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DEPARTMENT OF ENERGY NATIONAL LABS JOBS ACCESS ACT

JANUARY 15, 2020.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 1739]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1739) to enable projects that will aid in the development and delivery of related instruction associated with apprenticeship and preapprenticeship programs that are focused on serving the skilled technical workforce at the National Laboratories and certain facilities of the National Nuclear Security Administration, and for other purposes, having considered the same, reports favorably thereon without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of S. 1739 is to enable projects that will aid in the development and delivery of related instruction associated with apprenticeship and preapprenticeship programs that are focused on serving the skilled technical workforce at the National Laboratories and certain facilities of the National Nuclear Security Administration.

BACKGROUND AND NEED

The Department of Energy's (DOE) National Laboratory system is comprised of 17 national laboratories with distinct capabilities that enable the United States to be the world leader in research, development, demonstration, and deployment. The national laboratories are generally classified as science laboratories, technology

laboratories, or national security laboratories. The 2017 DOE Annual Report on the State of the National Laboratories (Annual Report) details how the national laboratories are able “to tackle multidisciplinary problems with long time horizons, often coupling fundamental discovery research, technology development, and demonstration projects.”

According to the Annual Report, there are 57,600 full-time equivalent employees at the national laboratories. In addition to employees, the national laboratories also have joint faculty appointments, postdoctoral researchers, undergraduate students, graduate students, facility users, and visiting scientists.

The missions of the national laboratories require their workforce to have unique skills and expertise, often in highly specialized fields. A decline in science and engineering degrees coupled with a highly competitive job market can make it challenging for the national laboratories to recruit and retain suitable employees. In addition, national laboratories are facing a challenge with many long-time employees reaching retirement age within the next few years.

The national labs have taken a number of actions to try to develop qualified candidates for these specialized positions, including developing a joint recruiting strategy to improve the visibility of the national laboratory system and conducting recruitment efforts aimed to improve workplace diversity.

S. 1739 aims to improve the pipeline of talent for the national laboratories by providing grant funding for the development and delivery of programs that can fill the skills gap in their workforce.

LEGISLATIVE HISTORY

S. 1739 was introduced by Senators Duckworth and Crapo on June 5, 2019. The Energy Subcommittee held a hearing on this measure on September 11, 2019.

Congressman Luján (D–NM) introduced H. R. 3135, companion legislation, in the House of Representatives on June 5, 2019, which was referred to the Committee on Education and Labor.

During the 115th Congress, Representative Luján introduced similar legislation, H. R. 5567, in the House of Representatives.

The Senate Committee on Energy and Natural Resources met in open business session on November 19, 2019, and ordered S. 1739 favorably reported.

Following the Committee’s action, similar legislation was enacted as section 3122 of the National Defense Authorization Act for Fiscal Year 2020, Public Law 116–92.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on November 19, 2019, by a majority voice vote of a quorum present, recommends that the Senate pass S. 1739. Senator Lee asked to be recorded as voting no.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 sets forth the short title of the bill.

Sec. 2. National Laboratory Jobs Access Program

Section 2(a) requires the Secretary of Energy (Secretary) to establish the Department of Energy National Lab Jobs ACCESS Program which will provide competitive grants to eligible entities for the Federal share of the costs of technical, skills-based preapprenticeship and apprenticeship programs that provide post-secondary credentials.

Section 2(b) sets forth requirements for the program.

Section 2(c) sets forth eligibility requirements for the program.

Section 2(d) requires an eligible entity to submit a grant application to the Secretary.

Section 2(e) requires the Secretary to prioritize the applications of eligible entities that meet certain criteria.

Section 2(f) requires the Secretary to consider regional diversity when awarding grants.

Section 2(g) limits eligible entities to one application during any one fiscal year (FY).

Section 2(h) limits the amount of a grant to no more than \$500,000 for any 24-month period of the five-year grant period.

Section 2(i) requires a 25 percent non-Federal cost share.

Section 2(j) allows the Secretary to provide technical assistance to eligible entities to leverage the existing job training and education programs of the Department of Labor and other Federal agencies.

Section 2(k) requires the Secretary of Labor to submit a report to Congress describing any entity that receives a grant under this section, activities carried out using grant funds, and best practices used to leverage the investment of the federal government with the Secretary providing required information.

Section 2(l) defines relevant terms.

Section 2(m) authorizes \$5 million for each of FYs 2020 through 2024.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

S. 1739, Department of Energy National Labs Jobs ACCESS Act			
As ordered reported by the Senate Committee on Energy and Natural Resources on November 19, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	14	25
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 1739 would authorize the appropriation of \$5 million annually through 2024 for the Department of Energy (DOE), in consultation with the Department of Labor (DOL), to establish the Department of Energy National Lab Jobs ACCESS Program. Under the proposed program, DOE would award five-year grants and provide technical assistance to entities that facilitate preapprenticeship and apprenticeship programs that provide postsecondary credentials and prepare students for obtaining technician positions at the National Laboratories and the National Nuclear Security Administration. The bill also would require DOL to report to the Congress on the proposed program.

CBO estimates that implementing S. 1739 would cost \$14 million over the 2020–2024 period and \$11 million after 2024, assuming appropriation of the specified amounts and that the bill is enacted near the end of 2019. Estimated outlays are based on historical spending patterns for similar programs, adjusted for the timing of assumed implementation. The costs of the legislation, detailed in Table 1, would fall within budget functions 270 (energy) and 500 (education, training, employment, and social services).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 1739

	By fiscal year, millions of dollars—											
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2020– 2024	2020– 2029
Authorization	5	5	5	5	5	0	0	0	0	0	25	25
Estimated Outlays	*	2	3	4	5	5	3	2	1	*	14	25

* = between zero and \$500,000.

The CBO staff contact for this estimate is Aaron Krupkin. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1739. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1739, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1739, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of Energy at the September 11, 2019, hearing on S. 1739 follows:

TESTIMONY OF UNDER SECRETARY OF ENERGY MARK W.
MENEZES, U.S. DEPARTMENT OF ENERGY

INTRODUCTION

Chairman Cassidy, Ranking Member Heinrich, and Members of the Subcommittee, it is a privilege and an honor to serve at the Department of Energy (DOE or the Department), which is tasked with, among other important responsibilities: overseeing the Nation's nuclear energy research and development programs; creating and sustaining American leadership in the transition to a global clean energy economy; working effectively with the States on our Nation's energy challenges; and supporting our current, and developing our Nation's future, energy workforce. Thank you for the opportunity to testify today on behalf of the Department regarding legislation pertinent to DOE that is now pending in the Senate.

I have been asked to testify on nine (9) bills today. The Administration continues to review all of these bills. I appreciate the ongoing bipartisan efforts to address our Nation's energy challenges and I look forward to working with the Committee.

HUMAN CAPITAL

In the United States we are producing a wider range of fuels, more abundantly and affordably, while using them more cleanly and efficiently than ever. As part of a balanced approach to energy policy, our Nation is vastly improving energy choice, embracing new and smarter ways to reach our energy, and our environmental goals. In the United States, our energy renaissance over the last decade has been nothing short of a game-changer. As energy evolves, so too does our demand on our current and future workforce.

S. 1739—Department of Energy National Labs ACCESS Act

S. 1739, Department of Energy National Labs ACCESS Act, directs the Secretary to establish competitive five (5)-year grants to conduct Federal cost-sharing to aid in the development and delivery of related instruction associated with pre-apprenticeship and apprenticeship programs specifically designed to train critical skill sets needed to fill positions at the National Laboratories and at National Nuclear Security Administration (NNSA) sites.

Sec. 2. (a) of the bill proposes that, "Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program known as the 'Department of Energy National Lab Jobs ACCESS program.'" NNSA's Office of Acquisition and Program Management is concerned that six months may not be long enough to implement a technical skills-based pre-apprenticeship and apprenticeship program envisioned by the Act. Further, NNSA's Office of Research, Development, Test & Evaluation notes that there is no funding path for the grant

awards identified in the legislation and current funding cannot support the creation of a new program within six months. We defer to the Department of Labor on the technical aspects of the apprenticeship language as the Department of Labor is the lead Federal agency on pre-apprenticeship and apprenticeship programs, and as noted above, provides oversight of workforce development boards authorized under WIOA.

CONCLUSION

Thank you again for the opportunity to be here today. The Department appreciates the ongoing bipartisan efforts to address our Nation's energy challenges, and looks forward to working with the Committee on the legislation on today's agenda and any future legislation. I would be happy to answer your questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 1739 as ordered reported.

