

116TH CONGRESS
2D SESSION

H. R. 7788

To temporarily enable qualified training providers to provide online and virtual training services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2020

Mr. SMUCKER introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To temporarily enable qualified training providers to provide
online and virtual training services, 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 “Enabling Online and
5 Virtual Workforce Training Act”.

6 **SEC. 2. TEMPORARY PROVISION OF ELIGIBILITY FOR CER-**
7 **TAIN TRAINING PROVIDERS.**

8 (a) IN GENERAL.—During the period beginning on
9 the date of enactment of this Act and ending on December
10 31, 2020, notwithstanding section 122 of the Workforce

1 Innovation and Opportunity Act (29 U.S.C. 3152), a cov-
2 ered provider of training services described in subsection
3 (b)(1) that is approved by a State board or local board
4 to be eligible to receive funds provided under section
5 133(b) of the Workforce Innovation and Opportunity Act
6 (29 U.S.C. 3173(b)) for the provision of such training
7 services in a local area in the State shall be deemed so
8 eligible.

9 (b) COVERED PROVIDER DEFINED.—In this section,
10 the term “covered provider” means an entity that—

11 (1) offers a program of training services that
12 leads to a recognized postsecondary credential;

13 (2) has been in existence for not less than 2
14 years prior to receiving approval under subsection
15 (a); and

16 (3) as of June 1, 2020, was included, in at
17 least 2 States, on the list of providers of training
18 services described in subsection (d) of section 122 of
19 the Workforce Innovation and Opportunity Act (29
20 U.S.C. 3152) determined to be eligible to offer a
21 program of training services under such section 122.

22 (c) PRIORITY.—In approving covered providers under
23 subsection (a), a State board or local board shall be en-
24 couraged to consider providers of qualified online training

1 services (as defined in section 122(b)(5) of the Workforce
 2 Innovation and Opportunity Act, as added by this Act).

3 **SEC. 3. PROVIDERS OF QUALIFIED ONLINE TRAINING**
 4 **SERVICES.**

5 Section 122 of the Workforce Innovation and Oppor-
 6 tunity Act (29 U.S.C. 3152) is amended—

7 (1) in subsection (a)(3), by adding at the end
 8 the following: “A provider of qualified online train-
 9 ing services shall be included and maintained on the
 10 list of eligible providers of training services described
 11 in subsection (d) so long as such provider complies
 12 with the criteria, information requirements, and pro-
 13 cedures established under this section.”; and

14 (2) in subsection (b), by adding at the end the
 15 following:

16 “(5) PROVIDER OF QUALIFIED ONLINE TRAIN-
 17 ING SERVICES.—

18 “(A) IN GENERAL.—In establishing cri-
 19 teria, information requirements, or procedures
 20 under this section, a Governor, State board, or
 21 local board may not require a provider of quali-
 22 fied online training services, in providing such
 23 qualified online training services, to—

24 “(i) maintain a physical presence in a
 25 State or local area; or

1 “(ii) in the case of a provider that is
 2 an organization described in section 501(c)
 3 of the Internal Revenue Code and is ex-
 4 empt from taxation under section 501(a)
 5 of such Code, be a provider described in
 6 subsection (a)(2).

7 “(B) QUALIFIED ONLINE TRAINING SERV-
 8 ICES.—In this subsection, the term ‘qualified
 9 online training services’ means training services
 10 that—

11 “(i) are provided over the internet or
 12 through other forms of electronic commu-
 13 nication; and

14 “(ii) lead to a recognized postsec-
 15 ondary credential.”.

16 **SEC. 4. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) the COVID–19 pandemic has created sig-
 19 nificant challenges in the nation’s labor market that
 20 will likely have lasting effects;

21 (2) millions of individuals cannot enroll or par-
 22 ticipate in workforce training programs due to re-
 23 strictions on movement related to the pandemic;

24 (3) online and virtual training services can help
 25 workers learn new skills, particularly during pan-

1 demic-related closures and for in-demand industry
2 sectors such as information technology and cyberse-
3 curity;

4 (4) Congress has previously recognized the need
5 to ensure access to online and virtual training serv-
6 ices, including through section 122(b)(1)(B) of the
7 Workforce Investment and Opportunity Act (29
8 U.S.C. 3152(b)(1)(B));

9 (5) some State governments, State workforce
10 boards, or local workforce boards have established
11 eligibility criteria or other procedures that make it
12 difficult or impossible for providers of online and vir-
13 tual training services to qualify as eligible training
14 providers, such as physical presence requirements;
15 and

16 (6) all State governments, State workforce
17 boards, and local workforce boards should move
18 promptly to make programs of online and virtual
19 training services available to individuals residing in
20 their areas.

21 **SEC. 5. DEFINITIONS.**

22 Except as otherwise provided, the terms in this Act
23 have the meanings given the terms in section 3 of the

1 Workforce Innovation and Opportunity Act (29 U.S.C.
2 3102).

