

118TH CONGRESS
2D SESSION

S. 3794

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 SENATE OF THE UNITED STATES

FEBRUARY 9, 2024

Mr. HEINRICH (for himself, Mr. BROWN, Mr. WYDEN, Mr. SCHATZ, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) AREA CAREER AND TECHNICAL SCHOOL.—
2 The term “area career and technical school” has the
3 meaning given the term in section 3 of the Carl D.
4 Perkins Career and Technical Education Act of
5 2006 (20 U.S.C. 2302).

6 (2) FEDERALLY RECOGNIZED INDIAN TRIBE.—
7 The term “Federally recognized Indian Tribe” has
8 the meaning given the term “Indian Tribe” in sec-
9 tion 4 of the Indian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C. 5304).

11 (3) HIGH SCHOOL.—The term “high school”
12 means a nonprofit institutional day or residential
13 school in a State that—

14 (A) provides secondary education, as deter-
15 mined under State law;

16 (B) grants a diploma, as defined by the
17 State; and

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

19 (4) IN-DEMAND INDUSTRY SECTOR OR OCCUPA-
20 TION.—The term “in-demand industry sector or oc-
21 cupation” has the meaning given the term in section
22 3 of the Workforce Innovation and Opportunity Act
23 (29 U.S.C. 3102).

24 (5) LOCAL EDUCATIONAL AGENCY; STATE EDU-
25 CATIONAL AGENCY.—The terms “local educational

1 agency” and “State educational agency” have the
2 meanings given the terms in section 8101 of the Ele-
3 mentary and Secondary Education Act of 1965 (20
4 U.S.C. 7801).

5 (6) LOCAL AND STATE WORKFORCE DEVELOP-
6 MENT BOARDS.—The terms “local workforce devel-
7 opment board” and “State workforce development
8 board” have the meanings given the terms “local
9 board” and “State board”, respectively, in section 3
10 of the Workforce Innovation and Opportunity Act
11 (29 U.S.C. 3102).

12 (7) POSTSECONDARY EDUCATIONAL INSTITU-
13 TION.—The term “postsecondary educational institu-
14 tion” has the meaning given the term “institution of
15 higher education” in section 102 of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1002).

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

20 (A) is designed to prepare individuals to
21 enter and succeed in a registered apprenticeship
22 program in the building or construction trades;

23 (B) is carried out by an eligible entity de-
24 scribed in section 3(c) that has a documented

1 partnership with at least 1 sponsor of a reg-
2 istered apprenticeship program; and

3 (C) includes training (including a cur-
4 rriculum for the training) that—

5 (i) is aligned with industry standards;

6 (ii) is reviewed and approved annually
7 by sponsors of the registered apprentice-
8 ship programs within the documented part-
9 nership; and

10 (iii) will prepare an individual for a
11 registered apprenticeship program by
12 teaching the skills and competencies need-
13 ed to enter such a registered apprentice-
14 ship program.

15 (9) REGISTERED APPRENTICESHIP PROGRAM.—

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

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

23 (11) SPONSOR.—The term “sponsor” means an
24 employer, joint labor-management partnership, trade
25 association, professional association, labor organiza-

1 tion, or other entity that administers a registered
2 apprenticeship program.

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

6 (13) UNDERREPRESENTED POPULATION.—The
7 term “underrepresented population” means a group
8 of individuals who—

9 (A) are members of a racial minority,
10 women, military veterans, members of a Feder-
11 ally recognized Indian Tribe, or long-term un-
12 employed; or

13 (B) come from a geographic area con-
14 sisting of a single census tract or a group of
15 census tracts, each of which meets the criteria
16 for a low-income community, as defined in sec-
17 tion 45D(e) of the Internal Revenue Code of
18 1986.

19 **SEC. 3. SUPPORTING THE DEVELOPMENT OF PRE-APPREN-**
20 **TICESHIP PROGRAMS.**

21 (a) IN GENERAL.—The Secretary shall make grants
22 on a competitive basis to eligible entities described in sub-
23 section (e) that submit applications under subsection (e)
24 to provide the Federal share described in subsection (g)
25 of the cost of carrying out projects under subsection (f)

1 that support the development of pre-apprenticeship pro-
2 grams in the building and construction trades.

3 (b) PERIOD.—The Secretary shall make initial grants
4 under subsection (a) for periods of not more than 3 years,
5 except that if an eligible entity demonstrates satisfactory
6 performance under subsection (h) by the end of that third
7 year, the Secretary may extend the grant period up to an
8 additional 1 year for that entity.

9 (c) ELIGIBLE ENTITY.—To be eligible to receive a
10 grant from the Secretary under subsection (a), an entity
11 shall be a nonprofit partnership that—

12 (1) includes the equal participation of industry,
13 including public or private employers, and labor or-
14 ganizations, including joint labor or management
15 training programs, and may include State and local
16 workforce development boards, community-based or-
17 ganizations, educational institutions (such as post-
18 secondary educational institutions, local educational
19 agencies, State educational agencies, high schools,
20 and area career and technical schools), small busi-
21 nesses, cooperatives, State and local veterans agen-
22 cies, and veterans service organizations; and

23 (2) demonstrates—

1 (A) experience in implementing and oper-
2 ating worker skills training and education pro-
3 grams;

4 (B) the ability to identify and involve in
5 training programs carried out under this grant,
6 target populations of individuals who would
7 benefit from training, and be actively involved
8 in activities related to all building and construc-
9 tion trade crafts; and

10 (C) the ability to help individuals achieve
11 economic self-sufficiency.

12 (d) PRIORITY.—In awarding grants under subsection
13 (a), the Secretary shall give priority to eligible entities that
14 leverage additional public and private resources to fund
15 programs under this Act, including cash or in-kind
16 matches from participating employers.

17 (e) APPLICATIONS.—To be eligible to receive a grant
18 from the Secretary under subsection (a), an eligible entity
19 shall submit an application to the Secretary at such time,
20 in such manner, and containing such information as the
21 Secretary may require, including—

22 (1) with respect to the proposed pre-apprentice-
23 ship program, a description of the training and cur-
24 riculum described in section 2(8)(C) and how the
25 proposed pre-apprenticeship program makes individ-

1 uals who successfully complete the pre-apprentice-
2 ship program qualified to enter into an established
3 registered apprenticeship program;

4 (2) evidence that there are or will be sufficient
5 openings available in such registered apprenticeship
6 program to enable the sponsor of such registered ap-
7 prenticeship program to place into a corresponding
8 registered apprenticeship those individuals who suc-
9 cessfully complete the pre-apprenticeship program;

10 (3) information about the entity that dem-
11 onstrates the existence of an active, advisory part-
12 nership between the partners described in subsection
13 (c)(1) and the capacity of a training and education
14 provider of the entity to provide the training and
15 education services necessary for a pre-apprenticeship
16 program; and

17 (4) information about the proposed pre-appren-
18 ticeship program that demonstrates—

19 (A) that the program is in an in-demand
20 industry or occupation in the region in which
21 the project is located;

22 (B) the inclusion in the program of career
23 exploration focused activities, such as career in-
24 formation activities, and résumé preparation;

1 (C) if the entity carrying out the project
2 includes a high school, that the model to be
3 used for the program leads to a high school di-
4 ploma for participants without such a diploma;

5 (D) how the pre-apprenticeship program is
6 aligned with and leverages resources of career
7 and technical education programs, programs
8 and services authorized under the Workforce
9 Innovation and Opportunity Act (29 U.S.C.
10 3101 et seq.), or activities of entities that pro-
11 vide supportive services for participants in pre-
12 apprenticeship programs; and

13 (E) that the project aligns with an estab-
14 lished registered apprenticeship program, in-
15 cluding that the model used for the program
16 leads to the attainment of skills and com-
17 petencies necessary for entrance into the reg-
18 istered apprenticeship program for participants.

19 (f) USE OF FUNDS.—

20 (1) IN GENERAL.—An eligible entity that re-
21 ceives a grant under subsection (a) shall use the
22 grant funds to carry out a project that implements
23 a pre-apprenticeship program, including the activi-
24 ties described in paragraphs (2) and (3).

1 (2) REQUIRED ACTIVITIES.—The eligible entity
2 shall use such grant funds—

3 (A) to pay for the cost of training or edu-
4 cation associated with a pre-apprenticeship pro-
5 gram for individuals from an underrepresented
6 population;

7 (B) for curriculum development that align
8 with the requirements of the appropriate reg-
9 istered apprenticeship programs and learning
10 assessments;

11 (C) to maintain a connection between the
12 pre-apprenticeship program and registered ap-
13 prenticeship program;

14 (D) for assessments of potential partici-
15 pants for, and enrollment of the participants in,
16 the pre-apprenticeship program; and

17 (E) to conduct evaluations described in
18 subsection (h)(2).

19 (3) ALLOWABLE ACTIVITIES.—The eligible enti-
20 ty may use such grant funds for—

21 (A) stipends for participants during work-
22 based training in the program; and

23 (B) coordination of activities under this
24 subsection with activities carried out under the
25 Carl D. Perkins Career and Technical Edu-

1 cation Act of 2006 (20 U.S.C. 2301 et seq.) or
2 the Workforce Innovation and Opportunity Act
3 (29 U.S.C. 3101 et seq.).

4 (g) FEDERAL SHARE.—

5 (1) IN GENERAL.—The Federal share of the
6 cost described in subsection (a) shall be 75 percent
7 of the total cost of the projects described in such
8 subsection carried out by an eligible entity.

9 (2) NON-FEDERAL SHARE.—The eligible entity
10 may contribute the non-Federal share of such cost
11 in cash or in-kind, fairly evaluated, including plant,
12 equipment, or services.

13 (h) PERFORMANCE.—

14 (1) MEASURES.—The Secretary shall identify a
15 set of common measures that, at a minimum, in-
16 clude measures of entry into a registered apprentice-
17 ship program and that are aligned, as appropriate,
18 with performance accountability measures described
19 in section 116(c) of the Workforce Innovation and
20 Opportunity Act (29 U.S.C. 3141(c)) for the local
21 workforce development area and with corresponding
22 measures under the Carl D. Perkins Career and
23 Technical Education Act of 2006 (20 U.S.C. 2301
24 et seq.).

1 (2) EVALUATIONS.—Each eligible entity that
2 receives a grant to carry out a project under sub-
3 section (a) shall arrange for another qualified entity
4 to conduct an evaluation, or shall participate in an
5 evaluation sponsored by the Secretary, of the project
6 using the identified common measures, and shall, to
7 the extent practicable, cooperate with the evaluator
8 in any evaluations of activities carried out under
9 paragraph.

10 (3) EXTENSIONS.—The Secretary shall use the
11 results of an evaluation for a project under para-
12 graph (2) to determine whether to extend the grant
13 period, or renew a grant, for the project under sub-
14 section (b).

15 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$20,000,000 for fiscal year 2024 and each subsequent fis-
18 cal year.

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