

118TH CONGRESS
2D SESSION

S. 4139

To amend the Workforce Innovation and Opportunity Act to establish a digital skills at work grant program.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 2024

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

A BILL

To amend the Workforce Innovation and Opportunity Act to establish a digital skills at work grant program.

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 “Digital Skills for To-
5 day’s Workforce Act”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to amend the Workforce
8 Innovation and Opportunity Act (29 U.S.C. 3101 et seq.)
9 to further promote digital equity by—

1 (1) building digital skills for current and incom-
2 ing workers in in-demand industries in order to ad-
3 vance access to good jobs and fill in-demand occupa-
4 tions of the 21st century by establishing capacity
5 within postsecondary education, adult education, and
6 workforce development systems to deliver digital
7 skills training and to design such training; and

8 (2) fostering digitally resilient individuals and
9 education and workforce development systems.

10 **SEC. 3. FINDINGS.**

11 Congress finds the following:

12 (1) Analysis by the National Skills Coalition
13 and the Federal Reserve Bank of Atlanta finds that
14 92 percent of jobs require digital skills while $\frac{1}{3}$ of
15 workers do not have the foundational digital skills
16 necessary to enter and succeed in today's jobs. Fur-
17 ther, for businesses, turnover costs (estimated at
18 \$25,000 when a worker quits within the first year
19 to more than \$78,000 after 5 years) can be averted
20 or delayed by ensuring that workers have access to
21 key upskilling opportunities.

22 (2) Per a survey of 69 business owners in key
23 industries in North Carolina conducted by the North
24 Carolina Broadband Office and North Carolina
25 Business Committee on Education, more than a

1 quarter of responders indicated that their business
2 has lost competitive advantage due to a shortage of
3 digital skills.

4 (3) According to United States data from the
5 Organization for Economic Cooperation and Devel-
6 opment Survey of Adult Skills, workers of color are
7 disproportionately likely to face digital skills gaps
8 due to longstanding inequities. For example, Black
9 workers comprise 12 percent of overall workers but
10 represent 15 percent of the subset of workers who
11 have no digital skills and 21 percent of those with
12 limited digital skills. Latino workers (who may be of
13 any race) are 14 percent of overall workers but rep-
14 resent a full 35 percent of workers with no digital
15 skills and 20 percent of those with limited digital
16 skills.

17 **SEC. 4. WORKFORCE INNOVATION AND OPPORTUNITY ACT**
18 **AMENDMENTS.**

19 (a) IN GENERAL.—Subtitle D of title I of the Work-
20 force Innovation and Opportunity Act (29 U.S.C. 3221 et
21 seq.) is amended—

22 (1) by redesignating section 172 as section 173;

23 and

24 (2) by inserting after section 171 the following:

1 **“SEC. 172. DIGITAL SKILLS AT WORK GRANT PROGRAM.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ACCELERATED LEARNING PROGRAM MOD-
4 ELS.—The term ‘accelerated learning program mod-
5 els’ means evidence-informed strategies that support
6 adult learners and workers in obtaining in-demand
7 skills and credentials in an accelerated fashion, in-
8 cluding integrated education and training, bridge
9 programs, and work-based learning programs.

10 “(2) DIGITAL EQUITY.—The term ‘digital eq-
11 uity’ means the condition in which individuals and
12 communities have the information technology capac-
13 ity that is needed for full participation in the society
14 and economy of the United States.

15 “(3) DIGITAL AND INFORMATION LITERACY
16 SKILLS.—The term ‘digital and information literacy
17 skills’ means the skills associated with—

18 “(A) using technology to enable users to
19 find, evaluate, organize, create, and commu-
20 nicate information and complete tasks through
21 existing and emerging technologies;

22 “(B) recognizing the extent and essence of
23 an information need, assessing the security and
24 reliability of information, and effectively using
25 information; and

1 “(C) developing digital citizenship and the
2 responsible use of technology.

3 “(4) DIGITALLY RESILIENT.—The term
4 ‘digitally resilient’ means—

5 “(A) with respect to an individual, an indi-
6 vidual with the awareness, skills, agility, and
7 confidence to be an empowered user of new
8 technologies and to be able to adapt to chang-
9 ing digital skill demands by improving the ca-
10 pacity to problem solve, improve and update
11 skills, navigate digital transformations, and be
12 active participants in society and the economy;
13 and

14 “(B) with respect to a system, an edu-
15 cation or workforce development system that—

16 “(i) has established processes and
17 policies to adapt to evolving technological
18 demands, buffer workers and businesses
19 from the disruptive effects of rapid techno-
20 logical shifts, and foster the ability of an
21 individual to create, critique, and use new
22 technological tools; and

23 “(ii) offers multiple pathways to eco-
24 nomic success and does not endorse any

1 single type of technology or digital skill as
2 the mechanism for economic mobility.

3 “(5) DIGITAL WORKPLACE SKILLS.—The term
4 ‘digital workplace skills’—

5 “(A) means the broad array of
6 foundational and more specialized skills (includ-
7 ing basic, advanced, and applied skills) that en-
8 able an individual to be an effective user or cre-
9 ator of technology while on the job; and

10 “(B) includes industry-specific skills and
11 skills that are transferable across industries.

12 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-
13 tity’ means an entity that is—

14 “(A) described in any of subparagraphs
15 (A) through (H) of section 60304(b)(2) of the
16 Digital Equity Act of 2021 (47 U.S.C.
17 1723(b)(2)); or

18 “(B) an industry or sector partnership.

19 “(7) INDIVIDUAL WITH INDICATORS OF LOW
20 DIGITAL AND INFORMATION LITERACY SKILLS.—The
21 term ‘individual with indicators of low digital and in-
22 formation literacy skills’ means, with respect to a
23 State, an individual who resides in such State and
24 has—

1 “(A) an educational attainment of not
2 more than a high school diploma or equivalent;

3 “(B) earnings in the bottom 2 quintiles of
4 earnings in such State; or

5 “(C) limited English language proficiency.

6 “(8) SECRETARY.—The term ‘Secretary’ means
7 the Secretary of Labor.

8 “(9) STATE.—The term ‘State’ means a State
9 or outlying area.

10 “(10) WORKING AGE RESIDENT.—The term
11 ‘working age resident’ means, with respect to a
12 State, an individual who resides in such State and
13 is not younger than 16 years of age and not older
14 than 64 years of age.

15 “(b) DIGITAL SKILLS AT WORK GRANTS.—

16 “(1) IN GENERAL.—The Secretary shall, in con-
17 sultation with the Secretary of Education and the
18 Secretary of Commerce, award a grant in an amount
19 described in paragraph (2) to each State that sub-
20 mits a complete application under paragraph (3) to
21 expand digital workplace skills for individuals seek-
22 ing jobs and individuals with barriers to employ-
23 ment.

1 “(2) GRANT AMOUNT.—A grant to a State
2 under paragraph (1) shall be in an amount that is
3 the sum of—

4 “(A) an amount that bears the same ratio
5 to 50 percent of the total amount of grants
6 made available to all States under paragraph
7 (1) as the population of such State bears to the
8 total population of all States;

9 “(B) an amount that bears the same ratio
10 to 25 percent of the total amount of grants
11 made available to all States under paragraph
12 (1) as the population of working age residents
13 in the State bears to the total population of
14 working age residents of all States; and

15 “(C) an amount that bears the same ratio
16 to 25 percent of the total amount of grants
17 made available to all States under paragraph
18 (1) as the population of individuals with indica-
19 tors of low digital and information literacy
20 skills in the State bears to the total population
21 of individuals with indicators of low digital and
22 information literacy skills of all States.

23 “(3) APPLICATION.—To be eligible to receive a
24 grant under paragraph (1), a State shall submit to
25 the Secretary an application at such time, in such

1 manner, and containing such information as the Sec-
2 retary may require, including—

3 “(A) a description of—

4 “(i) how the State will use any grant
5 amounts awarded to expand digital work-
6 place skills for individuals seeking jobs and
7 individuals with barriers to employment in
8 an efficient and expeditious manner;

9 “(ii) the period in which the State will
10 expend the grant funds awarded under the
11 grant; and

12 “(iii) the budget for the activities that
13 the grant funds will support;

14 “(B) a demonstration, to the satisfaction
15 of the Secretary, that the State is capable of
16 carrying out the State activities under this sub-
17 section in a competent manner and in compli-
18 ance with all applicable Federal, State, and
19 local laws;

20 “(C) a description of the steps the State
21 will take to ensure that the State is supporting
22 or building digitally resilient systems and indi-
23 viduals;

24 “(D) a disclosure of the source and
25 amount of other Federal, State, or outside

1 funding sources from which the State receives,
2 or has applied for, funding for activities or
3 projects to which the application relates and, if
4 applicable, how all the funding streams align in
5 terms of goals; and

6 “(E) an assurance that the State shall fol-
7 low such additional procedures as the Secretary
8 may require to ensure that grant funds are
9 used and accounted for in an appropriate man-
10 ner.

11 “(4) NO COMPLETE STATE APPLICATION.—

12 “(A) IN GENERAL.—In any case in which
13 a State does not apply, or submit a complete
14 application for, a grant under this subsection,
15 the Secretary shall—

16 “(i) solicit and accept applications
17 from eligible entities with demonstrated ca-
18 pacity to administer a Federal grant pro-
19 gram on a statewide basis; and

20 “(ii) use an amount of grant funds
21 equal to the State’s share of the grant
22 funds under paragraph (2) to benefit the
23 State by—

24 “(I) awarding a grant to an eligi-
25 ble entity described in clause (i) to en-

1 able the eligible entity to carry out the
2 program under this subsection for the
3 State; or

4 “(II) if there are no suitable ap-
5 plications submitted under clause (i)
6 or the Secretary determines appro-
7 priate, using a portion, or all, of such
8 funds to award grants to eligible enti-
9 ties for the same purposes, and sub-
10 ject to the same terms and conditions,
11 as subgrants awarded under para-
12 graph (5).

13 “(B) SPECIAL RULES.—For purposes of
14 applying this subsection—

15 “(i) with respect to a grant awarded
16 under subparagraph (A)(ii)(I), any ref-
17 erence to a State shall be deemed to refer
18 to the eligible entity receiving such grant;
19 and

20 “(ii) with respect to a grant awarded
21 under subparagraph (A)(ii)(II), the eligible
22 entity shall submit the report required
23 under paragraph (5)(D) to the Secretary,
24 and the Secretary shall make all such re-
25 ports publicly available.

1 “(5) USES OF GRANT FUNDS.—

2 “(A) SUBGRANTS AUTHORIZED.—A State
3 that receives a grant under paragraph (1) shall
4 use the grant funds to award subgrants to eligi-
5 ble entities for the purpose of expanding digital
6 workplace skills for individuals to gain digital
7 skills needed for their current employment or in
8 order to advance in their careers, with a pri-
9 ority on assisting individuals with barriers to
10 employment.

11 “(B) APPLICATIONS.—An eligible entity
12 desiring a subgrant under this paragraph shall
13 submit an application to the State at such time,
14 in such manner, and containing such informa-
15 tion as the State shall require.

16 “(C) AWARD BASIS.—

17 “(i) PRIORITY.—In awarding sub-
18 grants under subparagraph (A), the State
19 shall give a priority to eligible entities that
20 will focus activities under the subgrant on
21 individuals with barriers to employment.

22 “(ii) GEOGRAPHIC DISTRIBUTION.—In
23 awarding subgrants under subparagraph
24 (A), the State shall ensure funds are dis-

1 tributed in a geographically diverse man-
2 ner.

3 “(D) REPORTS.—Not later than 1 year
4 after receiving a subgrant under this para-
5 graph, each eligible entity receiving such
6 subgrant shall submit a report to the State re-
7 garding the activities supported under such
8 subgrant.

9 “(6) PERFORMANCE ACCOUNTABILITY.—

10 “(A) STATE REPORTS.—Not later than 2
11 years after receiving the reports submitted to
12 the State under paragraph (5)(D) but not ear-
13 lier than 18 months after the grant is awarded
14 to the State under paragraph (1), the State
15 shall submit a report to the Secretary—

16 “(i) describing the activities funded
17 using grant funds under this subsection;
18 and

19 “(ii) including the information pro-
20 vided in the local reports submitted to the
21 State under paragraph (5)(D).

22 “(B) PUBLIC AVAILABILITY.—The Sec-
23 retary shall make each State report submitted
24 under subparagraph (A) publicly available.

25 “(c) COMPETITIVE GRANTS.—

1 “(1) PROGRAM AUTHORIZED.—The Secretary
2 shall, on a competitive basis, award grants to eligible
3 entities to enable the eligible entities to foster digital
4 equity and digitally resilient systems and individuals
5 (including workers and employers) in order to pre-
6 pare the individuals for adapting to the current and
7 future competitive labor market and economy by cre-
8 ating opportunities for individuals to gain digital
9 skills needed for their current employment or in
10 order to advance in their careers.

11 “(2) APPLICATION.—To be eligible to receive a
12 grant under paragraph (1), an eligible entity shall
13 submit to the Secretary an application at such time,
14 in such manner, and containing such information as
15 the Secretary may require, including—

16 “(A) a description of—

17 “(i) the activities that will be sup-
18 ported using grant funds awarded under
19 such paragraph, including any services
20 such as business engagement, classroom
21 instruction, apprenticeships, work-based
22 learning, and supportive services;

23 “(ii) how the eligible entity receiving
24 the grant will work to engage small and
25 medium-sized employers;

1 “(iii) the digital workplace skills
2 learning strategies to be supported using
3 such grant funds;

4 “(iv) the digital workplace skills cur-
5 riculum, and other related materials, to be
6 developed and supported using such grant
7 funds, including—

8 “(I) the general content of such
9 curriculum;

10 “(II) the mechanism to deliver
11 such curriculum;

12 “(III) information on how the
13 curriculum connects to an in-demand
14 occupation or industry; and

15 “(IV) how this curriculum will be
16 shared with States and other eligible
17 entities via submission to a Federal
18 clearinghouse or other repository;

19 “(v) the professional development op-
20 portunities relating to digital workplace
21 skills for instructors supported by such
22 grant funds, including with regard to new
23 hiring of instructors with industry experi-
24 ence and increasing the skills of instructors
25 with expertise in serving adult learners and

1 administering programs using accelerated
2 learning program models;

3 “(vi) any programs using accelerated
4 learning program models to be supported
5 by such grant funds, and how such pro-
6 gramming will align with existing accelerated
7 learning programs, as of the date of appli-
8 cation, in the area served by the grant;

9 “(vii) any in-demand industry sector
10 or occupation that will be served using
11 such grant funds, including how any such
12 industry sector or occupation was identi-
13 fied;

14 “(viii) how the eligible entity will pro-
15 tect the privacy and security of any data
16 collected with regard to an individual in-
17 volved in any activity supported using such
18 grant funds;

19 “(ix) any population that will receive
20 services from any activity supported using
21 such grant funds, including populations of
22 individuals with barriers to employment
23 and populations historically underrep-
24 resented in any industry to be served
25 under the grant;

1 “(x) any recognized postsecondary
2 credential that an individual can obtain
3 through participation in an activity sup-
4 ported using such grant;

5 “(xi) any measurable gains in a skill
6 that such an individual can achieve
7 through such participation;

8 “(xii) any steps the eligible entity will
9 take to align activities supported using
10 such grant funds with, as applicable, the
11 State Digital Equity Plan of the State de-
12 veloped under section 60304(c)(1) of the
13 Digital Equity Act of 2021 (47 U.S.C.
14 1723(c)(1)) and the action plan of the
15 State submitted to the Broadband Equity,
16 Access, and Deployment Program under
17 section 60102(e)(1)(D) of the Infrastruc-
18 ture Investment and Jobs Act (47 U.S.C.
19 1702(e)(1)(D)); and

20 “(xiii) how the eligible entity will le-
21 verage additional resources, including
22 funding provided under title II and non-
23 Federal resources, for activities supported
24 using such grant funds; and

1 “(B) an assurance that the eligible entity
2 will protect the privacy and security of individ-
3 uals involved in any program or activity sup-
4 ported using such grant funds by—

5 “(i) prohibiting any program sup-
6 ported using such grant funds from with-
7 holding any earned learning information or
8 earned credentialing information from such
9 an individual for reasons such as the indi-
10 vidual failing to pay such program; and

11 “(ii) prohibiting any program or ven-
12 dor supported using such grant funds from
13 gathering or disseminating personally iden-
14 tifiable information, as defined by the Sec-
15 retary, of program participants, except as
16 needed for program evaluation and report-
17 ing purposes.

18 “(3) PERFORMANCE ACCOUNTABILITY.—

19 “(A) LOCAL REPORTS.—By one year after
20 the date on which an eligible entity received a
21 grant under this subsection, the eligible entity
22 shall submit to the Secretary a report con-
23 taining—

24 “(i) a description of the levels of per-
25 formance achieved by the eligible entity

1 with respect to the performance indicators
2 described under section 116(b)(2)(A) for—

3 “(I) all participants in activities
4 supported under such grant funds;
5 and

6 “(II) individuals with barriers to
7 employment, in the aggregate and
8 disaggregated by each subpopulation
9 and by race, ethnicity, English lan-
10 guage proficiency, sex, and age; and

11 “(ii) the progress of the entity to-
12 wards fulfilling the objectives for which the
13 grant was awarded.

14 “(B) PUBLIC AVAILABILITY.—As a condi-
15 tion of receiving a grant under this subsection,
16 an eligible entity shall agree to make the eligi-
17 ble entity’s progress and findings available for
18 the Secretary to share across States.

19 “(d) RESERVATION OF FUNDS.—Notwithstanding
20 any other provision of this section, the Secretary—

21 “(1) may reserve not more than 5 percent of
22 the amounts made available to carry out this section
23 for technical assistance under, and administration
24 of, this section; and

1 “(2) shall reserve not less than 2 percent and
2 not more than 4 percent of such amounts to evalu-
3 ate the programs carried out under this section.”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
5 173 of the Workforce Innovation and Opportunity Act, as
6 redesignated by subsection (a)(1), is further amended—

7 (1) by redesignating subsections (f) and (g) as
8 subsections (g) and (h), respectively; and

9 (2) by inserting after subsection (e) the fol-
10 lowing:

11 “(f) DIGITAL SKILLS AT WORK GRANTS.—There are
12 authorized to be appropriated to carry out section 172
13 such sums as may be necessary for fiscal year 2024 and
14 each of the 4 succeeding fiscal years.”.

15 (c) DIGITAL AND INFORMATION LITERACY SKILLS AS
16 TRAINING SERVICES.—Section 134(c)(3)(D) of the Work-
17 force Innovation and Opportunity Act (29 U.S.C.
18 3174(c)(3)(D)) is amended—

19 (1) in clause (x), by striking “and” after the
20 semicolon;

21 (2) in clause (xi), by striking the period at the
22 end and inserting “; and”; and

23 (3) by adding at the end the following:

1 “(xii) training in digital and informa-
2 tion literacy skills, as defined in section
3 172(a).”.

4 (d) CONFORMING AMENDMENT.—Section
5 8041(g)(2)(C) of the SUPPORT for Patients and Com-
6 munities Act (29 U.S.C. 3225a(g)(2)(C)) is amended by
7 striking “172(f)” and all that follows through the period
8 at the end and inserting “173(g) of such Act.”.

9 (e) TABLE OF CONTENTS.—The table of contents in
10 section 1(b) of the Workforce Innovation and Opportunity
11 Act is amended in the items related to subtitle D of title
12 I—

13 (1) by redesignating the item relating to section
14 172 as the item relating to section 173; and

15 (2) by inserting after the item relating to sec-
16 tion 171 the following:

“Sec. 172. Digital skills at work grant program.”.

○