

117TH CONGRESS
2D SESSION

S. 4658

To amend the Higher Education Act of 1965 to support apprenticeship programs.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to support apprenticeship programs.

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 “Student Apprentice-
5 ship Act of 2022”.

6 **SEC. 2. APPRENTICESHIP PROGRAMS.**

7 Title VII of the Higher Education Act of 1965 (20
8 U.S.C. 1133 et seq.) is amended by adding at the end
9 the following:

1 **“PART F—APPRENTICESHIP PROGRAMS**

2 **“SEC. 791. GRANTS TO SUPPORT APPRENTICESHIP PRO-**
 3 **GRAMS.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) APPRENTICESHIP PROGRAM.—The term
 6 ‘apprenticeship program’ means a program that is
 7 registered under the Act of August 16, 1937 (com-
 8 monly known as the ‘National Apprenticeship Act’;
 9 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), as
 10 of the date of enactment of this Act, and is in com-
 11 pliance with the regulations promulgated to carry
 12 out the Act of August 16, 1937, under part 29 of
 13 title 29, Code of Federal Regulations, as in effect on
 14 the date of enactment of this Act.

15 “(2) POSTSECONDARY APPRENTICESHIP PRO-
 16 GRAM.—The term ‘postsecondary apprenticeship
 17 program’ means an apprenticeship program—

18 “(A) that meets the requirements of a rec-
 19 ognized postsecondary credential conferred by
 20 an institution of higher education; and

21 “(B) established by the relevant State
 22 agency in the State where the program is deliv-
 23 ered.

24 “(3) RECOGNIZED POSTSECONDARY CREDEN-
 25 TIAL.—The term ‘recognized postsecondary creden-
 26 tial’ means—

1 “(A) a credential consisting of an industry-
 2 recognized certificate that is credit-bearing to-
 3 ward a postsecondary degree at the institution
 4 of higher education from which it is conferred;

5 “(B) an associate degree; or

6 “(C) a baccalaureate degree.

7 “(4) STUDENT APPRENTICE.—The term ‘stu-
 8 dent apprentice’ means an individual who is—

9 “(A) enrolled or accepted for enrollment at
 10 an institution of higher education for the pur-
 11 pose of obtaining a recognized postsecondary
 12 credential offered by that institution and is a
 13 participant in a postsecondary apprenticeship
 14 program; and

15 “(B) a worker at least 16 years of age, ex-
 16 cept where a higher minimum age standard is
 17 otherwise fixed by law, who is employed to learn
 18 an apprenticeable occupation, as described in
 19 section 29.4 of title 29, Code of Federal Regu-
 20 lations (as in effect on the date of enactment of
 21 this Act), under standards of apprenticeship
 22 fulfilling the requirements of section 29.5 of
 23 title 29, Code of Federal Regulations (as in ef-
 24 fect on the date of enactment of this Act).

1 “(5) WORKFORCE INTERMEDIARY.—The term
2 ‘workforce intermediary’—

3 “(A) means an entity, which may be part
4 of an industry or sector partnership, that dem-
5 onstrates expertise in building, connecting, sus-
6 taining, and measuring the performance of
7 partnerships in order for the entity to broker
8 services, resources, and supports for develop-
9 ment, delivery, expansion, or improvement of
10 postsecondary apprenticeship programs, and of
11 the organizations and systems that are designed
12 to serve covered student apprentices and em-
13 ployer partners, including—

14 “(i) connecting employers to appren-
15 ticeship opportunities;

16 “(ii) assisting in the design and imple-
17 mentation of postsecondary apprenticeship
18 programs, including curriculum develop-
19 ment and delivery for related instruction;

20 “(iii) supporting entities, and spon-
21 sors or program administrators, in meeting
22 the registration and reporting require-
23 ments;

1 “(iv) providing professional develop-
2 ment activities such as training to men-
3 tors;

4 “(v) connecting students or workers to
5 apprenticeship opportunities; and

6 “(vi) developing and providing person-
7 alized covered apprentice supports, includ-
8 ing supportive services and financial advis-
9 ing; and

10 “(B) includes a State workforce develop-
11 ment board or local workforce development
12 board, as established under title I of the Work-
13 force Innovation and Opportunity Act, or State
14 workforce agency.

15 “(b) GRANT PROGRAM.—

16 “(1) IN GENERAL.—The Secretary, in collabo-
17 ration with the Secretary of Labor, shall award
18 grants to eligible partnerships to enable the partner-
19 ships to develop and implement a postsecondary ap-
20 prenticeship program.

21 “(2) DURATION.—Grants awarded under this
22 section shall be 4 or 5 years in duration.

23 “(3) ELIGIBLE PARTNERSHIP.—

1 “(A) IN GENERAL.—In this section, the
2 term ‘eligible partnership’ means a partnership
3 that—

4 “(i) shall include—

5 “(I) an institution of higher edu-
6 cation or a consortium of such institu-
7 tions;

8 “(II) an individual employer or
9 consortium of employers; and

10 “(III) a workforce intermediary,
11 unless waived by the Secretary be-
12 cause the partnership demonstrates
13 that a high-quality program is in
14 place or it would be a hardship to in-
15 clude a workforce intermediary; and

16 “(ii) may include—

17 “(I) a State agency responsible
18 for the administration of career and
19 technical education in the State or for
20 the supervision of the administration
21 of career and technical education in
22 the State;

23 “(II) a labor organization;

24 “(III) an economic development
25 agency or organization, such as a

1 chamber of commerce, business alli-
 2 ance, or industry association;

3 “(IV) a community-based organi-
 4 zation;

5 “(V) a State educational agency;
 6 or

7 “(VI) a local educational agency.

8 “(B) FISCAL AGENT.—The lead fiscal
 9 agent of an eligible partnership shall be any of
 10 the following:

11 “(i) An institution of higher edu-
 12 cation.

13 “(ii) An industry association.

14 “(iii) A workforce intermediary that is
 15 an entity that is described in section
 16 501(c)(3) of the Internal Revenue Code of
 17 1986 and exempt from taxation under sec-
 18 tion 501(a) of such Code.

19 “(4) APPLICATION.—

20 “(A) IN GENERAL.—An eligible partner-
 21 ship that desires to receive a grant under this
 22 section shall submit an application to the Sec-
 23 retary at such time, in such manner, and ac-
 24 companied by such information as the Secretary
 25 may require.

“(B) INCLUSIONS.—An application submitted under subparagraph (A) shall include—

“(i) a plan to recruit and retain a high number or high percentage of participants who are from nontraditional apprenticeship populations, including women, minorities, individuals with disabilities, veterans, and individuals with barriers to employment, such as opportunity youth, low-income youth and adults, young adults and adults of color, and individuals who have been impacted by the criminal justice system;

“(ii) letters of support and a labor market analysis that demonstrate that the occupation for which the program prepares participants—

“(I) is feasible and in demand;

“(II) is a high-growth, high-wage occupation; or

“(III) is a response to in-demand industry sectors or occupations as determined by the State or local workforce boards;

1 “(iii) a plan for reaching desired out-
 2 comes, as described in paragraph (7);

3 “(iv) a plan for ensuring that the
 4 partnership has the capacity to access data
 5 to measure desired outcomes and the out-
 6 comes described in clause (v); and

7 “(v) a plan for—

8 “(I) increasing associate or bac-
 9 calaureate degree and credential at-
 10 tainment;

11 “(II) sustaining the program for
 12 at least 20 months beyond the grant
 13 period; and

14 “(III) including a provider of
 15 support or specialized services, such
 16 as financial counseling.

17 “(C) DESCRIPTION OF INSTRUCTION.—In
 18 addition to the information described in sub-
 19 paragraph (B), an application submitted under
 20 subparagraph (A) shall include a description of
 21 the organized, related instruction the apprentice
 22 will receive in technical subjects related to the
 23 occupation for which the program prepares par-
 24 ticipants, which—

1 “(i) shall include not less than 2000
2 hours of on the job learning and a rec-
3 ommended 144 hours for each year (with
4 an allowance for a student to spread it out
5 over 2 years) of related technical instruc-
6 tion unless an alternative requirement is
7 put forth by the employer and sponsor that
8 reflects industry standards and is accepted
9 by the Secretary;

10 “(ii) may be accomplished through
11 credit-bearing classroom instruction, occu-
12 pational or industry courses, successful
13 demonstration of acquired skills and
14 knowledge as part of an approved com-
15 petency-based program, instruction pro-
16 vided through electronic media, or other
17 instruction approved by the registration
18 agency;

19 “(iii) shall be provided by one or more
20 qualified instructors who—

21 “(I)(aa) meet the career technical
22 education instructor requirements of
23 the applicable education agency of the
24 State of registration; or

1 “(bb) are subject matter experts,
2 defined for purposes of this subpara-
3 graph as individuals (including
4 journeyworkers) recognized within an
5 industry as having expertise in a spe-
6 cific occupation; and

7 “(II) have training in teaching
8 techniques and learning styles or will
9 obtain such training before an in-
10 structor begins providing the related
11 technical instruction; and

12 “(iv) shall, to the maximum extent
13 practicable, be aligned to a career pathway,
14 as defined in section 3 of the Workforce
15 Innovation and Opportunity Act.

16 “(5) SELECTION.—The Secretary shall, in se-
17 lecting eligible partnerships to receive grants under
18 this section—

19 “(A) consider the equitable geographic dis-
20 tribution of grants among rural and urban
21 areas; and

22 “(B) leverage significant State, local, insti-
23 tutional, or private resources, including in-kind
24 contributions, to support the activities assisted
25 under this section.

1 “(6) USE OF GRANT FUNDS.—

2 “(A) IN GENERAL.—An eligible partner-
3 ship that receives a grant under this section
4 shall use the grant funds to develop and imple-
5 ment a postsecondary apprenticeship program
6 in high-skill, high-wage, or in-demand industry
7 sectors or occupations.

8 “(B) PERMISSIBLE USE OF FUNDS.—An
9 eligible partnership that receives a grant under
10 this section to develop and implement a postsec-
11 ondary apprenticeship program may use the
12 grant funds for any of the following:

13 “(i) Program design and implementa-
14 tion costs, including—

15 “(I) development of curricula and
16 standards;

17 “(II) development of a com-
18 petency-based approach to awarding
19 credits; and

20 “(III) use of subject matter ex-
21 perts in instructional delivery or cur-
22 riculum design.

23 “(ii) Development of on-the-job learn-
24 ing, mentoring, and additional supervision

1 structures and professional development
2 for mentors and supervisors.

3 “(iii) Tuition for the related instruc-
4 tion of the apprenticeship.

5 “(iv) Development of articulation
6 agreements with institutions of higher edu-
7 cation that result in awarding an associ-
8 ate’s or higher degree.

9 “(v) Assessment of prior learning for
10 the purpose of awarding credit.

11 “(vi) Certifying examinations.

12 “(vii) Recruitment of student appren-
13 tices or students participating in concur-
14 rent postsecondary programs while in high
15 school.

16 “(viii) Need-based supportive services,
17 including tutoring, transportation, child
18 care, and housing subsidies.

19 “(ix) Not more than 20 percent of
20 grant funds for the purchase of updated
21 equipment.

22 “(x) Not more than 10 percent of
23 grant funds for administrative functions,
24 such as program management and grant
25 reporting.

1 “(xi) Aligning data reporting for aca-
2 demic programs and apprenticeships.

3 “(C) WAGES.—An eligible partnership that
4 receives a grant under this section—

5 “(i) may not use any of the grant
6 funds directly to pay wages to a student
7 apprentice; and

8 “(ii) shall ensure that any wages paid
9 to a student apprentice under the postsec-
10 ondary apprenticeship program are not less
11 than \$15 an hour.

12 “(7) ASSESSMENT.—An eligible partnership
13 that receives a grant under this section shall monitor
14 and report on the following participant-level out-
15 comes:

16 “(A) With respect to interim outcomes—

17 “(i) the number of student appren-
18 tices in the program;

19 “(ii) the percentage of participants
20 who are from nontraditional apprenticeship
21 populations, including women, historically
22 underrepresented groups, individuals with
23 disabilities, veterans, and individuals with
24 barriers to employment;

1 “(iii) outcomes for the participants
2 described in clause (ii);

3 “(iv) the accumulation of postsec-
4 ondary credit;

5 “(v) the attainment of a recognized
6 postsecondary credential; and

7 “(vi) wage increases realized during
8 the course of the apprenticeship.

9 “(B) Completions—

10 “(i) that are on time, disaggregated
11 by credit, credential, or degree received;
12 and

13 “(ii) that are within 150 percent of
14 the expected time of completion,
15 disaggregated by credit, credential, or de-
16 gree received.

17 “(C) With respect to end-of-program out-
18 comes for both participants who complete the
19 program and participants who do not complete
20 the program each of the following:

21 “(i) The accumulation of postsec-
22 ondary credit toward a degree reported not
23 later than one year after the end of the
24 grant period.

1 “(ii) The share of enrolled students
2 who attain a postsecondary degree re-
3 ported not later than one year after the
4 end of the grant period.

5 “(iii) The share of enrolled students
6 who attain a recognized postsecondary cre-
7 dential reported not later than one year
8 after the end of the grant period.

9 “(iv) Subsequent enrollment in ad-
10 vanced education, disaggregated by level.

11 “(v) Whether the place of employment
12 for participants aligns with area of study
13 disaggregated by students who completed
14 the program and students who did not
15 complete the program reported not later
16 than one year after the end of the grant
17 period. Such data may be collected through
18 a survey.

19 “(vi) Unsubsidized employment rate
20 after the second quarter after exit from the
21 program.

22 “(vii) Unsubsidized employment rate
23 after the fourth quarter after exit from the
24 program.

1 “(viii) Median earnings after the sec-
 2 ond and fourth quarters after exit from the
 3 program.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated to carry out this section
 6 such sums as may be necessary for fiscal year 2023 and
 7 each of the 5 succeeding fiscal years.”.

8 **SEC. 3. FEDERAL WORK STUDY FUNDING.**

9 Section 442 of the Higher Education Act of 1965 (20
 10 U.S.C. 1087–52) is amended by adding at the end the fol-
 11 lowing:

12 “(f) FUNDING FOR STUDENT APPRENTICES.—

13 “(1) IN GENERAL.—Notwithstanding any other
 14 provision of this part—

15 “(A) the postsecondary apprenticeship pro-
 16 gram of a student apprentice (as defined in sec-
 17 tion 791) shall qualify as a work-study program
 18 that is eligible for assistance under this part;
 19 and

20 “(B) funds appropriated to carry out this
 21 part may be used by the Secretary to pay the
 22 tuition of such student apprentices except that
 23 Federal work study should not supplant the
 24 wages of student apprentices.

1 “(2) PELL GRANT ELIGIBILITY.—A student ap-
2 prentice who is a participant in a postsecondary ap-
3 prenticeship program that qualifies as a work-study
4 program under this part and is otherwise eligible to
5 receive a Federal Pell Grant under subpart 1 of part
6 A may receive a Federal Pell Grant for enrollment
7 at the institution of higher education that awards
8 the recognized postsecondary credential that is a
9 part of such postsecondary apprenticeship program.

10 “(3) CREDIT FOR APPRENTICES.—A student
11 apprentice who is a participant in a postsecondary
12 apprenticeship program that qualifies as a work-
13 study program under this part shall receive credit
14 toward a postsecondary degree for such participa-
15 tion.

16 “(4) COMPENSATION.—A student apprentice
17 who is a participant in a postsecondary apprentice-
18 ship program that qualifies as a work-study program
19 under this part shall receive pay for work in the
20 postsecondary apprenticeship program that is not
21 less than \$15 an hour.”.

○