



CONSORTIUM FOR CITIZENS  
WITH DISABILITIES

August 2, 2021

The Honorable Joseph R. Biden  
President of the United States  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear President Biden:

This past week the nation marked the 31<sup>st</sup> anniversary of the Americans with Disabilities Act. In October, we will celebrate National Disability Employment Awareness Month whose theme is “America’s Recovery: Powered by Inclusion.” Every year, policymakers and public officials speak glowingly of the contributions that people with disabilities bring to our nation’s economy and workforce. Yet, the labor force participation rate of people with disabilities has remained for decades roughly 40 percentage points lower than that for people without disabilities.<sup>1</sup> In simple terms, only 21.3% of all working age people with disabilities either are employed or seeking employment. Conversely, 78.7% of working age people with disabilities are neither employed nor seeking employment. That is an unacceptable fact given that most people with disabilities do want to work and have financial independence. This is why people with disabilities comprise the largest group of people living in poverty (about 25%) and have held this ranking for the past seventeen years.

With the comprehensive jobs legislation now under negotiation, the administration and Congress have the opportunity to put words into action by ensuring that the broadest spectrum of provisions are included to advance employment of all Americans with disabilities, including persons with the most significant disabilities, who want to and can be engaged in competitive integrated employment with the use of “best practices”, such as Customized Employment and Individualized Placement and Supports (IPS) developed over the past decades with federal funds. Over the past several months, the Consortium for Citizens with Disabilities Employment and Training Task Force has offered a number of policy recommendations that we believe are critical if people with disabilities are to be part of the economic recovery. As you know, CCD is a coalition of more than 100 national disability rights, advocacy, consumer, provider and self-advocates organizations representing the more than 61 million Americans with disabilities. The Employment and Training Task Force concerns itself with federal employment programs and policies affecting economic self-sufficiency and opportunity for people with disabilities.

The task force appreciates the extensive proposals set out by the Administration under the Workforce Development components of the American Jobs Plan but would welcome more explicit assurances that women and people of color with disabilities are among those populations identified for particular attention in these provisions. Moreover, if Congress is to

---

<sup>1</sup> Bureau of Labor Statistics, July 2021 Employment Situation Summary, <https://www.bls.gov/news.release/empsit.nr0.htm>

enact various enforcement provisions to ensure worker protections under the American Jobs Plan, it should include specific references to the ADA and Section 504.

Two measures that address many of the American Jobs Plan elements pertaining to apprenticeships and workforce system development are the National Apprenticeship Act (H.R. 447) and Relaunching America's Workforce Act (S. 200/H.R. 602). Both pieces of legislation have multiple provisions that would ensure people with disabilities are included among those whom the American Jobs Plan is intended to benefit. We have highlighted those sections in the legislative language appended to this cover letter and urge Congress to incorporate their provisions into the final jobs plan package. We also strongly recommend that both bills add language regarding the availability and use of assistive technology and devices for equal opportunity and connections to benefits planning and ABLE Act to eliminate the myths and fears of losing benefits that are pervasive in our communities and very frequently, prevent people with disabilities from seeking competitive integrated employment.

We also urge that the appended language of the Disability Employment Incentive Act (S. 630/H.R. 3765) be included in any tax legislation package that is passed by Congress. Not only does this measure expand tax credit opportunities to employers that hire those on Social Security Disability Insurance – a long overdue addition to the work opportunity tax credit – but it provides additional incentives to retain workers covered by WOTC. Moreover, provisions in this legislation would complement the infrastructure legislation now under consideration by offering significant enhancements to tax incentives for architectural, transportation and technology barrier elimination.

We have written previously about our support for elimination of the subminimum wage. Numerous hearings have already been held on this subject and on legislation such as the Transformation to Competitive Integrated Employment Act (TCIEA, HR2373) that would address this issue. TCIEA is bipartisan legislation that calls for an intentional, multi-year phase out of 14(c) certificates. The TCIEA, in particular, further calls for an added investment (\$300 million in the House bill) in the disability services system to support the shift to competitive integrated employment. This must be included in the final jobs legislation.

Without these measures, the comprehensive jobs plan will leave millions of Americans with disabilities outside the recovery opportunities provided by that historic legislation, perpetuating the stereotypes that "they are not employable" and relegating them to a life of continued poverty, public benefits dependency, loneliness, segregation and higher health care and mental health care costs. Our task force welcomes the opportunity for further discussion about these recommendations and the prospects for their inclusion in the final jobs and infrastructure plans for which all stakeholders become true winners. There are no losers if done well.

Should your staff have any questions about our recommendations, please feel free to contact the Employment and Training Task Force Co-chairs – Julie J. Christensen, PhD, LMSW, Association of People Supporting EmploymentFirst (APSE), 301-279-0060, [julie@apse.org](mailto:julie@apse.org); Alicia Epstein, SourceAmerica, (703) 584-3987 [aepstein@sourceamerica.org](mailto:aepstein@sourceamerica.org); Phillip Pauli, RespectAbility, (202) 517-6272, [philipp@respectability.org](mailto:philipp@respectability.org); Susan Prokop, Paralyzed Veterans of America (PVA), (202) 416-7707, [susanp@pva.org](mailto:susanp@pva.org); Dahlia Shaewitz, Institute for Educational Leadership (IEL), (202) 822-8405, [shaewitzd@iel.org](mailto:shaewitzd@iel.org).

Sincerely,

American Council of the Blind

APSE

Autistic Self-Advocacy Network

Center for Public Representation

Easterseals

Institute for Educational Leadership

National Association of Councils on Developmental Disabilities

National Association of State Head Injury Administrators

National Disability Rights Network

National Down Syndrome Congress

National Down Syndrome Society

Paralyzed Veterans of America

RespectAbility

TASH

The Arc of the United States

United Spinal Association

## **DISABILITY EMPLOYMENT INCENTIVE ACT – S.630, HR 602**

**SECTION 1. SHORT TITLE.** - This Act may be cited as the “Disability Employment Incentive Act”.

### **SEC. 2. EXPANSION OF WORK OPPORTUNITY CREDIT TO INCLUDE INDIVIDUALS RECEIVING SOCIAL SECURITY DISABILITY INSURANCE BENEFITS.**

(a) **IN GENERAL.**—Subsection (d) of [section 51](#) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1)—

(A) in subparagraph (I), by striking “or” at the end,

(B) in subparagraph (J), by striking the period at the end and inserting “, or”, and

(C) by adding at the end the following new subparagraph:

“(K) a qualified SSDI recipient.”, and

(2) by adding at the end the following new paragraph:

“(16) **QUALIFIED SSDI RECIPIENT.**—The term ‘qualified SSDI recipient’ means any individual who is certified by the designated local agency as receiving disability insurance benefits under section 223 of the Social Security Act ([42 U.S.C. 423](#)) for any month ending within the 60-day period ending on the hiring date.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2021.

### **SEC. 3. ENHANCEMENT OF WORK OPPORTUNITY CREDIT FOR VOCATIONAL REHABILITATION REFERRALS, QUALIFIED SSI RECIPIENTS, AND QUALIFIED SSDI RECIPIENTS.**

(a) **IN GENERAL.**—[Section 51](#) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsections (f) through (k) as subsections (g) through (l), respectively, and

(2) by inserting after subsection (e) the following new subsection:

“(f) **CREDIT FOR SECOND-YEAR WAGES FOR EMPLOYMENT OF VOCATIONAL REHABILITATION REFERRALS, QUALIFIED SSI RECIPIENTS, AND QUALIFIED SSDI RECIPIENTS.**—

“(1) **IN GENERAL.**—With respect to employment of a vocational rehabilitation referral, a qualified SSI recipient, or a qualified SSDI recipient—

“(A) the amount of the work opportunity credit determined under this section for the taxable year shall include 20 percent of the qualified second-year wages for such year, and

“(B) in lieu of applying subsection (b)(3), the amount of the qualified first-year wages, and the amount of qualified second-year wages, which may be taken into account with respect to such referral or recipient shall not exceed \$12,500 per year.

“(2) QUALIFIED SECOND-YEAR WAGES.—For purposes of this subsection, the term ‘qualified second-year wages’ means qualified wages—

“(A) which are paid to a vocational rehabilitation referral, a qualified SSI recipient, or a qualified SSDI recipient, and

“(B) which are attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such referral or recipient determined under subsection (b)(2).

“(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—If such referral or recipient is an employee to whom subparagraph (A) or (B) of subsection (i)(1) applies, rules similar to the rules of such subparagraphs shall apply except that—

“(A) such subparagraph (A) shall be applied by substituting ‘\$12,500’ for ‘\$6,000’, and

“(B) such subparagraph (B) shall be applied by substituting ‘\$1041.67’ for ‘\$500’.”.

(b) CONFORMING AMENDMENTS.—

(1) [Section 51](#) of the Internal Revenue Code of 1986, as amended by subsection (a), is amended—

(A) in subsection (c)(1), by striking “subsection (h)(2)” and inserting “subsection (i)(2)”,

(B) in subsection (e)(3), by striking “subsection (h)(1)” and inserting “subsection (i)(1)”, and

(C) in subsection (g)(2), by striking “subsection (h)(1)” and inserting “subsection (i)(1)”.

(2) Section 45A of such Code is amended—

(A) in subsection (b)(1)(B), by inserting “or (f)(1)(A)” after “subsection (e)(1)(A)”,

(B) in subsection (c)(5)(A), by striking “section 51(i)(1)” and inserting “section 51(j)(1)”, and

(C) in subsection (e)(3), by striking “section 51(k)” and inserting “section 51(l)”.

(3) Section 45S(h)(2) of such Code is amended by striking “section 51(j)” and inserting “section 51(k)”.

(4) Section 1396(d)(2)(A) of such Code is amended by striking “section 51(i)(1)” and inserting “section 51(j)(1)”.

(5) Section 1397(c) of such Code is amended by striking “section 51(k)” and inserting “section 51(l)”.

(6) Section 3111(e)(3)(B) of such Code is amended by striking “subsection (i)(3)(A)” and inserting “subsection (j)(3)(A)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2021.

#### **SEC. 4. EXPANSION OF DISABLED ACCESS CREDIT.**

(a) ELIGIBLE ACCESS EXPENDITURES.—Subsection (a) of [section 44](#) of the Internal Revenue Code of 1986 is amended by striking “\$10,250” and inserting “\$20,250”.

(b) ELIGIBLE SMALL BUSINESS.—Subsection (b)(1) of [section 44](#) of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (A), by striking “\$1,000,000” and inserting “\$3,000,000”, and

(2) in subparagraph (B), by striking “30 full-time employees” and inserting “60 full-time employees”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

#### **SEC. 5. EXPANSION OF DEDUCTION FOR EXPENDITURES TO REMOVE ARCHITECTURAL AND TRANSPORTATION BARRIERS TO THE HANDICAPPED AND ELDERLY.**

(a) INCLUSION OF IMPROVEMENTS IN ACCESSIBILITY TO INTERNET AND TELECOMMUNICATIONS OPERATIONS.—Subsection (b) of [section 190](#) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(4) INCLUSION OF IMPROVEMENTS IN ACCESSABILITY TO INTERNET AND TELECOMMUNICATIONS OPERATIONS.—The term ‘architectural and transportation barrier removal expenses’ shall include an expenditure for the purpose of improving accessibility for handicapped and elderly individuals to any internet or telecommunications services provided within any facility or public transportation vehicle owned or leased by the taxpayer for use in connection with their trade or business.”.

(b) INCREASE IN DEDUCTION LIMITATION AMOUNT.—Subsection (c) of [section 190](#) of the Internal Revenue Code of 1986 is amended by striking “\$15,000” and inserting “\$30,000”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

## NATIONAL APPRENTICESHIP ACT – HR 447

### Sec. 2 Definitions

27) RELATED FEDERAL PROGRAMS.—The term ‘related Federal programs’ means programs or activities under the following: “(A) The Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), including adult education and literacy activities under such Act. “(B) The Wagner-Peyser Act (29 U.S.C. 13 49 et seq.). “(C) The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.). “(D) The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.). “(E) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.). “(F) Title I of the Rehabilitation Act of 21 1973 (29 U.S.C. 720 et seq.). “(G) Title V of the Older Americans Act 23 of 1965 (42 U.S.C. 3056 et seq.). “(H) The postsecondary level under the 2 Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302). “(I) Chapter 2 of title II of the Trade Act 5 of 1974 (19 U.S.C. 2271 et seq.). “(J) Chapter 41 of title 38, United States 7 Code. “(K) Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.). “(L) State unemployment compensation laws (in accordance with applicable Federal 13 law). “(M) Section 231 of the Second Chance Act of 2007 (34 U.S.C. 60541). “(N) Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.). “(O) Employment and training activities carried out by the Department of Housing and Urban Development, the Department of Defense, the Department of Commerce, the Department of Energy, the Department of Transportation, and the Small Business Administration. “(P) Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)). “(Q) Educational assistance programs 4 under chapters 30 through 36 of title 38, United States Code

### “SEC. 6. RELATION TO OTHER LAWS.

“Nothing in this Act shall invalidate or limit the remedies, rights, and procedures under any Federal law or the law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for individuals based on race, color, religion, national origin, sex, sexual orientation, age, genetic information, or disability than are afforded by this Act.

### “SEC. 111. THE OFFICE OF APPRENTICESHIP.

“(a) ESTABLISHMENT OF THE OFFICE OF APPRENTICESHIP.—There is established, in the Employment and Training Administration of the Department of Labor, an Office of Apprenticeship (referred to in this section as the ‘Office’), which shall be directed by an Administrator who has demonstrated knowledge of the national apprenticeship system necessary to head the Office.

“(b) RESPONSIBILITIES.—The Administrator shall be responsible for the administration of this Act, including:

“(1) PROMOTION AND AWARENESS ACTIVITIES —The Administrator shall carry out promotion and awareness activities, including the following:

“(A) Supporting the development or scaling of apprenticeship models nationally, promoting the effectiveness of youth apprenticeship, pre-apprenticeship, and apprenticeship programs, and providing promotional materials to State apprenticeship agencies, State workforce development systems or local workforce development systems, State educational agencies or local educational agencies, employers, trade associations, professional associations, industry

groups, labor organizations, joint labor management organizations, education and training providers, Federal and State correctional facilities, veterans-service organizations, and prospective apprentices in such programs.

“(B) Promoting greater diversity in the national apprenticeship system including by —

“(i)(I) promoting outreach to non-traditional apprenticeship populations, including by engaging schools that participate in a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and minority-serving institutions;

“(II) disseminating best practices to recruit nontraditional apprenticeship populations, women, minorities, long-term unemployed, individuals with a disability, individuals recovering from substance abuse disorders, veterans, military spouses, individuals experiencing homelessness, individuals impacted by the criminal or juvenile justice system, and foster and former foster youth; and

“(III) engaging small, medium-size, women-owned, and minority-owned businesses, and employers in high-skill, high wage, and in-demand industry sectors and occupations that are nontraditional apprenticeship industries or occupations; and “(ii) supporting the participation and retention of apprentices and employers described in clause (i) in the national apprenticeship system.

“(E) NONTRADITIONAL APPRENTICESHIP POPULATIONS.—The Administrator shall regularly evaluate the participation of the nontraditional apprenticeship populations for each of the approved apprenticeable occupations, such as women, minorities, long-term unemployed, individuals with a disability, individuals with substance abuse issues, veterans, military spouses, individuals experiencing homelessness, individuals impacted by the criminal or juvenile justice system, and foster and former foster youth.

“(7) PROMOTING DIVERSITY IN THE NATIONAL APPRENTICESHIP SYSTEM —The Administrator shall promote diversity and ensure equal opportunity to participate in programs for apprentices, youth apprentices, and pre-apprentices, including—

“(A) taking steps necessary to promote diversity in apprenticeable occupations under the national apprenticeship system, especially in high-skill, high-wage, or in-demand industry sectors and occupations in areas with high per centages of low-income individuals;

“(B) ensuring programs under the national apprenticeship system—

“(i) adopt and implement policies to provide for equal opportunity in such programs, as described in section 30.3 of title 29, Code of Federal Regulations (as in effect on January 31, 2020);

“(C) supporting the recruitment, employment, and retention of nontraditional apprenticeship populations in programs under the national apprenticeship system in high-skill, wage, and in-demand industry sectors and occupations, including women, people of color, individuals with disabilities, low-income participants in related Federal programs, individuals impacted by the criminal and juvenile justice system, and individuals with barriers to employment, as applicable

“(12) STRATEGY FOR ANY JOINT PLANNING, ALIGNMENT, COORDINATION, AND LEVERAGING OF FUNDS.—Each State plan shall provide a description of the State apprenticeship agency’s strategy for joint planning, alignment, coordination, and leveraging of funds—

“(A) with the State’s workforce development system, to achieve the strategic vision and goals described in paragraph (11), including the core programs defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102) and the elements related to system alignment under section 102(b)(2)(B) of such Act (29 U.S.C. 3112(b)(2)(B));

“(B) for programs under the national apprenticeship system in the State with other Federal education programs, including programs under—

“(i) the Elementary and Secondary Education Act of 1965;

“(ii) the Individuals with Disabilities Education Act;

“(iii) the Carl D. Perkins Career and Technical Education Act of 2006; and

“(iv) the Higher Education Act of 1965; and

“(C) to provide information about access to available State assistance or assistance under related Federal programs, including such assistance under—

“(i) section 6(d) of the Food and Nutrition Act of 2008;

“(ii) subsection (c)(1) of section 3672 of title 38, United States Code;

“(iii) section 231 of the Second Chance Act of 2007 (34 U.S.C. 60541); and

“(iv) the State Temporary Assistance for Needy Families programs under part A of title IV of the Social Security Act.

## Section 114

“SEC. 114. INTERAGENCY AGREEMENT WITH DEPARTMENT OF EDUCATION.

“(a) IN GENERAL.—Not later than 1 year after the effective date of the National Apprenticeship Act of 2021, in order to cooperate with the Secretary of Education and promote awareness and adoption of apprenticeship programs, the Secretary (acting through the Administrator) shall—

“(1) enter into an interagency agreement with the Secretary of Education to promote and support integration and alignment of programs under the national apprenticeship system with secondary, post-secondary, and adult education, through the activities described in this section; and

“(2) submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of Senate, such agreement and any modifications to such agreement.

“(b) ALIGNMENT FOR YOUTH APPRENTICESHIPS.—In order to promote alignment between youth apprentice ship programs and high school graduation requirements, the interagency agreement under subsection (a) shall describe how the Secretaries will work to provide—

“(1) information and resources to—

“(A) parents and students to promote a better understanding of programs under the national apprenticeship system and their value in secondary and postsecondary education and career pathways by not later than middle school, and that are in user-friendly formats and languages that are easily accessible, as determined by the Secretaries; and

“(B) school leaders (working with academic counselors, teachers, and faculty) about the value of such programs and information on how to effectively align youth apprenticeship programs with secondary and career and technical education programs; and

“(2) technical assistance on how to—

“(A) align related instruction and apprenticeable occupation skills and competencies to high school graduation requirements;

“(B) offer related instruction through dual and concurrent enrollment programs and other accelerated learning programs, as described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV));

“(C) facilitate transitions for youth apprentices who have completed their youth apprenticeships into further education, including an associate, baccalaureate, or advanced degree, and related apprenticeship opportunities; and

“(D) align activities carried out under this Act with eligible funding from, and planning processes for, the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973, and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

“SEC. 132. NATIONAL APPRENTICESHIP SYSTEM RESEARCH.

“(a) RESEARCH.—The Secretary shall conduct, through an independent entity, research for the purpose of improving the management and effectiveness of the programs and activities carried out under this Act and to assist in the evaluation of the programs as described in section 131.

“(b) TECHNIQUES.—The research conducted under this section shall utilize appropriate methodology and research designs.

“(c) CONTENTS.—Such research shall address—

“(1) the general effectiveness of such programs and activities in relation to their cost, including the extent to which the programs and activities—

“(A) improve the skill and employment competencies of participants in comparison to comparably-situated individuals who did not participate in such programs and activities;

“(B) to the extent feasible, increase the levels of total employment, of attainment of recognized postsecondary credentials, and of measurable skills, above the levels that would have existed in the absence of such programs and activities;

“(C) respond to the needs reflected in labor market data in the local area and align with high-skill, high-wage, or in-demand industries or occupations;

“(D) demonstrate a return on investment of Federal, State, local, sponsor, employer, and other funding for programs under the national apprenticeship system, capturing the full level of investment in, and impact of, such programs under the national apprenticeship system; and

“(E) regularly assess the impact of apprenticeship programs under the national apprentice system in effectively increasing the participation of women, minorities, individuals with disabilities, long term unemployed, individuals impacted by the criminal and juvenile justice system, foster and former foster youth, and individuals with barriers to employment;

## “TITLE II—MODERNIZING THE NATIONAL APPRENTICESHIP SYSTEM FOR THE 21ST CENTURY GRANTS

### “SEC. 201. GRANT REQUIREMENTS.

“(B) ENCOURAGING EMPLOYER PARTICIPATION.—To encourage employer participation in programs under the national apprenticeship system—

“(i) that target individuals with barriers to employment in youth apprenticeship, pre-apprenticeship, or apprenticeship programs, prioritizing nontraditional apprenticeship populations such as women, minorities, English language learners, long-term unemployed, individuals with a disability, individuals with substance abuse issues, veterans, military spouses, individuals experiencing homelessness, individuals impacted by the criminal or juvenile justice system, and foster and former foster youth;

“(ii) that are in high-need social service-related industries, sectors, or occupations, such as direct care workers and early childhood, elementary school, and secondary school educators;

“(iii) that target individuals currently or recently incarcerated; or

“(iv) among small- and medium-sized employers.

“(C) INTERMEDIARY GRANTS.—To establish or expand sector-based partnerships for the delivery of programs under the national apprenticeship system to significant scale through—

“(i) national industry qualified intermediaries in key sectors, including manufacturing, information technology, cyber security, health care, insurance and finance, energy, hospitality, retail, construction, and other sectors identified by the Administrator and the Advisory Committee as targeted for expansion under the national apprenticeship system;

“(ii) national equity qualified intermediaries serving nontraditional apprenticeship populations, women, minorities, individuals with disabilities, and individuals impacted by the criminal or juvenile justice system; or

“(iii) local or regional qualified intermediaries serving programs under the national apprenticeship system.

## **RELAUNCHING AMERICA'S WORKFORCE ACT – S. 200, H.R. 602**

Subtitle A--Workforce Development Activities in Response to the COVID-19 National Emergency

### **SEC. 111. WORKFORCE RESPONSE ACTIVITIES.**

(a) Funds for Adults and Dislocated Workers. -- With respect to funds appropriated under section 113(d) or 115(c) and allotted to a State under subtitle B of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151 et seq.) for adult or dislocated worker workforce development activities, allocated to a local area for adult workforce development activities in accordance with paragraph (2)(A) or paragraph (3) of section 133(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3173(b)), or allocated to a local area for dislocated worker workforce development activities in accordance with section 133(b)(2)(B) of such Act (29 U.S.C. 3173(b)(B)), the following shall apply:

(1) Eligibility of adults and dislocated workers.--To be eligible to receive services through those funds, an adult or dislocated worker--

(A) shall not be required to meet the requirements of section 134(c)(3)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3)(B));

(B) may include, as determined by the Governor or local board involved, an individual described in section 2102(a)(3)(A) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9021(a)(3)(A)) who, for the purposes of this section, may be considered by the Governor or board to be an adult or a dislocated worker; and

(C) shall include individuals with barriers to employment, including individuals with disabilities, not less than age 18 who, for the purposes of this section, shall be considered to be adults and dislocated workers.

### **SEC. 113. STATE DISLOCATED WORKER ACTIVITIES RESPONDING TO THE COVID-19 EMERGENCY.**

(4) Coordination of activities - The dislocated worker rapid response activities shall include coordination of

necessary career services or training services with State vocational rehabilitation agencies to support individuals with disabilities who have experienced layoffs, suspensions, or reductions in employment opportunities due to the impact of the COVID-19 national emergency.

### **SEC. 114. YOUTH WORKFORCE INVESTMENT ACTIVITIES RESPONDING TO THE COVID-19 NATIONAL EMERGENCY.**

(b) Uses of Funds.--

(1) In general.--In using the funds received under this section, each State and local area shall prioritize providing services described in paragraph (2)(A) for youth impacted by diminished labor market opportunities for summer jobs or year-round employment due to the economic impacts of the COVID-19 national emergency, and youth who are individuals with barriers to employment, including youth with disabilities.

(2) Youth workforce investment activities.--

(A) Employment opportunities for at-risk youth.--Each State and local area receiving funds under this section shall use not less than 50 percent of such funds to support summer and year-round youth employment opportunities for in-school and out-of-school youth—

(i) with a priority for out-of-school youth and youth with multiple barriers to employment;  
And

(ii) which shall include support for employer partnerships for youth employment and subsidized youth employment, and partnerships with community-based organizations to support such employment opportunities.

(B) Other activities.--Any amount of the funds so received that is not used to carry out the activities described in subparagraph (A) shall be used by States and local areas for carrying out the activities described in subsections (b) and (c), respectively, of section 129 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164), and for the purposes of--

(i) supporting in-school and out-of-school youth to connect to education and career

pathways;

(ii) establishing or expanding partnerships with community-based organizations to develop or expand work experience opportunities through which youth can develop skills and competencies to secure and maintain employment, including opportunities with supports for activities like peer mentoring;

youth (iii) providing subsidized employment, internships, work-based learning, and

apprenticeship opportunities;

aligned to (iv) providing work readiness training activities and educational programs

employability career pathways that support credential attainment and the development of

skills;

needs and (v) engaging or establishing industry or sector partnerships to determine job

available opportunities for youth employment;

youth, (vi) conducting outreach to youth and employers;

(vii) providing coaching, navigation, and mentoring services for participating

including career exploration, career counseling, career planning, and college planning services for participating youth;

how to (viii) providing coaching, navigation, and mentoring services for employers on

successfully employ participating youth in meaningful work;

(ix) providing services to youth, to enable participation in a program of youth activities, which services may include supportive services, access to technological devices and access to other supports needed to access online services, including assistive technology for youth with disabilities, and follow-up services for not less than 12 months after the completion of participation, as appropriate;

#### SEC. 115. ADULT EMPLOYMENT AND TRAINING ACTIVITIES RESPONDING TO THE COVID-19 NATIONAL EMERGENCY.

(B) Underemployment and employment supports.--Of the funds allocated to a local area and not used for activities under subparagraph (A), such funds shall be used to provide the services and supports described in section 134(c)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(2)) for eligible adults who are workers facing underemployment, individuals seeking work, or dislocated workers, prioritizing individuals with barriers to employment or eligible adults who are adversely impacted by

economic changes within their communities due to the COVID-19 national emergency, including providing--

(i) career navigation supports to encourage and enable workers to find new career pathways to in-demand careers and the necessary training to support those career pathways, or workplace learning advisors to support incumbent workers;

(ii) virtual services and virtual employment and training activities, including providing appropriate accommodations to individuals with disabilities in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

(iii) supportive services and individualized career services as described in section 134(c)(2)(A)(xii) of the Workforce Innovation and Opportunity Act (29 U.S.C.

3174(c)(2)(A)(xii)), including for individuals with disabilities through collaboration with the State vocational rehabilitation agency.

## SEC. 121. EMPLOYMENT SERVICE.

(2) State uses of funds.-- A State shall use an allotment received under subsection (a)(2) to--

(A) provide additional resources for supporting employment service personnel employed through a merit system in providing reemployment services for unemployed and underemployed workers impacted by the COVID-19 national emergency;

(B) provide assistance for individuals impacted by the COVID-19 national emergency, including individuals receiving unemployment benefits or seeking employment as a result of the emergency (which provision of assistance shall include providing for services such as reemployment services, job search assistance, and job matching services based on the experience of individuals, individualized career services, and appropriate referral to and coordination with agencies providing services to individuals with barriers to employment, including individuals with disabilities);

## SEC. 145. REGISTERED APPRENTICESHIP OPPORTUNITIES RESPONDING TO THE COVID-19 NATIONAL EMERGENCY.

(a) In General.--From the funds appropriated under subsection (d), the Secretary shall award grants, contracts, or cooperative agreements to eligible entities on a competitive basis to create or expand apprenticeship programs, which shall include pre-apprenticeship programs and youth apprenticeship programs.

(b) Use of Funds.--In making awards under subsection (a), the Secretary shall ensure that--

(1) not less than 50 percent of the funds appropriated under subsection (d) shall be awarded to States in accordance with the award information described in the Department of Labor Employment and Training Administration Training and Employment Guidance Letter No. 17-18 issued on May 3, 2019;

(2) the remaining funds appropriated under subsection (d) after funds are awarded under paragraph (1) shall be used for supporting national industry and equity intermediaries, and local intermediaries; and

(3) funds awarded under this section shall be used for creating or expanding opportunities in apprenticeship programs, including opportunities in pre-apprenticeship programs and

youth apprenticeship programs, and activities including--

- (A) providing supportive services;
- (B) using recruitment and retention strategies for program participants with a priority for recruiting and retaining, for programs, a high number or high percentage of individuals with barriers to employment and individuals from populations traditionally underrepresented in apprenticeship programs, including individuals with disabilities;
- (C) expanding apprenticeship programs in high-skill, high-wage, or in-demand industry sectors and occupations;
- (D) paying for costs associated with related instruction, or wages while participating in related instruction;
- (E) improving educational alignment; and
- (F) encouraging employer participation.

#### SEC. 153. DISTRIBUTION OF FUNDS.

(a) Reservation of Funds; Grants to Eligible Agencies.--From the amounts appropriated under subsection (c), the Secretary shall--

(1) reserve and use funds in accordance with section 211(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3291); and

(2) award grants to eligible agencies in accordance with section 211(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3291), ensuring that not less than 10 percent of the total funds awarded through those grants shall be used to provide adult education and literacy activities in correctional facilities.

(b) Uses of Funds.--Each eligible agency or eligible provider shall use the funds received through subsection (a)(2) to expand the capacity of adult education providers to prioritize serving adults with low literacy or numeracy levels negatively impacted by the economic consequences of the COVID-19 national emergency, which may include--

(1) expanding the infrastructure needed for the provision of services and educational resources online or through digital means, including the provision of technology or internet access to students and instructional staff to enable virtual or distance learning, including the provision of assistive technology as applicable;

(2) creating or expanding digital literacy curricula and resources, including professional development activities to aid instructional and program staff in providing online or digital training to students, including activities undertaken to ensure the accessibility of such resources to individuals with disabilities;

#### SEC. 161. COMMUNITY COLLEGE AND INDUSTRY PARTNERSHIP GRANTS.

(a) Definitions.--In this section:

(1) Eligible entity.--The term "eligible entity" means an eligible institution or a consortium of such eligible institutions, which may include a multistate consortium of such eligible institutions.

(2) Eligible institution.--The term "eligible institution" means a public institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominantly awarded to students is an associate

degree, including a 2-year Tribal College or University (as defined in section 316 of the Higher Education Act (20 U.S.C. 1059c)).

(3) Perkins CTE definitions.--The terms "career and technical education", "dual or concurrent enrollment program", and "work-based learning" have the meanings given in the terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(b) Grant Authority.--

(1) In general.--From the funds appropriated under subsection (h) and not reserved under subsection (f), the Secretary (acting through the Employment and Training Administration), in collaboration with the Secretary of Education (acting through the Office of Career, Technical, and Adult Education) shall award, on a competitive basis, grants, contracts, or cooperative agreements, in accordance with section 169(b)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)), to eligible entities to assist such eligible entities in--

(A) establishing and scaling career training programs, including career and technical education programs, and industry and sector partnerships to inform such programs; and

(B) providing necessary student supports.

(2) Award amounts.--The total amount of funds awarded under this section to an eligible entity shall not exceed--

(A) in the case of an eligible entity that is eligible institution, \$2,500,000; and

(B) in the case of an eligible entity that is a consortium, \$15,000,000.

(3) Award period.--A grant, contract, or cooperative agreement awarded under this section shall be for a period of not more than 4 years, except that the Secretary may extend such a grant, contract, or agreement for an additional 2-year period, based on the outcomes reported under subsection (g)(1)

of the programs supported under such grant, contract, or cooperative agreement.

(4) Equitable distribution.--In awarding grants under this section, the Secretary shall ensure, to the extent practicable, the equitable distribution of grants, based on--

(A) geography (such as urban and rural distribution); and

(B) States and local areas significantly impacted by the COVID-19 national emergency.

(c) Priority.--In awarding funds under this section, the Secretary shall give priority to eligible entities that will use such funds to serve individuals impacted by the COVID-19 national emergency, as demonstrated by providing an assurance in the application submitted under subsection (d) that the eligible entity will use such funds to--

(1) serve such individuals with barriers to employment, veterans, spouses of members of the Armed Forces, Native Americans, Alaska Natives, Native Hawaiians, individuals with disabilities, or incumbent workers who are low-skilled and who need to increase their employability skills;

(2) serve such individuals from each major racial and ethnic group or gender with lower than average educational attainment in the State or employment in the in-demand industry sector or occupation that such award will support; or

(3) serve areas with high unemployment rates or high levels of poverty, including rural areas.