

American Clean Energy and Security Act of 2009

Waxman Manager's Amendment, June 26, 2009

Green Construction Careers Demonstration Project

(See next page)

1 graduation opportunities, and information and tips
2 about a green workplace, energy efficiency, and rel-
3 evant environmental topics and information on avail-
4 able industry recognized certifications in each area.

5 (d) DISSEMINATION.—The clearinghouse shall be
6 made available via the Internet to the general public. No-
7 tice of the completed clearinghouse and any major revi-
8 sions thereto shall also be provided—

9 (1) to each Member of Congress; and

10 (2) on the websites of the Departments of Edu-
11 cation, Energy, and Labor.

12 (e) REVISION.—The Secretary of Labor shall revise
13 and update the clearinghouse on a regular basis to ensure
14 its relevance.

15 **SEC. 424. MONITORING PROGRAM EFFECTIVENESS.**

16 The Secretary of Labor shall monitor the potential
17 growth of affected and displaced workers to ensure that
18 the necessary funding continues to support the number of
19 workers affected.

20 **SEC. 424A. GREEN CONSTRUCTION CAREERS DEMONSTRATION PROJECT.**

21
22 (a) ESTABLISHMENT AND AUTHORITY.—The Sec-
23 retary of Labor, in consultation with the Secretary of En-
24 ergy, shall, not later than 180 days after the enactment
25 of this Act, establish a Green Construction Careers dem-

1 onstration project by rules, regulations, and guidance in
2 accordance with the provisions of this section. The purpose
3 of the demonstration project shall be to promote middle
4 class careers and quality employment practices in the
5 green construction sector among targeted workers and to
6 advance efficiency and performance on construction
7 projects related to this Act. In order to advance these pur-
8 poses, the Secretary shall identify projects, including resi-
9 dential retrofitting projects, funded directly by or assisted
10 in whole or in part by or through the Federal Government
11 pursuant to this Act or by any other entity established
12 in accordance with this Act, to which all of the following
13 shall apply.

14 (b) REQUIREMENTS.—The Secretaries may establish
15 such terms and conditions for the demonstration projects
16 as the Secretaries determine are necessary to meet the
17 purposes of subsection (a), including establishing min-
18 imum proportions of hours to be worked by targeted work-
19 ers on such projects. The Secretaries may require the con-
20 tractors and subcontractors performing construction serv-
21 ices on the project to comply with the terms and conditions
22 as a condition of receiving funding or assistance from the
23 Federal Government under this Act.

24 (c) EVALUATION.—The Secretaries shall evaluate the
25 demonstration projects against the purposes of this section

1 at the end of 3 years from initiation of the demonstration
2 project. If the Secretaries determine that the demonstra-
3 tion projects have been successful, the Secretaries may
4 identify further projects to which of the provisions of this
5 section shall apply.

6 (d) GAO REPORT.—The Comptroller General shall
7 prepare and submit a report to the Committee on Health,
8 Education, Labor and Pensions and the Committee on
9 Energy and Natural Resources of the Senate and the
10 Committee on Education and Labor and the Committee
11 on Energy and Commerce of the House of Representatives
12 not later than 5 years after the date of enactment of this
13 Act, which shall advise the committees of the results of
14 the demonstration projects and make appropriate rec-
15 ommendations.

16 (e) DEFINITION AND DESIGNATION OF TARGETED
17 WORKERS.—As used in this section, the term “targeted
18 worker” means an individual who resides in the same
19 labor market area (as defined in section 101(18) of the
20 Workforce Investment Act of 1998 (29 U.S.C. 2801(18)))
21 as the project and who—

22 (1) is a member of a targeted group, within the
23 meaning of section 51 of the Internal Revenue Code
24 of 1986, other than an individual described in sub-
25 section (d)(1)(C) of such section;

1 (2)(A) resides in a census tract in which not
2 less than 20 percent of the households have incomes
3 below the Federal poverty guidelines; or

4 (B) is a member of a family that received a
5 total family income that, during the 2-year period
6 prior to employment on the project or admission to
7 the pre-apprenticeship program, did not exceed 200
8 percent of the Federal poverty guidelines (exclusive
9 of unemployment compensation, child support pay-
10 ments, payments described in section 101(25)(A) of
11 the Workforce Investment Act (29 U.S.C.
12 2801(25)(A)), and old-age and survivors insurance
13 benefits received under section 202 of the Social Se-
14 curity Act (42 U.S.C. 402); or

15 (3) is a displaced homemaker, as such term is
16 defined in section 3(10) of the Carl D. Perkins Ca-
17 reer and Technical Education Act of 2006 (20
18 U.S.C. 2302(10)).

19 (f) QUALIFIED PRE-APPRENTICESHIP PROGRAM.—A
20 qualified pre-apprenticeship program is a pre-apprentice-
21 ship program that has demonstrated an ability to recruit,
22 train, and prepare for admission to apprenticeship pro-
23 grams individuals who are targeted workers.

24 (g) QUALIFIED APPRENTICESHIP AND OTHER
25 TRAINING PROGRAMS.—

1 (1) PARTICIPATION BY EACH CONTRACTOR RE-
2 QUIRED.—Each contractor and subcontractor that
3 seeks to provide construction services on projects
4 identified by the Secretaries pursuant to subsection
5 (a) shall submit adequate assurances with its bid or
6 proposal that it participates in a qualified appren-
7 ticeship or other training program, with a written
8 arrangement with a qualified pre-apprenticeship pro-
9 gram, for each craft or trade classification of worker
10 that it intends to employ to perform work on the
11 project.

12 (2) DEFINITION OF QUALIFIED APPRENTICE
13 SHIP OR OTHER TRAINING PROGRAM.—

14 (A) IN GENERAL.—For purposes of this
15 section, the term “qualified apprenticeship or
16 other training program” means an apprentice-
17 ship or other training program that qualifies as
18 an employee welfare benefit plan, as defined in
19 section 3(1) of the Employee Retirement In-
20 come Security Act of 1974 (29 U.S.C.
21 1002(1)).

22 (B) CERTIFICATION OF OTHER PROGRAMS
23 IN CERTAIN LOCALITIES.—In the event that the
24 Secretary of Labor certifies that a qualified ap-
25 prenticeship or other training program (as de-

1 fined in subparagraph (A)) for a craft or trade
2 classification of workers that a prospective con-
3 tractor or subcontractor intends to employ, is
4 not operated in the locality where the project
5 will be performed, an apprenticeship or other
6 training program that is not an employee wel-
7 fare benefit plan (as defined in such section)
8 may be certified by the Secretary as a qualified
9 apprenticeship or other training program pro-
10 provided it is registered with the Office of Appren-
11 ticeship of the Department of Labor, or a State
12 apprenticeship agency recognized by the Office
13 of Apprenticeship for Federal purposes.

14 (h) FACILITATING COMPLIANCE.—The Secretary
15 may require Federal contracting agencies, recipients of
16 Federal assistance, and any other entity established in ac-
17 cordance with this Act to require contractors to enter into
18 an agreement in a manner comparable with the standards
19 set forth in sections 3 and 4 of Executive Order 13502
20 in order to achieve the purposes of this section, including
21 any requirements established by subsection (b).

22 (i) LIMITATION.—The requirements of this section
23 shall not apply to any project funded under this Act in
24 American Samoa, Guam, the Commonwealth of the North-
25 ern Mariana Islands, the Commonwealth of Puerto Rico,

1 fined in subparagraph (A)) for a craft or trade
2 classification of workers that a prospective con-
3 tractor or subcontractor intends to employ, is
4 not operated in the locality where the project
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