

#### 116TH CONGRESS 1ST SESSION

# H. R. 4278

To require the Secretary of Labor to establish a pilot program to provide grants for job guarantee programs.

#### IN THE HOUSE OF REPRESENTATIVES

September 10, 2019

Mrs. Watson Coleman (for herself, Ms. Omar, Mr. Khanna, Mr. Serrano, Mr. Thompson of Mississippi, Mr. Pallone, Ms. Norton, Mr. Payne, Ms. Kelly of Illinois, Ms. Lee of California, Mr. DeSaulnier, Mr. Pocan, Ms. Wilson of Florida, Ms. Jayapal, Ms. Barragán, Ms. Clarke of New York, Mr. Rush, Ms. Schakowsky, Ms. Tlaib, Mr. Evans, Mr. Cleaver, Mr. Cummings, and Mrs. Lawrence) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

## A BILL

To require the Secretary of Labor to establish a pilot program to provide grants for job guarantee programs.

- 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 "Federal Jobs Guar-
- 5 antee Development Act of 2019".

## 1 SEC. 2. JOB GUARANTEE PILOT PROGRAM.

2	(a) Definitions.—In this section:
3	(1) ELIGIBLE ENTITY.—The term "eligible enti-
4	ty" means an entity that—
5	(A) is a political subdivision of a State,
6	Tribal entity, or a combination of contiguous
7	political subdivisions or Tribal entities;
8	(B) has an unemployment rate that is not
9	less than 150 percent of the national unemploy-
10	ment rate, as determined by the Bureau of
11	Labor Statistics (except in the case of Tribal
12	entities which may submit their own employ-
13	ment data where no such Federal data is avail-
14	able for such entities) based on the most recent
15	data available at the time the Secretary solicits
16	applications for grants under this section; and
17	(C) submits an application in accordance
18	with subsection (d).
19	(2) Job Guarantee Program.—The term
20	"job guarantee program" means a program that
21	meets the requirements of subsection (c).
22	(3) Rural area.—The term "rural area"
23	means an area that is located outside of an urban
24	area.
25	(4) Tribal entity.—The term "Tribal entity"
26	means an Indian tribe or tribal organization as such

- terms are defined in section 4 of the Indian Self-Determination Act (25 U.S.C. 5304).
- 3 (5) Urban area.—The term "urban area"
  4 means an urbanized area (a region of 50,000 or
  5 more residents) and an urbanized cluster (and area
  6 encompassing between 2,500 and 50,000 residents),
  7 according to the Census Bureau's urban-rural classification in the 2010 census.
  - (6) Secretary.—The term "Secretary" means the Secretary of Labor.
    - (7) WIOA DEFINITIONS.—The terms "adult education and literacy activities", "career planning", "individual with a barrier to employment", "in-demand industry sector or occupation", "local board", "recognized postsecondary credential", "State board", "supportive services", and "workplace learning advisor" have the meanings given such terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

### (b) Establishment.—

(1) In General.—The Secretary shall establish a pilot program to provide competitive grants to eligible entities to establish programs to ensure that any individual within the area served by the entity who applies for a job through the program will be

1	provided with employment as provided for in this
2	section.
3	(2) Termination.—Federal funding for a job
4	guarantee program established under a grant under
5	this section shall terminate on the earlier of—
6	(A) the end of the 3-year period beginning
7	on the date of the grant; or
8	(B) the date of any revocation of the
9	grantee as an eligible entity.
10	(c) Job Guarantee Programs.—A job guarantee
11	program meets the requirements of this subsection if the
12	jobs provided under such program—
13	(1) are available to all individuals who—
14	(A) are 18 years of age or older; and
15	(B) reside in the area served under the
16	program at the time the area became an eligible
17	entity;
18	except that participants in the program may be dis-
19	ciplined, released, or suspended from further partici-
20	pation in jobs under this program if they are found
21	to be negligent, or generally disruptive to the work-
22	place involved under procedures established by the
23	Secretary that provide for an opportunity for a re-
24	view of such determinations;

1	(2) are, with respect to individual participants,
2	included as part of an established bargaining unit
3	and covered by any applicable collective bargaining
4	agreement in effect if similarly situated employees
5	are part of such unit and represented by an exclu-
6	sive bargaining representative;
7	(3) are available for the duration of the pilot
8	program;
9	(4) provide a wage of not less than the greater
10	of—
11	(A) the hourly wage provided for under the
12	provisions of S. 150 (116th Congress), if en-
13	acted, or the hourly wage otherwise required to
14	be paid to employees in area to be served under
15	the pilot program, whichever is greater;
16	(B) the prevailing wage in the area in-
17	volved for a similar job as required by chapter
18	67 of title 41, United States Code, and other
19	related laws; or
20	(C) the applicable wage under an applica-
21	ble collective bargaining agreement as provided
22	for under paragraph (2);
23	(5) provide for coverage of the worker under a
24	health insurance program that is comparable to that

1	offered to Federal employees under the Federal Em-
2	ployee Health Benefits Program; and
3	(6) provide at a minimum—
4	(A) paid family leave consistent with the
5	provisions of S. 463 (116th Congress) and ap-
6	plicable State law; and
7	(B) paid sick leave consistent with the pro-
8	vision of S. 840 (116th Congress) and applica-
9	ble State law.
10	(d) Other Uses.—Funds may be used to provide
11	workers in a job guarantee program with—
12	(1) supportive services, which can include trans-
13	portation, child care, dependent care, housing, and
14	needs-related payments, that are necessary to enable
15	an individual to participate in activities authorized
16	under this Act;
17	(2) access to a workplace learning advisor to
18	support the education, skill development, job train-
19	ing, career panning, and credentials required to
20	progress toward career goals of such employees in
21	order to meet employer requirements related to job
22	openings and career advancements that support eco-
23	nomic self-sufficiency;
24	(3) adult education and literacy activities, in-
25	cluding those provided by public libraries;

1	(4) activities that assist justice involved individ-
2	uals, formerly incarcerated individuals, and individ-
3	uals with criminal records in reentering the work-
4	force; and
5	(5) financial literacy activities including those
6	described in section 129(b)(2)(D) of the Workforce
7	Innovation and Opportunity Act.
8	(e) Applications.—An eligible entity seeking a
9	grant under this section shall submit an application to the
10	Secretary at such time, in such manner, and containing
11	such information as the Secretary may require. Such ap-
12	plication shall include—
13	(1) a description of the geographic area and
14	population that the entity intends to serve under the
15	job guarantee program established under the grant,
16	including the area unemployment rate, underemploy-
17	ment rate, unemployment rate for individuals with
18	disabilities, poverty rate, housing vacancy rate, crime
19	rate, household income, home-ownership rate, labor
20	force participation rate, and educational attainment;
21	(2) to extent practicable, a description of the
22	jobs that will be offered under the job guarantee
23	program, including—
24	(A) a description of supports provided to

individuals with disabilities and accommoda-

1	tions required under the Americans with Dis-
2	abilities Act of 1990 (42 U.S.C. 12101 et seq.)
3	and
4	(B) a description of supports and proce-
5	dures to ensure job access and opportunities for
6	individuals with criminal records, including in-
7	formation on physical and programmatic acces-
8	sibility, in accordance with section 188 of the
9	Workforce Innovation and Opportunity Act, it
10	applicable, and the Americans with Disabilities
11	Act of 1990, for individuals with disabilities;
12	(3) the need in the area for jobs to be per-
13	formed, including for jobs designated as a high-skill
14	high-wage or in-demand industry sector or occupa-
15	tion by the Secretary, State board, or local board;
16	(4) a description of State, local, or philan-
17	thropic funding, including through coordination and
18	in-kind or non-financial support, if any, that will be
19	provided to assist in carrying out the job guarantee
20	program;
21	(5) an assurance that the eligible entity will es-
22	tablish—
23	(A) a public internet website, in conjunc-
24	tion with the Secretary, to post all available
25	jobs under the job guarantee program; and

1	(B) a process for individuals to apply for
2	such jobs;
3	(6) a comprehensive plan to describe how the
4	funding under the program will leverage existing or
5	anticipated local, State, and Federal funding;
6	(7) an assurance that necessary administrative
7	data systems and information technology infrastruc-
8	ture are available, or will be available, to provide for
9	full participation in the evaluation under subsection
10	(k);
11	(8) a description of how the eligible entity will
12	comply with the requirements described in sub-
13	section $(c)(6)$ ;
14	(9) an assurance that the entity will enter into
15	an allocation agreement with the Secretary under
16	subsection $(j)(2)(A)$ ; and
17	(10) an assurance that energy and infrastruc-
18	ture jobs provided under the program will not exac-
19	erbate the impacts of climate change.
20	(f) Selection.—The Secretary, after reviewing ap-
21	plications from eligible entities, shall award grants under
22	this section to not more than 15 such eligible entities. In
23	awarding such grants, the Secretary shall consider diver-
24	sity in geographic location, urban-rural composition, and

1	political entity, including the representation of Tribal enti-
2	ties.
3	(g) Amount of Grant.—
4	(1) Establishment of fund.—There is es-
5	tablished in the Treasury of the United States a sep-
6	arate account to be known as the "Job Guarantee
7	Program Trust Fund" (referred to in this section as
8	the "Fund"), consisting of—
9	(A) amounts deposited in the Fund under
10	subsection (l); and
11	(B) any interest earned on investment of
12	amounts in the Fund.
13	(2) USE OF AMOUNTS.—The Secretary shall use
14	amounts in the Fund to make payments to grantees
15	under grants under this section in accordance with
16	paragraph (3).
17	(3) Payments.—
18	(A) IN GENERAL.—The Secretary shall de-
19	termine the annual amount of a grant under
20	this section based on a formula to be developed
21	by the Secretary.
22	(B) PAYMENTS.—The Secretary shall
23	make payments to grantees under this section
24	in a manner determined appropriate by the Sec-
25	retary. The Secretary shall not make subse-

1	quent payments to a grantee after the initial
2	payment until the grantee certifies to the Sec-
3	retary that the grantee has expended, trans-
4	ferred, or obligated not less than 80 percent of
5	the most recent payment made under this sub-
6	section.
7	(h) Limitations.—An eligible entity may not use
8	amounts received under a grant under this section to—
9	(1) employ individuals who will replace, or lead
10	to the displacement of, existing employees, positions,
11	or individuals who would otherwise perform similar
12	employment, or disrupt existing contracts and collec-
13	tive bargaining agreements, as defined in section
14	181(b) of the Workforce Innovation and Opportunity
15	Act (Public Law 113–128);
16	(2) perform functions otherwise prohibited by
17	Federal, State, or local laws; and
18	(3) carry out other prohibited activities, as de-
19	termined by the Secretary.
20	(i) Federal Provision of Jobs in Pilot Sites.—
21	(1) Guidance.—Not later than 30 days after
22	the date on which the Secretary awards the first
23	grant under this section, the Secretary shall—
24	(A) provide guidance to the heads of ap-
25	propriate Federal agencies to notify such agen-

- 1 cies of job guarantee programs established 2 under such grants; and
  - (B) request that such agencies notify the Secretary, within 30 days of the date on which the guidance is received under paragraph (1), of the number and types of jobs that such agency would make available through each of the programs.
    - (2) APPLICATION OF PROVISIONS.—The requirements of subsection (c) relating to wages and benefits provided to participants in jobs provided under job guarantee programs, and the limitations in subsection (h), shall apply to Federal agencies and jobs provided under this subsection, except that a Federal agency shall employ each individual under this subsection for up to three years.
    - (3) LISTING OF JOBS ON WEBSITE.—The Secretary shall establish procedures to ensure that jobs identified under paragraph (1)(B) are listed on the appropriate public internet website as provided for under subsection (e)(5)(A).
    - (4) Reimbursement.—At the end of each fiscal year, the Secretary shall transfer from the Fund to each Federal agency that employs individuals under a job guarantee program under this section,

an amount necessary to reimburse such agency for the full cost of employing each such individual during such fiscal year.

## (j) Training.—

- (1) In General.—The Secretary shall develop procedures to support up to 8 weeks of paid training (through privately or publicly funded training programs, such as those provided by the public workforce system) to participants in order to perform duties required by job guarantee programs under this section, including a new period of training, not to exceed 8 weeks, prior to commencing any new job under the program.
- (2) Specific populations.—With respect to certain populations with barriers to employment (as defined in section 3(24) of the Workforce Innovation and Opportunity Act (Public Law 113–128)), the 8-week training period may include specific job-related training and counseling and other general skills training to prepare such individuals to reenter the workforce.

## (k) Priorities and Audits.—

(1) PRIORITIES.—Prior to awarding the initial grants under this section, the Secretary shall issue a list of national job priorities relating to jobs that

may be carried out under job guarantee programs, that shall include child care, care for seniors and individuals with disabilities, clean energy jobs, and sustainable infrastructure activities. The Secretary shall take State board and local board suggestions into consideration when issuing such list.

## (2) Audits.—

- (A) IN GENERAL.—The Secretary, acting through the Inspector General of the Department of Labor, shall carry out annual audits of the use of grant funds provided to eligible entities under this section.
- (B) Allocation agreements and misuse of funds.—
  - (i) Allocation agreements.—An eligible entity shall enter into an allocation agreement with the Secretary that shall provide that the Secretary shall recoup any amounts paid to the entity under a grant under this section if the results of an audit under subparagraph (A) include a finding that there was an intentional or reckless misuse of such funds by such entity.
  - (ii) Loss of Eligibility.—An eligible entity that is determined to have fal-

- sified or otherwise misstated data in any report submitted to the Secretary with the intent to deceive or mislead the Secretary shall be ineligible to receive additional funds under this section.
- 6 (l) Reports.—Not later than 90 days after the end
  7 of each calendar year for which an eligible entity obligates
  8 or expends any amounts made available under a grant
  9 under this section, the eligible entity shall submit to the
  10 Secretary a report that—
  - (1) specifies the amount of grant funds obligated or expended for the preceding fiscal year;
  - (2) specifies any purposes for which the funds were obligated or expended; and
  - (3) includes any other information that the Secretary may require to more effectively administer the grant program under this section, including the indicators of performance under section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)(2)(A)(i)), with the performance data disaggregated by race, ethnicity, sex, age, and membership in a population specified in section 3(24) of such Act (29 U.S.C. 3102(24)).
- 24 (m) EVALUATION.—The Chief Evaluation Officer at 25 the Department of Labor shall provide for the conduct of

1	an evaluation of the pilot program, using a rigorous design
2	and evaluation methods to assess the implementation of
3	the programs and their impact on—
4	(1) overall employment, public-sector employ-
5	ment, and private-sector employment;
6	(2) private sector employment, wages, and ben-
7	efits;
8	(3) poverty rate;
9	(4) public assistance spending and other Fed-
10	eral spending in the area served by the program;
11	(5) child health and educational outcomes;
12	(6) health and well-being of those with mental
13	emotional, and behavioral health needs;
14	(7) incarceration rates;
15	(8) the environment, including air quality and
16	water quality;
17	(9) the indicators of performance as described
18	in subsection (l)(3); and
19	(10) other economic development and individual
20	outcome indicators, as determined by the Secretary
21	(n) Expansion of Work Opportunity Credit To
22	INCLUDE PARTICIPANTS IN JOB GUARANTEE PRO-
23	GRAMS.—
24	(1) In general.—Subsection (d) of section 51
25	of the Internal Revenue Code of 1986 is amended—

1	(A) in paragraph (1)—
2	(i) in subparagraph (I), by striking
3	"or" at the end;
4	(ii) in subparagraph (J), by striking
5	the period at the end and inserting ", or";
6	and
7	(iii) by adding at the end the fol-
8	lowing new subparagraph:
9	"(K) a qualified participant in a job guar-
10	antee program."; and
11	(B) by adding at the end the following new
12	paragraph:
13	"(16) Qualified participant in a job guar-
14	ANTEE PROGRAM.—The term 'qualified participant
15	in a job guarantee program' means any individual
16	who is certified by the designated local agency as
17	having participated in a job guarantee program
18	under section 2 of the Federal Jobs Guarantee De-
19	velopment Act of 2019 for not less than 3 months
20	during the 6-month period ending on the hiring
21	date.".
22	(2) Effective date.—The amendments made
23	by this subsection shall apply to individuals who
24	begin work for the employer after December 31,
25	2019.

- 1 (o) APPROPRIATIONS.—From funds in the Treasury
- 2 not otherwise appropriated, there are appropriated to the
- 3 Secretary such sums as may be necessary to carry out this

4 section.

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