

**AMENDMENT TO RULES COMMITTEE PRINT 116-**

**54**

**OFFERED BY MR. NORCROSS OF NEW JERSEY**

Page 288, after line 7, insert the following:

1           (c) CERTIFICATION BY PROSPECTIVE CONSTRUCTION  
2 CONTRACTORS OF GOOD FAITH EFFORT TO UTILIZE  
3 QUALIFIED APPRENTICES.—Chapter 3 of title 23, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 331. Utilization of qualified apprentices by con-**  
7 **struction contractors**

8           “(a) CERTIFICATION REQUIRED.—

9                   “(1) IN GENERAL.—The Secretary of Transpor-  
10 tation shall require each prospective contractor on a  
11 construction project carried out directly by the De-  
12 partment of Transportation or a recipient of Federal  
13 assistance under section 117, to certify that, if  
14 awarded a contract for the project, the prospective  
15 contractor and its subcontractors shall make a good  
16 faith effort to meet or exceed the apprenticeship em-  
17 ployment goal on such project.

18                   “(2) DETERMINATION.—If a prospective con-  
19 tractor fails to certify as required by paragraph (1),

1 the Secretary or State transportation department  
2 may not determine such prospective contractor to be  
3 a responsible contractor.

4 “(b) CONSIDERATION OF APPRENTICESHIP EMPLOY-  
5 MENT GOAL.—The Secretary of Transportation shall re-  
6 vise the Transportation Acquisition Regulation to require  
7 that the system used by the Federal Government to mon-  
8 itor or record contractor past performance includes an  
9 analysis of whether the contractor has made a good faith  
10 effort to meet or exceed the apprenticeship employment  
11 goal, including consideration of actual utilization by the  
12 contractor and its subcontractors of qualified apprentices,  
13 as part of the past performance rating of such contractor.

14 “(c) INCENTIVES.—The Secretary of Transportation  
15 shall develop incentives for prospective contractors on con-  
16 struction projects to meet or exceed the apprenticeship  
17 employment goal.

18 “(d) DEFINITIONS.—In this section:

19 “(1) APPRENTICESHIP EMPLOYMENT GOAL.—  
20 The term ‘apprenticeship employment goal’ means  
21 the utilization of qualified apprentices as not less  
22 than 20 percent of the total project workforce em-  
23 ployed in construction (as such term is defined in  
24 the NAICS Manual).

1           “(2) QUALIFIED APPRENTICE.—The term  
2           ‘qualified apprentice’ means an employee partici-  
3           pating in an apprenticeship program that—

4                   “(A) is registered with—

5                           “(i) the Office of Apprenticeship of  
6                           the Employment Training Administration  
7                           of the Department of Labor pursuant to  
8                           the Act of August 16, 1937 (popularly  
9                           known as the ‘National Apprenticeship  
10                          Act’; 29 U.S.C. 50 et seq.), including any  
11                          requirement, standard, or rule promul-  
12                          gated under such Act, as such require-  
13                          ment, standard, or rule was in effect on  
14                          December 30, 2019; or

15                           “(ii) a State apprenticeship agency  
16                           recognized by such Office of Apprentice-  
17                           ship pursuant to such Act; and

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

21           (d) CLERICAL AMENDMENT.—The analysis for chap-  
22           ter 3 of title 23, United States Code, is amended by add-  
23           ing at the end the following:

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

24           (e) APPLICABILITY.—The amendments made by this  
25           section shall apply with respect to contracts awarded on

1 or after the date that is 180 days after the date of enact-  
2 ment of this Act.

