

116TH CONGRESS
1ST SESSION

H. R. 3135

To enable projects that will aid in the development and delivery of related instruction associated with apprenticeship and preapprenticeship programs that are focused on serving the skilled technical workforce at the National Laboratories and certain facilities of the National Nuclear Security Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2019

Mr. LUJÁN (for himself, Mr. FLEISCHMANN, Mr. FOSTER, Ms. HAALAND, Mr. LAMB, Mr. SWALWELL of California, and Ms. TORRES SMALL of New Mexico) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To enable projects that will aid in the development and delivery of related instruction associated with apprenticeship and preapprenticeship programs that are focused on serving the skilled technical workforce at the National Laboratories and certain facilities of the National Nuclear Security Administration, 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 “Department of Energy
5 National Labs Jobs ACCESS Act”.

1 **SEC. 2. NATIONAL LABORATORY JOBS ACCESS PROGRAM.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of enactment of this Act, the Secretary shall establish
4 a program known as the “Department of Energy National
5 Lab Jobs ACCESS Program”, under which the Secretary
6 shall award, on a competitive basis, 5-year grants to eligi-
7 ble entities described in subsection (c) for the Federal
8 share of the costs of technical, skills-based
9 preapprenticeship and apprenticeship programs that pro-
10 vide employer-driven or recognized postsecondary creden-
11 tials during the grant period.

12 (b) REQUIREMENTS.—A program funded by a grant
13 awarded under this section shall develop and deliver cus-
14 tomized and competency-based training that—

15 (1) leads to recognized postsecondary creden-
16 tials for secondary school and postsecondary stu-
17 dents;

18 (2) is focused on skills and qualifications need-
19 ed to meet the immediate and on-going needs of tra-
20 ditional and emerging technician positions (including
21 machinists and cyber security technicians) at the
22 National Laboratories and covered facilities of the
23 National Nuclear Security Administration;

24 (3) creates an apprenticeship or
25 preapprenticeship partnership with a National Lab-

1 oratory or covered facility of the National Nuclear
2 Security Administration; and

3 (4) creates an apprenticeship or
4 preapprenticeship program with the Secretary of
5 Labor or a State department of labor.

6 (c) ELIGIBLE ENTITIES.—An entity that is eligible
7 to receive a grant under this section shall be a workforce
8 intermediary or an eligible sponsor of a preapprenticeship
9 or an apprenticeship program that—

10 (1) demonstrates experience in implementing
11 and providing career planning and career pathways
12 towards technical, skills-based apprenticeship or
13 preapprenticeship training programs;

14 (2)(A) has a relationship with a National Lab-
15 oratory or covered facility of the National Nuclear
16 Security Administration;

17 (B) has knowledge of technician workforce
18 needs of such laboratory or facility and the associ-
19 ated security requirements of such laboratory or fa-
20 cility; and

21 (C) is eligible to enter into an agreement with
22 such laboratory or facility that would be paid for in
23 part or entirely from grant funds received under this
24 section;

1 (3) demonstrates the ability to recruit and sup-
2 port individuals who plan to work in relevant techni-
3 cian positions upon the successful completion of such
4 programs;

5 (4) provides students who complete such pro-
6 grams with a recognized postsecondary credential,
7 such as a journeyman craft license or an industry-
8 recognized certification;

9 (5) uses a customized training curriculum that
10 is specifically aligned with employers, utilizing work-
11 place learning advisors and on-the-job training to
12 the greatest extent possible; and

13 (6) demonstrates successful outcomes con-
14 necting graduates of such programs to careers rel-
15 evant to such programs.

16 (d) APPLICATIONS.—An eligible entity seeking a
17 grant under this section shall submit to the Secretary an
18 application at such time, in such manner, and containing
19 such information as the Secretary may require.

20 (e) PRIORITY.—In selecting eligible entities to receive
21 grants under this section, the Secretary shall prioritize an
22 eligible entity that—

23 (1) is a member of an industry or sector part-
24 nership;

1 (2) provides the training described in subsection
2 (b)—

3 (A) at an institution of higher education
4 (such as a community college) that includes
5 basic science, technology, and mathematics edu-
6 cation in the curriculum;

7 (B) through an apprenticeship program
8 that was registered with the Department of
9 Labor or a State before the date on which the
10 eligible entity applies for the grant under sub-
11 section (d); or

12 (C) with respect to a preapprenticeship
13 program, at a local educational agency, a sec-
14 ondary school, an area career and technical
15 education school, or an appropriate community
16 facility;

17 (3) works with the Secretary of Defense or vet-
18 erans organizations to transition members of the
19 Armed Forces and veterans to apprenticeship or
20 preapprenticeship programs in a relevant sector;

21 (4) plans to use the grant to carry out the
22 training described in subsection (b) with an entity
23 that receives State funding or is operated by a State
24 agency; and

1 (5) plans to use the grant to carry out the
2 training described in subsection (b) for—

3 (A) young adults ages 17 to 29, inclusive;

4 or

5 (B) individuals with barriers to employ-
6 ment.

7 (f) **ADDITIONAL CONSIDERATION.**—In making grants
8 under this section, the Secretary shall consider regional
9 diversity.

10 (g) **LIMITATION ON APPLICATIONS.**—An eligible enti-
11 ty may not submit, either individually or as part of a joint
12 application, more than 1 application for a grant under this
13 section during any 1 fiscal year.

14 (h) **LIMITATIONS ON AMOUNT OF GRANT.**—The
15 amount of a grant provided under this section for any 24-
16 month period of the 5-year grant period shall not exceed
17 \$500,000.

18 (i) **NON-FEDERAL SHARE.**—The non-Federal share
19 of the cost of a customized training program carried out
20 using a grant under this section shall be not less than
21 25 percent of the total cost of the program.

22 (j) **TECHNICAL ASSISTANCE.**—The Secretary may
23 provide technical assistance to eligible entities described
24 in subsection (c) to leverage the existing job training and

1 education programs of the Department of Labor and other
2 relevant programs at appropriate Federal agencies.

3 (k) REPORT.—

4 (1) IN GENERAL.—Not less than once every 2
5 years, the Secretary of Labor shall submit to Con-
6 gress, and make publicly available on the website of
7 the Department of Labor, a report on the program
8 established under this section, including—

9 (A) a description of—

10 (i) any entity that receives a grant
11 under this section;

12 (ii) any activity carried out using the
13 grants under this section; and

14 (iii) best practices used to leverage the
15 investment of the Federal Government
16 under this section; and

17 (B) an assessment of the results achieved
18 by the program established under this section,
19 including the rate of employment for partici-
20 pants after completing a job training and edu-
21 cation program carried out using a grant under
22 this section.

23 (2) PROVISION OF INFORMATION.—The Sec-
24 retary of Energy shall provide such information as

1 necessary to the Secretary of Labor for purposes of
2 the report under paragraph (1).

3 (l) DEFINITIONS.—In this section:

4 (1) ESEA TERMS.—The terms “local edu-
5 cational agency” and “secondary school” have the
6 meanings given the terms in section 8101 of the Ele-
7 mentary and Secondary Education Act of 1965 (20
8 U.S.C. 7801).

9 (2) WIOA TERMS.—The terms “career plan-
10 ning”, “community-based organization”, “cus-
11 tomized training”, “economic development agency”,
12 “individual with a barrier to employment”, “indus-
13 try or sector partnership”, “on-the-job training”,
14 “recognized postsecondary credential”, and “work-
15 place learning advisor” have the meanings given
16 such terms in section 3 of the Workforce Innovation
17 and Opportunity Act (29 U.S.C. 3102).

18 (3) APPRENTICESHIP.—The term “apprentice-
19 ship” means an apprenticeship registered under the
20 Act of August 16, 1937 (commonly known as the
21 “National Apprenticeship Act”; 50 Stat. 664, chap-
22 ter 663; 29 U.S.C. 50 et seq.).

23 (4) AREA CAREER AND TECHNICAL EDUCATION
24 SCHOOL.—The term “area career and technical edu-
25 cation school” has the meaning given the term in

1 section 3 of the Carl D. Perkins Career and Tech-
2 nical Education Act of 2006 (20 U.S.C. 2302).

3 (5) COMMUNITY COLLEGE.—The term “commu-
4 nity college” has the meaning given the term “junior
5 or community college” in section 312(f) of the High-
6 er Education Act of 1965 (20 U.S.C. 1058(f)).

7 (6) COVERED FACILITY OF THE NATIONAL NU-
8 CLEAR SECURITY ADMINISTRATION.—The term
9 “covered facility of the National Nuclear Security
10 Administration” means a national security labora-
11 tory or a nuclear weapons production facility as such
12 terms are defined in section 4002 of the Atomic En-
13 ergy Defense Act (50 U.S.C. 2501).

14 (7) ELIGIBLE SPONSOR.—The term “eligible
15 sponsor” means a public organization or an organi-
16 zation described in section 501(c) of the Internal
17 Revenue Code of 1986 and exempt from tax under
18 section 501(a) of that Code, that—

19 (A) with respect to an apprenticeship pro-
20 gram, administers such program through a
21 partnership that may include—

22 (i) a business;

23 (ii) an employer or industry associa-
24 tion;

25 (iii) a labor-management organization;

1 (iv) a local workforce development
2 board or State workforce development
3 board;

4 (v) a 2- or 4-year institution of higher
5 education that offers an educational pro-
6 gram leading to an associate's or bach-
7 elor's degree in conjunction with a certifi-
8 cate of completion of apprenticeship;

9 (vi) the Armed Forces (including the
10 National Guard and Reserves);

11 (vii) a community-based organization;

12 or

13 (viii) an economic development agen-
14 cy; and

15 (B) with respect to a preapprenticeship
16 program, is a local educational agency, a sec-
17 ondary school, an area career and technical
18 education school, a State workforce develop-
19 ment board, a local workforce development
20 board, or a community-based organization, that
21 administers such program with any required co-
22 ordination and necessary approvals from the
23 Secretary of Labor or a State department of
24 labor.

1 (8) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given the term in section 101 of the Higher
4 Education Act of 1965 (20 U.S.C. 1001).

5 (9) LOCAL WORKFORCE DEVELOPMENT
6 BOARD.—The term “local workforce development
7 board” has the meaning given the term “local
8 board” in section 3 of the Workforce Innovation and
9 Opportunity Act (29 U.S.C. 3102).

10 (10) NATIONAL LABORATORY.—The term “Na-
11 tional Laboratory” has the meaning given the term
12 in section 2 of the Energy Policy Act of 2005 (42
13 U.S.C. 15801).

14 (11) PREAPPRENTICESHIP.—The term
15 “preapprenticeship”, used with respect to a pro-
16 gram, means an initiative or set of strategies that—

17 (A) is designed to prepare participants to
18 enter and succeed in an apprenticeship pro-
19 gram;

20 (B) is carried out by an eligible sponsor
21 that has a documented partnership with one or
22 more sponsors of apprenticeship programs; and

23 (C) includes each of the following:

24 (i) Training (including a curriculum
25 for the training) aligned with industry

1 standards related to apprenticeships and
2 reviewed and approved annually by spon-
3 sors of the apprenticeships within the doc-
4 umented partnership that will prepare par-
5 ticipants by teaching the skills and com-
6 petencies needed to enter one or more ap-
7 prenticeship programs.

8 (ii) Hands-on training and theoretical
9 education for participants that—

10 (I) includes proper observation of
11 supervision and safety protocols; and

12 (II) does not displace a paid em-
13 ployee.

14 (iii) A formal agreement with a spon-
15 sor of an apprenticeship program that
16 would enable participants who successfully
17 complete the preapprenticeship program—

18 (I) to enter directly into the ap-
19 prenticeship program if a place in the
20 program is available and if the partic-
21 ipant meets the qualifications of the
22 apprenticeship program; and

23 (II) to earn credits towards the
24 apprenticeship program.

1 (12) RELATED INSTRUCTION.—The term “re-
2 lated instruction” means an organized and system-
3 atic form of instruction designed to provide an ap-
4 prentice with the knowledge of the theoretical and
5 technical subjects related to the occupation of the
6 apprentice or the instruction needed to prepare an
7 individual to enter and succeed in an apprenticeship
8 program.

9 (13) SECRETARY.—The term “Secretary”
10 means the Secretary of Energy, in consultation with
11 the Secretary of Labor, except as otherwise specified
12 in this Act.

13 (14) STATE WORKFORCE DEVELOPMENT
14 BOARD.—The term “State workforce development
15 board” has the meaning given the term “State
16 board” in section 3 of the Workforce Innovation and
17 Opportunity Act (29 U.S.C. 3102).

18 (15) WORKFORCE INTERMEDIARY.—The term
19 “workforce intermediary”—

20 (A) means an organization that proactively
21 addresses workforce needs using a dual cus-
22 tomer approach, which considers the needs of
23 both employees and employers; and

24 (B) may include a faith-based and commu-
25 nity organization, an employer organization, a

1 community college, a temporary staffing agen-
2 cy, a State workforce development board, a
3 local workforce development board, or a labor
4 organization.

5 (m) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$5,000,000 for each of the fiscal years 2020 through
8 2024.

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