProgram/Files/OFCCP-Sixteen-Affirmative-Action-Steps.pdf>