

117TH CONGRESS
1ST SESSION

S. 1078

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

APRIL 13, 2021

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; ECONOMIC DEVELOP-
19 MENT AGENCY.—The terms “career pathway” and
20 “economic development agency” have the meanings
21 given such terms in section 3 of the Workforce Inno-
22 vation and Opportunity Act (29 U.S.C. 3102).

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

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

3 (4) IMPLEMENTATION GRANT.—The term “im-
4 plementation grant”, with respect to a grant under
5 this Act, means a grant described in section
6 4(b)(1)(A).

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

15 (6) REGISTERED APPRENTICESHIP PROGRAM.—
16 The term “registered apprenticeship program” has
17 the meaning given such term in section 171 of such
18 Act (29 U.S.C. 3226).

19 (7) RENEWAL GRANT.—The term “renewal
20 grant”, with respect to a grant under this Act,
21 means a grant described in section 4(b)(1)(B).

22 (8) SECONDARY SCHOOL.—The term “sec-
23 ondary school” has the meaning given such term in
24 section 3 of the Workforce Innovation and Oppor-
25 tunity Act.

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

3 (10) STATE; STATE BOARD.—The terms
4 “State” and “State board” have the meanings given
5 such terms in section 3 of such Act.

6 (11) TARGETED INFRASTRUCTURE INDUS-
7 TRY.—The term “targeted infrastructure industry”
8 means an industry, including transportation (includ-
9 ing surface, transit, maritime, aviation, or railway
10 transportation), construction, energy, information
11 technology, or utilities industries, that the eligible
12 partnership identifies in accordance with section 5(c)
13 to be served by a grant under this Act.

14 (12) WORK-BASED LEARNING PROGRAM.—

15 (A) IN GENERAL.—The term “work-based
16 learning program” means a program (which
17 may be a registered apprenticeship program)
18 that provides workers with paid work experience
19 and corresponding approved classroom instruc-
20 tion, delivered in an employment relationship
21 that both the employer and worker intend to
22 lead to continuing employment after the pro-
23 gram ends.

24 (B) PAID WORK EXPERIENCE.—In sub-
25 paragraph (A), the term “paid work experi-

1 ence” includes training by an employer that is
2 provided to a paid employee while engaged in
3 productive work in a job that provides knowl-
4 edge or skills essential to the full and adequate
5 performance of the job.

6 **SEC. 4. GRANTS AUTHORIZED.**

7 (a) IN GENERAL.—The Secretary, in consultation
8 with the Secretary of Transportation, the Secretary of En-
9 ergy, the Secretary of Commerce, the Secretary of Edu-
10 cation, the Administrator of the Environmental Protection
11 Agency, and the Chief of Engineers and Commanding
12 General of the Army Corps of Engineers, shall award, on
13 a competitive basis, grants to eligible partnerships to plan
14 and implement activities described in section 6 to achieve
15 the strategic objectives described in section 5(d) with re-
16 spect to a targeted infrastructure industry.

17 (b) GRANTS.—

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

20 (A) an implementation grant, for eligible
21 partnerships seeking an initial grant under this
22 Act; or

23 (B) a renewal grant for eligible partner-
24 ships that have already received an implementa-
25 tion grant under this Act.

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

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

5 (A) for an implementation grant,
6 \$2,500,000; and

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

8 (c) AWARD BASIS.—

9 (1) GEOGRAPHIC DIVERSITY.—The Secretary
10 shall award grants under this Act in a manner that
11 ensures geographic diversity in the areas in which
12 activities will be carried out under the grants.

13 (2) PRIORITY FOR RENEWAL GRANTS.—In
14 awarding renewal grants under this Act, the Sec-
15 retary shall give priority to eligible partnerships
16 that—

17 (A) demonstrate long-term sustainability of
18 an industry or sector partnership;

19 (B) demonstrate success in improving ac-
20 cess to and retention in work-based learning
21 programs for individuals with barriers to em-
22 ployment and those underrepresented in the in-
23 frastructure industry; and

1 (C) agree to provide a non-Federal share
2 of the cost of the activities that will be carried
3 out under the grant.

4 **SEC. 5. APPLICATION PROCESS.**

5 (a) IN GENERAL.—An eligible partnership desiring a
6 grant under this Act shall submit an application to the
7 Secretary at such time, in such manner, and containing
8 such information as the Secretary may require, including
9 the contents described in subsection (b).

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

12 (1) a description of the eligible partnership, evi-
13 dence of the eligible partnership’s capacity to carry
14 out activities to achieve the strategic objectives de-
15 scribed in subsection (d), and the expected participa-
16 tion and responsibilities of each of the partners in-
17 cluded in the eligible partnership;

18 (2) a description of the targeted infrastructure
19 industry served by the grant and a description of
20 how such industry was identified in accordance with
21 subsection (c);

22 (3) a description of the workers that will be tar-
23 geted or recruited by the eligible partnership, includ-
24 ing an analysis of the existing labor market, a de-
25 scription of potential barriers to employment for tar-

1 geted workers, and a description of strategies that
2 will be employed to help workers overcome such bar-
3 riers;

4 (4) a description of the federally, State, or lo-
5 cally funded infrastructure projects on which the eli-
6 gible partnership anticipates engaging partners;

7 (5) a description of the strategic objectives de-
8 scribed in subsection (d) that the eligible partnership
9 intends to achieve concerning the targeted infra-
10 structure industry;

11 (6) a description of the credentials that the eli-
12 gible partnership proposes to use or develop as a
13 performance measure to assess the degree to which
14 the eligible partnership has achieved such strategic
15 objectives, which such credentials—

16 (A) shall be nationally portable;

17 (B) shall be recognized postsecondary cre-
18 dentials or, if not available for the industry,
19 other credentials determined by the Secretary
20 to be appropriate;

21 (C) shall be related to the targeted infra-
22 structure industry that the eligible partnership
23 proposes to support; and

24 (D) may be credentials for a registered ap-
25 prenticeship program;

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

4 (8) performance measures for measuring
5 progress towards achieving such strategic objectives;

6 (9) a description of the Federal and non-Fed-
7 eral resources, available under provisions of law
8 other than this Act, that will be leveraged in support
9 of the partnerships and activities under this Act;
10 and

11 (10) a timeline for progress towards achieving
12 such strategic objectives.

13 (c) TARGETED INFRASTRUCTURE INDUSTRY.—Each
14 grant under this Act shall serve a targeted infrastructure
15 industry that is identified by the eligible partnership
16 through working with businesses, industry associations
17 and organizations, labor organizations, State boards, local
18 boards, economic development agencies, and other organi-
19 zations that the eligible partnership determines necessary.

20 (d) STRATEGIC OBJECTIVES.—The activities to be
21 carried out under each grant awarded under this Act shall
22 be designed to achieve strategic objectives that include the
23 following:

24 (1) Recruiting key stakeholders in the targeted
25 infrastructure industry, such as multiple businesses,

1 labor organizations, local boards, and education and
2 training providers (including providers of career and
3 technical education) and regularly convening the
4 stakeholders in a collaborative structure that sup-
5 ports the sharing of information, ideas, and chal-
6 lenges common to the targeted infrastructure indus-
7 try.

8 (2) Supporting the training needs of multiple
9 businesses in the targeted infrastructure industry,
10 including needs—

11 (A) for skills critical to competitiveness
12 and innovation in the industry;

13 (B) of the registered apprenticeship pro-
14 grams or other work-based learning programs
15 supported by the grant; and

16 (C) related to integrating career pathways.

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

20 (4) Helping postsecondary educational institu-
21 tions, training institutions, sponsors of registered
22 apprenticeship programs, and all other providers of
23 career and technical education and training pro-
24 grams receiving assistance under this Act, align cur-
25 ricula, entrance requirements, and programs to the

1 targeted infrastructure industry needs and the cre-
2 dentials described in subsection (b)(6), particularly
3 for higher skill, high-priority occupations related to
4 the targeted infrastructure industry.

5 (5) Providing information on the grant activi-
6 ties to the State agency carrying out the State pro-
7 gram under the Wagner-Peyser Act (29 U.S.C. 49
8 et seq.), including staff of the agency that provide
9 services under such Act, to enable the agency to in-
10 form recipients of unemployment compensation of
11 the employment and training opportunities that may
12 be offered through the grant activities.

13 (6) Helping partner businesses in industry or
14 sector partnerships to attract and retain workers
15 from a diverse jobseeker base, including individuals
16 with barriers to employment and those underrep-
17 resented in the industry or sector, by identifying any
18 such barriers through analysis of the labor market
19 and implementing strategies to help such workers
20 overcome such barriers.

21 (7) Expanding the number of individuals with
22 a barrier to employment who have access to training
23 and education opportunities that are aligned with
24 business needs and providing those individuals with

1 supports necessary to address the barrier to their
2 employment.

3 **SEC. 6. ACTIVITIES.**

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

6 (1) designate an entity in the eligible partner-
7 ship as the fiscal agent for the grant funds; and

8 (2) carry out activities described in subsections
9 (b) (as applicable), (c), and (d) to achieve the stra-
10 tegic objectives identified in the eligible partnership’s
11 application under section 5(b)(5), in a manner that
12 integrates services and funding sources to ensure ef-
13 fectiveness of the activities and that uses the grant
14 funds efficiently.

15 (b) PLANNING ACTIVITIES.—An eligible partnership
16 receiving an implementation grant under this Act shall use
17 not more than \$250,000 of the grant funds to carry out
18 planning activities during the first year of the grant pe-
19 riod. Such activities may include—

20 (1) establishing the industry or sector partner-
21 ship;

22 (2) convening key stakeholders as identified in
23 the application process;

24 (3) conducting outreach to local businesses and
25 business associations;

1 (4) conducting an evaluation of workforce needs
2 in the local area; or

3 (5) recruiting individuals with barriers to em-
4 ployment.

5 (c) BUSINESS ENGAGEMENT.—An eligible partner-
6 ship receiving a grant under this Act shall use the grant
7 funds to provide services to engage businesses in efforts
8 to achieve the strategic objectives identified in the eligible
9 partnership’s application under section 5(b)(5). Such serv-
10 ices may include assisting businesses—

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

13 (2) by connecting the business with an edu-
14 cation provider, including a provider of career and
15 technical education, to develop classroom instruction
16 to complement on-the-job learning;

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

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

23 (5) in providing training to managers and
24 front-line workers to serve as trainers or mentors to

1 workers participating in a work-based learning pro-
2 gram;

3 (6) in providing career awareness activities,
4 such as career guidance and academic counseling;
5 and

6 (7) in recruiting, for participation in a work-
7 based learning program, individuals eligible to re-
8 ceive additional workforce or human services, includ-
9 ing—

10 (A) individuals participating in programs
11 under the Workforce Innovation and Oppor-
12 tunity Act (29 U.S.C. 3101 et seq.), and the
13 amendments made by such Act, including to the
14 Rehabilitation Act of 1973 (29 U.S.C. 701 et
15 seq.);

16 (B) recipients of assistance through the
17 supplemental nutrition assistance program es-
18 tablished under the Food and Nutrition Act of
19 2008 (7 U.S.C. 2011 et seq.);

20 (C) recipients of assistance through the
21 program of block grants to States for tem-
22 porary assistance for needy families established
23 under part A of title IV of the Social Security
24 Act (42 U.S.C. 601 et seq.); or

1 (D) any other individuals with a barrier to
2 employment.

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

10 (1) PRE-EMPLOYMENT SERVICES.—Services,
11 provided in a pre-employment stage of the program,
12 to expand access to a work-based learning program
13 for individuals described in subsection (c)(7). Such
14 services may include—

15 (A) skills training;

16 (B) career and technical education or adult
17 basic education;

18 (C) initial skills assessments;

19 (D) providing work attire, necessary tools
20 for a work site, and other required items nec-
21 essary to start employment;

22 (E) wrap-around services, such as child
23 care and transportation; and

24 (F) job placement assistance.

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

7 (A) ongoing case management and support
8 services, including the services provided in the
9 pre-employment stage described in paragraph
10 (1);

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

14 (C) additional mentorship and retention
15 supports for such individuals;

16 (D) targeted training for frontline man-
17 agers, journey-level workers working with such
18 individuals (such as mentors), and human re-
19 source representatives within the business
20 where such individuals are placed; and

21 (E) wages and benefits for a period of not
22 more than 6 months, during which the eligible
23 partnership shall serve as the employer of
24 record of such individuals.

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

9 (e) EVALUATION AND PROGRESS REPORTS.—

10 (1) IN GENERAL.—Not later than 1 year after
11 receiving a grant under this Act, and annually there-
12 after, the eligible partnership receiving the grant
13 shall submit a report to the Secretary and the Gov-
14 ernor of the State that the eligible partnership
15 serves, that—

16 (A) describes the activities funded by the
17 grant;

18 (B) evaluates the progress the eligible
19 partnership has made towards achieving the
20 strategic objectives identified under section
21 5(b)(5); and

22 (C) evaluates the progress of the eligible
23 partnership based on each of the indicators of
24 performance described in paragraph (2)(A), as

1 disaggregated in accordance with paragraph
2 (2)(C).

3 (2) INDICATORS OF PERFORMANCE.—

4 (A) IN GENERAL.—For purposes of para-
5 graph (1)(C), the indicators of performance de-
6 scribed in this subparagraph are each of the fol-
7 lowing:

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

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

20 (iii) The median earnings of individ-
21 uals participating in a work-based learning
22 program supported by the grant who are in
23 unsubsidized employment during the sec-
24 ond quarter after exit from participating in
25 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 subparagraph (B)),
7 during such participation in such program
8 or within 1 year after exit from partici-
9 pating 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 (B) INDICATOR RELATING TO CREDEN-
20 TIAL.—For purposes of subparagraph (A)(iv),
21 individuals participating in a work-based learn-
22 ing program supported by the grant who obtain
23 a secondary school diploma or its recognized
24 equivalent shall be included in the percentage
25 counted as meeting the criterion under such

1 subparagraph only if such individuals, in addi-
2 tion to obtaining such diploma or its recognized
3 equivalent, have obtained or retained employ-
4 ment or are in an education or training pro-
5 gram leading to a recognized postsecondary cre-
6 dential not later than 1 year after exit from the
7 work-based learning program supported by the
8 grant.

9 (C) DISAGGREGATION.—The indicators of
10 performance under paragraph (1)(C) shall be
11 disaggregated by—

12 (i) each population specified in sub-
13 paragraphs (A) through (N) of section
14 3(24) of the Workforce Innovation and Op-
15 portunity Act (29 U.S.C. 3102(24)); and

16 (ii) race, ethnicity, sex, and age.

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

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

22 (a) IN GENERAL.—The Secretary may use not more
23 than 10 percent of the amount appropriated under section
24 8 for each fiscal year for administrative expenses to carry
25 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 partnerships 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.

○