

115TH CONGRESS
2D SESSION

H. R. 6485

To direct the Secretary of Labor to carry out a Federal subsidized employment program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2018

Mr. KHANNA (for himself, Mrs. WATSON COLEMAN, Ms. WILSON of Florida, Ms. MOORE, Ms. CLARKE of New York, Mr. GRIJALVA, Mr. POCAN, Mr. SERRANO, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To direct the Secretary of Labor to carry out a Federal subsidized employment program, 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 “Job Opportunities for
5 All Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to carry out a program—

8 (1) to provide access to a job through federally
9 subsidized employment for individuals who are un-

1 employed, underemployed, and jobless but want to
2 work;

3 (2) to assist such individuals in coping with
4 structural unemployment in their communities, job
5 displacement resulting from deindustrialization,
6 trade, automation, and artificial intelligence, as well
7 as societal barriers that separate the most vulnerable
8 jobless from employment;

9 (3) to provide for credentialing and certificates
10 that employers recognize and help provide both low-
11 income and middle-class jobseekers with concrete
12 pathways to good paying, skilled jobs; and

13 (4) to expand services automatically during eco-
14 nomic downturns to address unemployment and sta-
15 bilize the national economy and State economies.

16 **SEC. 3. FUNDING.**

17 (a) FEDERAL SUBSIDIZED EMPLOYMENT PRO-
18 GRAM.—

19 (1) STATE ALLOCATIONS.—

20 (A) IN GENERAL.—From amounts appro-
21 priated under subsection (b)(1), the Secretary
22 of Labor shall pay to each State that has an
23 application approved under section 6, for each
24 quarter, beginning with the quarter beginning
25 on or after the date of the enactment of this

1 Act, an amount equal to the Federal percentage
2 of the total amount expended by the State dur-
3 ing such quarter under—

4 (i) the Federal subsidized employment
5 program under section 4;

6 (ii) the program of block grants to
7 States for temporary assistance for needy
8 families established under part A of title
9 IV of the Social Security Act;

10 (iii) any program under the Workforce
11 Innovation and Opportunity Act; and

12 (iv) any other Federal program under
13 which Federal funding is provided to sub-
14 sidize employment.

15 (B) FEDERAL PERCENTAGE.—For pur-
16 poses of subparagraph (A), the Federal percent-
17 age for any State shall be 100 percent less the
18 State percentage, and the State percentage
19 shall be that percentage that bears the same
20 ratio to 45 percent as the square of the per
21 capita income of such State bears to the square
22 of the per capita income of the continental
23 United States, including Alaska and Hawaii,
24 except that the Federal percentage shall in no
25 case be less than 75 percent or more than 100

1 percent. Such Federal percentage shall be in-
2 creased each quarter by the year-over-year per-
3 centage point increase, if any, in the three-
4 month average unemployment rate of the State.

5 (2) LOCAL ENTITY ALLOCATIONS.—

6 (A) IN GENERAL.—From amounts made
7 available under subsection (b)(2), the Secretary
8 of Labor shall award grants, on a competitive
9 basis and in an amount determined under sub-
10 paragraph (B)—

11 (i) to local entities to carry out the
12 Federal subsidized employment program
13 under section 4; and

14 (ii) to not more than 15 local entities
15 to carry out a jobs guarantee program in
16 accordance with section 5.

17 (B) AMOUNT OF GRANT.—In determining
18 the amount a grant awarded to a local entity
19 under subparagraph (A), the Secretary of
20 Labor shall ensure that the grant amount is
21 adequate to reach each community served by
22 the local entity.

23 (b) MANDATORY FUNDING.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 there are authorized to be appropriated, and there

1 are appropriated (in addition to any other amounts
2 appropriated to carry out this Act and out of any
3 money in the Treasury not otherwise appropriated)
4 such sums as may be necessary to carry out this
5 Act.

6 (2) COMPETITIVE GRANT PROGRAMS.—The
7 amount of funds that shall be made available for the
8 competitive grants under subsection (a)(2) for a fis-
9 cal year shall be equal to the result obtained by mul-
10 tiplying—

11 (A) the difference between—

12 (i) the number of individuals counted
13 under the U-6 measure of unemployment
14 and underemployment most recently pub-
15 lished by the Bureau of Labor Statistics of
16 the Department of Labor; and

17 (ii) the number of individuals partici-
18 pating in the program carried out under
19 subsection (a)(1); and

20 (B) average cost for each participant under
21 such program.

22 **SEC. 4. FEDERAL SUBSIDIZED EMPLOYMENT PROGRAM.**

23 Each grantee receiving funds under paragraph (1) or
24 (2)(A)(i) of section 3(a) shall carry out, or expand, a pro-

1 gram that provides access to federally subsidized employ-
2 ment for all eligible individuals as follows:

3 (1) PARTICIPATING EMPLOYERS.—

4 (A) AMOUNT OF SUBSIDIES.—A grantee
5 shall provide each participating employer with a
6 subsidy in an amount that—

7 (i) covers up to 150 percent of the
8 wages that the employer pays to eligible in-
9 dividuals who are employed in a position
10 covered by a collective-bargaining agree-
11 ment in effect with the employer; and

12 (ii) covers up to 120 percent of the
13 wages that the employer pays to eligible in-
14 dividuals who are employed under the pro-
15 gram in a position not covered by a collec-
16 tive-bargaining agreement in effect with
17 the employer.

18 (B) HIRING REQUIREMENTS.—

19 (i) WORKFORCE.—

20 (I) IN GENERAL.—To remain eli-
21 gible to receive additional placements
22 of subsidized employees under this
23 Act, a participating employer who
24 seeks to employ, on a cumulative
25 basis, more than 15 eligible individ-

1 uals under the program shall be re-
2 quired to hire, in an unsubsidized ca-
3 pacity, not less than the greater of 4
4 employees or 25 percent of the em-
5 ployees who were previously placed
6 with the employer through the sub-
7 sidized job program.

8 (II) EXCEPTION.—The require-
9 ments of subclause (I) shall not apply
10 during a period that is an economic
11 recession.

12 (ii) NONDISPLACEMENT OF UNSUB-
13 SIDIZED EMPLOYEES.—The grantee may
14 not employ an individual under the pro-
15 gram, if—

16 (I) employing such individual will
17 result in the layoff or partial displace-
18 ment (such as a reduction in hours,
19 wages, or employee benefits) of an ex-
20 isting employee of the grantee who
21 was not hired under the program, or
22 will result in infringing upon the pro-
23 motional opportunities of such exist-
24 ing employee; or

1 (II) such individual will perform
2 the same or substantially similar work
3 that had previously been performed by
4 such an existing employee who—

5 (aa) has been laid off or
6 partially displaced; and

7 (bb) has not been offered by
8 the employer, to be restored to
9 the position the employee had im-
10 mediately prior to being laid off
11 or partially displaced.

12 (iii) ELIMINATION OF POSITION.—

13 (I) IN GENERAL.—Clause (ii)
14 shall not apply to any position that
15 has been eliminated by a grantee.

16 (II) DESCRIPTION.—For pur-
17 poses of this clause, a position shall
18 be considered to have been eliminated
19 by a grantee if the position has re-
20 mained unfilled and the grantee has
21 not sought to fill such position for at
22 least a period of one month.

23 (iv) NONDISPLACEMENT OF STATE OR
24 LOCAL GOVERNMENT SERVICES.—The
25 grantee may not employ an individual

1 under the program to provide services or
2 functions that are customarily provided by
3 the grantee.

4 (v) CONSENT OF UNION.—An em-
5 ployer that has a collective-bargaining
6 agreement in effect with a labor organiza-
7 tion, or an employer whose employees are
8 represented by a labor organization for
9 purposes of collective bargaining, shall seek
10 the consent of the labor organization rep-
11 resenting its employees to participate in
12 the program under this Act.

13 (vi) OTHER PARTICIPATING EMPLOY-
14 ERS.—In addition to other entities that
15 may serve as participating employers under
16 this section, nonprofit entities, local gov-
17 ernment entities (except as provided in
18 clause (iv)), and labor organizations may
19 serve as participating employers, adminis-
20 trators, or intermediaries under this sec-
21 tion.

22 (2) TECHNICAL TRAINING.—

23 (A) EMPLOYEES IN-DEMAND INDUSTRY
24 SECTORS OR OCCUPATIONS.—With respect to
25 an eligible individual employed under the pro-

1 gram by an employer in an in-demand industry
2 sector or occupation, subject to the adminis-
3 trator of the job placement entity selected by
4 the grantee and upon completion of 3 months
5 of satisfactory job performance, the employer
6 may receive additional funds under the program
7 to enable such individual to pursue a general
8 equivalency diploma, or a year of career and
9 technical education that leads to a recognized
10 postsecondary credential required for continued
11 employment in such sector or occupation.

12 (B) OTHER EMPLOYEES.—With respect to
13 an eligible individual employed under the pro-
14 gram who is not employed in an industry sector
15 or occupation described in subparagraph (A),
16 subject to the administrator of the job place-
17 ment entity selected by the grantee and upon
18 completion of 3 months of satisfactory job per-
19 formance, such individual may be provided with
20 an opportunity to pursue up to a year of career
21 and technical education.

22 (3) ELIGIBLE INDIVIDUAL.—To participate in
23 the program an individual shall—

24 (A) be at least 18 years of age; and

1 (B)(i) have been unemployed for more than
2 90 days by demonstrating to the program ad-
3 ministrator selected by the grantee involved—

4 (I) that the individual has been reg-
5 istered as unemployed for more than 90
6 days under a State unemployment insur-
7 ance system; or

8 (II) through submission of a self-affi-
9 davit that demonstrates that the individual
10 has been so unemployed; or

11 (ii) have had earnings for the previous 6
12 months that are below the poverty line.

13 (4) PLACEMENT LENGTH.—

14 (A) IN GENERAL.—A period of employ-
15 ment with a participating employer under the
16 program for an individual shall be not longer
17 than 18 months, and not less than 3 months,
18 except that such period—

19 (i) may be shorter in the case of ter-
20 mination of the individual for unsatisfac-
21 tory performance;

22 (ii) may be extended—

23 (I) for an additional 12-month
24 period in a case in which the eligible
25 individual is pursuing the career and

1 technical education described in para-
2 graph (2); or

3 (II) in the case of an individual
4 with a barrier to employment; and

5 (iii) shall not be applicable during a
6 period that is an economic recession.

7 (B) MAXIMUM PARTICIPATION.—

8 (i) IN GENERAL.—During a 10-year
9 period, an eligible individual may have not
10 more than 3 separate periods of employ-
11 ment under the program.

12 (ii) DIFFERENT EMPLOYERS.—Each
13 period of employment shall be with a dif-
14 ferent participating employer.

15 (iii) CONTINUED ELIGIBILITY.—An el-
16 igible individual shall become eligible for a
17 new period of employment under the pro-
18 gram if the individual is unemployed not
19 less than 4 weeks after the conclusion of
20 the individual's previous employment pe-
21 riod under the program.

22 (iv) INAPPLICABILITY.—This subpara-
23 graph shall not apply during a period of
24 economic recession or for individuals with
25 barriers to employment.

1 (5) WRAPAROUND SERVICES.—Any wraparound
2 services (such as screening, matching, and job prep-
3 aration services, and transportation, childcare, and
4 counseling) provided with funds under this Act shall
5 be minimal and may only be used—

6 (A) for the individuals with barriers to em-
7 ployment and who shall be made aware of simi-
8 lar opportunities available through local, State,
9 or Federal social welfare programs; and

10 (B) with an evidence-based approach re-
11 garding the impact and importance of such
12 services to the job placement of the individual,
13 as determined by the Secretary of Labor.

14 (6) OUTREACH.—

15 (A) GRANTEES.—Each grantee shall make
16 available, on a publicly available website of the
17 grantee, information on program opportunities
18 for potential employees and employers.

19 (B) WEBSITE.—The Secretary of Labor
20 shall create a publicly available website to pro-
21 vide information connecting prospective employ-
22 ees with program administrators.

23 **SEC. 5. JOBS GUARANTEE PROGRAM.**

24 (a) IN GENERAL.—The Secretary of Labor shall
25 carry out a pilot program under which the Secretary

1 makes grants, on a competitive basis, to not more than
2 5 local entities to assist such entities in carrying out a
3 jobs guarantee program as described in subsection (b).

4 (b) USE OF FUNDS.—A local entity that receives a
5 grant under subsection (a) shall use the grant to carry
6 out a program that provides jobs that—

7 (1) are available to all individuals who—

8 (A) are 18 years of age or older; and

9 (B) reside in the area served under the
10 program, except that participants in the pro-
11 gram may be disciplined, released, or suspended
12 from further participation in jobs under the
13 program if they are found to be negligent, or
14 generally disruptive to the workplace involved
15 under procedures established by the Secretary
16 of Labor that provide for an opportunity for a
17 review of such determinations;

18 (2) are, with respect to individual participants,
19 included as part of an established bargaining unit
20 and covered by any applicable collective bargaining
21 agreement in effect if similarly situated employees
22 part of such unit and represented by an exclusive
23 bargaining representative;

24 (3) are available for the duration of the pilot
25 program;

1 (4) provide a wage of not less than the greater
2 of—

3 (A) the hourly wage provided for under the
4 provisions of S. 1242 (115th Congress), as in-
5 troduced;

6 (B) the prevailing wage in the area in-
7 volved for a similar job as required by chapter
8 67 of title 41, United States Code, and other
9 related laws; or

10 (C) the applicable wage under an applica-
11 ble collective bargaining agreement as provided
12 for under subparagraph (B);

13 (5) provide for coverage of the worker under a
14 health insurance program that is comparable to that
15 offered to Federal employees under the Federal Em-
16 ployee Health Benefits Program; and

17 (6) provide, at a minimum—

18 (A) paid family leave consistent with the
19 provisions of S. 337 (111th Congress), as intro-
20 duced, and applicable State law; and

21 (B) paid sick leave consistent with the pro-
22 vision of S. 1152 (115th Congress), as intro-
23 duced, and applicable State law.

1 **SEC. 6. APPLICATIONS.**

2 (a) STATE APPLICATIONS.—To receive an allocation
3 under this Act a State shall submit to the Secretary of
4 Labor, a plan at such time, in such manner, and con-
5 taining such information as the Secretary may require,
6 which shall include a description of how the State will use
7 the allocation—

8 (1) to use funds to carry out the program in
9 areas in the State proportionate to the rates of job-
10 lessness, underemployment, and poverty in such
11 areas, as determined by the Secretary; and

12 (2) to target individuals with barriers to em-
13 ployment.

14 (b) LOCAL APPLICATIONS.—

15 (1) IN GENERAL.—To receive a grant under
16 this Act, a local entity shall submit to the Secretary
17 of Labor, a plan, at such time, in such manner, and
18 containing such information as the Secretary may
19 require, which shall include a demonstration of the
20 local entity's ability to meet the purposes described
21 in section 2.

22 (2) PRIORITY.—In awarding grants under this
23 Act to local entities, the Secretary of Labor shall
24 give priority to local entities that will use the grant
25 to—

1 (A) serve areas that are facing acute chal-
2 lenges, including persistent racial unemploy-
3 ment gap, drug addiction epidemics, or high
4 mortality rates, as determined by the Secretary
5 of Labor; and

6 (B) carry out programs that provide par-
7 ticipating individuals with general equivalency
8 diplomas, recognized postsecondary credentials,
9 and paid apprenticeships.

10 (c) **TECHNICAL ASSISTANCE.**—The Secretary of
11 Labor may reserve a portion of the funds appropriated
12 under this Act to provide technical assistance to local enti-
13 ties that seek to apply for a grant under this Act. In pro-
14 viding such technical assistance, the Secretary shall give
15 priority to local entities that the Secretary determines
16 have the greatest need for such assistance.

17 **SEC. 7. EVALUATION AND EXPANSION, AND REPORT.**

18 (a) **EVALUATION AND EXPANSION.**—Not later than
19 18 months after the date on which the first grant or allo-
20 cation is awarded under this Act, and annually thereafter,
21 the Secretary of Labor shall—

22 (1) develop a strategy (which shall include an-
23 nual, representative, and random surveys of employ-
24 ees and employers under the programs)—

1 (A) to determine whether the programs
2 under this Act are accomplishing the purposes
3 described in section 2; and

4 (B) to improve the programs to better ac-
5 complish such purposes; and

6 (2) expand the programs under this Act until a
7 determination is made that equal rates of joblessness
8 in all regions and among all demographic groups
9 have been achieved.

10 (b) REPORT.—Not later than 18 months after the
11 first grant is awarded under this Act, and annually there-
12 after, the Secretary of Labor shall submit to Congress a
13 report that includes the information described in sub-
14 section (a) for the purpose of providing Congress with an
15 informed opportunity to update this Act and to effectively
16 achieve the purposes described in section 2.

17 **SEC. 8. DEFINITIONS.**

18 In this Act:

19 (1) CAREER AND TECHNICAL EDUCATION.—The
20 term “career and technical education” has the
21 meaning given the term in section 3 of the Carl D.
22 Perkins Career and Technical Education Act of
23 2006 (20 U.S.C. 2302).

24 (2) GRANTEE.—The term “grantee” means a
25 State that receives an allocation under section

1 3(a)(1) or a local entity that receives a grant under
2 section 3(a)(2).

3 (3) INDIVIDUAL WITH A BARRIER TO EMPLOY-
4 MENT.—The term “individual with a barrier to em-
5 ployment” means a member of one or more of the
6 following populations:

7 (A) Displaced homemakers.

8 (B) Indians, Alaska Natives, and Native
9 Hawaiians, as such terms are defined in section
10 166 of the Workforce Innovation and Oppor-
11 tunity Act.

12 (C) Individuals with disabilities, including
13 youth who are individuals with disabilities.

14 (D) Older individuals.

15 (E) Ex-offenders.

16 (F) Homeless individuals (as defined in
17 section 41403(6) of the Violence Against
18 Women Act of 1994 (42 U.S.C. 14043e–2(6))),
19 or homeless children and youths (as defined in
20 section 725(2) of the McKinney-Vento Home-
21 less Assistance Act (42 U.S.C. 11434a(2))).

22 (G) Individuals who are English language
23 learners, individuals who have low levels of lit-
24 eracy or who have not more than a high school

1 diploma or the equivalent, and individuals fac-
2 ing substantial cultural barriers.

3 (H) Individuals within 2 years of exhaust-
4 ing lifetime eligibility under part A of title IV
5 of the Social Security Act (42 U.S.C. 601 et
6 seq.).

7 (I) Single parents (including single preg-
8 nant women).

9 (J) Long-term unemployed individuals.

10 (K) Such other groups as the Secretary of
11 Labor determines to have barriers to employ-
12 ment.

13 (4) LOCAL ENTITY.—The term “local entity”
14 means a unit of general local government or a non-
15 profit or other organization serving such a unit.

16 (5) PERIOD OF ECONOMIC RECESSION.—The
17 term “period of economic recession” means not less
18 than a consecutive 3-month period of decline in na-
19 tional payroll employment, which shall be determined
20 to have ended on the date on which the national
21 payroll employment reaches the level reported by the
22 Bureau of Labor Statistics of the Department of
23 Labor in the highest month of national payroll em-
24 ployment prior to such period of decline.

1 (6) WIOA TERMS.—The terms “in-demand in-
2 industry sector or occupation”, “poverty line”, “recog-
3 nized postsecondary credential”, “State”, and “unit
4 of general local government” have the meanings
5 given the terms in section 3 of the Workforce Inno-
6 vation and Opportunity Act.

○