

116TH CONGRESS
2D SESSION

S. 4239

To promote workforce recovery through the provision of additional training services and workforce investment activities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2020

Mr. DAINES (for himself and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To promote workforce recovery through the provision of additional training services and workforce investment activities, and for other purposes.

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 “Workforce Recovery
5 and Training Services Act of 2020”.

6 **SEC. 2. WORKFORCE RECOVERY AND TRAINING SERVICES.**

7 (a) DEFINITIONS.—In this section:

8 (1) QUALIFYING EMERGENCY.—The term
9 “qualifying emergency” means—

1 (A) a public health emergency related to
2 the coronavirus declared by the Secretary of
3 Health and Human Services pursuant to sec-
4 tion 319 of the Public Health Service Act (42
5 U.S.C. 247d);

6 (B) an event related to the coronavirus for
7 which the President declared a major disaster
8 or an emergency under section 401 or 501, re-
9 spectively, of the Robert T. Stafford Disaster
10 Relief and Emergency Assistance Act (42
11 U.S.C. 5170, 5191); or

12 (C) a national emergency related to the
13 coronavirus declared by the President under the
14 National Emergencies Act (50 U.S.C. 1601 et
15 seq.).

16 (2) SECRETARY.—The term “Secretary” means
17 the Secretary of Labor.

18 (3) WORKFORCE INNOVATION AND OPPOR-
19 TUNITY ACT TERMS.—Except as otherwise provided
20 in this section, the terms in this section have the
21 meanings given the terms in section 3 of the Work-
22 force Innovation and Opportunity Act (29 U.S.C.
23 3102).

24 (b) DISTRIBUTION OF FUNDS.—

1 (1) ALLOTMENT TO STATES.—From funds ap-
 2 propriated to carry out this section and not reserved
 3 under subsection (e)(4), not later than 30 days after
 4 receiving the appropriated funds, the Secretary shall
 5 make allotments to States in accordance with the
 6 formula described in section 132(b)(2)(B) of the
 7 Workforce Innovation and Opportunity Act (29
 8 U.S.C. 3172(b)(2)(B)) and make the reservation for
 9 and provide assistance to outlying areas in accord-
 10 ance with section 132(b)(2)(A) of such Act (29
 11 U.S.C. 3172(b)(2)(A)).

12 (2) ALLOCATION TO LOCAL AREAS.—Not later
 13 than 30 days after a State receives an allotment
 14 under paragraph (1), the Governor shall—

15 (A) reserve 40 percent of the allotment
 16 funds to carry out activities under subsection
 17 (c)(1); and

18 (B) allocate the remainder of the funds to
 19 local areas in accordance with section
 20 133(b)(2)(B) of the Workforce Innovation and
 21 Opportunity Act (29 U.S.C. 3173(b)(2)(B)) to
 22 enable the local areas to carry out activities
 23 under subsection (c)(2).

24 (c) USES OF FUNDS.—

25 (1) STATE USE OF FUNDS.—

1 (A) IN GENERAL.—From the funds re-
2 served under subsection (b)(2)(A), the Gov-
3 ernor—

4 (i) shall allocate not less than 50 per-
5 cent of the funds to the local areas most
6 significantly impacted by a qualifying
7 emergency, as determined by the Governor,
8 to enable the local areas to carry out ac-
9 tivities under paragraph (2); and

10 (ii) with the funds that are not allo-
11 cated under clause (i) or reserved under
12 subparagraph (B), may—

13 (I) carry out rapid response ac-
14 tivities described in section
15 134(a)(2)(A) of the Workforce Inno-
16 vation and Opportunity Act (29
17 U.S.C. 3174(a)(2)(A));

18 (II) carry out activities to facili-
19 tate remote access to employment and
20 training activities, including career
21 services, through a one-stop center;

22 (III) in coordination with local
23 areas, carry out activities necessary to
24 expand online learning opportunities
25 and make available resources to sup-

port or allow for online service delivery, including online delivery of training services, by providers identified as eligible providers of training services under subsection (d) or (h) of section 122 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152);

(IV) assist local boards through the purchase of technology, supplies, and online training materials for distribution or use by local areas; and

(V) expand the list of eligible providers of training services established under section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)).

(B) LIMITATION.—Not more than 5 percent of the funds reserved under subsection (b)(2)(A) shall be used by the State for administrative activities related to carrying out this section.

(2) LOCAL USES OF FUNDS.—Funds allocated to a local area under subsection (b)(2)(B) or paragraph (1)(A)(i)—

(A) shall be used for—

1 (i) the provision of in-person and vir-
2 tual training services, aligned with indus-
3 try needs, that shall include—

4 (I) on-the-job training, for which
5 the local board may take into account
6 the impact of a qualifying emergency
7 as a factor in determining whether to
8 increase the amount of a reimburse-
9 ment to an amount of up to 75 per-
10 cent of the wage rate of a participant
11 in accordance with section
12 134(c)(3)(H) of the Workforce Inno-
13 vation and Opportunity Act (29
14 U.S.C. 3174(c)(3)(H));

15 (II) customized training, for
16 which the local board may take into
17 account the impact of a qualifying
18 emergency as a factor in determining
19 the portion of the cost of training an
20 employer shall provide;

21 (III) transitional jobs as de-
22 scribed in section 134(d)(5) of the
23 Workforce Innovation and Oppor-
24 tunity Act (29 U.S.C. 3174(d)(5))
25 (but for adults or dislocated workers

1 determined eligible by a one-stop oper-
2 ator or one-stop partner), including
3 positions in contact tracing, public
4 health, or infrastructure, if provision
5 of the jobs does not displace any cur-
6 rently employed employee (as of the
7 date of the participation in the transi-
8 tional job); and

9 (IV) incumbent worker training
10 described in section 134(d)(4) of the
11 Workforce Innovation and Oppor-
12 tunity Act (29 U.S.C. 3174(d)(4)) to
13 support worker retention;

14 (ii) training services provided through
15 individual training accounts, which, not-
16 withstanding section 122 of the Workforce
17 Innovation and Opportunity Act (29
18 U.S.C. 3152), eligible individuals may ob-
19 tain from providers identified as eligible
20 providers of training services under sub-
21 section (d) or (h) of that section 122 or
22 from another provider that is identified by
23 the State board or local board involved;

24 (iii) short-term training—

1 (I) in which a current employee
2 (as of the date of the participation),
3 including an employee participating in
4 a transitional job described in clause
5 (i)(III), may participate;

6 (II) for which the participant
7 may receive an employer-sponsored in-
8 dividual training account;

9 (III) for which the employer
10 agrees to pay—

11 (aa) not less than 10 per-
12 cent of the costs of such training
13 in the case of an employer that is
14 a small business concern, as de-
15 fined in section 3(a) of the Small
16 Business Act (15 U.S.C. 632(a));
17 and

18 (bb) not less than 20 per-
19 cent of such costs in the case of
20 any other employer; and

21 (IV) for which the participant is
22 provided the opportunity to choose a
23 provider from among the providers
24 identified as eligible providers of
25 training services under subsection (d)

1 or (h) of section 122 of the Workforce
2 Innovation and Opportunity Act or a
3 provider identified by the employer as
4 having the ability to provide the skills
5 necessary for the individual to be
6 hired permanently or to advance the
7 individual's career; and

8 (iv) short-term training in fields in
9 which the local area needs workers to meet
10 the demands for health care, direct care,
11 and frontline workers responding to a
12 qualifying emergency; and

13 (B) may be used for—

14 (i) the establishment and expansion of
15 partnerships with public and private enti-
16 ties to support online programs of training
17 services—

18 (I) which programs are identified
19 under section 122 of the Workforce
20 Innovation and Opportunity Act and
21 lead to an industry-recognized creden-
22 tial in high-skill, high-wage, or in-de-
23 mand industry sectors or occupations,
24 in areas such as technology, health

1 care, direct care, and manufacturing;
2 and

3 (II) through which the partner-
4 ships may provide for the cost of an
5 assessment related to obtaining such
6 credential;

7 (ii) providing training services that
8 are aligned with the needs of local industry
9 and recognized by employers;

10 (iii) expanding access to individualized
11 career services, which include—

12 (I) in-person and virtual employ-
13 ment and reemployment services to
14 help individuals find employment; and

15 (II) career navigation supports to
16 enable workers to find new pathways
17 to high-skill, high-wage, or in-demand
18 industry sectors and occupations and
19 the necessary training to support
20 those pathways; and

21 (iv) providing access to technology, in-
22 cluding broadband service and devices to
23 enable individuals served under this section
24 to receive online career and training serv-
25 ices.

1 (3) MINIMUM AMOUNT FOR TRAINING.—Not
2 less than 50 percent of the funds made available
3 under subsection (b)(2)(B) and paragraph (1)(A)(i)
4 shall be used to provide training services described
5 in paragraph (2)(A).

6 (d) REALLOCATION.—

7 (1) LOCAL FUNDS.—Each local board shall re-
8 turn to the Governor any funds received under this
9 section that the local board does not obligate within
10 1 year after receiving such funds. The Governor
11 shall reallocate such returned funds, to the local
12 areas that are not required to return funds under
13 this paragraph, in accordance with subsection
14 (c)(1)(A).

15 (2) STATE FUNDS.—Each Governor shall re-
16 turn to the Secretary any funds received under this
17 section that the Governor does not obligate within 2
18 years after receiving such funds. The Secretary shall
19 reallot such returned funds to the States that are
20 not required to return funds under this paragraph,
21 in accordance with subsection (b)(1).

22 (e) GENERAL PROVISIONS.—

23 (1) ELIGIBLE INDIVIDUALS.—

24 (A) IN GENERAL.—Except as otherwise
25 specified in this section, to be eligible to receive

1 services authorized under this section, an indi-
2 vidual shall be an adult or dislocated worker.

3 (B) INDIVIDUALS ELIGIBLE TO RECEIVE
4 SERVICES THROUGH INDIVIDUAL TRAINING AC-
5 COUNTS.—To be eligible to receive training
6 services through an individual training account
7 or employer-sponsored individual training ac-
8 count described in subsection (c)(2)(A)(iii), an
9 eligible individual shall be an adult or dislocated
10 worker—

11 (i) who, after an in-person or virtual
12 interview, evaluation, or assessment, and
13 career planning, has been determined by a
14 one-stop operator or one-stop partner, as
15 appropriate, to—

16 (I) be unlikely to obtain or retain
17 employment with wages comparable to
18 or higher than wages from previous
19 employment, solely through the career
20 services available through the one-stop
21 center; and

22 (II) have the skills and qualifica-
23 tions to successfully participate in the
24 selected program of training services;
25 and

1 (ii) who selects a program of training
 2 services that are directly linked to the em-
 3 ployment opportunities in the local area, or
 4 in another area to which the adult or dis-
 5 located worker is willing to commute or re-
 6 locate.

7 (2) SPECIAL RULES.—

8 (A) ADMINISTRATION.—Except as other-
 9 wise provided in this section, the provisions of
 10 subtitle E of title I of the Workforce Innovation
 11 and Opportunity Act (29 U.S.C. 3241 et seq.)
 12 shall apply to funds provided under this section.

13 (B) SINGLE STATE LOCAL AREA.—In any
 14 case in which a State is designated as a local
 15 area pursuant to section 106(d) of the Work-
 16 force Innovation and Opportunity Act (29
 17 U.S.C. 3121(d)), the State board shall carry
 18 out the functions of a local board as specified
 19 in this section.

20 (3) PROGRAM OVERSIGHT.—The Governor, in
 21 partnership with local boards and the chief elected
 22 officials for local areas, shall—

23 (A) conduct oversight for the activities au-
 24 thorized under this section; and

1 (B) ensure the appropriate use and man-
2 agement of the funds provided under this sec-
3 tion.

4 (4) PROGRAM ADMINISTRATION.—The Sec-
5 retary shall reserve not more than \$15,000,000 of
6 the funds appropriated to carry out this section, as
7 necessary, for program administration and manage-
8 ment through the Department of Labor to support
9 the administration of funds provided under this sec-
10 tion and evaluation of activities authorized under
11 this section.

12 (f) REPORTS.—

13 (1) STATE REPORT.—Each State shall prepare
14 and submit to the Secretary a report that includes
15 information specifying—

16 (A) the number and percentage of partici-
17 pants in activities under this section who re-
18 ceived funds for training services;

19 (B) the types of training programs pro-
20 vided under this section;

21 (C) the number and percentage of partici-
22 pants in training programs provided under this
23 section who entered employment upon comple-
24 tion of such a program;

1 (D) the number and percentage of partici-
2 pants in such training programs who obtained
3 a recognized postsecondary credential; and

4 (E) the earnings of participants who com-
5 pleted a training program under this section.

6 (2) SECRETARY'S REPORT.—Upon receipt of a
7 report under paragraph (1), the Secretary shall
8 transmit such report to the Committee on Health,
9 Education, Labor, and Pensions of the Senate and
10 the Committee on Education and Labor of the
11 House of Representatives.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$3,500,000,000 for the period of fiscal years 2020
15 through 2022.

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