

116TH CONGRESS
1ST SESSION

S. 1517

To require the Secretary of Labor to award grants for promoting industry or sector partnerships to encourage industry growth and competitiveness and to improve worker training, retention, and advancement as part of an infrastructure investment.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2019

Mr. KAINE (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require the Secretary of Labor to award grants for promoting industry or sector partnerships to encourage industry growth and competitiveness and to improve worker training, retention, and advancement as part of an infrastructure investment.

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 “Building U.S. Infra-
5 structure by Leveraging Demands for Skills” or the
6 “BUILDS Act”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to promote industry or
3 sector partnerships that engage in collaborative planning,
4 resource alignment, and training efforts across multiple
5 businesses, for a range of workers employed or potentially
6 employed by infrastructure industries, in order to encour-
7 age industry growth and competitiveness and to improve
8 worker training, retention, and advancement.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) CAREER AND TECHNICAL EDUCATION; CA-
12 REER GUIDANCE AND ACADEMIC COUNSELING.—The
13 terms “career and technical education” and “career
14 guidance and academic counseling” have the mean-
15 ings given such terms in section 3 of the Carl D.
16 Perkins Career and Technical Education Act of
17 2006 (20 U.S.C. 2302).

18 (2) CAREER PATHWAY.—The term “career
19 pathway” has the meaning given such term in sec-
20 tion 3 of the Workforce Innovation and Opportunity
21 Act (29 U.S.C. 3102).

22 (3) ELIGIBLE PARTNERSHIP.—The term “eligi-
23 ble partnership” means a partnership that is an in-
24 dustry or sector partnership, or (with respect to an
25 implementation grant) a partnership that is in the

1 process of establishing an industry or sector partner-
2 ship.

3 (4) INDIVIDUAL WITH A BARRIER TO EMPLOY-
4 MENT; INDUSTRY OR SECTOR PARTNERSHIP; LOCAL
5 BOARD; RECOGNIZED POSTSECONDARY CREDEN-
6 TIAL.—The terms “individual with a barrier to em-
7 ployment”, “industry or sector partnership”, “local
8 board”, and “recognized postsecondary credential”
9 have the meanings given such terms in section 3 of
10 the Workforce Innovation and Opportunity Act.

11 (5) REGISTERED APPRENTICESHIP PROGRAM.—
12 The term “registered apprenticeship program” has
13 the meaning given such term in section 171 of such
14 Act (29 U.S.C. 3226).

15 (6) SECRETARY.—The term “Secretary” means
16 the Secretary of Labor.

17 (7) STATE; STATE BOARD.—The terms “State”
18 and “State board” have the meanings given such
19 terms in section 3 of such Act.

20 (8) TARGETED INFRASTRUCTURE INDUSTRY.—
21 The term “targeted infrastructure industry” means
22 an industry, including transportation (including sur-
23 face, transit, maritime, aviation, or railway transpor-
24 tation), construction, energy, information technology,
25 or utilities industries, that the eligible partnership

1 identifies in accordance with section 5(c) to be
2 served by a grant under this Act.

3 (9) WORK-BASED LEARNING PROGRAM.—

4 (A) IN GENERAL.—The term “work-based
5 learning program” means a program (which
6 may be a registered apprenticeship program)
7 that provides workers with paid work experience
8 and corresponding approved classroom instruc-
9 tion, delivered in an employment relationship
10 that both the employer and worker intend to
11 lead to continuing employment after the pro-
12 gram ends.

13 (B) PAID WORK EXPERIENCE.—In sub-
14 paragraph (A), the term “paid work experi-
15 ence” includes training by an employer that is
16 provided to a paid employee while engaged in
17 productive work in a job that provides knowl-
18 edge or skills essential to the full and adequate
19 performance of the job.

20 **SEC. 4. GRANTS AUTHORIZED.**

21 (a) IN GENERAL.—The Secretary, in consultation
22 with the Secretary of Transportation, the Secretary of En-
23 ergy, the Secretary of Commerce, the Secretary of Edu-
24 cation, the Administrator of the Environmental Protection
25 Agency, and the Chief of Engineers and Commanding

1 General of the Army Corps of Engineers, shall award, on
2 a competitive basis, grants to eligible entities to plan and
3 implement activities to achieve the strategic objectives de-
4 scribed in section 5(d) with respect to a targeted infra-
5 structure industry.

6 (b) GRANTS.—

7 (1) TYPES OF GRANTS.—A grant awarded
8 under this Act may be in the form of—

9 (A) an implementation grant, for entities
10 seeking an initial grant under this Act; or

11 (B) a renewal grant for entities that have
12 already received an implementation grant under
13 this Act.

14 (2) DURATION.—Each grant awarded under
15 this Act shall be for a period not to exceed 3 years.

16 (3) AMOUNT.—The amount of a grant awarded
17 under this Act may not exceed—

18 (A) for an implementation grant,
19 \$2,500,000; and

20 (B) for a renewal grant, \$1,500,000.

21 (c) AWARD BASIS.—

22 (1) GEOGRAPHIC DIVERSITY.—The Secretary
23 shall award grants under this Act in a manner that
24 ensures geographic diversity in the areas in which
25 activities will be carried out under the grants.

1 (2) PRIORITY FOR RENEWAL GRANTS.—In
2 awarding renewal grants under this Act, the Sec-
3 retary shall give priority to eligible entities that—

4 (A) demonstrate long-term sustainability of
5 an industry or sector partnership;

6 (B) demonstrate success in improving ac-
7 cess and retention in work-based learning pro-
8 grams for workers with barriers to employment
9 and those underrepresented in the infrastruc-
10 ture industry; and

11 (C) provide a non-Federal share of the cost
12 of the activities.

13 **SEC. 5. APPLICATION PROCESS.**

14 (a) IN GENERAL.—An eligible partnership desiring a
15 grant under this Act shall submit an application to the
16 Secretary at such time, in such manner, and containing
17 such information as the Secretary may require, including
18 the contents described in subsection (b).

19 (b) CONTENTS.—An application submitted under this
20 Act shall contain, at a minimum—

21 (1) a description of the eligible partnership, evi-
22 dence of the eligible partnership’s capacity to carry
23 out activities to achieve the strategic objectives de-
24 scribed in subsection (d), and the expected participa-

1 tion and responsibilities of each of the partners in-
2 cluded in the industry or sector partnership involved;

3 (2) a description of the targeted infrastructure
4 industry served by the grant, and a description of
5 how such industry was identified in accordance with
6 subsection (c);

7 (3) a description of the workers that will be tar-
8 geted or recruited by the partnership, including an
9 analysis of the existing labor market, a description
10 of potential barriers to employment for targeted
11 workers, and a description of strategies that will be
12 employed to help workers overcome such barriers;

13 (4) a description of the local, State, or federally
14 funded infrastructure projects on which the eligible
15 partnership anticipates engaging partners;

16 (5) a description of the strategic objectives de-
17 scribed in subsection (d) that the eligible partnership
18 intends to achieve concerning the targeted infra-
19 structure industry;

20 (6) a description of the credentials that the eli-
21 gible partnership proposes to use or develop as a
22 performance measure, to assess the degree to which
23 the eligible partnership has achieved such strategic
24 objectives, which credentials—

25 (A) shall be nationally portable;

1 (B) shall be recognized postsecondary cre-
2 dentials or, if not available for the industry,
3 other credentials determined by the Secretary
4 to be appropriate;

5 (C) shall be related to the targeted infra-
6 structure industry that the eligible partnership
7 proposes to support; and

8 (D) may be credentials for a registered ap-
9 prenticeship program;

10 (7) a description of the manner in which the eli-
11 gible partnership intends to make sustainable
12 progress towards achieving such strategic objectives;

13 (8) performance measures for measuring
14 progress towards achieving such strategic objectives;

15 (9) a description of the Federal and non-Fed-
16 eral resources, available under provisions of law
17 other than this Act, that will be leveraged in support
18 of the partnerships and activities under this Act;
19 and

20 (10) a timeline for progress towards achieving
21 such strategic objectives.

22 (c) TARGETED INFRASTRUCTURE INDUSTRY.—Each
23 grant under this Act shall serve a targeted infrastructure
24 industry that is identified by the eligible partnership
25 through working with businesses, industry associations

1 and organizations, labor organizations, State boards, local
2 boards, economic development agencies, and other organi-
3 zations that the eligible partnership determines necessary.

4 (d) STRATEGIC OBJECTIVES.—The activities to be
5 carried out under each grant awarded under this Act shall
6 be designed to achieve strategic objectives that include the
7 following:

8 (1) Recruiting key stakeholders in the targeted
9 infrastructure industry, such as multiple businesses,
10 labor organizations, local boards, and education and
11 training providers, including providers of career and
12 technical education, and regularly convening the
13 stakeholders in a collaborative structure that sup-
14 ports the sharing of information, ideas, and chal-
15 lenges common to the targeted infrastructure indus-
16 try.

17 (2) Supporting the training needs of multiple
18 businesses in the targeted infrastructure industry,
19 including needs—

20 (A) for skills critical to competitiveness
21 and innovation in the industry;

22 (B) of the registered apprenticeship pro-
23 grams or other work-based learning programs
24 supported by the grant; and

25 (C) related to integrating career pathways.

1 (3) Facilitating actions that lead to economies
2 of scale by aggregating training and education needs
3 of multiple businesses.

4 (4) Helping postsecondary educational institu-
5 tions, training institutions, sponsors of registered
6 apprenticeship programs, and all other providers of
7 career and technical education and training pro-
8 grams receiving assistance under this Act, align cur-
9 ricula, entrance requirements, and programs to the
10 targeted infrastructure industry needs and the cre-
11 dentials described in subsection (b)(6), particularly
12 for higher skill, high-priority occupations related to
13 the targeted infrastructure industry.

14 (5) Providing information on the grant activi-
15 ties to the State agency carrying out the State pro-
16 gram under the Wagner-Peyser Act (29 U.S.C. 49
17 et seq.), including staff of the agency that provide
18 services under such Act, to enable the agency to in-
19 form recipients of unemployment compensation of
20 the employment and training opportunities that may
21 be offered through the grant activities.

22 (6) Helping partner businesses in industry or
23 sector partnerships to attract and retain workers
24 from a diverse jobseeker base, including individuals
25 with barriers to employment and those underrep-

1 resented in their industry, by identifying any such
2 barriers through analysis of the labor market and
3 implementing strategies to help such workers over-
4 come such barriers.

5 (7) Expanding the number of individuals with
6 a barrier to employment who have access to training
7 and education opportunities that are aligned with
8 business needs, and providing those workers with
9 supports necessary to address the barrier to their
10 employment.

11 **SEC. 6. ACTIVITIES.**

12 (a) IN GENERAL.—An eligible partnership receiving
13 a grant under this Act shall—

14 (1) designate an entity in the industry or sector
15 partnership as the fiscal agent for the grant funds;
16 and

17 (2) carry out activities described in subsections
18 (b) (as applicable), (c), and (d) to achieve the stra-
19 tegic objectives identified in the partnership’s appli-
20 cation under section 5(b)(5), in a manner that inte-
21 grates services and funding sources to ensure effec-
22 tiveness of the activities and that uses the grant
23 funds efficiently.

24 (b) PLANNING ACTIVITIES.—An eligible partnership
25 receiving an implementation grant under this Act shall use

1 not more than \$250,000 of the grant funds to carry out
2 planning activities during the first year of the grant pe-
3 riod. Such activities may include—

4 (1) establishing the industry or sector partner-
5 ship;

6 (2) convening key stakeholders as identified in
7 the application process;

8 (3) conducting outreach to local businesses and
9 business associations;

10 (4) conducting an evaluation of workforce needs
11 in the local area; or

12 (5) recruiting individuals with barriers to em-
13 ployment.

14 (c) BUSINESS ENGAGEMENT.—An eligible partner-
15 ship receiving a grant under this Act shall use the grant
16 funds to provide services to engage businesses in efforts
17 to achieve the strategic objectives identified in the partner-
18 ship’s application under section 5(b)(5). The services may
19 include assisting businesses—

20 (1) in navigating the registration process for a
21 sponsor of a registered apprenticeship program;

22 (2) by connecting the business with an edu-
23 cation provider, including a provider of career and
24 technical education, to develop classroom instruction
25 to complement on-the-job learning;

1 (3) in developing the curriculum design of a
2 work-based learning program;

3 (4) in employing workers participating in a
4 work-based learning program for a transitional pe-
5 riod before a business hires the worker for full-time
6 employment of not less than 30 hours a week;

7 (5) in providing training to managers and
8 front-line workers to serve as trainers or mentors to
9 workers participating in a work-based learning pro-
10 gram;

11 (6) in providing career awareness activities,
12 such as career guidance and academic counseling;
13 and

14 (7) in recruiting, for participation in a work-
15 based learning program, individuals eligible to re-
16 ceive additional workforce or human services, includ-
17 ing—

18 (A) individuals participating in programs
19 under the Workforce Innovation and Oppor-
20 tunity Act (29 U.S.C. 3101 et seq.), and the
21 amendments made by such Act, including to the
22 Rehabilitation Act of 1973 (29 U.S.C. 701 et
23 seq.);

24 (B) recipients of assistance through the
25 supplemental nutrition assistance program es-

1 tablished under the Food and Nutrition Act of
2 2008 (7 U.S.C. 2011 et seq.);

3 (C) recipients of assistance through the
4 program of block grants to States for tem-
5 porary assistance for needy families established
6 under part A of title IV of the Social Security
7 Act (42 U.S.C. 601 et seq.); or

8 (D) any other individuals with a barrier to
9 employment.

10 (d) SUPPORT SERVICES.—An eligible partnership re-
11 ceiving a grant under this Act shall use the grant funds
12 to provide services to support the success and retention
13 of individuals described in subsection (c)(7) who are par-
14 ticipating in a work-based learning program for a period
15 of not less than 12 months. Such services may include the
16 following:

17 (1) PRE-EMPLOYMENT SERVICES.—Services,
18 provided in a pre-employment stage of the program,
19 to expand access to a work-based learning program
20 for individuals described in subsection (c)(7). Such
21 services may include—

22 (A) skills training;

23 (B) career and technical education or adult
24 basic education;

25 (C) initial skills assessments;

1 (D) providing work attire, necessary tools
2 for a work site, and other required items nec-
3 essary to start employment;

4 (E) wrap-around services, such as child
5 care and transportation; and

6 (F) job placement assistance.

7 (2) EARLY EMPLOYMENT SERVICES.—Services
8 provided to individuals described in subsection (e)(7)
9 who are participating in a work-based learning pro-
10 gram during their first 6 months of employment
11 through such program, to assure the individuals suc-
12 ceed in the program. Such services may include—

13 (A) ongoing case management and support
14 services, including the services provided in the
15 pre-employment stage described in paragraph
16 (1);

17 (B) continued skills training, including ca-
18 reer and technical education, conducted in col-
19 laboration with employers of such individuals;

20 (C) additional mentorship and retention
21 supports for such individuals;

22 (D) targeted training for frontline man-
23 agers, journey level workers working with such
24 individuals (such as mentors), and human re-

1 source representatives within the business
2 where such individuals are placed; and

3 (E) wages and benefits for a period of not
4 more than 6 months, during which the eligible
5 entities shall serve as the employers of record of
6 such individuals.

7 (3) EMPLOYMENT SERVICES.—Services to en-
8 sure the individuals described in paragraph (2)
9 maintain employment in the work-based learning
10 program for at least 12 months. The services shall
11 include support necessary to complete the work-
12 based learning program, such as continuation of
13 mentoring and support services provided under para-
14 graph (2).

15 (e) EVALUATION AND PROGRESS REPORTS.—

16 (1) IN GENERAL.—Not later than 1 year after
17 receiving a grant under this Act, and annually there-
18 after, the eligible partnership receiving the grant
19 shall submit a report to the Secretary and the Gov-
20 ernor of the State that the eligible partnership
21 serves, that—

22 (A) describes the activities funded by the
23 grant;

24 (B) evaluates the progress the eligible
25 partnership has made towards achieving the

1 strategic objectives identified under section
2 5(b)(5); and

3 (C) evaluates the progress of the eligible
4 partnership based on each of the following indi-
5 cators of performance, as disaggregated in ac-
6 cordance with paragraph (3):

7 (i) The percentage of individuals par-
8 ticipating in a work-based learning pro-
9 gram supported by the grant who are in
10 unsubsidized employment during the sec-
11 ond quarter after exit from participating in
12 such program.

13 (ii) The percentage of individuals par-
14 ticipating in a work-based learning pro-
15 gram supported by the grant who are in
16 unsubsidized employment during the
17 fourth quarter after exit from participating
18 in such program.

19 (iii) The median earnings of individ-
20 uals participating in a work-based learning
21 program supported by the grant who are in
22 unsubsidized employment during the sec-
23 ond quarter after exit from participating in
24 such program.

1 (iv) The percentage of individuals par-
2 ticipating in a work-based learning pro-
3 gram supported by the grant who obtain a
4 recognized postsecondary credential, or a
5 secondary school diploma or its recognized
6 equivalent (subject to paragraph (2)), dur-
7 ing such participation in such program or
8 within 1 year after exit from participating
9 in such program.

10 (v) The percentage of individuals par-
11 ticipating in a work-based learning pro-
12 gram supported by the grant who, during
13 a program year, are in an education or
14 training program that leads to a recog-
15 nized postsecondary credential or employ-
16 ment and who are achieving measurable
17 skill gains toward such a credential or em-
18 ployment.

19 (2) INDICATOR RELATING TO CREDENTIAL.—

20 For purposes of paragraph (1)(C)(iv), individuals
21 participating in a work-based learning program sup-
22 ported by the grant who obtain a secondary school
23 diploma or its recognized equivalent shall be in-
24 cluded in the percentage counted as meeting the cri-
25 terion under such paragraph only if such individuals,

1 in addition to obtaining such diploma or its recog-
2 nized equivalent, have obtained or retained employ-
3 ment or are in an education or training program
4 leading to a recognized postsecondary credential
5 within 1 year after exit from participating in the
6 work-based learning program supported by the
7 grant.

8 (3) DISAGGREGATION.—The indicators of per-
9 formance under paragraph (1)(C) shall be
10 disaggregated by—

11 (A) each population specified in subpara-
12 graphs (A) through (N) of section 3(24) of the
13 Workforce Innovation and Opportunity Act (29
14 U.S.C. 3102(24)); and

15 (B) race, ethnicity, sex, and age.

16 (f) ADMINISTRATIVE COSTS.—An eligible partnership
17 may use not more than 5 percent of the funds awarded
18 through a grant under this Act for administrative ex-
19 penses in carrying out this section.

20 **SEC. 7. ADMINISTRATION BY THE SECRETARY.**

21 (a) IN GENERAL.—The Secretary may use not more
22 than 10 percent of the amount appropriated under section
23 8 for each fiscal year for administrative expenses to carry
24 out this Act, including the expenses of providing the tech-

1 nical assistance and oversight activities under subsection
2 (b).

3 (b) **TECHNICAL ASSISTANCE; OVERSIGHT.**—The Sec-
4 retary shall provide technical assistance and oversight to
5 assist the eligible entities in applying for and admin-
6 istering grants awarded under this Act.

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated such sums
9 as may be necessary to carry out this Act.

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