

111TH CONGRESS
1ST SESSION

S. 269

To provide funding for employment and training activities for dislocated workers and adults, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2009

Mrs. MURRAY (for herself, Mr. BROWN, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide funding for employment and training activities for dislocated workers and adults, 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 “Retooling America’s
5 Workers for a Green Economy Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In October 2008, the numbers of mass lay-
9 offs (involving over 50 workers at one time) and ini-
10 tial unemployment claims reached their highest lev-

1 els since 2001. According to the National Renewable
2 Energy Laboratory, however, a major barrier to
3 more rapid adoption of clean and renewable energy
4 and energy efficiency measures is the lack of suffi-
5 cient workers skilled in green technology.

6 (2) In December 2008, unemployment figures
7 showed a sharp deterioration in the economy. The
8 unemployment rate rose from 6.8 percent in Novem-
9 ber, to 7.2 percent in December, of 2008. Employers
10 shed 524,000 jobs in December 2008, and
11 1,900,000 jobs were lost over just the last 4 months
12 of 2008. These job losses were widespread across
13 most major industry sectors.

14 (3) According to the Bureau of Labor Statis-
15 tics, 11,100,000 people were unemployed in Decem-
16 ber 2008, an increase of 3,600,000 people since the
17 recession started in December 2007. In December
18 2008, the number of workers who wanted to work
19 full-time but worked part-time because their hours
20 were cut or they could not find full-time jobs
21 reached 8,000,000, up 3,400,000 since December
22 2007.

23 (4) Analysts say that the Nation has yet to see
24 the worst of the economic fallout. The latest pre-
25 diction from HIS Global Insight forecasts that un-

1 employment will be an estimated 8.6 percent by the
2 end of 2009.

3 (5) The reality of climate change and a shared
4 desire to protect the environment for future genera-
5 tions have the potential to spur economic growth in
6 green-collar jobs across the industrial spectrum. In
7 order to prepare United States workers to build
8 greener communities in both urban and rural set-
9 tings, the Nation will need to make an investment
10 in skills development for jobs in the current and fu-
11 ture economies.

12 **SEC. 3. PURPOSE.**

13 The purpose of this Act is to retool America's work-
14 ers—including dislocated workers, those who are long-
15 term unemployed individuals, and those who are low-
16 skilled individuals, limited English proficient individuals,
17 individuals with disabilities, or older workers—for green-
18 collar industries, for existing viable industries, and for new
19 and emerging industries so that the workers described in
20 this section can contribute to the long-term competitive-
21 ness of the United States and its quality of life.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

24 (1) IN GENERAL.—The terms “adult”, “chief
25 elected official”, “dislocated worker”, “employment

and training activities”, “individual with a disability”, “local area”, “local board”, “outlying area”, “rapid response activities”, “Secretary”, “State”, and “State board” have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(2) COMMUNITY COLLEGE.—The term “community college” means a 2-year institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) GREEN-COLLAR INDUSTRIES.—The term “green-collar industries” means industries throughout the economy of the United States—

(A) that promote energy efficiency, energy conservation, and environmental protection, including promoting renewable energy and clean technology;

(B) that offer jobs with substantial pay and benefits; and

(C) that are industries in which there is likely to be continued demand for workers.

SEC. 5. ACTIVITIES FOR DISLOCATED WORKERS.

(a) GENERAL AUTHORITY.—The Secretary is authorized to reserve \$2,000,000,000 of the funds appropriated under this Act for rapid response activities, for dislocated

1 worker employment and training activities under chapter
2 5 of subtitle B of title I of the Workforce Investment Act
3 of 1998 (29 U.S.C. 2861 et seq.), or for employment and
4 training assistance and additional assistance under section
5 173(a) of such Act (29 U.S.C. 2918(a)).

6 (b) NATIONAL EMERGENCY GRANTS.—Of the re-
7 served funds, the Secretary may use not more than
8 \$500,000,000 to award national emergency grants—

9 (1) to provide employment and training assist-
10 ance to workers affected by major economic disloca-
11 tions under section 173(a)(1) of such Act (29 U.S.C.
12 2918(a)(1)); and

13 (2) to provide additional assistance under sec-
14 tion 173(a)(3) of such Act (29 U.S.C. 2918(a)(3))
15 to a State or local board that meets the require-
16 ments of that section (in a case in which the ex-
17 pended funds involved were expended for assistance
18 described in paragraph (1)).

19 (c) STATE ACTIVITIES.—

20 (1) IN GENERAL.—After determining an
21 amount from the reserved funds to be used under
22 subsection (b), the Secretary may use the remaining
23 funds to make allotments to States, and outlying
24 areas, consistent with the allotment formula under
25 section 132(b)(2) of such Act (29 U.S.C.

2862(b)(2)). Each State or outlying area may use 25 percent of the State's or outlying area's allotment for statewide rapid response activities for permanent closures or mass layoffs described in section 101(38) of such Act (42 U.S.C. 2801(38)) and efforts to avert future permanent closures or mass layoffs described in such section.

(2) USE OF DISLOCATED WORKERS TO PROVIDE ACTIVITIES.—In providing statewide rapid response activities, States or entities designated by States (and outlying areas or entities designated by outlying areas), working in conjunction with local boards and chief elected officials, may enhance their services by employing dislocated workers to provide outreach, informal coaching, counseling or mentoring support, and information to other dislocated workers or unemployed persons.

(d) LOCAL ACTIVITIES.—

(1) IN GENERAL.—Each State or outlying area shall use 75 percent of the State's or outlying area's allotment to make allocations directly to local boards, for local areas, using the formula under section 133(b)(2)(B) of such Act (29 U.S.C. 2863(b)(2)(B)).

1 (2) PRIORITY.—A local board that receives an
2 allocation under paragraph (1) shall use the funds
3 made available through the allocation for dislocated
4 worker employment and training activities. In pro-
5 viding the activities the local board shall give pri-
6 ority to providing the employment and training ac-
7 tivities, including on-the-job training, in viable in-
8 dustries identified at the regional or local levels, in-
9 cluding green-collar industries.

10 (e) REPORT TO SECRETARY.—Each State, in submit-
11 ting an annual report under section 136(d) of such Act
12 (29 U.S.C. 2871(d)), shall include information on entry
13 of individuals who participated in employment and train-
14 ing activities in green-collar industries and other viable in-
15 dustries under this section into unsubsidized employment
16 in a green-collar industry or other viable industry.

17 (f) REPORT TO CONGRESS.—The Secretary shall an-
18 nually prepare and submit to the appropriate committees
19 of Congress information on entry of individuals who re-
20 ceived services under subsection (b) into unsubsidized em-
21 ployment in a green-collar industry or other viable indus-
22 try.

1 **SEC. 6. ACTIVITIES FOR ADULTS WITH MULTIPLE BAR-**
2 **RIERS TO EMPLOYMENT.**

3 (a) PURPOSE.—The purpose of this section is to fully
4 utilize the Nation’s human capital by—

5 (1) helping adults with multiple barriers to em-
6 ployment acquire the skills to obtain jobs in viable
7 industries, by providing intensive services, training
8 services, and other employment and training activi-
9 ties; and

10 (2) in particular, by providing employment and
11 training activities in green-collar industries and
12 other viable industries.

13 (b) DEFINITION.—The term “adult with multiple
14 barriers to employment” means an adult who is long-term
15 unemployed, a low-skilled individual, limited English pro-
16 ficient, an individual with a disability, or an older worker,
17 with multiple barriers to finding a job in a viable industry.

18 (c) GENERAL AUTHORITY.—The Secretary is author-
19 ized to reserve \$800,000,000 of the funds appropriated
20 under this Act to carry out this section. The Secretary
21 shall use the reserved funds to make allotments to States
22 and outlying areas, consistent with the allotment formula
23 under section 132(b)(1) of the Workforce Investment Act
24 of 1998 (29 U.S.C. 2862(b)(1)) to provide employment
25 and training activities to adults with multiple barriers to
26 employment.

1 (d) STATE ACTIVITIES.—Each State or outlying area
 2 may use 10 percent of the State’s or outlying area’s allot-
 3 ment to assist local boards in providing employment and
 4 training activities to adults with multiple barriers to em-
 5 ployment, and assist the adults in attaining jobs in viable
 6 industries, with as much flexibility as is practicable. In
 7 providing assistance under this subsection, the State or
 8 outlying area may provide aid that includes assistance
 9 with system alignment (described in subsection (e)(1)(D)),
 10 the provision of capacity building and professional devel-
 11 opment activities for staff, and the provision of enhanced
 12 regional sector-based labor market information.

13 (e) LOCAL ACTIVITIES.—

14 (1) IN GENERAL.—Each State or outlying area
 15 shall use 90 percent of the State’s or outlying area’s
 16 allotment to make grants, on a competitive basis, to
 17 local boards for local areas, to provide employment
 18 and training activities to adults with multiple bar-
 19 riers to employment.

20 (2) PRIORITY.—In making the grants, the chief
 21 executive officer of the State or outlying area, in
 22 consultation with the State board involved, shall give
 23 priority to those local boards that—

1 (A) align their local areas to create regions
2 that reflect natural labor markets or economic
3 development districts;

4 (B) reflect regional strategic partnerships
5 described in paragraph (3) among local boards,
6 industry (including business and labor), schools
7 (including community colleges), and other com-
8 munity organizations to provide coherent pro-
9 grams of employment and training activities;

10 (C) make special efforts to conduct out-
11 reach and provide services to adults with mul-
12 tiple barriers to employment who need to ad-
13 vance their careers or seek second careers due
14 to the economic downturn;

15 (D) align adult education, career and tech-
16 nical education, workforce investment, economic
17 development, and related systems and resources
18 to provide career pathway strategies for helping
19 low-skilled individuals navigate through the con-
20 tinuum of needed education and supports, to ul-
21 timately achieve a postsecondary education cre-
22 dential or an industry-recognized certificate and
23 a job leading to economic self-sufficiency;

24 (E) provide an assurance that the local
25 board will use at least 90 percent of the grant

1 funds for intensive services described in section
2 134(d)(3)(C) and training services described in
3 section 134(d)(4)(D) of such Act (29 U.S.C.
4 2864(d)(3)(C), 2864(d)(4)(D)), without regard
5 to the eligibility requirements of section 134(d)
6 of such Act (29 U.S.C. 2864(d)).

7 (3) STRATEGIC PARTNERSHIP.—

8 (A) IN GENERAL.—For purposes of this
9 section, a strategic partnership shall, in par-
10 ticular, be composed of at least 1 representative
11 of a local board serving a community, and of
12 each of the 8 types of organizations described
13 in subparagraph (B).

14 (B) TYPES OF ORGANIZATIONS.—The
15 types of organizations referred to in subpara-
16 graph (A) are businesses, unions, labor-manage-
17 ment partnerships, schools (including commu-
18 nity colleges), public agencies, nonprofit com-
19 munity organizations, economic development en-
20 tities, and philanthropic organizations, that are
21 actively engaged in providing employment and
22 training activities, including work opportunities
23 and support, to adults with multiple barriers to
24 employment.

25 (f) REPORT TO SECRETARY.—

1 (1) IN GENERAL.—Each State, in submitting
 2 an annual report under section 136(d) of such Act
 3 (29 U.S.C. 2871(d)), shall include information—

4 (A) on acquisition of a recognized postsec-
 5 ondary education credential or an industry-rec-
 6 ognized certificate by adults with multiple bar-
 7 riers to employment who participated in em-
 8 ployment and training activities under this sec-
 9 tion;

10 (B) on entry of such adults, who partici-
 11 pated in such activities, into positions in unsub-
 12 sidized employment in viable industries; and

13 (C) for adults referred to in subparagraph
 14 (B), on average wages in such positions.

15 (2) REFINEMENTS.—In establishing standards
 16 for the reports, the Secretary shall refine indicators
 17 to eliminate any unintended consequences for adults
 18 with multiple barriers to employment, or such adults
 19 who may need and seek less than full-time employ-
 20 ment along a career path.

21 **SEC. 7. ENERGY EFFICIENCY AND RENEWABLE ENERGY**
 22 **WORKER TRAINING PROGRAM.**

23 The Secretary shall reserve \$625,000,000 of the
 24 funds appropriated under this Act to carry out section

1 171(e) of the Workforce Investment Act of 1998 (29
2 U.S.C. 2916(e)).

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to the Sec-
5 retary of Labor for activities described in this Act,
6 \$3,425,000,000, which shall be available for the period of
7 January 1, 2009 through December 31, 2010.

○