

117TH CONGRESS  
1ST SESSION

# H. R. 2112

To direct the Secretary of Labor to award funds to States to promote the skill acquisition, employment, and retention of individuals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2021

Ms. STEFANIK (for herself and Mr. CROW) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To direct the Secretary of Labor to award funds to States to promote the skill acquisition, employment, and retention of individuals, 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 “American Workforce  
5       Recovery Act”.

6       **SEC. 2. STATE ALLOTMENTS AND LOCAL ALLOCATIONS.**

7       (a) STATE ALLOTMENTS.—

8               (1) RESERVATION FOR OUTLYING AREAS.—

9       From the amount made available under section 6(a)

1 for a fiscal year, the Secretary of Labor shall reserve  
2 not more than  $\frac{1}{4}$  of 1 percent of such amount to  
3 provide assistance to the outlying areas.

4 (2) STATE ALLOTMENTS.—After determining  
5 the amount to be reserved under paragraph (1), the  
6 Secretary shall allot the remainder of the amount  
7 made available under section 6(a) for that fiscal year  
8 to the States in accordance with clause (ii) of section  
9 132(b)(2)(B) of the Workforce Innovation and Op-  
10 portunity Act (29 U.S.C. 3172(b)(2)(B)) for the ac-  
11 tivities described in this Act, except that clause (iii)  
12 of such section shall not apply to allotments made  
13 under this paragraph.

14 (b) WITHIN STATE ALLOCATION.—

15 (1) RESERVATION FOR STATE USES.—The Gov-  
16 ernor shall reserve not more than 15 percent of the  
17 amount allotted to the State under subsection (a)(2)  
18 for the State activities described in section 3.

19 (2) ALLOCATIONS TO LOCAL AREAS.—After de-  
20 termining the amount to be reserved under para-  
21 graph (1) and not later than 30 days after receiving  
22 funds allotted under subsection (a)(2), the Governor  
23 shall allocate the remainder of such allotment to  
24 local areas in the State, on the basis of the alloca-  
25 tion formula prescribed by the Governor of the State

1 under clause (i) of section 133(b)(2)(B) of the  
2 Workforce Innovation and Opportunity Act (29  
3 U.S.C. 3173(b)(2)(B)) for the program year that is  
4 in effect on the date of such allocation.

5 (3) REALLOCATION REQUIREMENTS.—Any  
6 amounts allocated to a local area under paragraph  
7 (1) or (2) that remain unobligated for 1 year after  
8 the date of allocation may be reallocated to other  
9 local areas in the State by the Governor, as deter-  
10 mined by the Governor.

11 **SEC. 3. STATE USES OF FUNDS.**

12 The State activities referred to in section 2(b)(1) are  
13 as follows:

14 (1) Reviewing new applications from training  
15 providers seeking to be included on the list of eligi-  
16 ble providers of training services under section  
17 122(d) of the Workforce Innovation and Opportunity  
18 Act (29 U.S.C. 3152(d)) for such State not later  
19 than 30 days after receipt of such application.

20 (2) Evaluating the training providers included  
21 on the list of eligible providers of training services  
22 under section 122(d) of the Workforce Innovation  
23 and Opportunity Act (29 U.S.C. 3152(d)) for such  
24 State to determine if such providers have the capac-  
25 ity to meet the job training needs of displaced work-

1       ers and the employment needs of employers in the  
2       State, including the capacity of remote or virtual  
3       training options in such State.

4           (3) Carrying out activities to facilitate remote  
5       access to employment and training activities, includ-  
6       ing career services, through a one-stop center.

7           (4) Improving the quality of local and regional  
8       labor market information relating to in-demand in-  
9       dustry sectors or occupations, including by ensuring  
10      such information is up-to-date, searchable, com-  
11      parable, informed by best practices on public provi-  
12      sion of credential information, and includes informa-  
13      tion on skills required by in-demand industry sectors  
14      or occupations in the local area.

15          (5) Improving the public availability and acces-  
16      sibility of the performance reports of eligible train-  
17      ing providers required under section 116(d)(4) of  
18      the Workforce Innovation and Opportunity Act (29  
19      U.S.C. 3141(d)(4)).

20          (6) Carrying out any statewide employment and  
21      training activities under section 134(a)(3)(A) of the  
22      Workforce Innovation and Opportunity Act (29  
23      U.S.C. 3174(a)(3)(A)).

1           (7) Providing supplemental allocations to local  
2           areas most in need of additional employment and  
3           training resources, as determined by the Governor.

4 **SEC. 4. LOCAL AREA USES OF FUNDS.**

5           (a) USES OF FUNDS.—

6           (1) REQUIRED USES.—A local area receiving an  
7           allocation under this Act shall use not less than 75  
8           percent of the allocation for the following:

9                   (A) To provide the following training or  
10           jobs:

11                           (i) Training services provided through  
12                           individual training accounts described in  
13                           subsection (b);

14                           (ii) On-the-job training, for which the  
15                           local board may take into account the im-  
16                           pact of a qualifying emergency as a factor  
17                           in determining whether to increase the  
18                           amount of a reimbursement to an amount  
19                           of up to 75 percent of the wage rate of a  
20                           participant in accordance with section  
21                           134(c)(3)(H) of the Workforce Innovation  
22                           and Opportunity Act (29 U.S.C.  
23                           3174(c)(3)(H)).

24                           (iii) Customized training, for which  
25                           the local board may take into account the

1 impact of a qualifying emergency as a fac-  
2 tor in determining the portion of the cost  
3 of training an employer shall provide.

4 (iv) Transitional jobs that meet the  
5 requirements of section 134(d)(5) of the  
6 Workforce Innovation and Opportunity Act  
7 (29 U.S.C. 3174(d)(5)).

8 (v) Training programs for incumbent  
9 workers carried out in accordance with sec-  
10 tion 134(d)(4) of the Workforce Innovation  
11 and Opportunity Act (29 U.S.C.  
12 3174(d)(4)).

13 (B) To establish a Pandemic Reskilling  
14 Fund for dislocated workers participating in  
15 training services described in clauses (i)  
16 through (iii) of subparagraph (A).

17 (2) AUTHORIZED USES.—A local area receiving  
18 an allocation under this Act may use the alloca-  
19 tion—

20 (A) to provide the career services described  
21 in paragraph (2) of section 134(c) of the Work-  
22 force Innovation and Opportunity Act (29  
23 U.S.C. 3174(c)(2)) to adults and dislocated  
24 workers—

1                   (i)     which     shall     include     the  
2                   prioritization of the use of the assessments  
3                   and the development of individual employ-  
4                   ment plans described in subclauses (I) and  
5                   (II) of paragraph (2)(A)(xii) of such sec-  
6                   tion 134(c), respectively;

7                   (ii) be based on the most recent local  
8                   and regional labor market information re-  
9                   lating to in-demand industry sectors or oc-  
10                  cupations for such local area; and

11                  (iii) carried out in coordination with  
12                  reemployment activities conducted under  
13                  section 306 of the Social Security Act;

14                  (B) to provide the employment and train-  
15                  ing activities described in section 134(d)) of the  
16                  Workforce Innovation and Opportunity Act (29  
17                  U.S.C. 3174(d));

18                  (C) to provide information to adults and  
19                  dislocated workers on employers seeking indi-  
20                  viduals to participate in the on-the-job training  
21                  described in subsection (b); and

22                  (D) for administrative costs to carry out  
23                  the requirements of this section, as long as not  
24                  more than 10 percent of the allocation is used  
25                  for such costs.

1 (b) INDIVIDUAL TRAINING ACCOUNTS.—

2 (1) IN GENERAL.—Notwithstanding section  
3 134(c)(3)(G) of the Workforce Innovation and Op-  
4 portunity Act (29 U.S.C. 3174(c)(3)(G)), an indi-  
5 vidual training account established with an alloca-  
6 tion made under this Act may be used to support—

7 (A) on-the-job training if a work-based  
8 training agreement is established by the indi-  
9 vidual and the employer, and is approved by the  
10 one-stop operator involved; or

11 (B) training services with a provider de-  
12 scribed in paragraph (3).

13 (2) WORK-BASED TRAINING AGREEMENT.—

14 (A) CONTENTS.—A work-based training  
15 agreement referred to in paragraph (1)(A) shall  
16 establish the length of training, the hourly wage  
17 rate of the individual, the skills necessary for  
18 the job, and the individual's current skill level  
19 as of the date of the agreement, the skills to be  
20 learned during the training, any recognized  
21 postsecondary credential that may be acquired  
22 during the training, and the reimbursement to  
23 be provided to the employer.

24 (B) DOCUMENTATION REQUIREMENTS.—A  
25 work-based training agreement that is approved



1 by the one-stop operator shall ensure that the  
2 individual provides the one-stop operator in-  
3 volved with any documentation of the wages  
4 earned by the individual while engaged in such  
5 training for the purpose of reimbursement to  
6 the employer.

7 (3) ELIGIBLE TRAINING PROVIDERS.—

8 (A) IN GENERAL.—An individual training  
9 account described in paragraph (1) established  
10 on behalf of an individual shall pay for training  
11 provided through—

12 (i) a provider on the list of eligible  
13 providers of training services under section  
14 122(d) of the Workforce Innovation and  
15 Opportunity Act (29 U.S.C. 3152(d)) for  
16 the State of the local area; or

17 (ii) a training provider that is not on  
18 such list—

19 (I) in a case in which the State  
20 board or local board approves such  
21 provider upon a determination that  
22 the individual is seeking training for  
23 an in-demand industry sector or occu-  
24 pation in the local area for which such

1 provider has demonstrated effective-  
2 ness; or

3 (II) in a case in which an em-  
4 ployer identifies such provider as hav-  
5 ing the ability to help the individual  
6 acquire the skills necessary to be  
7 hired by such employer, and for which  
8 the employer covers not less than 20  
9 percent of the training cost.

10 (B) PERFORMANCE REPORTS.—To receive  
11 a payment under an individual training account  
12 described in paragraph (1), a training provider  
13 described in subparagraph (A)(ii) shall submit  
14 the necessary information to be included in the  
15 performance report with respect to such pro-  
16 vider under section 116(d)(4) of the Workforce  
17 Innovation and Opportunity Act (29 U.S.C.  
18 3141(d)(4)).

19 (c) PANDEMIC RESKILLING FUND.—

20 (1) IN GENERAL.—For dislocated workers re-  
21 ceiving training services under subsection (a)(1), the  
22 local area shall establish a Pandemic Reskilling  
23 Fund that the individual can access to receive reim-  
24 bursement for supportive services necessary for the  
25 individual to participate in the training.

1           (2) ONE-STOP OPERATOR.—The one-stop oper-  
2     ator involved shall—

3           (A) have the discretion to approve an indi-  
4     vidual's supportive services expenses and make  
5     payments from the individual's Pandemic  
6     Reskilling Fund; and

7           (B) provide information, in formats that  
8     are usable by and understandable to one-stop  
9     center customers, relating to the availability of  
10    other supportive services and funding for such  
11    services in the local area.

12          (3) AMOUNT PER INDIVIDUAL.—The Pandemic  
13    Reskilling Fund shall provide the following reim-  
14    bursement amounts:

15           (A) \$1,000 for a dislocated worker who is  
16    a low-income individual.

17           (B) \$500 for a dislocated worker who is  
18    not covered under subparagraph (A).

19          (4) COMPLETION INCENTIVE AND REALLOCA-  
20    TION.—

21           (A) COMPLETION INCENTIVE.—Any funds  
22    remaining in a Pandemic Reskilling Fund of an  
23    individual shall be provided in cash to the indi-  
24    vidual if—

1 (i) not later than 6 weeks after an in-  
2 dividual completes the training for which  
3 such Fund was established, the individual  
4 obtains full-time, unsubsidized employ-  
5 ment; and

6 (ii) the individual has been so em-  
7 ployed for 6 weeks.

8 (B) REALLOCATION.—With respect to any  
9 funds remaining in the Pandemic Reskilling  
10 Fund of an individual who does not meet the  
11 requirements of subparagraph (A), after com-  
12 pletion of the training for which such Fund was  
13 established, such funds shall be returned to the  
14 local area for redistribution by such area.

15 (d) ELIGIBLE INDIVIDUALS.—The requirements of  
16 section 134(c)(3)(B) of the Workforce Innovation and Op-  
17 portunity Act (29 U.S.C. 3174(c)(3)(B)) shall not apply  
18 in determining an individual’s eligibility to receive training  
19 services funded under this section.

20 **SEC. 5. GAO REPORT.**

21 Not later than one year following the date of enact-  
22 ment of this Act, the Comptroller General of the United  
23 States shall—

24 (1) conduct an evaluation of the—

1 (A) flexibility provided through individual  
2 training accounts established under this Act;  
3 and

4 (B) the overall effectiveness of the funds  
5 provided under this Act with respect to pro-  
6 moting the skill acquisition, employment, and  
7 retention of the individuals who were assisted  
8 with such funds, including individuals with bar-  
9 riers to employment, disaggregated—

10 (i) by each subpopulation of such indi-  
11 viduals; and

12 (ii) by race, ethnicity, sex, and age.

13 (2) submit the results of the evaluation to Con-  
14 gress.

15 **SEC. 6. GENERAL PROVISIONS.**

16 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There  
17 are authorized to be appropriated \$7,000,000,000 to carry  
18 out this Act.

19 (b) **DEFINITIONS.**—In this Act:

20 (1) **QUALIFYING EMERGENCY.**—The term  
21 “qualifying emergency” has the meaning given the  
22 term in section 3502(a) of the CARES Act (20  
23 U.S.C. 1001 note).

24 (2) **SUPPORTIVE SERVICES.**—The term “sup-  
25 portive services” means services such as transpor-

1       tation, child care, dependent care, housing, tech-  
2       nology and equipment, and needs-related payments,  
3       that are necessary to enable an individual to partici-  
4       pate in activities authorized under this Act.

5           (3) WIOA DEFINITIONS.—Except as otherwise  
6       provided, a term used in this Act that is defined in  
7       section 3 of the Workforce Innovation and Oppor-  
8       tunity Act (29 U.S.C. 3102) shall have the meaning  
9       given that term in such section.

○