

## Calendar No. 352

116TH CONGRESS  
1ST SESSION

# S. 1739

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.

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### IN THE SENATE OF THE UNITED STATES

JUNE 5, 2019

Ms. DUCKWORTH (for herself, Mr. CRAPO, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

DECEMBER 17, 2019

Reported by Ms. MURKOWSKI, without amendment

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Energy  
3 National Labs Jobs ACCESS Act”.

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

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

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

18 (1) leads to recognized postsecondary creden-  
19 tials for secondary school and postsecondary stu-  
20 dents;

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

1           (3)       creates       an       apprenticeship       or  
2       preapprenticeship partnership with a National Lab-  
3       oratory or covered facility of the National Nuclear  
4       Security Administration; and

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

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

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

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

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

23           (C) is eligible to enter into an agreement with  
24      such laboratory or facility that would be paid for in

1 part or entirely from grant funds received under this  
2 section;

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

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

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

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

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

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

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

3           (2) provides the training described in subsection  
4       (b)—

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

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

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

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

23          (4) plans to use the grant to carry out the  
24          training described in subsection (b) with an entity

1       that receives State funding or is operated by a State  
2       agency; and

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

5           (A) young adults ages 17 to 29, inclusive;  
6           or

7           (B) individuals with barriers to employ-  
8       ment.

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

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

16     (h) LIMITATIONS ON AMOUNT OF GRANT.—The  
17     amount of a grant provided under this section for any 24-  
18     month period of the 5-year grant period shall not exceed  
19     \$500,000.

20     (i) NON-FEDERAL SHARE.—The non-Federal share  
21     of the cost of a customized training program carried out  
22     using a grant under this section shall be not less than  
23     25 percent of the total cost of the program.

24     (j) TECHNICAL ASSISTANCE.—The Secretary may  
25     provide technical assistance to eligible entities described

1 in subsection (c) to leverage the existing job training and  
2 education programs of the Department of Labor and other  
3 relevant programs at appropriate Federal agencies.

4 (k) REPORT.—

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

10 (A) a description of—

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

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

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

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

24 (2) PROVISION OF INFORMATION.—The Sec-  
25 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

standards related to apprenticeships and reviewed and approved annually by sponsors of the apprenticeships within the documented partnership that will prepare participants by teaching the skills and competencies needed to enter one or more apprenticeship programs.

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

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

(II) does not displace a paid employee.

(iii) A formal agreement with a sponsor of an apprenticeship program that would enable participants who successfully complete the preapprenticeship program—

(I) to enter directly into the apprenticeship program if a place in the program is available and if the participant meets the qualifications of the apprenticeship program; and

(II) to earn credits towards the 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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116TH CONGRESS  
1ST Session

**S. 1739**

**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.

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