

ATTACHMENT A

BILL: H.R. 4101/S.2404

AUTHOR: CONGRESSWOMAN KAREN BASS (D-CA) AND U.S. SENATOR KIRSTEN GILLIBRAND (D-NY)

SUBJECT: BUILD LOCAL HIRE LOCAL ACT

STATUS: REFERRED TO THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, AND IN ADDITION TO THE COMMITTEES ON EDUCATION AND LABOR, AGRICULTURE, FINANCIAL SERVICES, ENERGY AND COMMERCE, NATURAL RESOURCES, HOMELAND SECURITY, AND SMALL BUSINESS AND THE U.S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ACTION: SUPPORT

RECOMMENDATION

Staff recommends that the Board of Directors adopt a SUPPORT position on House Resolution 4101/S. 2404, the Build Local Hire Local Act.

ISSUE

H.R. 4101, which was introduced on July 30, 2019 by Congresswoman Karen Bass and S. 2404 which was introduced on July 31, 2019 by U.S. Senator Kirsten Gillibrand seek to allow for geographic hiring preferences on federally funded transportation projects, among other changes to federal law.

DISCUSSION

Metro has a longstanding and nationally recognized track record of successfully working to reform federal local hire rules. Congresswoman Karen Bass (D-CA), working closely with our agency, successfully included language in the Federal Fiscal Year 2015 transportation funding bill to permit local hiring for federally funded transportation projects. This language, which was followed by similar language in the Fiscal Years 2016 and 2017 transportation spending measures, served as a precursor for the Obama Administration's Local Hire Pilot Program that was administered by the U.S. Department of Transportation (USDOT). In 2017, the Trump Administration ended the Local Hire Pilot Program. Guided by our Board-approved Federal Legislative Program, our agency has continued to advocate for legislative solutions that will allow for Local Hire practices on federally funded transportation projects.

The Build Local Hire Local Act represents an expansion of past proposals on the topic – specifically the Local Hire Act introduced by Congresswoman Bass in the 115th Congress. The legislation, if approved in its current form, would require the use of Local

Hire on all federally funded infrastructure projects, not just projects funded through U.S. Department of Transportation. The bill includes an increase in the required set-aside for SBE and DBE participation for federally funded contracts. The bill also develops new best value procurement standards that give preference to bids that use the U.S. Employment Plan – a contracting tool currently used by Metro on its Rolling Stock projects over \$100 million in size. In terms of funding, the bill would provide \$5 billion annually to award competitive grants for technical assistance and to develop programs that connect communities to employment opportunities. Lastly, the bill would expand prevailing wage requirements to all federally funded infrastructure project outlined in the bill, and would create a Buy America Bureau to better ensure compliance with Buy America laws.

DETERMINATION OF SAFETY IMPACT

There is no determined safety impact due to the enactment of the proposed legislation.

FINANCIAL IMPACT

There is no financial impact related to this legislation.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Staff recommendation supports strategic plan goal # 4.2: Metro will help drive mobility agendas, discussions and policies at the state, regional and national levels.

ALTERNATIVES CONSIDERED

Staff has considered adopting an oppose position on the bill. Adopting an oppose position on the bill would be counter to the advocacy efforts as outlined in the Board-approved 2019 Federal Legislative Program.

NEXT STEPS

Should the Board adopt a SUPPORT position on this measure, staff will communicate the Board's position to the authors and work with Congress to ensure its adoption into law. Staff will continue to keep the Board informed as this issue is addressed throughout the 116th Congress.