AMENDMENT TO
RULES COMMITTEE PRINT 116–54
OFFERED BY MS. BONAMICI OF OREGON

Page 1691, after line 10, insert the following:

TITLE I—NATIONAL SCENIC
BYWAYS PROGRAM.

At the end of division H, insert the following:

TITLE II—BUILDING U.S. INFRA-
STRUCTURE BY LEVERAGING
DEMANDS FOR SKILLS
(BUILDS)

SEC. 40101. DEFINITIONS.

(1) In general.—In this title, except as otherwise provided in this title, the terms have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(2) Apprenticeship, apprenticeship program.—The term “apprenticeship” or “apprenticeship program” means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), in-
excluding any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019.

(3) CTE TERMS.—The terms “area career and technical education school”, “articulation agreement”, “career guidance and academic counseling”, “credit transfer agreement”, “early college high school”, “high school”, “program of study”, “Tribal educational agency”, and “work-based learning” have the meanings given the terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(4) EDUCATION AND TRAINING PROVIDER.—

(A) IN GENERAL.—The term “education and training provider” means an entity listed in subparagraph (B) that provides academic curriculum and instruction related to targeted infrastructure industries.

(B) ENTITIES.—An entity described in this subparagraph is as follows:

(i) An area career and technical education school, early college high school, or high school providing career and technical education programs of study.
(ii) An Indian Tribe, Tribal organization, or Tribal educational agency.

(iii) A minority-serving institution (as described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))).

(iv) A provider of adult education and literacy activities under the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.);

(v) A local agency administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741);

(vi) A related instruction provider for an apprenticeship program.


(viii) A provider included on the list of eligible providers of training services described in section 122(d) of the Workforce
Innovation and Opportunity Act (29 U.S.C. 3152(d)).

(ix) A consortium of entities described in any of clauses (i) through (viii).

(5) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) an industry or sector partnership;

(B) a State board or State workforce development agency, or a local board or local workforce development agency;

(C) an eligible institution, or a consortium thereof;

(D) an Indian Tribe, Tribal organization, or Tribal educational agency;

(E) a labor organization or joint-labor management organization; or

(F) a qualified intermediary.

(6) NONTRADITIONAL POPULATION.—The term “nontraditional population” means a group of individuals (such as a group of individuals from the same gender or race) the members of which comprise fewer than 25 percent of the individuals employed in a targeted infrastructure industry.

(7) QUALIFIED INTERMEDIARY.—
(A) IN GENERAL.—The term “qualified intermediary” means an entity that demonstrates an expertise—

(i) in engaging in the partnerships described in subparagraph (B); and

(ii) serving participants and employers of programs funded under this title by—

(I) connecting employers to programs funded under this title;

(II) assisting in the design and implementation of such programs, including curriculum development and delivery of instruction;

(III) providing professional development activities such as training to mentors;

(IV) connecting students or workers to programs funded under this title;

(V) developing and providing personalized support for individuals participating in programs funded under this title, including by partnering with organizations to provide access to or
referrals for supportive services and financial advising; or

(VI) providing services, resources, and supports for development, delivery, expansion, or improvement of programs funded under this title.

(B) REQUIRED PARTNERSHIPS.—In carrying out activities under this title, the qualified intermediary shall act in partnerships with—

(i) industry or sector partnerships, including establishing a new industry or sector partnership or expanding an existing industry or sector partnership;

(ii) partnerships among employers, joint labor-management organizations, labor organizations, community-based organizations, State or local workforce development boards, education and training providers, social service organizations, economic development organizations, Indian Tribes or Tribal organizations, or one-stop operators, or one-stop partners, in the State workforce development system; or
(iii) partnerships among one or more
of the entities described in clauses (i) and
(ii).

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

(9) TARGETED INFRASTRUCTURE INDUSTRY.—
The term “targeted infrastructure industry” means
an industry, including the transportation (including
surface, transit, aviation, maritime, or railway trans-
portation), construction, energy (including the de-
ployment of renewable and clean energy, energy effi-
ciency, transmission, and battery storage), informa-
tion technology, or utilities industry) to be served by
a grant, contract, or cooperative agreement under
this title.

SEC. 40102. GRANTS AUTHORIZED.

(a) IN GENERAL.—The Secretary, in consultation
with the Secretary of Transportation, the Secretary of En-
ergy, the Secretary of Commerce, the Secretary of Edu-
cation, and the Chief of Engineers and Commanding Gen-
eral of the Army Corps of Engineers, shall award, on a
competitive basis, grants, contracts, or cooperative agree-
ments to eligible entities to plan and implement activities
to achieve the strategic objectives described in section
40104(b) with respect to a targeted infrastructure indu-
try identified in the application submitted under section 40103 by such eligible entities.

(b) TYPES OF AWARDS.—A grant, contract, or cooperative agreement awarded under this title may be in the form of—

(1) an implementation grant, contract, or cooperative agreement, for entities seeking an initial grant under this title; or

(2) a renewal grant, contract, or cooperative agreement for entities that have already received an implementation grant, contract, or cooperative agreement under this title.

(c) DURATION.—Each grant awarded under this title shall be for a period not to exceed 3 years.

(d) AMOUNT.—The amount of a grant, contract, or cooperative agreement awarded under this title may not exceed—

(1) for an implementation grant, contract, or cooperative agreement, $2,500,000; and

(2) for a renewal grant, contract, or cooperative agreement, $1,500,000.

(e) AWARD BASIS.—

(1) GEOGRAPHIC DIVERSITY.—The Secretary shall award funds under this title in a manner that ensures geographic diversity (such as urban and
rural distribution) in the areas in which activities
will be carried out using such funds.

(2) PRIORITY FOR AWARDS.—In awarding
funds under this title, the Secretary shall give pri-

ority to eligible entities that—

(A) in the case of awarding implementa-
tion grants, contracts, or cooperative agree-
ments—

(i) demonstrate long-term sustain-
ability of a program or activity funded
under this title;

(ii) will serve a high number or high
percentage of nontraditional populations
and individuals with barriers to employ-
ment; and

(iii) will provide a non-Federal share
of the cost of the activities; and

(B) in the case of awarding renewal
grants, contracts, or cooperative agreements—

(i) meet the criteria established in
subparagraph (A); and

(ii) have demonstrated ability to meet
the—

(I) strategic objectives of the im-
plementation grant, contract or coop-
erative agreement described in section 40103(b)(4); and

(II) meet or exceed the requirements of the evaluations and progress reports described in section 40104(f).

SEC. 40103. APPLICATION.

(a) IN GENERAL.—An eligible entity desiring a grant, contract, or cooperative agreement under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including the contents described in subsection (b).

(b) CONTENTS.—An application submitted under this title shall contain, at a minimum—

(1) a description of the entities engaged in activities funded under the grant, including—

(A) evidence of the eligible entity’s capacity to carry out activities to achieve the strategic objectives described in section 40104(b); and

(B) identification, and expected participation and responsibilities of each key stakeholder in the targeted infrastructure industry described in section 40104(b)(1) with which the
eligible entity will partner to carry out such activities;

(2) a description of the targeted infrastructure industry to be served by the eligible entity with funds received under this title, and a description of how such industry was identified, including—

(A) the quantitative data and evidence that demonstrates the demand for employment in such industry in the geographic area served by the eligible entity under this title; and

(B) a description of the local, State, or federally funded infrastructure projects with respect to which the eligible entity anticipates engaging the partners described in paragraph (1)(B);

(3) a description of the workers that will be targeted or recruited by the eligible entity, including—

(A) how recruitment activities will target nontraditional populations to improve the percentages of nontraditional populations employed in targeted infrastructure industries; and

(B) a description of potential barriers to employment for targeted workers, and a description of strategies that will be used to help workers overcome such barriers;
(4) a description of the strategic objectives described in section 40104(b) that the eligible entity intends to achieve concerning the targeted infrastructure industry and activities to be carried out as described in section 40104, including—

(A) a timeline for progress towards achieving such strategic objectives;

(B) a description of the manner in which the eligible entity intends to make sustainable progress towards achieving such strategic objectives; and

(C) assurances the eligible entity will provide performance measures for measuring progress towards achieving such strategic objectives, as described in section 40104(f);

(5) a description of the recognized postsecondary credentials that the eligible entity proposes to prepare individuals participating in activities under this title for, which shall—

(A) be nationally or regionally portable and stackable;

(B) be related to the targeted infrastructure industry that the eligible entity proposes to support; and
(C) be aligned to a career pathway and work-based learning opportunity, such as an apprenticeship program or a pre-apprenticeship program articulating to an apprenticeship program;

(6) a description of the Federal and non-Federal resources, available under provisions of law other than this title, that will be leveraged in support of the partnerships and activities under this title; and

(7) a description of how the eligible entity or the education and training provider in partnership with such eligible entity under this title will establish or implement plans to be included on the list of eligible providers of training services described in section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)).

SEC. 40104. ELIGIBLE ACTIVITIES.

(a) IN GENERAL.—An eligible entity receiving funds under this title shall carry out activities described this section to achieve the strategic objectives identified in the entity’s application under section 40103, including the objectives described in subsection (b).

(b) STRATEGIC OBJECTIVES.—The activities to be carried out with the funds awarded under this title shall
be designed to achieve strategic objectives, including the following:

(1) Recruiting key stakeholders (such as employers, labor organizations, local boards, and education and training providers, economic development agencies, and as applicable, qualified intermediaries) in the targeted infrastructure industry to establish or expand industry and sector partnerships for the purpose of—

(A) assisting the eligible entity in carrying out the activities described in subsection (a); and

(B) convening with the eligible entity in a collaborative structure that supports the sharing of information and best practices for supporting the development of a diverse workforce to support the targeted infrastructure industry.

(2) Identifying the training needs of the State or local area in the targeted infrastructure industry, including—

(A) needs for skills critical to competitiveness and innovation in the industry;

(B) needs of the apprenticeship programs or other paid work-based learning programs supported by the funds; and
(C) the needed establishment, expansion, or revisions of career pathways and academic curriculum in the targeted infrastructure industries to establish talent pipelines for such industry.

(3) Identifying and quantifying any disparities or gaps in employment of nontraditional populations in the targeted infrastructure industries and establishing or expanding strategies to close such gaps.

(4) Supporting the development of consortia of education and training providers receiving assistance under this title to align curricula, recognized post-secondary credentials, and programs to the targeted infrastructure industry needs and the credentials described in section 40103(b)(5), particularly for high-skill, high-wage or in-demand industry sectors or occupations related to the targeted infrastructure industry.

(5) Providing information on activities carried out with such funds to the State and local board and the State agency carrying out the State program under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), including staff of the agency that provide services under such Act, to enable the State agency to inform recipients of unemployment compensation or
the employment and training opportunities that may be offered through such activities.

(6) Establishing or expanding partnerships with employers in industry or sector partnerships to attract potential workers from a diverse jobseeker base, including individuals with barriers to employment and nontraditional populations, by identifying any such barriers through analysis of the labor market data and recruitment strategies, and implementing strategies to help such workers overcome such barriers and increase diversity in the targeted infrastructure industries.

(e) PLANNING ACTIVITIES.—An eligible entity receiving a planning grant, contract, or cooperative agreement under this title shall use not more than $250,000 of such funds to carry out planning activities during the first year of the grant, contract, or agreement period, which may include—

(1) establishing or expanding industry or sector partnerships described in subsection (b)(1);

(2) conducting outreach to local labor organizations, employers, industry associations, education and training providers, economic development organizations, and qualified intermediaries, as applicable;
(3) recruiting individuals for participation in programs assisted with funds under this title, including individuals with barriers to employment and nontraditional populations;

(4) establishing or expanding paid work-based learning opportunities, including apprenticeship programs or programs articulating to apprenticeship programs;

(5) establishing or implementing plans for any education and training provider receiving funding under this title to be included on the list of eligible providers of training services described in section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d));

(6) establishing or implementing plans for awarding academic credit or providing for academic alignment towards credit pathways for programs or programs of study assisted with funds under this title, including academic credit for industry recognized credentials, competency-based education, work-based learning, or apprenticeship programs;

(7) making available open, searchable, and comparable information on the recognized postsecondary credentials awarded under such programs, including
the related skills or competencies and related employment and earnings outcomes;

(8) conducting an evaluation of workforce needs in the local area; or

(9) career pathway and curriculum development or expansion, program establishment, and acquiring equipment necessary to support activities permitted under this section.

(d) EMPLOYER ENGAGEMENT.—An eligible entity receiving funds under this title shall use the grant funds to provide services to engage employers in efforts to achieve the strategic objectives identified in the partnership’s application under section 40103(b)(4), such as—

(1) navigating the registration process for a sponsor of an apprenticeship program;

(2) connecting the employer with an education and training provider, to support the development of curriculum for work-based learning opportunities, including the related instruction for apprenticeship programs;

(3) providing training to incumbent workers to serve as trainers or mentors to individuals participating in a work-based learning program funded under this title;
(4) subsidizing the wages and benefits for individuals participating in activities or programs funded under this title for a period of not more than 6 months for employers demonstrating financial need, including due to COVID–19; and

(5) recruiting for employment or participation in programs funded under this title, including work-based learning programs, including—

(A) individuals participating in programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), or the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(B) recipients of assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(C) recipients of assistance through the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(D) individuals with a barrier to employment; or
(E) nontraditional populations in the targeted infrastructure industry served by such funds.

(e) PARTICIPANT SUPPORTS.—The eligible entity receiving funds under this title shall use the grant funds to provide services to support the success of individuals participating in a program supported under this title, which shall include—

(1) in coordination with the State or local board—

(A) training services as described in section 134(c)(3) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3));

(B) career services as described in section 134(c)(2) of such Act; and

(C) supportive services, such as child care and transportation;

(2) providing access to necessary supplies, materials, technological devices, or required equipment, attire, and other supports necessary to participate in such programs or to start employment;

(3) job placement assistance, including in paid work-based learning opportunities which may include apprenticeship programs, or employment at the com-
pletion of a program provided by an education and training provider;

(4) providing career awareness activities, such as career guidance and academic counseling; and

(5) services to ensure individuals served by funds under this title maintain employment after the completion of a program funded under this title for at least 12 months, including through the continuation of services described under paragraphs (1) through (4) as applicable continuation of services described under paragraphs (1) through (4).

(f) Evaluation and Progress Reports.—Not later than 1 year after receiving a grant under this title, and annually thereafter, the eligible entity receiving the grant shall submit a report to the Secretary and the Governor of the State that the eligible entity serves, that—

(1) describes the activities funded under this title;

(2) evaluates the progress the eligible entity has made towards achieving the strategic objectives identified under section 40103(b)(4); and

(3) evaluates the levels of performance achieved by the eligible entity for training participants with respect to the performance indicators under section 116(b)(2)(A) of the Workforce Innovation and Op-
portunity Act (29 U.S.C. 3141(b)(2)(A)) for all such workers, disaggregated by each population specified in section 3(24) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(24)) and by race, ethnicity, sex, and age.

(g) ADMINISTRATIVE COSTS.—An eligible partnership may use not more than 5 percent of the funds awarded through a grant, contract, or cooperative agreement under this title for administrative expenses in carrying out this section.

SEC. 40105. ADMINISTRATION BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may use not more than 2 percent of the amount appropriated under section 40106 for each fiscal year for administrative expenses to carry out this title, including the expenses of providing the technical assistance and oversight activities under subsection (b).

(b) TECHNICAL ASSISTANCE; OVERSIGHT.—The Secretary shall provide technical assistance and oversight to assist the eligible entities in applying for and administering grants awarded under this title.

SEC. 40106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2021 and each of the succeeding 4 fiscal years.
SEC. 40107. SPECIAL RULE.

Any funds made available under this title that are used to fund an apprenticeship or apprenticeship program shall only be used for, or provided to, an apprenticeship or apprenticeship program that meets the definition of such term in section 40101 of this title, including any funds awarded for the purposes of grants, contracts, or cooperative agreements, or the development, implementation, or administration, of an apprenticeship or an apprenticeship program.