

115TH CONGRESS
2D SESSION

S. 3557

To strengthen and improve local and regional workforce and economic competitiveness and resilience, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2018

Mr. KING (for himself, Ms. HASSAN, Mr. CASEY, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To strengthen and improve local and regional workforce and economic competitiveness and resilience, 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 “Invest in America
5 Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1)(A) to help local and regional leaders build
9 and support the necessary environment and condi-

1 tions for employers to create and expand middle and
2 high-skill jobs; and

3 (B) to train workers to have the knowledge and
4 skills to meet the requirements of those jobs;

5 (2) to support—

6 (A) economic expansion and resilience—

7 (i) by diversifying the commercial and
8 industrial bases of local and regional
9 economies;

10 (ii) by removing barriers to growth;

11 and

12 (iii) by identifying means of encour-
13 aging such expansion, carried out in a
14 manner that is increasingly proactive and
15 predictive of future economic shifts, to
16 build local and regional economic resil-
17 ience;

18 (B) job creation, in new or existing indus-
19 tries; and

20 (C) workforce development and re-employ-
21 ment opportunities, by providing a range of
22 workforce development activities, including oc-
23 cupational training, resulting in recognized
24 postsecondary credentials for high-quality, in-
25 demand jobs; and

1 (3) specifically, to meet the needs of economi-
2 cally distressed communities and regions by sup-
3 porting locally or regionally determined, and locally
4 or regionally led, plans and projects.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) AREA CAREER AND TECHNICAL EDUCATION
8 SCHOOL.—The term “area career and technical edu-
9 cation school” has the meaning given the term in
10 section 3 of the Carl D. Perkins Career and Tech-
11 nical Education Act of 2006 (20 U.S.C. 2302).

12 (2) CAREER PATHWAY.—The term “career
13 pathway” has the meaning given the term in section
14 3 of the Workforce Innovation and Opportunity Act
15 (29 U.S.C. 3102).

16 (3) COMPREHENSIVE ECONOMIC DEVELOPMENT
17 STRATEGY.—The term “comprehensive economic de-
18 velopment strategy” has the meaning given the term
19 in section 3 of the Public Works and Economic De-
20 velopment Act of 1965 (42 U.S.C. 3122).

21 (4) MEDIUM-SIZED AREA.—The term “medium-
22 sized area” means an area that—

23 (A) is not a rural area, as defined in para-
24 graph (9); and

25 (B) is a city, town, or other area that—

1 (i) has a population of not more than
2 125,000 inhabitants; and

3 (ii) is not located within an urbanized
4 area (as defined by the Bureau of the Cen-
5 sus) with a population of more than
6 675,000 inhabitants.

7 (5) POSTSECONDARY EDUCATIONAL INSTITU-
8 TION.—The term “postsecondary educational institu-
9 tion” means institution of higher education, as de-
10 fined in section 102 of the Higher Education Act of
11 1965 (20 U.S.C. 1002).

12 (6) PRE-APPRENTICESHIP PROGRAM.—The
13 term “pre-apprenticeship program” means a pro-
14 gram or set of strategies that—

15 (A) is designed to prepare individuals to
16 enter and succeed in a registered apprenticeship
17 program;

18 (B) is carried out by an eligible entity that
19 has a documented partnership with at least 1
20 sponsor of a registered apprenticeship program;

21 (C) includes—

22 (i) training (including a curriculum
23 for the training), aligned with industry
24 standards and reviewed and approved an-
25 nually by sponsors of the registered ap-

1 prenticeship programs within the docu-
2 mented partnership, that will prepare indi-
3 viduals by teaching the skills and com-
4 petencies needed to enter 1 or more reg-
5 istered apprenticeship programs; and

6 (ii) provision of hands-on training and
7 theoretical education to individuals that—

8 (I) accurately simulates the in-
9 dustry and occupation conditions of
10 the registered apprenticeship program
11 described in subparagraph (B);

12 (II) is carried out in a manner
13 that includes proper observation of su-
14 pervision and safety protocols; and

15 (III) is carried out in a manner
16 that does not displace a paid em-
17 ployee; and

18 (D) is carried out under a formal agree-
19 ment between an eligible entity and a sponsor
20 of a registered apprenticeship program, that
21 would enable participants who successfully com-
22 plete the pre-apprenticeship program to enter
23 directly into the registered apprenticeship pro-
24 gram (if a place in the program is available),
25 and that includes agreements concerning earn-

1 ing credit recognized by a postsecondary edu-
2 cational institution for skills and competencies
3 acquired during the pre-apprenticeship pro-
4 gram.

5 (7) RECOGNIZED POSTSECONDARY CREDEN-
6 TIAL.—The term “recognized postsecondary creden-
7 tial” has the meaning given the term in section 3 of
8 the Workforce Innovation and Opportunity Act (29
9 U.S.C. 3102).

10 (8) REGISTERED APPRENTICESHIP PROGRAM.—
11 The term “registered apprenticeship program”
12 means a program registered under the Act of Au-
13 gust 16, 1937 (commonly known as the “National
14 Apprenticeship Act”; 50 Stat. 664, chapter 663; 29
15 U.S.C. 50 et seq.).

16 (9) RURAL AREA.—The term “rural area” has
17 the meaning given the term in section 343(a) of the
18 Consolidated Farm and Rural Development Act (7
19 U.S.C. 1991(a)).

20 (10) SECRETARY.—The term “Secretary”
21 means the Secretary of Labor, unless otherwise spe-
22 cifically indicated.

23 (11) TRIBAL ORGANIZATION.—The term “tribal
24 organization” has the meaning given the term in

1 section 4 of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 5304).

3 (12) WORKFORCE DEVELOPMENT ACTIVITY;
4 WORKFORCE DEVELOPMENT PROGRAM.—The terms
5 “workforce development activity” and “workforce de-
6 velopment program” have the meanings given the
7 terms in section 3 of the Workforce Innovation and
8 Opportunity Act (29 U.S.C. 3102).

9 **SEC. 4. INVEST IN AMERICA COMPETITIVE GRANTS.**

10 (a) GRANTS AUTHORIZED.—

11 (1) PLANNING GRANTS.—The Secretary may
12 make planning grants to eligible entities to plan
13 projects described in paragraph (2).

14 (2) IMPLEMENTATION GRANTS.—The Secretary
15 may make implementation grants to eligible entities
16 to implement projects to support local and re-
17 gional—

18 (A) economic expansion and resilience—

19 (i) by diversifying the commercial and
20 industrial bases of local and regional
21 economies;

22 (ii) by removing barriers to growth;
23 and

24 (iii) by identifying means of encour-
25 aging such expansion, carried out in a

1 manner that is increasingly proactive and
2 predictive of future economic shifts, to
3 build local and regional economic resil-
4 ience;

5 (B) job creation, in new or existing indus-
6 tries; and

7 (C) workforce development and re-employ-
8 ment opportunities, by providing a range of
9 workforce development activities, including oc-
10 cupational training, resulting in recognized
11 postsecondary credentials for high-quality, in-
12 demand jobs.

13 (3) DESCRIPTION OF GRANTS.—

14 (A) PLANNING GRANTS.—The planning
15 grants awarded by the Secretary shall be used
16 during a planning phase. During the planning
17 phase, the eligible entities will prepare an In-
18 vest in America plan that—

19 (i) when reviewed and approved under
20 subsection (c), will be used during the im-
21 plementation phase described in subpara-
22 graph (B); and

23 (ii) identifies industries and occupa-
24 tions to be targeted during the implemen-
25 tation phase.

1 (B) IMPLEMENTATION GRANTS.—The im-
2 plementation grants awarded by the Secretary
3 shall be used during an implementation phase.
4 During the implementation phase, the eligible
5 entities will implement their Invest in America
6 plans, to support targeted economic expansion
7 and resilience, job creation, and associated
8 workforce development and re-employment op-
9 portunities.

10 (4) AMOUNT OF GRANTS.—

11 (A) FACTORS.—The amounts of the plan-
12 ning grants and implementation grants will be
13 based on a variety of factors, including—

- 14 (i) long-term economic growth rates;
15 (ii) prevalence of skill mismatches;
16 (iii) long-term unemployment and
17 underemployment;
18 (iv) poverty and persistent poverty
19 rates; and
20 (v) number and percent of workers
21 and employers impacted by economic
22 shifts, such as shifts caused by trade,
23 changes in government policy or regula-
24 tion, or technological innovation.

25 (B) LIMITS.—

1 (i) PLANNING GRANTS.—The Sec-
2 retary shall make a planning grant in an
3 amount of not less than \$10,000 and not
4 more than \$500,000.

5 (ii) IMPLEMENTATION GRANTS.—The
6 Secretary shall make an implementation
7 grant in an amount of not less than
8 \$750,000 and not more than \$7,500,000.

9 (5) DURATION OF GRANTS.—

10 (A) PLANNING GRANTS.—The Secretary
11 shall make a planning grant for a period of not
12 more than 2 years.

13 (B) IMPLEMENTATION GRANTS.—The Sec-
14 retary shall make an implementation grant for
15 a period of 3 years.

16 (C) EXTENSIONS.—The Secretary may ex-
17 tend the period of an implementation grant
18 made under this section for an additional 2-
19 year period if the grant recipient demonstrates
20 to the Secretary that the recipient is achieving
21 its grant objectives and, as applicable, is meet-
22 ing or is likely to meet the applicable perform-
23 ance measures.

24 (b) ELIGIBLE ENTITY.—In this Act, the term “eligi-
25 ble entity” means any of the following:

1 (1) A consortium that—

2 (A) includes 2 or more entities described in
3 any of subparagraphs (A) through (F) of para-
4 graph (2); and

5 (B) may also include a State, regional, or
6 local public or private organization, including a
7 community-based organization, that is appro-
8 priate to meet the objectives for the grant in-
9 volved, if the fiscal agent of the consortium is
10 an entity described in any of subparagraphs (A)
11 through (F) of paragraph (2).

12 (2) A partnership of 2 or more of the following
13 entities:

14 (A) A local (including a county) or regional
15 unit of government that is responsible for eco-
16 nomic development.

17 (B) An economic development agency rec-
18 ognized by the Economic Development Adminis-
19 tration of the Department of Commerce.

20 (C) A local workforce development board,
21 meaning a local board as defined in section 3
22 of the Workforce Innovation and Opportunity
23 Act (29 U.S.C. 3102), or a consortium of such
24 boards.

25 (D) A tribal organization.

1 (E) An area career and technical education
2 school.

3 (F) A postsecondary educational institu-
4 tion.

5 (c) APPLICATIONS.—

6 (1) PLANNING GRANT APPLICATIONS.—Each el-
7 igible entity that desires to receive a planning grant
8 under this section shall submit an application to the
9 Secretary at such time, in such manner, and con-
10 taining such information as the Secretary may rea-
11 sonably require. In the case of an eligible entity de-
12 scribed in subsection (b)(1), the application shall be
13 prepared and submitted by 1 or more members of
14 the consortium who are entities described in sub-
15 section (b)(1)(A). At a minimum, each application
16 for a planning grant shall include—

17 (A) a description of the existing economic
18 conditions of the community or region to be
19 served by the eligible entity, drawing on existing
20 analyses and reports, such as those within the
21 comprehensive economic development strategy
22 or corresponding local plans prepared under
23 section 108 of the Workforce Innovation and
24 Opportunity Act (29 U.S.C. 3123);

1 (B) a description of existing workforce de-
2 velopment activity resources and providers;

3 (C) the organizations within the eligible
4 entity;

5 (D) a description of recent economic ex-
6 pansion and resiliency efforts in the community
7 or region;

8 (E) a brief overview of the anticipated di-
9 rection of the Invest in America plan to be de-
10 veloped;

11 (F) the period for which the planning
12 grant is requested; and

13 (G) the budget for the planning activities.

14 (2) IMPLEMENTATION GRANT APPLICATIONS.—

15 Each eligible entity that desires to receive an imple-
16 mentation grant under this section shall submit an
17 application to the Secretary at such time, in such
18 manner, and containing such information as the Sec-
19 retary may reasonably require. In the case of an eli-
20 gible entity described in subsection (b)(1), the appli-
21 cation shall be prepared and submitted by 1 or more
22 members of the consortium who are entities de-
23 scribed in subsection (b)(1)(A). At a minimum, each
24 application for an implementation grant shall in-
25 clude—

1 (A) a detailed summary of the Invest in
2 America plan and project resulting from the
3 planning grant;

4 (B) a summary of the targeted industries
5 and occupations;

6 (C) a summary of how the necessary work-
7 force development activities will be undertaken,
8 including, in the case of a program leading to
9 a recognized postsecondary credential, a de-
10 scription of the program leading to the creden-
11 tial;

12 (D) the eligible entity's plan for obtaining
13 an independent evaluation of—

14 (i) the effectiveness of the project to
15 be implemented with the grant funds; and

16 (ii) the performance of the eligible en-
17 tity in carrying out the project, including
18 how the eligible entity will use performance
19 measures that include—

20 (I) primary indicators of per-
21 formance identified under section 116
22 of the Workforce Innovation and Op-
23 portunity Act (29 U.S.C. 3141), core
24 indicators of performance identified
25 under section 113 of the Carl D. Per-

1 kins Career and Technical Education
2 Act of 2006 (20 U.S.C. 2323), or
3 evaluation criteria established under
4 section 506(d) of the Public Works
5 and Economic Development Act of
6 1965 (42 U.S.C. 3196(d)), as appro-
7 priate, to determine that performance;
8 and

9 (II) levels of performance ap-
10 proved through the application proc-
11 ess;

12 (E) the levels of performance that the eli-
13 gible entity proposes to use for purposes of sub-
14 paragraph (D)(ii)(II); and

15 (F) information demonstrating that the eli-
16 gible entity will provide the non-Federal share
17 of the cost of implementing the project, as de-
18 scribed in subsection (e).

19 (3) GRANT APPLICATION DESIGN AND RE-
20 VIEW.—The Secretary shall design and review the
21 grant applications, and award grants, in cooperation
22 with—

23 (A) the Secretary of Commerce, the Sec-
24 retary of Education, the Secretary of Agri-
25 culture, and the Secretary of the Interior; and

1 (B) as appropriate and necessary, the
2 heads of other Federal departments and agen-
3 cies.

4 (4) RURAL, MEDIUM-SIZED, AND ECONOMI-
5 CALLY DISTRESSED COMMUNITIES AND REGIONS.—

6 (A) RURAL AREAS.—

7 (i) IN GENERAL.—The Secretary shall
8 ensure that an amount that is not less
9 than 50 percent of the funds provided
10 through the implementation grants for any
11 fiscal year is made available for projects
12 for which the eligible entity is located in a
13 rural area.

14 (ii) EXCEPTION.—Notwithstanding
15 clause (i), the Secretary shall reduce the
16 amount of funds made available under
17 such clause for such projects if the Sec-
18 retary does not receive a sufficient number
19 of applications of sufficient quality.

20 (B) MEDIUM-SIZED AREAS.—

21 (i) IN GENERAL.—The Secretary shall
22 ensure that an amount that is not less
23 than 25 percent of the funds provided
24 through the implementation grants for any
25 fiscal year is made available for projects

1 for which the eligible entity is located in a
2 medium-sized area.

3 (ii) EXCEPTION.—Notwithstanding
4 clause (i), the Secretary shall reduce the
5 amount of funds made available under
6 such clause for such projects if the Sec-
7 retary does not receive a sufficient number
8 of applications of sufficient quality.

9 (C) ECONOMICALLY DISTRESSED COMMU-
10 NITY OR REGION.—The Secretary shall ensure
11 that, to the greatest extent practicable, funds
12 provided through the planning and implementa-
13 tion grants are made available for projects that
14 will serve an economically distressed community
15 or region.

16 (d) USES OF IMPLEMENTATION GRANT FUNDS.—

17 (1) ECONOMIC DEVELOPMENT AND JOB CRE-
18 ATION.—An eligible entity that receives an imple-
19 mentation grant may use the grant funds for a
20 project to—

21 (A) support the creation of new businesses
22 and jobs in a variety of industries and occupa-
23 tions with middle and high-skill jobs;

1 (B) implement local and regional strategies
2 for job creation and growth and economic diver-
3 sification;

4 (C) cultivate entrepreneurship, including
5 strengthening the entrepreneurial ecosystem,
6 developing entrepreneurship education, and de-
7 veloping business incubator programs;

8 (D) strengthen or develop existing or
9 emerging industry clusters;

10 (E) strengthen or develop regional infra-
11 structure that will benefit industry clusters;

12 (F) enhance access to and use of
13 broadband services to support job creation
14 through business creation and expansion;

15 (G)(i) facilitate access to private capital in-
16 vestment; and

17 (ii) provide related capacity-building and
18 technical assistance concerning effective utiliza-
19 tion of capital investment for business develop-
20 ment and job creation;

21 (H) develop economic expansion and resil-
22 ience strategies; and

23 (I) develop robust support systems for in-
24 dividuals who have families and who are trying

1 to enter or re-enter the workforce, such as sys-
2 tems that provide access—

- 3 (i) to child care;
- 4 (ii) to drug treatment resources; and
- 5 (iii) to employment services for indi-
6 viduals with disabilities.

7 (2) EDUCATION AND TRAINING.—In carrying
8 out that project, the eligible entity that receives an
9 implementation grant may use the grant funds to—

10 (A) establish or expand registered appren-
11 ticeship programs and pre-apprenticeship pro-
12 grams in industries and occupations with mid-
13 dle and high-skill jobs in the industries and oc-
14 cupations identified as part of the Invest in
15 America plan prepared under the planning
16 grant;

17 (B) expand and target career and technical
18 education, occupational training programs, and
19 training services (as defined in section 3 of the
20 Workforce Innovation and Opportunity Act (29
21 U.S.C. 3102));

22 (C) provide enhanced services to dislocated
23 workers (as defined in section 3 of the Work-
24 force Innovation and Opportunity Act (29
25 U.S.C. 3102)), which may be patterned after

1 those services available under subchapter B of
2 chapter 2 of title II of the Trade Act of 1974
3 (19 U.S.C. 2291 et seq.);

4 (D) offer and expand transitional jobs pro-
5 grams;

6 (E) focus resources on high-priority needs
7 and populations, including—

8 (i) computer science education and
9 training;

10 (ii) entrepreneurship and start-up in-
11 dustry workforce skills;

12 (iii) skills for veterans transitioning
13 back into the civilian workforce;

14 (iv) training for formerly incarcerated
15 individuals re-entering the workforce; and

16 (v) underrepresented minorities,
17 underrepresented women, and individuals
18 with disabilities.

19 (F) build career pathway programs among
20 and between high schools, area career and tech-
21 nical education schools, community colleges, re-
22 gional 4-year postsecondary educational institu-
23 tions, workforce development programs, and
24 programs of community partners, including
25 building the career pathway programs through

1 memoranda of understanding and credit trans-
2 fer agreements among the schools, colleges, in-
3 stitutions, and programs specified in this sub-
4 paragraph; and

5 (G) expand integrated adult education and
6 occupational training programs.

7 (e) FEDERAL SHARE.—

8 (1) IN GENERAL.—The Federal share of the
9 cost of implementing a project under this Act for a
10 program year may not be more than 70 percent.

11 (2) NON-FEDERAL SHARE.—The non-Federal
12 share may be in cash or in kind, fairly evaluated, in-
13 cluding plant, equipment, or services. The eligible
14 entity shall provide the non-Federal share from
15 State or local sources, or private organizations.

16 (3) WAIVER.—The Secretary may waive the re-
17 quirement of paragraph (2), on a case-by-case basis,
18 upon a showing of exceptional circumstances, such
19 as—

20 (A) the difficulty of raising funds for a
21 non-Federal share for a project to serve a rural
22 area; and

23 (B) the difficulty of raising funds for a
24 non-Federal share for a project involving a trib-
25 al organization.

1 (f) PERFORMANCE.—

2 (1) PERFORMANCE MEASURES.—The Secretary
3 shall establish performance measures for the
4 projects carried out under this section. A portion of
5 the performance measures shall be workforce-related
6 performance measures with indicators and levels
7 that shall include, at a minimum, the indicators and
8 levels described in subsection (c)(2)(D)(ii), as appro-
9 priate.

10 (2) EVALUATION.—Each recipient of an imple-
11 mentation grant under this section shall obtain an
12 independent evaluation of the effectiveness of the
13 project and the performance of the eligible entity as
14 outlined under subsection (c)(2)(D).

15 (3) REPORT.—Each recipient of an implemen-
16 tation grant under this section shall submit an an-
17 nual report to the Secretary that includes—

18 (A) a description of how the grant funds
19 were used;

20 (B) the outcomes and impact of the project
21 implemented;

22 (C) the levels of performance for the re-
23 cipient on the applicable performance measures
24 described in paragraph (1); and

1 (D) the results of the evaluation conducted
2 under paragraph (2), if such an evaluation has
3 been completed during the year covered by the
4 report.

5 **SEC. 5. TECHNICAL ASSISTANCE.**

6 The Secretary may reserve not more than 5 percent
7 of the funds available to make grants under this Act for
8 each fiscal year to—

9 (1) provide technical assistance for eligible enti-
10 ties, either directly through an appropriate Federal
11 department or agency or through a contract with an
12 appropriate expert organization; and

13 (2) disseminate information on best practices
14 relating to the activities carried out under this Act.

15 **SEC. 6. COORDINATION WITH OTHER FEDERAL PROGRAMS.**

16 The heads of the Federal departments and agencies
17 engaged in the grant application design and review process
18 under section 4(c)(3) shall—

19 (1) catalog all existing (as of the day of the cat-
20 aloging) programs related to workforce development
21 activities or economic development activities; and

22 (2) ensure that the activities authorized under
23 this Act are implemented in a manner that is coordi-
24 nated with the programs identified under paragraph
25 (1).

1 **SEC. 7. FUNDING.**

2 (a) LIMITATION.—The Secretary may only carry out
3 sections 4 and 5 with amounts made available to the Sec-
4 retary of Labor under section 286(w) of the Immigration
5 and Nationality Act, as added by subsection (c).

6 (b) SUPPLEMENTAL FEES.—Section 214(c) of the
7 Immigration and Nationality Act (8 U.S.C. 1184(c)) is
8 amended by adding at the end the following:

9 “(15)(A) If the Attorney General, the Secretary of
10 Homeland Security, or the Secretary of State is required
11 to impose a fee on an employer under paragraph (9) or
12 (11), the Attorney General, the Secretary of Homeland
13 Security, or the Secretary of State, as appropriate, shall
14 also impose a supplemental fee on such employer in the
15 amount determined under subparagraph (B).

16 “(B) The amount of the supplemental fee imposed
17 on an employer under subparagraph (A), for each alien
18 granted an immigration benefit under paragraph (9) or
19 (11), shall be—

20 “(i) \$260 for any employer with more than 25
21 full-time equivalent employees who are employed in
22 the United States (including employees of any affil-
23 iate or subsidiary of such employer); and

24 “(ii) \$130 for any employer with not more than
25 25 such employees.

1 “(C) Fees collected under this paragraph shall be de-
2 posited in the Treasury in accordance with section
3 286(w).”.

4 (c) SUPPLEMENTAL H-1B NONIMMIGRANT PETI-
5 TIONER ACCOUNT.—Section 286 of the Immigration and
6 Nationality Act (8 U.S.C. 1356) is amended by adding
7 at the end the following:

8 “(w) SUPPLEMENTAL H-1B NONIMMIGRANT PETI-
9 TIONER ACCOUNT.—

10 “(1) IN GENERAL.—There is established in the
11 general fund of the Treasury a separate account,
12 which shall be known as the ‘Supplemental H-1B
13 Nonimmigrant Petitioner Account’. Notwithstanding
14 any other provision of law, there shall be deposited
15 as offsetting receipts into the account all fees col-
16 lected under section 214(c)(15).

17 “(2) USE OF FEES FOR INVEST IN AMERICA
18 COMPETITIVE GRANTS.—The amounts deposited into
19 the Supplemental H-1B Nonimmigrant Petitioner
20 Account shall remain available to the Secretary of
21 Labor until expended for planning grants, implemen-
22 tation grants, and technical assistance under sec-
23 tions 4 and 5 of the Invest in America Act.”.

○