

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mr. DAINES introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **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 (29 U.S.C.  
17 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-

1 port or allow for online service deliv-  
2 ery, including online delivery of train-  
3 ing services, by providers identified as  
4 eligible providers of training services  
5 under subsection (d) or (h) of section  
6 122 of the Workforce Innovation and  
7 Opportunity Act (29 U.S.C. 3152);

8 (IV) assist local boards through  
9 the purchase of technology, supplies,  
10 and online training materials for dis-  
11 tribution or use by local areas; and

12 (V) expand the list of eligible  
13 providers of training services estab-  
14 lished under section 122(d) of the  
15 Workforce Innovation and Oppor-  
16 tunity Act (29 U.S.C. 3152(d)).

17 (B) LIMITATION.—Not more than 5 per-  
18 cent of the funds reserved under subsection  
19 (b)(2)(A) shall be used by the State for admin-  
20 istrative activities related to carrying out this  
21 section.

22 (2) LOCAL USES OF FUNDS.—Funds allocated  
23 to a local area under subsection (b)(2)(B) or para-  
24 graph (1)(A)(i)—

25 (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.