

*cosponsors - Congresswoman Donna Edwards
Congresswoman Laura Richardson*

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AMENDMENT TO H.R. 7

OFFERED BY MR. COHEN OF TENNESSEE

Insert after section 1718 the following (and conform the table of contents accordingly):

1 **SEC. 1719. CONSTRUCTION CAREERS DEMONSTRATION**
2 **PROGRAM.**

3 (a) **DEFINITIONS.**—In this section, the following defi-
4 nitions apply:

5 (1) **DEMONSTRATION PROGRAM.**—The term
6 “demonstration program” means the construction
7 careers demonstration program established under
8 subsection (b)(1).

9 (2) **DEMONSTRATION PROJECT.**—The term
10 “demonstration project” means an eligible project
11 that has been designated by the Secretary for inclu-
12 sion in the demonstration program pursuant to sub-
13 section (c).

14 (3) **ELIGIBLE PROJECT.**—The term “eligible
15 project” means a construction project that—

16 (A) is funded or assisted, in whole or in
17 part, by or through—

18 (i) the Federal Highway Administra-
19 tion;

1 (ii) the Federal Transit Administra-
2 tion; or

3 (iii) any other agency within the De-
4 partment;

5 (B) is requested to be included in the dem-
6 onstration program by the State or local recipi-
7 ent of Department assistance through written
8 communication to the Secretary;

9 (C) is estimated to have a total cost (in-
10 cluding all sources of funding) of more than
11 \$25,000,000; and

12 (D) would be constructed in a labor mar-
13 ket area (as defined in section 101 of the Work-
14 force Investment Act of 1998 (29 U.S.C.
15 2801)) for which a project-wide proportion of
16 15 percent of work hours to be performed by
17 targeted workers is practical and attainable.

18 (4) QUALIFIED PREAPPRENTICESHIP PRO-
19 GRAM.—The term “qualified preapprenticeship pro-
20 gram” means a preapprenticeship training program
21 that the Secretary of Labor, after consultation with
22 stakeholders, determines—

23 (A) has demonstrated an ability to recruit,
24 train, and prepare targeted workers for admis-
25 sion into registered apprenticeship programs;

1 (B) has a written arrangement with at
2 least 1 registered apprenticeship program under
3 which the preapprenticeship training program
4 shall assist in recruitment and preparation of
5 workers for application to the registered ap-
6 prenticeship program; and

7 (C) uses a training curriculum that does
8 not include on-the-job training.

9 (5) REGISTERED APPRENTICESHIP PROGRAM.—

10 (A) IN GENERAL.—The term “registered
11 apprenticeship program” means an apprentice-
12 ship program registered with the Office of Ap-
13 prenticeship of the Department of Labor, or
14 with a State apprenticeship agency recognized
15 by that Office of Apprenticeship, for purposes
16 of regulation of apprenticeship programs pursu-
17 ant to Federal law (including regulations).

18 (B) EXCLUSIONS.—The term “registered
19 apprenticeship program” does not include any
20 program that maintains provisional registration
21 status.

22 (6) TARGETED WORKER.—The term “targeted
23 worker” means an individual who resides in the
24 labor market area (as defined in section 101 of the
25 Workforce Investment Act of 1998 (29 U.S.C.

1 2801)) in which a demonstration project is to be
2 carried out and who—

3 (A) is a member of a targeted group within
4 the meaning of section 51 of the Internal Rev-
5 enue Code of 1986;

6 (B) both—

7 (i) resides in a census tract in which
8 not less than 20 percent of the households
9 have incomes below the Federal poverty
10 guidelines; and

11 (ii) is a member of a family with a
12 total family income that, during the 2-year
13 period prior to employment on the project,
14 did not exceed 200 percent of the Federal
15 poverty guidelines (exclusive of unemploy-
16 ment compensation, child support pay-
17 ments, payments described in section
18 101(25)(A) of the Workforce Investment
19 Act of 1998 (29 U.S.C. 2801(25)(A)), and
20 old-age and survivors insurance benefits
21 received under section 202 of the Social
22 Security Act (42 U.S.C. 402)); or

23 (C) is a displaced homemaker (as defined
24 in section 3 of the Carl D. Perkins Career and

1 Technical Education Act of 2006 (20 U.S.C.
2 2302).

3 (7) WORKFORCE ENTITY.—The term “work-
4 force entity” means—

5 (A) a qualified preapprenticeship program;

6 (B) a workforce investment board estab-
7 lished pursuant to section 111 of the Workforce
8 Investment Act of 1998 (29 U.S.C. 2821); and

9 (C) a community-based organization with a
10 track record of working with targeted workers.

11 (b) ESTABLISHMENT AND AUTHORITY.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Sec-
14 retary, in consultation with the Secretary of Labor,
15 shall establish, by regulation and through the use of
16 guidance, a construction careers demonstration pro-
17 gram in accordance with this section.

18 (2) PURPOSE.—The purposes of the demonstra-
19 tion program shall be—

20 (A) to promote middle class careers and
21 quality employment practices in the construc-
22 tion sector among targeted workers; and

23 (B) to advance efficiency and performance
24 on demonstration projects.

1 (c) ROLE OF SECRETARY.—To achieve the purposes
2 described in subsection (b)(2), the Secretary shall—

3 (1) consult with State and local funding recipi-
4 ents to identify eligible projects;

5 (2) designate demonstration projects;

6 (3) establish such terms and conditions for
7 demonstration projects as the Secretary, in consulta-
8 tion with the Secretary of Labor, determines are
9 necessary to achieve those purposes and meet the re-
10 quirements set forth in this section;

11 (4) for each included demonstration project, in
12 consultation with the Secretary of Labor and the
13 State or local funding recipient, evaluate local labor
14 market conditions and specify a proportion of overall
15 construction work hours to be performed by targeted
16 workers, and include such specification in the terms
17 and conditions applicable to that project;

18 (5) require contractors performing construction
19 services on demonstration projects to comply with
20 the terms and conditions of the Secretary, and the
21 requirements of this section, as conditions on the re-
22 ceipt by the project of Federal funding or assistance;
23 and

24 (6) not later than 3 years after the date on
25 which the first demonstration project is identified

1 under this subsection, evaluate the demonstration
2 program in light of the purposes of this section and,
3 if the Secretary determines that the demonstration
4 program has advanced the goals set forth in this sec-
5 tion, designate as demonstration projects such addi-
6 tional eligible projects as the Secretary determines
7 are appropriate for inclusion in the demonstration
8 program.

9 (d) GAO REPORT.—Not later than 3 years after the
10 date of enactment of this Act, the Comptroller General
11 of the United States shall prepare and submit to the Com-
12 mittee on Transportation and Infrastructure and the
13 Committee on Education and the Workforce of the House
14 of Representatives and the Committee on Banking, Hous-
15 ing, and Urban Affairs, the Committee on Health, Edu-
16 cation, Labor, and Pensions, the Committee on Environ-
17 ment and Public Works, and the Committee on Commerce,
18 Science, and Transportation of the Senate a report that
19 describes the results of the demonstration program, in-
20 cluding outcomes relating to training and employment
21 placement, and any appropriate recommendations.

22 (e) CONSTRUCTION CAREERS PATHWAYS.—Each
23 contractor and subcontractor that seeks to provide con-
24 struction services on a demonstration project shall submit
25 adequate assurances with a bid or proposal that, for each

1 craft or trade classification of worker that the contractor
2 or subcontractor intends to employ to perform work on
3 the demonstration project, the contractor or subcontractor
4 participates in a registered apprenticeship program.

5 (f) PREAPPRENTICESHIP TRAINING.—In order to ad-
6 vance the purposes of this section, on each demonstration
7 project a percentage of total project funds, not greater
8 than 1 percent, shall be used to support—

9 (1) training of targeted workers interested in
10 enrolling in registered apprenticeship programs, with
11 such training to be provided by qualified
12 preapprenticeship programs; and

13 (2) recruitment of targeted workers to partici-
14 pate in registered apprenticeship programs or
15 preapprenticeship training programs, with such re-
16 cruitment to be performed by community-based or-
17 ganizations.

18 (g) ENGAGEMENT OF QUALIFIED
19 PREAPPRENTICESHIP PROGRAMS.—In order to advance
20 the purposes of this section, the recipient of Federal fund-
21 ing or assistance, or other public entity awarding contracts
22 for construction of a demonstration project shall—

23 (1) engage local workforce entities to assist con-
24 tractors in satisfying the targeted hiring require-

1 ments of the demonstration project, with such assist-
2 ance including—

3 (A) identification and training of targeted
4 workers who are not currently enrolled in reg-
5 istered apprenticeship programs; and

6 (B) building relationships with local reg-
7 istered apprenticeship programs; and

8 (2) before commencement of construction on
9 the demonstration project, convene contractors,
10 workforce entities, and registered apprenticeship
11 programs to facilitate programmatic relationships.

12 (h) **SMALL AND DISADVANTAGED BUSINESS RE-**
13 **QUIREMENTS.**—Terms and conditions applicable to dem-
14 onstration projects shall require recipients and contractors
15 to comply with all applicable federally mandated small and
16 disadvantaged business requirements for contracting, sub-
17 contracting, and procurement.

18 (i) **LIMITATION.**—This section shall not apply to any
19 project funded under this Act in American Samoa, Guam,
20 the Commonwealth of the Northern Mariana Islands, the
21 Commonwealth of Puerto Rico, or the United States Vir-
22 gin Islands, unless participation is requested by the Gov-
23 ernor of the territory by not later than the date that is
24 1 year after the effective date of the regulations promul-
25 gated under subsection (j).

1 (j) REGULATIONS.—The Secretary, in consultation
2 with the Secretary of Labor, shall promulgate such regula-
3 tions as are necessary to carry out this section.

