

116TH CONGRESS
2D SESSION

H. R. 7321

To amend the Workforce Innovation and Opportunity Act to establish grants to support the establishment of personal reemployment accounts to assist Americans in gaining skills and returning to work following the economic disruption caused by COVID–19.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2020

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

A BILL

To amend the Workforce Innovation and Opportunity Act to establish grants to support the establishment of personal reemployment accounts to assist Americans in gaining skills and returning to work following the economic disruption caused by COVID–19.

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 “Elevating America’s
5 Workforce Act”.

1 **SEC. 2. GRANTS TO SUPPORT PERSONAL REEMPLOYMENT**

2 **ACCOUNTS.**

3 Subtitle B of title I of the Workforce Innovation and
4 Opportunity Act (29 U.S.C. 3151 et seq.) is amended by
5 adding at the end the following:

6 **“CHAPTER 5—PERSONAL REEMPLOYMENT**

7 **ACCOUNTS**

8 **“SEC. 137A. PURPOSES.**

9 “The purposes of this chapter are to provide for the
10 establishment of personal reemployment accounts for cer-
11 tain individuals identified as likely to need additional job
12 training to make a successful transition to new employ-
13 ment following the economic disruption caused by
14 COVID–19, in order to—

15 “(1) accelerate the reemployment of such indi-
16 viduals;

17 “(2) promote the retention in employment of
18 such individuals; and

19 “(3) provide such individuals with enhanced
20 flexibility, choice, and control in obtaining job train-
21 ing services.

22 **“SEC. 137B. DEFINITION.**

23 “In this chapter, the term ‘State’ means each of the
24 several States of the United States, the District of Colum-
25 bia, the Commonwealth of Puerto Rico, and the United
26 States Virgin Islands.

1 **“SEC. 137C. GRANTS TO STATES.**

2 “(a) GRANTS.—The Secretary shall—

3 “(1) reserve $\frac{1}{10}$ of 1 percent of the amount ap-
4 propriated under section 136(d)) for use under sec-
5 tion 137I; and

6 “(2) use the remainder of the amount appro-
7 priated under section 136(d) to make allotments in
8 accordance with subsection (b).

9 “(b) ALLOTMENT AMONG STATES.—

10 “(1) IN GENERAL.—Not later than 15 days
11 after an amount is first appropriated under section
12 136(d) and from the amount made available under
13 subsection (a)(2), the Secretary shall allot to each
14 State an amount that is proportionate to the relative
15 number of unemployed individuals in the State as
16 compared to the total number of unemployed indi-
17 viduals in all States in order to provide assistance
18 for eligible individuals in accordance with this chap-
19 ter.

20 “(2) SMALL STATE MINIMUM ALLOTMENT.—
21 The Secretary shall ensure that—

22 “(A) each State (other than the United
23 States Virgin Islands) shall receive an allotment
24 under paragraph (1) that is not less than $\frac{3}{10}$
25 of 1 percent of the amount made available
26 under subsection (a)(2) for the fiscal year; and

1 “(B) the United States Virgin Islands shall
 2 receive an allotment under paragraph (1) that
 3 is not less than $\frac{1}{10}$ of 1 percent of the amount
 4 made available under subsection (a)(2) for the
 5 fiscal year.

6 “(c) AVAILABILITY.—Notwithstanding section
 7 189(g)(1), amounts made available under subsection (a)
 8 to carry out this chapter shall be available for obligation
 9 and expenditure beginning on the date of the enactment
 10 of the Elevating America’s Workforce Act.

11 **“SEC. 137D. WITHIN STATE ALLOCATION.**

12 “(a) ALLOCATION.—Of the amount allotted to a
 13 State under section 137C—

14 “(1) not more than 10 percent of the amount
 15 may be reserved by the Governor of the State to—

16 “(A) of which 2 percent may be used to—

17 “(i) enhance labor market information
 18 tools and the availability of regional labor
 19 market information; and

20 “(ii) carry out other appropriate ac-
 21 tivities to implement this chapter; and

22 “(B) of which any remaining amounts may
 23 be used to distribute funds to local areas for
 24 the establishment of personal reemployment ac-
 25 counts described in section 137E for eligible in-

1 dividuals in such local areas, based on a deter-
 2 mination of need by the State for such funds;
 3 and

4 “(2) not later than 15 days after receiving such
 5 allotment, the remaining amount shall be allocated
 6 by the State to local areas in accordance with the
 7 formula described in subsection (b) for the establish-
 8 ment of personal reemployment accounts described
 9 in section 137E for eligible individuals in such local
 10 areas, of which not more than 5 percent of the
 11 amount allocated to a local area may be reserved by
 12 the local board involved for start-up costs and other
 13 operating costs related to the provision of assistance
 14 under this chapter.

15 “(b) FORMULA.—A State shall allocate funds to local
 16 areas in the State under subsection (a)(2) in an amount
 17 that is proportionate to the relative number of unemployed
 18 individuals in the local area as compared to the total num-
 19 ber of unemployed individuals in the State.

20 **“SEC. 137E. PERSONAL REEMPLOYMENT ACCOUNTS.**

21 “(a) ACCOUNTS.—

22 “(1) IN GENERAL.—

23 “(A) ESTABLISHMENT OF ACCOUNTS.—

24 Not later than 6 months after funds are allo-
 25 cated to a local area under section 137D, such

1 funds shall be used to establish personal reem-
2 ployment accounts for eligible individuals to be
3 used in accordance with section 137F.

4 “(B) USE OF UNOBLIGATED FUNDS.—

5 “(i) IN GENERAL.—Any unobligated
6 funds that remain in a deactivated account
7 shall—

8 “(I) not later than 3 months of
9 such deactivation, be used

10 “(II) to establish a new personal
11 reemployment account described in
12 subparagraph (A); or

13 “(III) returned to the State to be
14 used in accordance with section
15 137D(a)(1)(B).

16 “(ii) DEACTIVATED ACCOUNT DE-
17 FINED.—In this subparagraph, the term
18 ‘deactivated account’ means a personal re-
19 employment account—

20 “(I) that has been established for
21 1 year; or

22 “(II) that has been established
23 for 3 months in a case in which the
24 individual has not begun the training

1 purchased using such account under
2 section 137(a).

3 “(C) OTHER LIMITATIONS.—An eligible in-
4 dividual may receive only one personal reem-
5 ployment account, and such an account shall
6 not be transferable.

7 “(2) COMPOSITION.—Each account shall be
8 comprised of a training fund and a reemployment
9 bonus, which shall function independently for the
10 purposes designated in section 137F.

11 “(3) AMOUNT.—The State shall establish the
12 amount of the training fund and the reemployment
13 bonus, which shall be uniform throughout the State,
14 pursuant to the following criteria:

15 “(A) With respect to the training fund, the
16 State may establish—

17 “(i) a maximum amount of \$6,000;

18 and

19 “(ii) a minimum amount is \$3,000.

20 “(B) With respect to the reemployment
21 bonus, the State may establish—

22 “(i) a maximum amount of \$2,000;

23 and

24 “(ii) a minimum amount of \$1,000.

1 “(4) LIMITATION ON ADDITIONAL SERVICES.—

2 During the 1-year period following the establishment
3 of an account for an eligible individual, the eligible
4 individual may not receive training services funded
5 under this title (other than the services or training
6 funded under section 137F(a)).

7 “(b) ELIGIBLE INDIVIDUALS.—

8 “(1) MINIMUM ELIGIBILITY CRITERIA REQUIRE-
9 MENTS.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), an individual shall be eligible to re-
12 ceive assistance under this chapter if, beginning
13 after the date of enactment of the Elevating
14 America’s Workforce Act, the individual—

15 “(i) is identified by a local area as
16 likely in need of job training to make a
17 successful transition to new employment;
18 and

19 “(ii) is receiving cash benefits payable
20 with respect to the individual’s unemploy-
21 ment, including any benefits payable under
22 subtitle A of title II of division A of the
23 CARES Act (Public Law 116–136).

24 “(B) ADDITIONAL ELIGIBILITY AND PRI-
25 ORITY CRITERIA.—A State may establish cri-

1 teria that is in addition to the criteria described
2 in subparagraph (A) for the eligibility of indi-
3 viduals to receive assistance under this chapter.
4 A State may also establish criteria for priority
5 in the provision of assistance to such eligible in-
6 dividuals under this chapter.

7 “(2) TRANSITION RULE.—At the option of the
8 State, an individual may be eligible to receive assist-
9 ance under this chapter if the individual—

10 “(A) during the 1-year period following the
11 date of the enactment of the Elevating Amer-
12 ica’s Workforce Act, exhausted all rights to the
13 cash benefits described in paragraph (2)(A)(ii);
14 and

15 “(B) is separated from employment in an
16 industry or occupation that has experienced de-
17 clining employment, or no longer provides any
18 employment, in the local labor market on the
19 date of the determination of eligibility of the in-
20 dividual under this paragraph.

21 “(3) NO INDIVIDUAL ENTITLEMENT.—Nothing
22 in this chapter shall be construed to entitle any indi-
23 vidual to receive a personal reemployment account.

24 “(c) LOCAL ADMINISTRATION.—

1 “(1) IN GENERAL.—A local board shall admin-
2 ister personal reemployment accounts established
3 under this chapter through the one-stop delivery sys-
4 tem.

5 “(2) INFORMATION AND ATTESTATION.—Prior
6 to the establishment of a personal reemployment ac-
7 count for an eligible individual under this chapter,
8 the one-stop delivery system shall ensure that the in-
9 dividual—

10 “(A) is informed of the requirements appli-
11 cable to the personal reemployment account, in-
12 cluding the allowable uses of funds from the ac-
13 count, the limitations on access to services de-
14 scribed under section 137E(a)(4) and a descrip-
15 tion of such services, and the conditions for re-
16 ceiving a reemployment bonus;

17 “(B) has completed an orientation session,
18 either in person or virtual, that includes an
19 overview of the personal reemployment account
20 and the basic career services that are available
21 through the one-stop;

22 “(C) is provided access to information
23 on—

1 “(i) potential training providers, in-
2 cluded the training providers specified in
3 section 134(c)(3)(F);

4 “(ii) the most up-to-date regional
5 labor market data and analysis of skills
6 needed by employers in the region; and

7 “(iii) in-demand industry sectors or
8 occupations in the local area;

9 “(D) has the option to develop a personal
10 reemployment plan which will identify the em-
11 ployment goals and appropriate combination of
12 services selected by the individual to achieve the
13 employment goals; and

14 “(E) signs an attestation that the indi-
15 vidual will—

16 “(i) comply with the requirements re-
17 lating to the personal reemployment ac-
18 counts under this chapter; and

19 “(ii) be responsible for any expendi-
20 tures that are not allowable to be reim-
21 bursed by the account.

22 “(3) PERIODIC CONTACT.—The one-stop deliv-
23 ery system shall conduct periodic, not less than once
24 every three months, interviews with the eligible indi-
25 vidual to discuss the usage of their personal reem-

1 ployment account and assist the recipient in meeting
2 such individual’s employment goals.

3 **“SEC. 137F. USE OF FUNDS.**

4 “(a) ALLOWABLE ACTIVITIES.—

5 “(1) IN GENERAL.—Subject to subsection (c)
6 and paragraph (3) of this subsection, an eligible in-
7 dividual may use amounts in the training fund to—

8 “(A) purchase training services (including
9 the services specified in section 134(c)(3)(D))
10 from a provider of such training services,
11 which—

12 “(i) shall be a provider that—

13 “(I) offers training that leads to
14 a recognized postsecondary credential;
15 and

16 “(II) as of the date of enactment
17 of the Elevating America’s Workforce
18 Act, has been in operation for at least
19 a 6-month period; and

20 “(ii) may be a provider that is not on
21 the list of eligible providers of training
22 services described in section 122(d);

23 “(B) provide to the employer with whom
24 the individual enters into a work-based training
25 agreement described in paragraph (2) for the

1 provision of on-the-job training, reimbursement
2 of—

3 “(i)(I) in the case of an employer with
4 not more than 100 employees, 75 percent
5 of the wages earned by the eligible indi-
6 vidual while engaged in the training, ex-
7 cept that such reimbursement shall not ex-
8 ceed the amounts in the training fund as
9 of the date of such reimbursement; and

10 “(II) in the case of an employer with
11 more than 100 employees, 50 percent the
12 wages earned by the eligible individual
13 while engaged in the training, except that
14 such reimbursement shall not exceed the
15 amounts in the training fund as of the
16 date of such reimbursement; and

17 “(ii) upon completion of such training
18 and meeting the requirements to receive an
19 unemployment bonus under subsection
20 (b)(1), 25 percent of the wages earned by
21 the eligible individual while engaged in the
22 training, except that such reimbursement
23 shall not exceed the amounts in the train-
24 ing fund as of the date of such reimburse-
25 ment; or

1 “(C) purchase the training services de-
2 scribed in subparagraph (A) and provide the
3 employer reimbursement described in subpara-
4 graph (B).

5 “(2) WORK-BASED TRAINING AGREEMENT.—To
6 receive on-the-job training from an employer as de-
7 scribed in paragraph (1)(B), an eligible individual
8 shall enter into a work-based training agreement
9 with the employer to establish—

10 “(A) the length of the training, the hourly
11 wage rate of the individual, the amount in the
12 individual’s training fund, the skills necessary
13 for the job and the individual’s current attain-
14 ment level of such skills, the skills to be learned
15 during the training; and

16 “(B) a requirement that, prior to begin-
17 ning such training, the eligible individual pro-
18 vide to the one-stop delivery system for pur-
19 poses of receiving a payment or reimbursement
20 in accordance with paragraph (3), a copy of
21 such agreement and, during such training, any
22 documentation of the wages earned by the indi-
23 vidual while engaged in such training.

24 “(3) DELIVERY OF SERVICES.—The one-stop
25 delivery system may pay costs for the services and

1 training described in paragraph (1), through a
2 voucher system, or by reimbursement to the eligible
3 individual or employer upon—

4 “(A) receipt of appropriate cost docu-
5 mentation for training services under paragraph
6 (1)(A), consistent with safeguards described in
7 the State application under section 137G; or

8 “(B) receipt of documentation of wages
9 earned by the individual while engaged in on-
10 the-job training under paragraph (1)(B) for
11 which the one-stop delivery system has received
12 a copy of the work-based training agreement es-
13 tablished under paragraph (2).

14 “(b) REEMPLOYMENT BONUS.—

15 “(1) IN GENERAL.—An eligible individual shall
16 be provided, directly and in cash, a reemployment
17 bonus, in a case in which, not later than 6 weeks
18 after the completion of any training purchased under
19 subsection (a) and not later than 1 year after the es-
20 tablishment of the individual’s account—

21 “(A) the individual obtains full-time, un-
22 subsidized employment (which is not the on-the
23 job training described in subsection (a)(1)(B));
24 and

25 “(B) meets one of the following:

1 “(i) Receives a recognized postsec-
2 ondary credential necessary for such em-
3 ployment upon completion of the training
4 purchased under subsection (a).

5 “(ii) Completes the on-the-job training
6 purchased under subsection (a) and gains
7 the skills necessary for such employment.

8 “(2) PAYMENTS.—The following shall apply
9 with respect to an eligible individual described in
10 paragraph (1):

11 “(A) 60 percent of the remaining reem-
12 ployment bonus shall be paid to the individual
13 upon the employment described in paragraph
14 (1).

15 “(B) 40 percent of the remaining reem-
16 ployment bonus shall be paid to the individual
17 after 26 weeks of employment retention.

18 “(3) TRAINING FUND.—Except as provided in
19 (c)(2), upon receipt of a reemployment bonus under
20 paragraph (1), an individual may not use any funds
21 remaining in the individual’s training fund.

22 “(c) LIMITATIONS.—The following shall apply with
23 respect to personal reemployment accounts under this
24 chapter:

1 “(1) Amounts in a personal reemployment ac-
 2 count established for an individual may be used dur-
 3 ing the 1-year period after the date of the establish-
 4 ment of the account for an individual, except that
 5 such individual shall begin any training the indi-
 6 vidual purchased under subsection (a) not later than
 7 3 months after such establishment.

8 “(2) During the 1-year period after the date on
 9 which an individual’s account is established, if such
 10 individual receives a reemployment bonus under sub-
 11 section (b) and becomes unemployed, the indi-
 12 vidual—

13 “(A) may use the amount remaining in the
 14 training fund portion of the individual’s for the
 15 purposes described in subsection (a); and

16 “(B) may not be eligible for additional
 17 cash payments under subsection (b).

18 **“SEC. 137G. STATE APPLICATION.**

19 “(a) IN GENERAL.—In order for a State to receive
 20 an allotment under section 137C, the Governor of the
 21 State shall submit to the Secretary an application that in-
 22 cludes a description of how the State intends to carry out
 23 the personal reemployment accounts authorized under this
 24 chapter, including—

1 “(1) the criteria and methods to be used for de-
2 termining eligibility for the personal reemployment
3 accounts and the additional criteria and priority for
4 service that the State intends to apply, if any, pur-
5 suant to section 137E(b)(1)(B);

6 “(2) the methods or procedures, developed in
7 consultation with local boards and chief elected offi-
8 cials, to be used to provide eligible individuals infor-
9 mation relating to services, providers and employers,
10 and safeguards, to ensure that funds from the per-
11 sonal reemployment accounts are used for purposes
12 authorized under this chapter; and

13 “(3) how the State will coordinate the activities
14 carried out under this chapter with the employment
15 and training activities carried out under section 134
16 and other activities carried out through the one-stop
17 delivery system in the State.

18 “(b) APPLICATION SUBMISSION AND APPROVAL.—A
19 State application submitted to the Secretary under sub-
20 section (a) by a Governor shall be considered to be ap-
21 proved by the Secretary at the end of the 30-day period
22 beginning on the date the Secretary receives the applica-
23 tion, unless the Secretary makes a written determination
24 during such period that the application is incomplete or
25 otherwise inconsistent with the provisions of this chapter.

1 **“SEC. 137H. PROGRAM INFORMATION.**

2 “(a) IN GENERAL.—The Secretary may require from
3 States the collection and reporting on such financial, per-
4 formance, and other program-related information as the
5 Secretary determines is appropriate to carry out this chap-
6 ter, including the evaluation described in section 137I.

7 “(b) TRAINING PROVIDER PERFORMANCE DATA.—
8 Each State shall submit annually to the Secretary and
9 make available (including by electronic means), in an eas-
10 ily understandable format, performance data with respect
11 to each provider of training under this chapter containing
12 the following information:

13 “(1) The total number of program participants
14 who received training services.

15 “(2) The percentage of program participants
16 who are in unsubsidized employment during the sec-
17 ond quarter after exit from the program.

18 “(3) The percentage of program participants
19 who are in unsubsidized employment during the
20 fourth quarter after exit from the program.

21 “(4) The median earnings of program partici-
22 pants who are in unsubsidized employment during
23 the second quarter after exit from the program.

24 “(5) In the case of a training provider described
25 in section 137F(a)(1)(A), the percentage of program
26 participants who obtain a recognized postsecondary

1 credential during participation in or within 1 year
2 after exit from the program.

3 “(6) In the case of an employer providing on-
4 the-job training described in section 137F(a)(1)(B),
5 the percentage of program participants who com-
6 pleted on-the-job training supported under this chap-
7 ter and achieved measurable skills gains necessary
8 for employment.

9 **“SEC. 137I. EVALUATION, TECHNICAL ASSISTANCE, AND**
10 **DATA COLLECTION ACTIVITIES.**

11 “(a) EVALUATION.—From the amount made avail-
12 able under section 137C(a)(1), the Secretary, pursuant to
13 the authority provided under section 169, shall, directly
14 or through grants, contracts, or cooperative agreements
15 with appropriate entities, conduct an evaluation of the ac-
16 tivities carried out under this chapter.

17 “(b) CONDUCT OF EVALUATION.—The evaluation
18 shall examine the effectiveness of such activities in achiev-
19 ing the purposes described in section 137A, including the
20 effectiveness with respect to individuals with barriers to
21 employment, disaggregated by each subpopulation of such
22 individuals, and by race, ethnicity, sex, and age, and such
23 other purposes as the Secretary determines are appro-
24 priate.

1 “(c) REPORT.—The report to Congress under section
 2 169(e) relating to the results of the evaluations required
 3 under section 169 shall include the recommendation of the
 4 Secretary with respect to the use of personal reemploy-
 5 ment accounts as a mechanism to assist individuals in ob-
 6 taining and retaining employment.”.

7 **SEC. 3. ADMINISTRATION.**

8 Section 107(d) of the Workforce Innovation and Op-
 9 portunity Act (29 U.S.C. 3122(d)) is amended—

10 (1) in paragraph (8)(A)(i), by inserting “, ac-
 11 tivities authorized under section 137F” after “sec-
 12 tion 134”; and

13 (2) in paragraph (12)(B)(i)(I), by striking “sec-
 14 tions 128 and 133” and inserting “sections 128,
 15 133, and 137D”.

16 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 136 of the Workforce Innovation and Oppor-
 18 tunity Act (29 U.S.C. 3181) is amended by adding at the
 19 end the following:

20 “(d) PERSONAL REEMPLOYMENT ACCOUNTS.—

21 “(1) IN GENERAL.—There is authorized to be
 22 appropriated \$8,612,000,000 for fiscal year 2020 to
 23 carry out chapter 5.

24 “(2) AVAILABILITY.—Amounts appropriated
 25 pursuant to the authorization of appropriations

1 under paragraph (1) to carry out section 137I are
 2 authorized to remain available until expended.”.

3 **SEC. 5. CONFORMING AMENDMENT.**

4 The table of contents for the Workforce Innovation
 5 and Opportunity Act is amended by inserting after the
 6 items relating to chapter 4 of subtitle B of title I the fol-
 7 lowing new items:

“CHAPTER 5—PERSONAL REEMPLOYMENT ACCOUNTS

“Sec. 137A. Purposes.

“Sec. 137B. Definition.

“Sec. 137C. Grants to States.

“Sec. 137D. Within State allocation.

“Sec. 137E. Personal reemployment accounts.

“Sec. 137F. Use of funds.

“Sec. 137G. State application.

“Sec. 1357. Program information.

“Sec. 137I. Evaluation, technical assistance, and data collection activities.”.

