

117TH CONGRESS
1ST SESSION

H. R. 5278

To amend title 10, United States Code, to expand the use of qualified apprentices by military construction contractors.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2021

Mr. NEGUSE introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to expand the use of qualified apprentices by military construction contractors.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Diversity in Appren-
5 ticeships Act”.

6 **SEC. 2. USE OF QUALIFIED APPRENTICES BY MILITARY**
7 **CONSTRUCTION CONTRACTORS.**

8 (a) ESTABLISHMENT OF APPRENTICESHIP USE CER-
9 TIFICATION REQUIREMENT.—Subchapter III of chapter

1 169 of title 10, United States Code, is amended by adding
2 at the end the following new section:

3 **“§ 2870. Use of qualified apprentices by military con-**
4 **struction contractors**

5 “(a) CERTIFICATION REQUIRED.—The Secretary of
6 Defense shall require each offeror for a contract for a mili-
7 tary construction project to certify to the Secretary that,
8 if awarded such a contract, the offeror will—

9 “(1) establish a goal that not less than 20 per-
10 cent of the total workforce employed in the perform-
11 ance of such a contract are qualified apprentices;
12 and

13 “(2) ensure that each contractor and subcon-
14 tractor that employs four or more workers in a par-
15 ticular classification to perform construction activi-
16 ties on such a contract shall employ one or more
17 qualified apprentices in the same classification for
18 the purpose of meeting the goal established pursuant
19 to paragraph (1).

20 “(b) INCENTIVES.—

21 “(1) INCENTIVES RELATED TO GOALS.—The
22 Secretary of Defense shall develop incentives for
23 offerors for a contract for military construction
24 projects to meet or exceed the goals described in
25 subsection (a).

1 “(2) INCENTIVES RELATED TO CONTRAC-
2 TORS.—To promote the use of qualified apprentices
3 by military construction contractors, Congress en-
4 courages the Department of Defense to contract
5 with women-owned, minority-owned, and small dis-
6 advantaged businesses.

7 “(c) CONSIDERATION OF USE OF QUALIFIED AP-
8 PRENTICES.—

9 “(1) REVISION REQUIRED.—Not later than one
10 year after the date of the enactment of this section,
11 the Secretary of Defense shall revise the Department
12 of Defense Supplement to the Federal Acquisition
13 Regulation to require that the system used by the
14 Federal Government to monitor or record contractor
15 past performance includes an analysis of whether the
16 contractor has made a good faith effort to meet or
17 exceed the goal described in subsection (a), including
18 consideration of the actual number of qualified ap-
19 prentices used by the contractor on a contract for a
20 military construction project, as part of the past
21 performance rating of such contractor.

22 “(2) IMPLEMENTATION.—Upon revision of the
23 Department of Defense Supplement to the Federal
24 Acquisition Regulation, contractors working on a
25 military construction project shall submit to the De-

1 partment of Defense such reports or information as
2 required by the Secretary, which may include total
3 labor hours to be performed on a contract for a mili-
4 tary construction project, the number of qualified
5 apprentices to be employed on a contract for a mili-
6 tary construction project, and demographic informa-
7 tion on nontraditional apprentice populations.

8 “(d) QUALIFIED APPRENTICE DEFINED.—In this
9 section, the term ‘qualified apprentice’ means an employee
10 participating in an apprenticeship program registered with
11 the Office of Apprenticeship of the Employment Training
12 Administration of the Department of Labor or a State ap-
13 prenticeship agency recognized by the Office of Appren-
14 ticeship pursuant to the Act of August 16, 1937 (popu-
15 larly known as the National Apprenticeship Act; 29 U.S.C.
16 50 et seq.).

17 “(e) APPRENTICE-TO-JOURNEYWORKER RATIO.—
18 Nothing in this section shall relieve a contractor or sub-
19 contractor on a military construction project of the obliga-
20 tion of the contractor or subcontractor to comply with all
21 applicable requirements for apprentice-to-journeyworker
22 ratios established by the Department of Labor or the
23 State Apprenticeship Agency, whichever applies in the
24 State in which the military construction project is carried
25 out.

1 “(f) APPLICABILITY.—Subsection (a) shall apply with
2 respect to each military construction project whose first
3 advertisement for bid occurs on or after the end of the
4 one-year period beginning on the date of the enactment
5 of this section.”.

6 (b) REPORTS TO CONGRESS.—Not later than three
7 months after the date of the enactment of this Act, nine
8 months after the date of the enactment of this Act, and
9 upon revision of the Department of Defense Supplement
10 to the Federal Acquisition Regulation required by sub-
11 section (c) of section 2870 of title 10, United States Code,
12 as added by subsection (a), the Secretary of Defense shall
13 submit to the Committees on Armed Services of the Sen-
14 ate and the House of Representatives a report providing
15 a status update on the implementation of the requirements
16 of such section. Each status update shall identify major
17 milestones in such implementation, challenges to such im-
18 plementation, and such other information as the Secretary
19 considers appropriate.

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