

DRAFT Provision Related to Job Access and Quality prepared for the American Clean Energy and Security Act of 2009
May 7, 2009

SEC. _____ EMPLOYMENT OF TARGETED WORKERS FOR CONSTRUCTION RELATED TO BUILDING A GREEN ECONOMY

(a) PREFERENCE FOR TARGETED WORKERS--Not less than fifteen percent, but with a goal of thirty percent, of the hours worked by laborers and mechanics employed by contractors and subcontractors on each project funded directly by or assisted in whole or in part by or through the Federal Government pursuant to this Act, shall be performed by either

(1) individuals who are low-income, defined as those who received an income, or are members of a family that received a total family income, that prior to employment on the project and in relation to family size did not exceed two hundred per cent of the federal poverty guidelines (exclusive of unemployment compensation, child support payments, payments described in 29 United States Code section 2801 (25) (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act, 42 United States Code section 402), and who also reside in the same Metropolitan Statistical Area or county as the project; and/or

(2) individuals for whom the construction trades constitute “nontraditional employment,” as defined in 29 United States Code section 2801(26).

(b) UTILIZATION OF APPRENTICESHIP PROGRAMS--In order to help achieve the objective of subsection (a), all responsible prospective contractors and subcontractors shall submit adequate assurances that they participate in an apprenticeship program that qualifies as an “employee welfare benefit plan” as defined in section 3(1) of the Employee Retirement Income Security Act of 1974, 29 United States Code section 1002(1), for each craft or trade classification of worker that it intends to employ to perform work on the contract or subcontract, where such a program exists within fifty miles of the construction project, and shall employ apprentices enrolled in such programs to the maximum extent allowed under ratios adopted pursuant to 29 C.F.R. Part 29.5(b)(7).

(c) RESOURCES FOR PRE-APPRENTICESHIP TRAINING--In order to help further achieve objectives of this section, on each project funded directly by or assisted in whole or in part by or through the Federal Government pursuant to this Act, not less than one percent of project funds shall be used to provide pre-apprenticeship training through programs that have strong track records of placing low-income workers, those for whom the construction trades constitute “nontraditional employment,” and other underrepresented workers into sustained employment in the construction trades. A portion of such funds shall also be used to support community-based organizations that recruit targeted workers as described in subsection (a) above to participate in apprenticeship programs or pre-apprenticeship training programs.

(d) IMPLEMENTATION-- The Secretary of Labor shall promulgate regulations implementing the requirements of this section.