

116TH CONGRESS
1ST SESSION

S. 431

To promote registered apprenticeships and on-the-job training for small and medium-sized businesses within in-demand industry sectors, through the establishment and support of eligible partnerships.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2019

Ms. BALDWIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To promote registered apprenticeships and on-the-job training for small and medium-sized businesses within in-demand industry sectors, through the establishment and support of eligible partnerships.

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 “Promoting Apprentice-
5 ships through Regional Training Networks for Employers’
6 Required Skills Act of 2019” or the “PARTNERS Act”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to promote registered ap-
 3 prenticeships and on-the-job training for small and me-
 4 dium-sized businesses within in-demand industry sectors,
 5 through the establishment and support of eligible partner-
 6 ships.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **ELIGIBLE PARTNERSHIP.**—The term “eligi-
 10 ble partnership” means an industry or sector part-
 11 nership that submits and obtains approval of an ap-
 12 plication consistent with section 6(b).

13 (2) **IN-DEMAND INDUSTRY SECTOR.**—The term
 14 “in-demand industry sector” means a sector de-
 15 scribed in subparagraphs (A)(i) and (B) of section
 16 3(23) of the Workforce Innovation and Opportunity
 17 Act (29 U.S.C. 3102(23)).

18 (3) **LOCAL OR REGIONAL.**—The term “local or
 19 regional”, used with respect to an entity, means that
 20 the entity provides services in, respectively, a local
 21 area or region.

22 (4) **REGISTERED APPRENTICESHIP.**—The term
 23 “registered apprenticeship” means an apprenticeship
 24 registered under the Act of August 16, 1937 (com-
 25 monly known as the “National Apprenticeship Act”;
 26 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of Labor.

3 (6) WORKFORCE TERMS.—The terms “Gov-
4 ernor”, “individual with a barrier to employment”,
5 “industry or sector partnership”, “local area”, “local
6 board”, “on-the-job training”, “outlying area”, “rec-
7 ognized postsecondary credential”, “region”,
8 “State”, and “supportive services”, used with re-
9 spect to activities supported under this Act, have the
10 meanings given the terms in section 3 of the Work-
11 force Innovation and Opportunity Act (29 U.S.C.
12 3102).

13 **SEC. 4. AVAILABILITY OF FUNDS.**

14 From funds paid into the general fund of the Treas-
15 ury and available under section 286(s)(2) of the Immigra-
16 tion and Nationality Act (8 U.S.C. 1356(s)(2)), the Sec-
17 retary shall carry out this Act.

18 **SEC. 5. ALLOTMENTS TO STATES.**

19 (a) RESERVATION.—Of the amounts available for this
20 Act under section 4, the Secretary may reserve—

21 (1) not more than 5 percent of those amounts
22 for the costs of technical assistance and Federal ad-
23 ministration of this Act;

1 (2) not more than 2 percent of those amounts
2 for the costs of evaluations conducted under section
3 8(b); and

4 (3) not more than $\frac{1}{4}$ of 1 percent of such
5 amounts to provide assistance to the outlying areas.

6 (b) ALLOTMENTS.—

7 (1) IN GENERAL.—Of the amounts available for
8 this Act under section 4 that remain after the Sec-
9 retary makes the reservations under subsection (a),
10 the Secretary shall, for the purpose of assisting
11 (which may include assistance in establishing ex-
12 panded) local or regional eligible partnerships to
13 support registered apprenticeship and on-the-job
14 training programs under this Act, make allotments
15 to eligible States in accordance with clauses (ii)
16 through (v) of section 132(b)(1)(B) of the Work-
17 force Innovation and Opportunity Act (29 U.S.C.
18 3162(b)(1)(B)), subject to paragraph (2).

19 (2) APPLICATION.—For purposes of applying
20 the clauses described in paragraph (1), under para-
21 graph (1), the Secretary—

22 (A) shall not apply subclauses (I) and (III)
23 of clause (iv) with respect to the first fiscal year
24 after the date of enactment of this Act;

1 (B) shall apply clause (iv)(II) by sub-
2 stituting “0.5 percent of the remaining amounts
3 described in paragraph (1)” for the total de-
4 scribed in that clause;

5 (C) shall not apply clause (iv)(IV);

6 (D) shall apply clause (v)(II) by sub-
7 stituting “The term ‘allotment percentage’,
8 used with respect to the second full fiscal year
9 after the date of enactment of this Act, or a
10 subsequent fiscal year, means a percentage of
11 the remaining amounts described in paragraph
12 (1) that is received through an allotment made
13 under this subsection for the fiscal year.” for
14 the two sentences in that clause; and

15 (E) shall apply clause (v)(III) by sub-
16 stituting “a registered apprenticeship and on-
17 the-job training program carried out under this
18 Act” for “a program of workforce investment
19 activities carried out under this subtitle”.

20 (3) USE OF UNALLOTTED FUNDS.—If a State
21 fails to meet the requirements for an allotment
22 under this subsection, the Secretary may allot funds
23 that are not allotted under paragraphs (1) and (2)
24 to eligible States under a formula based on the for-

1 mula specified in section 132(c) of the Workforce In-
2 novation and Opportunity Act (29 U.S.C. 3173(c)).

3 (4) DEFINITION.—In this subsection, the term
4 “eligible State” means a State that meets the re-
5 quirements of section 102 or 103 of the Workforce
6 Innovation and Opportunity Act (29 U.S.C. 3112,
7 3113) and subsection (c).

8 (c) STATE ELIGIBILITY.—To be eligible to receive an
9 allotment under subsection (b), a State shall submit an
10 application to the Secretary, at such time, in such manner,
11 and containing a description of the activities to be carried
12 out with the grant funds. At a minimum, the application
13 shall include information on—

14 (1) the industry or sector of the local or re-
15 gional industry or sector partnerships that will be
16 supported, the lead partners for the partnerships,
17 and how the partnerships will work to engage small
18 and medium-sized businesses, as applicable, in the
19 activities of the partnerships;

20 (2) the in-demand industry sectors that will be
21 served, including how such industry sectors were
22 identified, and how the activities of the partnerships
23 will align with State, regional, and local plans as re-
24 quired under title I of the Workforce Innovation and
25 Opportunity Act (29 U.S.C. 3111 et seq.);

1 (3) the registered apprenticeship and on-the-job
2 training programs to be supported through the part-
3 nerships;

4 (4) the populations that will receive services, in-
5 cluding individuals with barriers to employment and
6 populations that were historically underrepresented
7 in the industry sectors to be served through the
8 partnerships;

9 (5) the services, including business engagement,
10 classroom instruction, and supportive services (in-
11 cluding at least 6 months of post-employment sup-
12 portive services), that will be supported through the
13 grant funds;

14 (6) the recognized postsecondary credentials
15 (beyond a certificate of completion) that workers will
16 obtain through participation in the registered ap-
17 prenticeship and on-the-job training program, and
18 the quality of the program that leads to the creden-
19 tials;

20 (7) levels of performance to be achieved on the
21 performance indicators described in section 8, to
22 measure progress towards expanding registered ap-
23 prenticeships and on-the-job training; and

24 (8) how the partnerships will leverage addi-
25 tional resources, including funding provided under

1 title I of the Workforce Innovation and Opportunity
2 Act (29 U.S.C. 3111 et seq.) and non-Federal re-
3 sources, to support the activities carried out under
4 this Act.

5 (d) REVIEW OF APPLICATIONS.—The Secretary shall
6 review applications submitted under subsection (c) in con-
7 sultation with the Secretary of Education and the Sec-
8 retary of Health and Human Services.

9 **SEC. 6. GRANTS TO PARTNERSHIPS.**

10 (a) GRANTS.—

11 (1) IN GENERAL.—The Governor of a State
12 that receives an allotment under section 5 shall use
13 the funds made available through the allotment and
14 not reserved under subsection (d) to award grants to
15 industry or sector partnerships that seek to become
16 eligible partnerships. The Governor shall award the
17 grants for the purpose of assisting (which may in-
18 clude establishing expanded) local or regional indus-
19 try or sector partnerships that are identified in the
20 application submitted under section 5(c), to carry
21 out activities described in section 7.

22 (2) PERIOD AND AMOUNT OF GRANT.—A State
23 may make a grant under this section for a period of
24 3 years, and in an amount of not more than
25 \$500,000.

1 (3) AVAILABILITY OF FUNDS.—The Governor of
2 a State that receives an allotment under section 5
3 for a fiscal year may use the funds made available
4 through the allotment during that year or the 2 sub-
5 sequent fiscal years.

6 (b) ELIGIBILITY.—To be eligible to receive a grant
7 under this section, an industry or sector partnership de-
8 scribed in subsection (a)(1) shall—

9 (1) submit an application to the State at such
10 time, in such manner, and containing such informa-
11 tion as the State may require; and

12 (2) designate a partner in the industry or sector
13 partnership, to serve as the fiscal agent for purposes
14 of the grant.

15 (c) AWARDS OF GRANTS.—

16 (1) PARTICIPATION IN MULTIPLE ELIGIBLE
17 PARTNERSHIPS.—Subject to paragraph (2), a State
18 may award grants under this section in a way that
19 results in an entity being represented in more than
20 one partnership that receives such a grant.

21 (2) GEOGRAPHIC DIVERSITY.—In making the
22 grants, a State shall ensure that there is geographic
23 diversity in the areas in which activities will be car-
24 ried out under the grants.

1 (d) ADMINISTRATION.—The State may reserve not
2 more than 5 percent of the amount of an allotment under
3 section 5 for the administration of the grants awarded
4 under this section.

5 **SEC. 7. USE OF FUNDS.**

6 (a) IN GENERAL.—An eligible partnership that re-
7 ceives a grant under section 6 shall use the grant funds
8 to support a registered apprenticeship and on-the-job
9 training program. The eligible partnership shall use the
10 grant funds to support the activities described in sub-
11 sections (b) and (c) and such other strategies as may be
12 necessary to support the development and implementation
13 of registered apprenticeship and on-the-job training pro-
14 grams, and participant retention in and completion of
15 those programs. The partnership may use the grant funds
16 to establish an expanded eligible partnership.

17 (b) BUSINESS ENGAGEMENT.—The eligible partner-
18 ship shall use grant funds to provide services to engage
19 businesses in a registered apprenticeship or on-the-job
20 training program, which may include assisting a small or
21 medium-sized business with—

22 (1) the navigation of the registration process
23 for a sponsor of a registered apprenticeship pro-
24 gram;

1 (2) the connection of the business with an edu-
2 cation provider to develop classroom instruction to
3 complement on-the-job learning;

4 (3) the development of a curriculum for a reg-
5 istered apprenticeship or on-the-job training pro-
6 gram;

7 (4) the employment of workers in a registered
8 apprenticeship or on-the-job training program for a
9 transitional period before the business hires an indi-
10 vidual for continuing employment;

11 (5) the provision of training to managers and
12 front-line workers to serve as trainers or mentors to
13 workers in a registered apprenticeship or on-the-job
14 training program;

15 (6) the provision of career awareness activities;
16 and

17 (7) the recruitment of individuals to participate
18 in a registered apprenticeship or on-the-job training
19 program from individuals receiving additional work-
20 force and human services, including—

21 (A) workers in programs under the Work-
22 force Innovation and Opportunity Act (29
23 U.S.C. 3101 et 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.); and

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.).

8 (c) SUPPORTIVE SERVICES FOR WORKERS.—

9 (1) IN GENERAL.—The eligible partnership
10 shall use grant funds to provide supportive services
11 for workers to assure their success in registered ap-
12 prenticeship or on-the-job training programs, which
13 may include—

14 (A) connection of individuals with adult
15 basic education;

16 (B) connection of individuals with a pre-
17 apprenticeship program or other preparation for
18 a registered apprenticeship or on-the-job train-
19 ing program;

20 (C) provision of additional mentorship and
21 retention supports for individuals during pre-
22 apprenticeship or other preparation for reg-
23 istered apprenticeship or on-the-job training
24 programs, and during periods of employment
25 for such programs;

1 (D) provision of tools, work attire, and
2 other required items necessary to start employ-
3 ment; and

4 (E) provision of transportation, child care
5 services, or other supportive services.

6 (2) LENGTH OF SERVICES.—Each eligible part-
7 nership shall provide supportive services for workers
8 for not less than 12 months after the date of place-
9 ment of an individual in a registered apprenticeship
10 or on-the-job training program. That 12-month pe-
11 riod shall include a period of pre-apprenticeship or
12 other preparation for the program, a transitional pe-
13 riod of employment as described in subsection
14 (b)(4), and a period of continuing employment.

15 **SEC. 8. PERFORMANCE AND ACCOUNTABILITY.**

16 (a) LOCAL REPORTS.—Not later than 1 year after
17 receiving a grant under section 6, and annually thereafter,
18 each eligible partnership in a State shall conduct an eval-
19 uation and submit to the State a local report containing
20 information on—

21 (1) levels of performance achieved by the eligi-
22 ble partnership with respect to the performance indi-
23 cators under section 116(b)(2)(A) of the Workforce
24 Innovation and Opportunity Act (29 U.S.C.
25 3141(b)(2)(A))—

1 (A) for all workers (including apprentices)
2 in the program involved; and

3 (B) for all such workers, disaggregated by
4 each population specified in section 3(24) of the
5 Workforce Innovation and Opportunity Act (29
6 U.S.C. 3102(24)) and by race, ethnicity, sex,
7 and age; and

8 (2) levels of performance achieved by the eligi-
9 ble partnership with respect to the performance indi-
10 cators under that section 116(b)(2)(A)—

11 (A) for individuals with barriers to employ-
12 ment in the program involved; and

13 (B) for all such individuals, disaggregated
14 by each population specified in section 3(24) of
15 the Workforce Innovation and Opportunity Act
16 and by race, ethnicity, sex, and age.

17 (b) STATE REPORTS.—Not later than 24 months
18 after receiving initial local reports under subsection (a)
19 (but in no case less than 18 months after the cor-
20 responding grants are awarded) and annually thereafter,
21 the State shall conduct an evaluation and submit a report
22 to the Secretary containing—

23 (1) the information provided by the eligible
24 partnerships through the local reports; and

1 (2) the State level of performance, aggregated
2 across all eligible partnerships, with respect to the
3 performance indicators described in subsection (a).

4 **SEC. 9. CONFORMING AMENDMENTS.**

5 (a) AMERICAN COMPETITIVENESS AND WORKFORCE
6 IMPROVEMENT ACT OF 1998.—Section 414(c) of the
7 American Competitiveness and Workforce Improvement
8 Act of 1998 (29 U.S.C. 2916a) is repealed.

9 (b) IMMIGRATION AND NATIONALITY ACT.—Section
10 286(s)(2) of the Immigration and Nationality Act (8
11 U.S.C. 1356(s)(2)) is amended to read as follows:

12 “(2) USE OF FEES FOR REGISTERED APPREN-
13 TICESHIP AND ON-THE-JOB TRAINING PROGRAMS.—
14 50 percent of amounts deposited into the H-1B
15 Nonimmigrant Petitioner Account shall remain
16 available to the Secretary of Labor until expended to
17 carry out the PARTNERS Act.”.

○