

103^D CONGRESS
1ST SESSION

S. 1396

To establish youth apprenticeship demonstration programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6 (legislative day, JUNE 30), 1993

Mr. NUNN (for himself, Mr. BREAUX, Mr. WARNER, Mr. PRYOR, Mr. HEFLIN, Mr. GRAHAM, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To establish youth apprenticeship demonstration programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Youth Apprenticeship
5 Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

1 (1) many foreign countries, including Germany,
2 Japan, Denmark, and Sweden, have national policies
3 that—

4 (A) are aimed at effective employment
5 preparation of youth who do not seek a college
6 education; and

7 (B) include programs that provide occupa-
8 tional guidance to students and combine school-
9 ing with work experience;

10 (2) in Germany, almost all eligible students
11 apply for vocational training, which substantially re-
12 duces the risk of unemployment for young people,
13 and German firms spend \$18,000,000,000 annually
14 on vocational training;

15 (3) United States international competitiveness
16 is being eroded because a substantial increase is oc-
17 ccurring in jobs requiring greater skills and youth are
18 unprepared to meet the new labor market demands;

19 (4) partly as a result of inadequate skills in the
20 work force, the productivity growth of the United
21 States has slowed dramatically over the past 10
22 years, with the country taking almost 3 years to
23 achieve the same productivity improvement pre-
24 viously achieved in 1 year;

1 (5) while the United States still leads the world
2 in productivity, the rate of productivity improvement
3 is increasing much faster among competing nations;

4 (6) the economic position of United States high
5 school graduates who do not seek a college education
6 is deteriorating, with real earnings of the graduates
7 declining by 28 percent from 1973 to 1986;

8 (7) about 9,000,000 of the 33,000,000 United
9 States youth age 16 to 24, or 27 percent of the
10 youth, lack the necessary skills to meet employer re-
11 quirements for entry level positions;

12 (8) in the United States, apprenticeship train-
13 ing programs are providing valuable training services
14 to—

15 (A) 300,000 apprentices enrolled in more
16 than 40,000 federally registered programs; and

17 (B) 100,000 apprentices participating in
18 nonregistered programs;

19 (9) attempts to expand apprenticeship training
20 in the United States have been unsuccessful and the
21 percentage of the civilian United States work force
22 enrolled in federally registered apprenticeship pro-
23 grams fell from an already low .3 percent in 1970
24 to only .16 percent in 1987;

1 (10) federally registered apprenticeship training
2 programs do not provide assistance to the average
3 high school graduate, as evidenced by the fact
4 that—

5 (A) fewer than 2 percent of United States
6 high school graduates enter into youth appren-
7 ticeship training programs; and

8 (B) the median age of United States ap-
9 prentices is 25;

10 (11) currently, there are at most approximately
11 3,500 United States high school students participat-
12 ing in school-to-work apprenticeship programs; and

13 (12) school-to-work apprenticeship programs
14 can—

15 (A) allow students to become registered ap-
16 prentices as the students complete high school;

17 (B) produce positive outcomes for the stu-
18 dents, schools, and employers; and

19 (C) provide supervised work experience for
20 the students during high school, promoting de-
21 sirable work habits and developing knowledge
22 and skills for the working world.

23 (b) PURPOSE.—The purpose of this Act is to develop
24 and evaluate a range of youth apprenticeship programs
25 that will—

1 (1) establish partnerships between secondary
2 and postsecondary schools, employers, labor organi-
3 zations, and community and civic leaders to bridge
4 the growing gap in skills, income, and opportunity
5 between college bound and noncollege bound youth;

6 (2) offer young people a better chance to gain
7 marketable skills and incentives to remain in school
8 and achieve better grades;

9 (3) establish a systematic transition for stu-
10 dents from school to work by combining work experi-
11 ence for youth with a work-related curriculum;

12 (4) identify and develop competency standards
13 for youth apprentices;

14 (5) instill a sense of pride, self-esteem, and pur-
15 pose in youth apprentices;

16 (6) contribute to the public policy debate on
17 youth apprenticeship programs; and

18 (7) test a range of approaches to youth appren-
19 ticeship programs.

20 **SEC. 3. DEFINITIONS.**

21 As used in this Act:

22 (1) BOARD.—The term “Board” means the
23 Board of Directors of the Institute.

24 (2) DISADVANTAGED YOUTH.—The term “dis-
25 advantaged youth”—

1 (A) means an individual (other than an in-
2 dividual with a handicap) who—

3 (i)(I) is an economically disadvan-
4 tagged individual; or

5 (II) has academic disadvantages; and

6 (ii) requires special services and as-
7 sistance in order to succeed in an appren-
8 ticeship training program; and

9 (B) includes—

10 (i) an individual who is a member of
11 an economically disadvantaged family;

12 (ii) a migrant;

13 (iii) an individual with limited-English
14 proficiency; and

15 (iv) an individual who is identified as
16 a potential dropout from a secondary
17 school.

18 (3) ECONOMICALLY DISADVANTAGED FAMILY;
19 ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The
20 terms “economically disadvantaged family” and
21 “economically disadvantaged individual” mean a
22 family and an individual, respectively, that the Insti-
23 tute, or a partnership participating in a youth ap-
24 prenticeship demonstration program, determines to

1 be low-income, according to the latest available data
2 from the Department of Commerce.

3 (4) INSTITUTE.—The term “Institute” means
4 the Institute for Youth Apprenticeship, established
5 in section 4.

6 (5) PARTNERSHIP.—The term “partnership”
7 means a coalition of secondary and postsecondary
8 schools, employers, labor organizations, and commu-
9 nity and civic leaders, formed for the purpose of op-
10 erating a youth apprenticeship demonstration pro-
11 gram.

12 (6) POSTSECONDARY SCHOOL.—The term
13 “postsecondary school” means a community college,
14 junior college, technical institute, or area vocational
15 school.

16 (7) POSTSECONDARY SCHOOL DEMONSTRATION
17 PROGRAM.—The term “postsecondary school dem-
18 onstration program” means a demonstration pro-
19 gram described in section 6(b)(3).

20 (8) SECONDARY SCHOOL DEMONSTRATION PRO-
21 GRAM.—The term “secondary school demonstration
22 program” means a demonstration program described
23 in section 6(b)(2).

24 (9) YOUTH APPRENTICESHIP DEMONSTRATION
25 PROGRAM.—The term “youth apprenticeship dem-

1 onstration program” means a demonstration pro-
2 gram described in paragraph (2) or (3) of section
3 6(b).

4 **SEC. 4. INSTITUTE FOR YOUTH APPRENTICESHIP.**

5 (a) ESTABLISHMENT.—There is established an Insti-
6 tute for Youth Apprenticeship that shall administer the
7 programs established under this title. The Institute shall
8 be an independent establishment, as defined in section 104
9 of title 5, United States Code.

10 (b) COMPOSITION OF BOARD OF DIRECTORS.—The
11 Institute shall be administered by a Board of Directors.
12 The Board shall be composed of 21 members, including—

13 (1) a Chairperson, appointed by the President
14 with the advice and consent of the Senate;

15 (2) the Administrator of the Office of Work-
16 Based Learning of the Department of Labor;

17 (3) the Director of the Division of Vocational
18 and Technical Education of the Department of Edu-
19 cation; and

20 (4) 18 members, appointed by the President—

21 (A) who shall include—

22 (i) nine individuals from among indi-
23 viduals nominated by the Speaker of the
24 House of Representatives; and

1 (ii) nine individuals from among indi-
2 viduals nominated on the joint rec-
3 ommendation of the Majority Leader of
4 the Senate and the Minority Leader of the
5 Senate; and

6 (B) of whom—

7 (i)(I) six individuals shall be rep-
8 resentatives of the education community;

9 (II) six individuals shall be represent-
10 atives of labor and worker groups; and

11 (III) six individuals shall be represent-
12 atives of the business community; and

13 (ii) individuals within each of the
14 groups described in subclauses (I), (II),
15 and (III) of clause (i) shall represent the
16 national, State, and local community levels.

17 (c) TERM.—Each appointed member of the Board
18 shall be appointed for a term of 5 years.

19 (d) VACANCIES.—Vacancies in the membership of the
20 Board shall be filled in the same manner as the original
21 appointment. The vacancy shall not affect the power of
22 the remaining members to execute the duties of the Board.

23 (e) FEDERAL EMPLOYMENT.—

24 (1) MEMBERS.—Members of the Board ap-
25 pointed under subsection (b)(4) shall not be employ-

1 ees or officers under section 2104 or 2105 of title
2 5, United States Code.

3 (2) CHAIRPERSON.—The Chairperson of the
4 Board shall be an officer under section 2104 of title
5 5, United States Code.

6 (f) SUIT.—Members of the Board shall be immune
7 from suit and legal process relating to acts performed by
8 the members in their capacity, and within the scope of
9 their functions, as members of the Board.

10 (g) COMPENSATION AND REIMBURSEMENT OF EX-
11 PENSES.—

12 (1) UNCOMPENSATED SERVICE.—Members of
13 the Board who are not employees of the Federal
14 Government shall not be compensated for the per-
15 formance of duties for the Board.

16 (2) TRAVEL EXPENSES.—Each member of the
17 Board shall receive travel expenses, including per
18 diem in lieu of subsistence, as authorized by section
19 5703 of title 5, United States Code, for persons em-
20 ployed intermittently in the Government service, for
21 each day the member is engaged in the performance
22 of duties away from the home or regular place of
23 business of the member.

1 (h) QUORUM.—A quorum shall consist of 14 mem-
2 bers of the Board, except that 9 members may conduct
3 a hearing.

4 (i) MEETINGS.—The Board shall meet at the call of
5 the Chairperson or a majority of the members of the
6 Board.

7 (j) EXECUTIVE DIRECTOR.—The Chairperson, in
8 consultation with the Board, shall appoint an Executive
9 Director for the Institute.

10 (k) STAFF.—

11 (1) APPOINTMENT AND COMPENSATION.—The
12 Executive Director of the Institute may appoint and
13 determine the compensation of such staff as the
14 Board determines to be necessary to carry out the
15 duties of the Institute.

16 (2) LIMITATIONS.—The rate of compensation
17 for each staff member appointed under paragraph
18 (1) shall not exceed the daily equivalent of the rate
19 for level V of the Executive Schedule under section
20 5316 of title 5, United States Code, for each day the
21 staff member is engaged in the performance of du-
22 ties for the Institute. The Executive Director of the
23 Institute may otherwise appoint and determine the
24 compensation of staff without regard to the provi-
25 sions of title 5, United States Code, that govern ap-

1 pointments in the competitive service, and the provi-
2 sions of chapter 51 and subchapter III of chapter 53
3 of title 5, United States Code, that relate to classi-
4 fication and General Schedule pay rates.

5 (l) EXPERTS AND CONSULTANTS.—The Executive
6 Director of the Institute may obtain the services of experts
7 and consultants and compensate such experts and consult-
8 ants in accordance with section 3109(b) of title 5, United
9 States Code, as the Board determines to be necessary to
10 carry out the duties of the Institute.

11 (m) DETAIL OF FEDERAL EMPLOYEES.—On the re-
12 quest of the Board, the Secretary of Labor and the Sec-
13 retary of Education shall detail, without reimbursement,
14 any of the personnel of the Department of Labor and the
15 Department of Education to the Institute as the Board
16 determines to be necessary to carry out the duties of the
17 Institute. Any detail shall not interrupt or otherwise affect
18 the civil service status or privileges of the Federal em-
19 ployee.

20 (n) TECHNICAL ASSISTANCE.—On the request of the
21 Board, the Secretary of Labor, the Secretary of Edu-
22 cation, and the heads of other pertinent Federal agencies
23 shall provide, without reimbursement, such technical as-
24 sistance and administrative support services to the Insti-

1 tute as the Board determines to be necessary to carry out
2 the duties of the Institute.

3 (o) OBTAINING INFORMATION.—The Executive Di-
4 rector of the Institute may secure directly from any Fed-
5 eral agency information necessary to enable the Institute
6 to carry out the duties of the Institute, if the information
7 may be disclosed under section 552 of title 5, United
8 States Code. Subject to the previous sentence, on the re-
9 quest of the Executive Director of the Institute, the head
10 of the agency shall furnish the information to the Insti-
11 tute.

12 (p) GIFTS AND PRIVATE CONTRIBUTIONS.—The Ex-
13 ecutive Director of the Institute may accept on behalf of
14 the Institute gifts or contributions from private sources
15 for the benefit of the Institute or to carry out any of the
16 functions of the Institute. No gift or contribution shall be
17 accepted if the gift or contribution is conditioned on any
18 expenditure of funds by the Institute.

19 (q) VOLUNTARY SERVICE.—Notwithstanding section
20 1342 of title 31, the Chairperson of the Board may accept
21 for the Board voluntary services provided by a member
22 of the Board.

1 **SEC. 5. ESTABLISHMENT OF YOUTH APPRENTICESHIP DEM-**
2 **ONSTRATION PROGRAMS.**

3 After consultation with the Board, the Chairperson
4 of the Board shall establish guidelines, criteria, and proce-
5 dures for youth apprenticeship demonstration programs,
6 including—

7 (1) developing recommended guidelines for an
8 appropriate curriculum for each occupational field
9 within the programs, including postsecondary
10 courses to enable apprentices to supplement training
11 after completion of the programs;

12 (2) establishing site criteria to be used in the
13 selection of partnerships to develop and evaluate
14 youth apprenticeship demonstration programs, in-
15 cluding requirements that the programs be estab-
16 lished in rural and urban areas in all regions of the
17 country;

18 (3) establishing criteria for apprenticeship occu-
19 pations, including requirements that demand exist
20 for skill training in the occupations and that the oc-
21 cupations offer a career ladder for apprentices;

22 (4) establishing competency criteria for appren-
23 ticeships and trainers in specific occupational fields;
24 and

25 (5) establishing certification procedures for ap-
26 prentices and trainers.

1 **SEC. 6. CONTRACTS.**

2 (a) ESTABLISHMENT.—Not later than 12 months
3 after the date of enactment of this Act, the Executive Di-
4 rector of the Institute shall, to the extent appropriations
5 are available, enter into contracts with eligible partner-
6 ships, to pay for the Federal share of developing and eval-
7 uating youth apprenticeship demonstration programs, in
8 accordance with the requirements specified in section 7.

9 (b) CONTRACTS.—

10 (1) IN GENERAL.—The Board shall enter into
11 contracts under this section with eligible partner-
12 ships that propose youth apprenticeship demonstra-
13 tion programs consistent with the criteria and proce-
14 dures established under section 5.

15 (2) SECONDARY SCHOOL DEMONSTRATION PRO-
16 GRAMS.—

17 (A) IN GENERAL.—The Board shall enter
18 into contracts with eligible partnerships to es-
19 tablish demonstration programs at the second-
20 ary school level.

21 (B) WAGE INCENTIVE DEMONSTRATION
22 PROGRAM.—The Board shall enter into a con-
23 tract with an eligible partnership to establish at
24 least one demonstration program in which the
25 Institute shall pay for 50 percent of the cost of
26 the apprenticeship wage.

1 (C) DISADVANTAGED YOUTH DEMONSTRA-
2 TION PROGRAM.—The Board shall enter into a
3 contract with an eligible partnership to estab-
4 lish at least one demonstration program that
5 shall train disadvantaged youth.

6 (3) POSTSECONDARY SCHOOL DEMONSTRATION
7 PROGRAMS.—The Board may enter into contracts
8 with two eligible partnerships to establish dem-
9 onstration programs that solely involve students at
10 the postsecondary school level.

11 (4) AWARDS.—The Board shall enter into con-
12 tracts under this section on a majority vote of the
13 Board.

14 (c) APPLICATION.—To be eligible to enter into a con-
15 tract under this section, a partnership shall submit an ap-
16 plication to the Executive Director of the Institute at such
17 time, in such manner, and containing such information as
18 the Executive Director may require. At a minimum, the
19 application shall include—

20 (1) a description of the youth apprenticeship
21 demonstration program proposed to be conducted by
22 the partnership, including sufficient information to
23 enable the Executive Director to determine whether
24 the proposal of the partnership is consistent with the
25 criteria and procedures specified in section 5;

1 (2) an assessment of the future work force
2 needs of each area in which a youth apprenticeship
3 demonstration program will be established and the
4 manner in which the program will help provide
5 skilled workers to meet the needs;

6 (3) a description of the activities to be offered
7 through the youth apprenticeship demonstration pro-
8 gram to students in the seventh grade or older;

9 (4) a description of the manner in which each
10 school, employer, or other representative of a part-
11 nership shall participate in the partnership;

12 (5) a description of the manner in which the
13 program will be administered by schools participat-
14 ing in the youth apprenticeship demonstration pro-
15 gram, including the support and counseling staff
16 available to students pursuing apprenticeships,
17 which staff at a minimum shall include one full-time
18 vocational counselor;

19 (6) a description of the manner in which in-
20 service training for teachers will be provided and the
21 manner in which such training will—

22 (A) be designed to train teachers to effec-
23 tively implement apprenticeship training curric-
24 ula;

1 (B) provide for joint training for all the
2 teachers in the partnership; and

3 (C) provide for the training in weekend,
4 evening, and summer sessions, institutes, or
5 workshops;

6 (7) a description of the manner in which train-
7 ing programs will be provided for counselors and the
8 manner in which such training will be designed to
9 enable counselors to more effectively—

10 (A) recruit students for apprenticeship
11 training programs;

12 (B) ensure that such students successfully
13 complete high school and the apprenticeship
14 training program; and

15 (C) assist such students in finding appro-
16 priate employment;

17 (8) a description of courses to be offered to stu-
18 dents considering or participating in the apprentice-
19 ship program;

20 (9) a description of the work processes to which
21 apprentices will be exposed;

22 (10) a description of the manner in which ap-
23 prentices shall be selected;

1 (11) a description of the academic and technical
2 skill levels to be achieved by apprentices on comple-
3 tion of the program;

4 (12) a description of the apprenticeship wage
5 and employee benefits offered;

6 (13) an estimate of the amount of time to be
7 spent by apprentices at the workplace during the
8 school day;

9 (14) a plan for monitoring and evaluating ap-
10 prentices and the youth apprenticeship demonstra-
11 tion program within each partnership; and

12 (15) an assurance that the partnership will
13 comply with the matching requirement specified in
14 subsection (d).

15 (d) MATCHING REQUIREMENT.—

16 (1) FEDERAL SHARE.—The Federal share of
17 the costs of developing and evaluating youth appren-
18 ticeship demonstration programs shall be not more
19 than 50 percent.

20 (2) NON-FEDERAL SHARE.—The non-Federal
21 share of the costs may be in cash or in kind, fairly
22 evaluated, including plant, equipment, and services.
23 Amounts provided by the Federal Government, or
24 services assisted or subsidized to any significant ex-
25 tent by the Federal Government, may not be in-

1 cluded in determining the amount of such non-Fed-
2 eral share.

3 **SEC. 7. YOUTH APPRENTICESHIP DEMONSTRATION PRO-**
4 **GRAM REQUIREMENTS.**

5 (a) RESPONSIBILITIES.—Each partnership that par-
6 ticipates in a youth apprenticeship demonstration program
7 shall be responsible for—

8 (1) program and curriculum development;

9 (2) coordination and quality assurances; and

10 (3) provision of information to the Institute for
11 the assessment and evaluation of apprentices and
12 training programs.

13 (b) SECONDARY SCHOOL DEMONSTRATION PRO-
14 GRAMS.—

15 (1) IN GENERAL.—The partnerships participat-
16 ing in secondary school demonstration programs
17 shall provide apprenticeship training to students as
18 appropriate for the grade level of the students.

19 (2) SEVENTH THROUGH TENTH GRADE STU-
20 DENTS.—The partnerships shall provide students in
21 the seventh through tenth grades with an oppor-
22 tunity to learn about possible occupations through
23 school courses, site visits, job sampling, and em-
24 ployer visits to schools. The partnerships shall also
25 provide information about the youth apprenticeship

1 demonstration program to the parents of students in
2 the seventh through tenth grades.

3 (3) TENTH GRADE STUDENTS.—The partner-
4 ships shall provide students in the tenth grade with
5 an opportunity to apply and interview for appren-
6 ticeships. Apprentices who successfully complete the
7 tenth grade, pass a basic skills test, and successfully
8 interview with employers may sign agreements with
9 employers at the end of the academic year.

10 (4) ELEVENTH AND TWELFTH GRADE STU-
11 DENTS.—The partnerships shall provide training at
12 work sites for students in the eleventh and twelfth
13 grades, in combination with high school courses. The
14 partnerships shall structure the training and edu-
15 cational requirements of students—

16 (A) so that students gradually increase the
17 time spent at work sites from 30 percent in
18 eleventh grade to 50 percent in the twelfth
19 grade, depending on the structure of the pro-
20 gram; and

21 (B) in such a manner as to allow the stu-
22 dents to graduate and receive a high school di-
23 ploma with other members of their class.

24 (5) HIGH SCHOOL GRADUATES.—The partner-
25 ships shall structure the training and educational re-

1 requirements of high school graduates so that students
2 spend 75 to 80 percent of program time at work
3 sites and draw on postsecondary schools for supple-
4 mentary theory and skill courses. The youth appren-
5 ticeship demonstration programs shall allow students
6 in technical fields to take basic skills courses and
7 apply them toward an associate degree.

8 (c) POSTSECONDARY SCHOOL DEMONSTRATION PRO-
9 GRAMS.—Partnerships participating in postsecondary
10 school demonstration programs shall provide on-the-job
11 training to students to supplement academic courses
12 taught in postsecondary schools.

13 (d) PAYMENT.—

14 (1) SECONDARY SCHOOL DEMONSTRATION PRO-
15 GRAMS.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), employers participating in
18 secondary school demonstration programs shall
19 pay for 100 percent of the cost of wages to ap-
20 prentices.

21 (B) SUBSIDIZED WAGE.—Employers par-
22 ticipating in demonstration programs described
23 in section 6(b)(2)(B) shall pay for 50 percent
24 of the cost of the apprenticeship wage.

1 (2) POSTSECONDARY SCHOOL DEMONSTRATION
2 PROGRAMS.—

3 (A) WAGES.—Employers participating in
4 postsecondary school demonstration programs
5 shall pay for 100 percent of the cost of the ap-
6 prenticeship wage to apprentices.

7 (B) SCHOOL COSTS.—Individual students
8 shall pay for the cost of taking continuing basic
9 skills courses from a postsecondary school.

10 (3) AMOUNT.—Apprentices participating in the
11 secondary and postsecondary school demonstration
12 programs shall receive, at a minimum, an appren-
13 ticeship wage equal to the wage rate described in
14 section 6(a)(2) of the Fair Labor Standards Amend-
15 ments of 1989 (29 U.S.C. 206 note).

16 (e) TRAINING.—Employers participating in the post-
17 secondary school demonstration programs shall pay for
18 the cost of on-the-job training.

19 (f) EMPLOYMENT.—The Institute shall encourage,
20 but not require, employers participating in youth appren-
21 ticeship demonstration programs to place, or assist in
22 placing, the apprentices in employment positions similar
23 to the positions in which the apprentices received training.

1 (g) OTHER EMPLOYER CONTRIBUTIONS.—Appren-
2 tices participating in youth apprenticeship demonstration
3 programs shall—

4 (1) be covered by all applicable Federal and
5 State laws regarding occupational health and safety;
6 and

7 (2) receive the same employment benefits as
8 full-time employees, commensurate with the length
9 of service of the apprentices to the employer.

10 **SEC. 8. COORDINATION.**

11 The Institute shall—

12 (1) consult with the Office of Work-Based
13 Learning of the Department of Labor and with the
14 Division of Vocational and Technical Education of
15 the Department of Education;

16 (2) provide technical assistance to partnerships
17 participating in youth apprenticeship demonstration
18 programs to assist the partnerships with strategic
19 planning, curriculum planning, and coordination;

20 (3) operate an apprenticeship clearinghouse for
21 the partnerships;

22 (4) disseminate model programs and practices
23 to the partnerships;

24 (5) gather input from all sources regarding the
25 labor mobility of apprentices; and

1 (6) comply with evaluation and report require-
2 ments specified in section 12.

3 **SEC. 9. NONDISCRIMINATION.**

4 (a) IN GENERAL.—Any assistance provided under
5 this Act shall constitute Federal financial assistance for
6 purposes of title VI of the Civil Rights Act of 1964 (42
7 U.S.C. 2000d et seq.), title IX of the Education Amend-
8 ments of 1972 (20 U.S.C. 1681 et seq.), the Rehabilita-
9 tion Act of 1973 (29 U.S.C. 701 et seq.), and the Age
10 Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

11 (b) NONDISCRIMINATION.—

12 (1) IN GENERAL.—Any individual with respon-
13 sibility for the administration of a youth apprentice-
14 ship demonstration program that receives assistance
15 under this Act shall not discriminate in the selection
16 of participants to the demonstration program on the
17 basis of race, religion, color, national origin, sex,
18 age, disability, or political affiliation.

19 (2) EXCEPTION.—This subsection shall not
20 apply to an employer or educational institution that
21 is controlled by a religious organization, if any, if
22 the application of this subsection would not be con-
23 sistent with the religious tenets of the organization.

24 (c) RULES AND REGULATIONS.—The Chairperson of
25 the Board shall promulgate rules and regulations to pro-

1 vide for the enforcement of this section, including provi-
2 sions for summary suspension of assistance for not more
3 than 30 days, on an emergency basis, until notice and an
4 opportunity to be heard can be provided.

5 (d) RIGHT OF ACTION.—Notwithstanding any other
6 provision of law, the Attorney General of the United
7 States may file an action under this section in the appro-
8 priate district court of the United States against any orga-
9 nization or partnership under this Act that violates this
10 subsection.

11 **SEC. 10. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.**

12 (a) IN GENERAL.—

13 (1) SUSPENSION OF PAYMENTS.—The Chair-
14 person of the Board may in accordance with the pro-
15 visions of this Act, suspend or terminate payments
16 under a contract providing assistance under this Act
17 whenever the Chairperson determines there is a ma-
18 terial failure to comply with this Act or the applica-
19 ble terms and conditions of any contract entered
20 into under this Act.

21 (2) PROCEDURES TO ENSURE ASSISTANCE.—
22 The Chairperson of the Board shall prescribe proce-
23 dures to ensure that—

24 (A) assistance provided under this Act
25 shall only be suspended for not more than 30

1 days for failure to comply with the applicable
2 terms and conditions of this Act and only in
3 emergency situations; and

4 (B) assistance provided under this Act
5 shall not be terminated for failure to comply
6 with applicable terms and conditions of this Act
7 unless the recipient of such assistance has been
8 afforded reasonable notice and opportunity for
9 a full and fair hearing.

10 (b) HEARINGS.—Hearings or other meetings that
11 may be necessary to fulfill the requirements of this section
12 shall be held at locations convenient to the recipient of
13 assistance under this Act.

14 (c) TRANSCRIPT OR RECORDING.—A transcript or re-
15 cording shall be made of a hearing conducted under this
16 section and shall be available for inspection by any individ-
17 ual.

18 (d) STATE LEGISLATION.—Nothing in this Act shall
19 be construed to preclude the enactment of State legislation
20 providing for the implementation, consistent with this Act,
21 of the programs administered under this Act.

22 (e) GRIEVANCE PROCEDURE.—

23 (1) IN GENERAL.—State and local applicants
24 that receive assistance under this Act shall establish
25 and maintain a procedure to adjudicate grievances

1 from participants, labor organizations, and other in-
2 terested individuals concerning programs that re-
3 ceive assistance under this Act, including grievances
4 regarding proposed placements of the participants in
5 the projects.

6 (2) DEADLINE FOR GRIEVANCES.—Except for a
7 grievance that alleges fraud or criminal activity, a
8 grievance shall be made not later than 1 year after
9 the date of the alleged occurrence.

10 (3) DEADLINE FOR HEARING AND DECISION.—

11 (A) HEARING.—A hearing on any griev-
12 ance conducted under this subsection shall be
13 conducted not later than 30 days after the fil-
14 ing of the grievance.

15 (B) DECISION.—A decision on any griev-
16 ance shall be made not later than 60 days after
17 the filing of the grievance.

18 (4) ARBITRATION.—

19 (A) IN GENERAL.—On the occurrence of
20 an adverse grievance decision, or 60 days after
21 the filing of the grievance if no decision has
22 been reached, the party filing the grievance
23 shall be permitted to submit the grievance to
24 binding arbitration before a qualified arbitrator

1 who is jointly selected and independent of the
2 interested parties.

3 (B) DEADLINE FOR PROCEEDING.—An ar-
4 bitration proceeding shall be held not later than
5 45 days after the request for the arbitration.

6 (C) DEADLINE FOR DECISION.—A decision
7 concerning a grievance under this paragraph
8 shall be made not later than 30 days after the
9 date of the beginning of the arbitration pro-
10 ceeding concerning such grievance.

11 (D) COST.—The cost of an arbitration pro-
12 ceeding shall be divided evenly between the par-
13 ties to the arbitration.

14 (5) PROPOSED PLACEMENT.—If a grievance is
15 filed regarding a proposed placement of a partici-
16 pant in a program that receives assistance under
17 this Act, the placement shall not be made unless it
18 is consistent with the resolution of the grievance
19 pursuant to this subsection.

20 (6) REMEDIES.—Remedies for a grievance filed
21 under this subsection shall include—

22 (A) suspension of payments for assistance
23 under this Act;

24 (B) termination of payments; and

1 (C) prohibition of the placement described
2 in paragraph (5).

3 **SEC. 11. NONDUPLICATION AND NONDISPLACEMENT.**

4 (a) NONDUPLICATION.—

5 (1) IN GENERAL.—Assistance provided under
6 this Act shall be used only for a program that does
7 not duplicate, and is in addition to, an apprentice-
8 ship program operating in the locality.

9 (2) PRIVATE NONPROFIT ENTITY.—Assistance
10 made available under this Act shall not be provided
11 to a private nonprofit entity to conduct activities
12 that are the same or substantially equivalent to ac-
13 tivities provided by the State or local government
14 agency in the locality that the entity resides in, un-
15 less the requirements of subsection (b) are met.

16 (b) NONDISPLACEMENT.—

17 (1) IN GENERAL.—An employer shall not dis-
18 place an employee or position, including partial dis-
19 placement such as reduction in hours, wages, or em-
20 ployment benefits, as a result of the use by such em-
21 ployer of a participant in a program receiving assist-
22 ance under this Act.

23 (2) SERVICE OPPORTUNITY.—An employer shall
24 not create a service opportunity under this Act that

1 will infringe in any manner on the promotional op-
2 portunity of an employed individual.

3 (3) LIMITATION OF SERVICES.—

4 (A) DUPLICATION OF SERVICES.—A par-
5 ticipant in a program receiving assistance under
6 this Act shall not perform any services or duties
7 or engage in activities that would otherwise be
8 performed by an employee as part of the as-
9 signed duties of the employee.

10 (B) SUPPLANTATION OF HIRING.—A par-
11 ticipant in any program receiving assistance
12 under this Act shall not perform any services or
13 duties or engage in activities that will supplant
14 the hiring of full-time workers.

15 (C) DUTIES FORMERLY PERFORMED BY
16 ANOTHER EMPLOYEE.—A participant in any
17 program receiving assistance under this Act
18 shall not perform services or duties that have
19 been performed by or were assigned to any—

20 (i) presently employed worker;

21 (ii) employee who recently resigned or
22 was discharged;

23 (iii) employee who is subject to a re-
24 duction in force;

1 (iv) employee who is on leave (termi-
2 nal, temporary, vacation, emergency, or
3 sick); or

4 (v) employee who is on strike or who
5 is involved in a lockout.

6 **SEC. 12. EVALUATION.**

7 (a) EVALUATION BY THE INSTITUTE.—

8 (1) FINAL EVALUATION.—

9 (A) EVALUATION.—The Institute shall
10 conduct an evaluation of all youth apprentice-
11 ship demonstration programs to determine the
12 effectiveness of apprenticeship training and the
13 most effective youth apprenticeship program
14 structures for a nationwide youth apprentice-
15 ship program. The evaluation shall include an
16 analysis of—

17 (i) the ability of the programs to pre-
18 pare workers, particularly minorities and
19 women, for the technical workplace;

20 (ii) the ability of such programs to in-
21 crease the overall competency of the work
22 force in the United States;

23 (iii) the level of academic and tech-
24 nical skills acquired by an apprentice in
25 the programs;

1 (iv) the potential labor mobility of ap-
2 prentices;

3 (v) the effectiveness of combining on-
4 the-job training with classroom instruction;

5 (vi) the ability of the programs to en-
6 courage students to complete high school;

7 (vii) the ability of the programs to es-
8 tablish a more definite transition from
9 school to work;

10 (viii) the value of apprentices and the
11 effectiveness of the program according to
12 business; and

13 (ix) the direct and indirect costs and
14 benefits of the demonstration program to
15 the company and the individual student.

16 (B) REPORT.—The Institute shall prepare
17 and submit a report to the President, the Sec-
18 retary of Labor, the Secretary of Education,
19 the Committee on Labor and Human Resources
20 of the Senate and the Committee on Education
21 and Labor of the House of Representatives,
22 containing the evaluation described in subpara-
23 graph (A), and recommendations for legislative
24 reform. The Institute shall submit the report
25 not later than 9 months after the conclusion of

1 the youth apprenticeship demonstration pro-
2 grams.

3 (2) INTERIM EVALUATION.—

4 (A) EVALUATION.—Not later than 24
5 months after the initiation of the youth appren-
6 ticeship demonstration programs, the Institute
7 shall conduct an interim evaluation of the effec-
8 tiveness of all the demonstration programs, in-
9 cluding an assessment of the matters described
10 in paragraph (1)(A) to the extent that the nec-
11 essary data and information is available.

12 (B) REPORT.—The Institute shall prepare
13 and submit a report to the President, the Sec-
14 retary of Labor, the Secretary of Education,
15 the Committee on Labor and Human Resources
16 of the Senate and the Committee on Education
17 and Labor of the House of Representatives con-
18 taining the evaluation described in subpara-
19 graph (A). The Institute shall submit the report
20 not later than 33 months after the initiation of
21 the demonstration programs.

22 (b) EVALUATION BY PARTNERSHIPS.—

23 (1) DATA COLLECTION AND ASSISTANCE.—
24 Each partnership that participates in a youth ap-
25 prenticeship demonstration program shall establish

1 data collection mechanisms consistent with the needs
2 of the Institute and provide to the Institute informa-
3 tion for, and assistance in conducting, the final eval-
4 uation described in subsection (a)(1) and the interim
5 evaluation described in subsection (a)(2).

6 (2) ANNUAL REPORT.—

7 (A) EVALUATION.—Each partnership that
8 participates in a youth apprenticeship dem-
9 onstration program shall conduct an annual
10 evaluation that contains summary information
11 on the implementation and operation of the
12 demonstration program including—

13 (i) the number and type of students
14 enrolled in apprenticeship training;

15 (ii) a description of the type of activi-
16 ties in which the youth apprentices are
17 participating, including the type of occupa-
18 tional training youth apprentices are re-
19 ceiving;

20 (iii) the effectiveness of the program
21 in keeping youth in school;

22 (iv) the reaction of businesses involved
23 in the training program; and

24 (v) any other information that the In-
25 stitute may require.

1 (B) REPORT.—Each such partnership shall
 2 submit an annual report to the Institute con-
 3 taining the information described in subpara-
 4 graph (A).

5 **SEC. 13. EXECUTIVE SCHEDULE.**

6 Section 5314 of title 5, United States Code, is
 7 amended by adding at the end the following:

8 “Chairman, Board of Directors of the Institute
 9 for Youth Apprenticeship.”.

10 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to carry out
 12 this Act \$50,000,000 for fiscal year 1994, which shall re-
 13 main available until expended.

14 **SEC. 15. TERMINATION AND REPEAL.**

15 (a) TERMINATION.—Not later than 69 months after
 16 the initiation of the youth apprenticeship demonstration
 17 programs, the Board and Institute shall be abolished, and
 18 all programs established by this Act shall terminate.

19 (b) REPEAL.—Not later than 69 months after the ini-
 20 tiation of the youth apprenticeship demonstration pro-
 21 grams, this Act and the amendments made by this Act
 22 shall be repealed.

○

S 1396 IS—2

S 1396 IS—3

S 1396 IS—4

S 1396 IS—5