AMENDMENT TO RULES COMMITTEE PRINT 116–54

OFFERED BY MR. NORCROSS OF NEW JERSEY

Page 288, after line 7, insert the following:

(c) Certification by Prospective Construction Contractors of Good Faith Effort to Utilize Qualified Apprentices.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

“§ 331. Utilization of qualified apprentices by construction contractors

“(a) Certification Required.—

“(1) In general.—The Secretary of Transportation shall require each prospective contractor on a construction project carried out directly by the Department of Transportation or a recipient of Federal assistance under section 117, to certify that, if awarded a contract for the project, the prospective contractor and its subcontractors shall make a good faith effort to meet or exceed the apprenticeship employment goal on such project.

“(2) Determination.—If a prospective contractor fails to certify as required by paragraph (1),
the Secretary or State transportation department may not determine such prospective contractor to be a responsible contractor.

“(b) CONSIDERATION OF APPRENTICESHIP EMPLOYMENT GOAL.—The Secretary of Transportation shall revise the Transportation Acquisition Regulation to require that the system used by the Federal Government to monitor or record contractor past performance includes an analysis of whether the contractor has made a good faith effort to meet or exceed the apprenticeship employment goal, including consideration of actual utilization by the contractor and its subcontractors of qualified apprentices, as part of the past performance rating of such contractor.

“(c) INCENTIVES.—The Secretary of Transportation shall develop incentives for prospective contractors on construction projects to meet or exceed the apprenticeship employment goal.

“(d) DEFINITIONS.—In this section:

“(1) APPRENTICESHIP EMPLOYMENT GOAL.—The term ‘apprenticeship employment goal’ means the utilization of qualified apprentices as not less than 20 percent of the total project workforce employed in construction (as such term is defined in the NAICS Manual).
“(2) QUALIFIED APPRENTICE.—The term ‘qualified apprentice’ means an employee participating in an apprenticeship program that—

“(A) is registered with—

“(i) the Office of Apprenticeship of the Employment Training Administration of the Department of Labor pursuant to the Act of August 16, 1937 (popularly known as the ‘National Apprenticeship Act’; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019; or

“(ii) a State apprenticeship agency recognized by such Office of Apprenticeship pursuant to such Act; and

“(B) complies with the requirements of subpart A of part 29 and part 30 of title 29, Code of Federal Regulations.”.

(d) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:

“331. Utilization of qualified apprentices by construction contractors.”.

(e) APPLICABILITY.—The amendments made by this section shall apply with respect to contracts awarded on
or after the date that is 180 days after the date of enactment of this Act.