

116TH CONGRESS
1ST SESSION

H. R. 399

To direct the Secretary of Labor to support the development of pre-apprenticeship programs in the building and construction trades that serve underrepresented populations, including individuals from low income and rural census tracts.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2019

Mr. NORCROSS (for himself and Mr. MCKINLEY) introduced the following bill;
which was referred to the Committee on Education and Labor

A BILL

To direct the Secretary of Labor to support the development of pre-apprenticeship programs in the building and construction trades that serve underrepresented populations, including individuals from low income and rural census tracts.

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 “Pre-Apprenticeships
5 To Hardhats Act” or the “PATH Act”.

1 **SEC. 2. SUPPORTING THE DEVELOPMENT OF PRE-APPREN-**
2 **TICESHIP PROGRAMS.**

3 (a) SUPPORT.—The Secretary of Labor shall support
4 the development of pre-apprenticeship programs.

5 (b) GRANTS.—

6 (1) IN GENERAL.—Using funds available under
7 subsection (i), the Secretary shall make grants on a
8 competitive basis to eligible entities to provide the
9 Federal share of the cost of carrying out projects
10 that support that development.

11 (2) PERIOD.—The Secretary shall make initial
12 grants under this paragraph for periods of not more
13 than 3 years, except that if an eligible entity dem-
14 onstrates satisfactory performance under paragraph
15 (6) by the end of that third year, the Secretary may
16 extend the grant period up to an additional 1 year
17 for that entity.

18 (3) ELIGIBLE ENTITY.—To be eligible to receive
19 a grant from the Secretary under this subsection, an
20 entity shall be a nonprofit partnership that—

21 (A) includes the equal participation of in-
22 dustry, including public or private employers,
23 and labor organizations, including joint labor or
24 management training programs, and may in-
25 clude State and local workforce development
26 boards, community-based organizations, edu-

1 cational institutions (such as postsecondary
2 educational institutions, local educational agen-
3 cies, State educational agencies, high schools,
4 and area career and technical schools), small
5 businesses, cooperatives, State and local vet-
6 erans agencies, and veterans service organiza-
7 tions; and

8 (B) demonstrates—

9 (i) experience in implementing and op-
10 erating worker skills training and edu-
11 cation programs;

12 (ii) the ability to identify and involve
13 in training programs carried out under this
14 grant, target populations of individuals
15 who would benefit from training and be ac-
16 tively involved in activities related to all
17 building and construction trade crafts; and

18 (iii) the ability to help individuals
19 achieve economic self-sufficiency.

20 (4) PRIORITY.—The Secretary shall give pri-
21 ority to eligible entities that leverage additional pub-
22 lic and private resources to fund programs under
23 this Act, including cash or in-kind matches from
24 participating employers.

1 (c) APPLICATIONS.—To be eligible to receive a grant
2 from the Secretary under this subsection, an entity shall
3 submit an application to the Secretary at such time, in
4 such manner, and containing such information as the Sec-
5 retary may require, including—

6 (1) a description of the training and curriculum
7 described in subsection (g)(7)(C), and how the pro-
8 posed pre-apprenticeship program makes individuals
9 who successfully complete the pre-apprenticeship
10 program qualified to enter into an established reg-
11 istered apprenticeship program;

12 (2) evidence that there are or will be sufficient
13 openings available in the registered apprenticeship
14 program referenced in paragraph (1) to enable the
15 registered apprenticeship program sponsor to place
16 into a corresponding registered apprenticeship those
17 individuals who successfully complete the pre-ap-
18 prenticeship program;

19 (3) information about the entity that dem-
20 onstrates the existence of an active, advisory part-
21 nership between the partners described in subsection
22 (b)(3) and the capacity, of a training and education
23 provider in the entity, to provide the training and
24 education services necessary for a pre-apprenticeship
25 program; and

1 (4) information about the proposed pre-appren-
2 ticeship program that demonstrates—

3 (A) that the program is in an in-demand
4 industry or occupation in the region in which
5 the project is located;

6 (B) the inclusion of career exploration fo-
7 cused activities, such as career information ac-
8 tivities, and résumé preparation, in the pro-
9 gram;

10 (C) if the entity carrying out the project
11 includes a high school, that the model to be
12 used for the program leads to a high school di-
13 ploma for participants without such a diploma;

14 (D) how the pre-apprenticeship program is
15 aligned with and leverages resources of career
16 and technical education programs, programs
17 and services authorized under the Workforce
18 Innovation and Opportunity Act (29 U.S.C.
19 3101 et seq.), or activities of entities that pro-
20 vide supportive services for participants in pre-
21 apprenticeship programs; and

22 (E) that the project aligns with an estab-
23 lished registered apprenticeship program, in-
24 cluding that the model used for the program
25 leads to the attainment of skills and com-

1 petencies necessary for entrance into the reg-
2 istered apprenticeship program for participants.

3 (d) USE OF FUNDS.—

4 (1) IN GENERAL.—An eligible entity that re-
5 ceives a grant under this subsection shall use the
6 grant funds to carry out a project that implements
7 a pre-apprenticeship program.

8 (2) REQUIRED ACTIVITIES.—The eligible entity
9 shall use the grant funds—

10 (A) to pay for the cost of training or edu-
11 cation associated with a pre-apprenticeship pro-
12 gram for individuals from an underrepresented
13 population;

14 (B) for curriculum development that align
15 with the requirements of the appropriate reg-
16 istered apprenticeship programs and learning
17 assessments;

18 (C) to maintain a connection between the
19 pre-apprenticeship program and registered ap-
20 prenticeship program;

21 (D) for assessments of potential partici-
22 pants for, and enrollment of the participants in,
23 the pre-apprenticeship program; and

24 (E) to conduct evaluations described in
25 subsection (f)(2).

1 (3) ALLOWABLE ACTIVITIES.—The eligible enti-
2 ty may use the grant funds for—

3 (A) stipends for participants during work-
4 based training in the program;

5 (B) coordination of activities under this
6 subsection with activities carried out under the
7 Carl D. Perkins Career and Technical Edu-
8 cation Act of 2006 (20 U.S.C. 2301 et seq.) or
9 the Workforce Innovation and Opportunity Act
10 (29 U.S.C. 3101 et seq.); and

11 (C) drug testing of potential participants.

12 (e) FEDERAL SHARE.—

13 (1) IN GENERAL.—The Federal share of the
14 cost described in subsection (b)(1) shall be 75 per-
15 cent.

16 (2) NON-FEDERAL SHARE.—The eligible entity
17 may contribute the non-Federal share of the cost in
18 cash or in-kind, fairly evaluated, including plant,
19 equipment, or services.

20 (f) PERFORMANCE.—

21 (1) MEASURES.—The Secretary shall identify a
22 set of common measures that, at a minimum, in-
23 clude measures of entry into a registered apprentice-
24 ship program and that are aligned with performance
25 accountability measures described in section 116(c)

1 of the Workforce Innovation and Opportunity Act
 2 (29 U.S.C. 3141(c)) for the local workforce develop-
 3 ment area and with corresponding measures under
 4 the Carl D. Perkins Career and Technical Education
 5 Act of 2006 (20 U.S.C. 2301 et seq.), as appro-
 6 priate.

7 (2) EVALUATIONS.—Each eligible entity that
 8 receives a grant to carry out a project under this
 9 subsection shall arrange for another qualified entity
 10 to conduct an evaluation, or shall participate in a
 11 Department of Labor sponsored evaluation, of the
 12 project using the identified common measures, and
 13 shall, to the extent practicable, cooperate with the
 14 evaluator in any evaluations of activities carried out
 15 under this section.

16 (3) EXTENSIONS.—The Secretary shall use the
 17 results of an evaluation for a project to determine
 18 whether to extend the grant period, or renew a
 19 grant, for the project under subsection (b)(2).

20 (g) DEFINITIONS.—In this Act:

21 (1) AREA CAREER AND TECHNICAL SCHOOL.—
 22 The term “area career and technical school” has the
 23 meaning given the term in section 3 of the Carl D.
 24 Perkins Career and Technical Education Act of
 25 2006 (20 U.S.C. 2302)).

1 (2) HIGH SCHOOL.—The term “high school”
2 means a nonprofit institutional day or residential
3 school that—

4 (A) provides secondary education, as deter-
5 mined under State law;

6 (B) grants a diploma, as defined by the
7 State; and

8 (C) includes, at least, grade 12.

9 (3) IN-DEMAND INDUSTRY SECTOR OR OCCUPA-
10 TION.—The term “in-demand industry sector or oc-
11 cupation” has the meaning given the term in section
12 3 of the Workforce Innovation and Opportunity Act
13 (29 U.S.C. 3102).

14 (4) LOCAL EDUCATIONAL AGENCY; STATE EDU-
15 CATIONAL AGENCY.—The terms “local educational
16 agency” and “State educational agency” have the
17 meanings given the terms in section 8101 of the Ele-
18 mentary and Secondary Education Act of 1965 (20
19 U.S.C. 7801).

20 (5) LOCAL AND STATE WORKFORCE DEVELOP-
21 MENT BOARDS.—The terms “local workforce devel-
22 opment board” and “State workforce development
23 board” have the meanings given the terms “local
24 board” and “State board”, respectively, in section 3

1 of the Workforce Innovation and Opportunity Act
2 (29 U.S.C. 3102).

3 (6) POSTSECONDARY EDUCATIONAL INSTITU-
4 TION.—The term “postsecondary educational institu-
5 tion” means an institution of higher education, as
6 defined in section 102 of the Higher Education Act
7 of 1965 (20 U.S.C. 1002).

8 (7) PRE-APPRENTICESHIP PROGRAM.—The
9 term “pre-apprenticeship program” means a pro-
10 gram or set of strategies that—

11 (A) is designed to prepare individuals to
12 enter and succeed in a registered apprenticeship
13 program in the building and construction
14 trades;

15 (B) is carried out by an eligible entity that
16 has a documented partnership with at least 1
17 sponsor of a registered apprenticeship program;
18 and

19 (C) includes training (including a cur-
20 riculum for the training), aligned with industry
21 standards and reviewed and approved annually
22 by sponsors of the registered apprenticeships
23 within the documented partnership, that will
24 prepare individuals by teaching the skills and

1 competencies needed to enter one or more reg-
2 istered apprenticeship programs.

3 (8) REGISTERED APPRENTICESHIP PROGRAM.—

4 The term “registered apprenticeship program”
5 means a program registered under the Act of Au-
6 gust 16, 1937 (commonly known as the “National
7 Apprenticeship Act”; 50 Stat. 664, chapter 663; 29
8 U.S.C. 50 et seq.).

9 (9) SECRETARY.—The term “Secretary” means
10 the Secretary of Labor.

11 (10) SPONSOR.—The term “sponsor” means an
12 employer, joint labor-management partnership, trade
13 association, professional association, labor organiza-
14 tion, or other entity that administers a registered
15 apprenticeship program.

16 (11) STATE.—The term “State” has the mean-
17 ing given the term in section 3 of the Workforce In-
18 novation and Opportunity Act (29 U.S.C. 3102).

19 (12) UNDERREPRESENTED POPULATION.—The
20 term “underrepresented population” means an indi-
21 vidual who—

22 (A) is a member of a racial minority, a
23 woman, a military veteran, or a person who is
24 long-term unemployed; or

1 (B) comes from a geographic area con-
2 sisting of a single census tract or a group of
3 census tracts, each of which meets the criteria
4 for a low-income community, as defined in sec-
5 tion 45D(e) of the Internal Revenue Code of
6 1986.

7 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$5,000,000 for fiscal year 2020 and each subsequent fiscal
10 year.

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