

118TH CONGRESS
2D SESSION

S. _____

To amend the Workforce Innovation and Opportunity Act to address the economic and workforce impacts of substance use disorder.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Workforce Innovation and Opportunity Act to address the economic and workforce impacts of substance use disorder.

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 “Workforce Opportuni-
5 ties for Communities in Recovery Act”.

1 **SEC. 2. GRANTS FOR ADDRESSING THE ECONOMIC AND**
2 **WORKFORCE IMPACTS OF SUBSTANCE USE**
3 **DISORDER.**

4 Section 170 of the Workforce Innovation and Oppor-
5 tunity Act (29 U.S.C. 3225) is amended by adding at the
6 end the following:

7 “(e) GRANTS FOR ADDRESSING THE ECONOMIC AND
8 WORKFORCE IMPACTS OF THE SUBSTANCE USE CRI-
9 SIS.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) EDUCATION PROVIDER.—The term
12 ‘education provider’ means—

13 “(i) an institution of higher education,
14 as defined in section 101 of the Higher
15 Education Act of 1965 (20 U.S.C. 1001);
16 or

17 “(ii) a postsecondary vocational insti-
18 tution, as defined in section 102(e) of such
19 Act (20 U.S.C. 1002(e)).

20 “(B) ELIGIBLE ENTITY.—The term ‘eligi-
21 ble entity’ means a State board or local board.

22 “(C) PARTICIPATING PARTNERSHIP.—The
23 term ‘participating partnership’ means a part-
24 nership evidenced by a written contract or
25 agreement between—

26 “(i) an eligible entity; and

1 “(ii) one or more of the following:

2 “(I) A treatment provider.

3 “(II) An employer or industry or-
4 ganization.

5 “(III) An education provider.

6 “(IV) A legal services or law en-
7 forcement organization.

8 “(V) A community-based organi-
9 zation.

10 “(VI) A State or local agency, in-
11 cluding a county or local government.

12 “(VII) An Indian Tribe or tribal
13 organization, as such terms are de-
14 fined in section 166(b).

15 “(VIII) Another organization, as
16 determined appropriate by the eligible
17 entity.

18 “(D) PROGRAM PARTICIPANT.—The term
19 ‘program participant’ means an individual
20 who—

21 “(i) is a member of a population of
22 workers described in paragraph (4)(B)
23 that is served by a participating partner-
24 ship through the pilot program under this
25 subsection; and

1 “(ii) enrolls with the applicable par-
2 ticipating partnership to receive any of the
3 services described in paragraph (4)(C).

4 “(E) PROVIDER OF PEER RECOVERY SUP-
5 PORT SERVICES.—The term ‘provider of peer
6 recovery support services’ means a provider that
7 delivers peer recovery support services through
8 a recovery community organization (as defined
9 in section 547(a) of the Public Health Service
10 Act (42 U.S.C. 290ee–2(a)).

11 “(F) SERVICE AREA.—The term ‘service
12 area’ means a county, community, region, or
13 local area, that has been significantly impacted
14 by widespread occurrence of a substance use
15 disorder and will be served through a grant
16 under this subsection.

17 “(G) SUBSTANCE USE DISORDER.—The
18 term ‘substance use disorder’ has the meaning
19 given such term by the Assistant Secretary for
20 Mental Health and Substance Use.

21 “(H) TREATMENT PROVIDER.—The term
22 ‘treatment provider’—

23 “(i) means a health care provider
24 that—

1 “(I) offers services for treating
2 substance use disorders and is li-
3 censed in accordance with applicable
4 State law to provide such services;
5 and

6 “(II) accepts health insurance for
7 such services, including coverage
8 under a State plan (or a waiver of
9 such plan) under title XIX of the So-
10 cial Security Act (42 U.S.C. 1396 et
11 seq.); and

12 “(ii) may include—

13 “(I) a nonprofit provider of peer
14 recovery support services;

15 “(II) a community health care
16 provider;

17 “(III) a Federally qualified
18 health center (as defined in section
19 1861(aa)(4) of the Social Security Act
20 (42 U.S.C. 1395x(aa)(4)));

21 “(IV) an Indian health program
22 (as defined in section 4 of the Indian
23 Health Care Improvement Act (25
24 U.S.C. 1603)), including an Indian
25 health program that serves an Urban

1 center (as defined in such section);

2 and

3 “(V) a Native Hawaiian health
4 center (as defined in section 12 of the
5 Native Hawaiian Health Care Im-
6 provement Act (42 U.S.C. 11711)).

7 “(2) GRANTS AUTHORIZED.—

8 “(A) IN GENERAL.—The Secretary shall
9 carry out a pilot program to make grants, on
10 a competitive basis, to eligible entities (on be-
11 half of participating partnerships) to address
12 economic and workforce impacts associated with
13 widespread occurrence of a substance use dis-
14 order.

15 “(B) GRANT DURATION.—A grant made
16 under this subsection shall be for a 2-year pe-
17 riod.

18 “(C) EQUITABLE DISTRIBUTION.—In mak-
19 ing grants under this subsection, the Secretary
20 shall ensure, to the extent practicable, the equi-
21 table distribution of grant awards, based on—

22 “(i) geography (such as urban and
23 rural distribution); and

24 “(ii) the relative degree of the nega-
25 tive impact due to substance use disorder

1 demonstrated under paragraph (3)(B)(i)(I)
2 for a service area as compared such nega-
3 tive impact for other service areas, as de-
4 termined by the Secretary.

5 “(D) ADMINISTRATIVE COSTS.—The Sec-
6 retary may use not more than 5 percent of the
7 funds made available under section 172(e) for
8 the administrative costs of carrying out the
9 pilot program.

10 “(3) GRANT APPLICATIONS.—

11 “(A) IN GENERAL.—An eligible entity ap-
12 plying for a grant under this subsection shall
13 submit an application to the Secretary at such
14 time and in such form and manner as the Sec-
15 retary may reasonably require, including—

16 “(i) the information described in this
17 paragraph; and

18 “(ii) an assurance that such eligible
19 entity will pay at least a portion of the
20 costs of the independent evaluation re-
21 quired under paragraph (5)(B).

22 “(B) CONTENT.—An eligible entity shall
23 include in the application—

24 “(i) information that demonstrates
25 negative economic and workforce impacts

1 associated with widespread occurrence of a
2 substance use disorder in the service area,
3 including information that demonstrates
4 that such widespread occurrence has
5 caused, or is coincident to—

6 “(I) an economic downturn in the
7 service area;

8 “(II) persistent economically de-
9 pressed conditions in such service
10 area; or

11 “(III) a high unemployment rate
12 or low labor force participation rate in
13 the service area compared to the State
14 in which the service area is located;

15 “(ii) in the case of an eligible entity
16 proposing to serve a population described
17 in paragraph (4)(B)(ii), a demonstration of
18 a workforce shortage in occupations that
19 support individuals with a substance use
20 disorder, including information dem-
21 onstrating such shortage, such as—

22 “(I) the distance between—

23 “(aa) communities affected
24 by substance use disorder in the
25 service area; and

1 “(bb) facilities or individuals
2 offering services for treating sub-
3 stance use disorders; or

4 “(II) the maximum capacity of
5 facilities of treatment providers, or oc-
6 cupations, to serve individuals in the
7 service area;

8 “(iii) an analysis of the estimated per-
9 formance of the eligible entity (through the
10 participating partnership) in carrying out
11 the proposed services and activities under
12 the grant, based on—

13 “(I) the levels of performance for
14 other services and activities carried
15 out by the eligible entity on the pri-
16 mary indicators of performance under
17 section 116(b)(2)(A)(i);

18 “(II) the estimated number of in-
19 dividuals with a substance use dis-
20 order who may be served by the pro-
21 posed services and activities;

22 “(III) the record of the eligible
23 entity in serving individuals with a
24 barrier to employment; and

1 “(IV) the ability of the eligible
2 entity to establish a participating
3 partnership;

4 “(iv) a description of any entity de-
5 scribed in paragraph (1)(C)(ii) with whom
6 the eligible entity will partner.

7 “(C) INFORMATION.—In providing the in-
8 formation required under subparagraph (B),
9 the eligible entity may use information includ-
10 ing data on—

11 “(i) the incidence or prevalence of
12 substance use disorder;

13 “(ii) the age-adjusted rate of drug
14 overdose deaths, as determined by the Di-
15 rector of the Centers for Disease Control
16 and Prevention;

17 “(iii) the rate of nonfatal hospitaliza-
18 tions related to substance use disorder;

19 “(iv) documentation of any layoff or
20 announced future layoff, a notification pro-
21 vided in accordance with section 3(a) of
22 the Worker Adjustment and Retraining
23 Notification Act (29 U.S.C. 2102(a)), or
24 documentation of legacy industry decline,
25 decrease in an employment or labor market

1 participation rate, or economic impact,
2 whether or not the result described in this
3 clause is related to, caused by, or contrib-
4 uting to widespread occurrence of a sub-
5 stance use disorder;

6 “(v) documentation showing decreased
7 economic activity related to, caused by, or
8 contributing to widespread occurrence of a
9 substance use disorder, including a de-
10 scription of how the service area has been
11 impacted, or will be impacted, by such a
12 decrease;

13 “(vi) information on rapid response
14 activities that have been or will be con-
15 ducted, including demographic data gath-
16 ered by employer or worker surveys or
17 through other methods; or

18 “(vii) other relevant data, as deter-
19 mined appropriate by the Secretary.

20 “(4) SERVICES AND ACTIVITIES.—

21 “(A) IN GENERAL.—Each eligible entity
22 that receives a grant under this subsection shall
23 carry out the services and activities described in
24 this paragraph through the participating part-

1 nership to the population proposed in the appli-
2 cation.

3 “(B) SELECTION OF POPULATION TO BE
4 SERVED.—A participating partnership shall
5 provide services and activities under the grant
6 to one or both of the following populations of
7 workers:

8 “(i) Workers, including dislocated
9 workers, individuals with barriers to em-
10 ployment, new entrants in the workforce,
11 or incumbent workers (employed or under-
12 employed), each of whom is directly or in-
13 directly affected by widespread occurrence
14 of a substance use disorder.

15 “(ii) Workers, including dislocated
16 workers, individuals with barriers to em-
17 ployment, new entrants in the workforce,
18 or incumbent workers (employed or under-
19 employed), who—

20 “(I) seek to transition to occupa-
21 tions that support individuals strug-
22 gling with a substance use disorder or
23 who are at risk for developing such
24 disorder, such as professions that pro-
25 vide—

1 “(aa) substance use disorder
2 treatment and related services;

3 “(bb) services offered
4 through providers of peer recov-
5 ery support services;

6 “(cc) nonaddictive pain ther-
7 apy and pain management serv-
8 ices;

9 “(dd) emergency response
10 services; or

11 “(ee) mental health care;
12 and

13 “(II) need new or upgraded skills
14 to better serve such a population of
15 struggling or at-risk individuals.

16 “(C) USE OF FUNDS.—Each participating
17 partnership shall use funds available through a
18 grant under this subsection to carry out activi-
19 ties described in 1 or more of the following
20 clauses:

21 “(i) ENGAGING EMPLOYERS.—Engag-
22 ing with employers to—

23 “(I) learn about the skill and hir-
24 ing requirements of employers;

1 “(II) learn about the support
2 needed by employers to hire and re-
3 tain program participants, and other
4 individuals with a substance use dis-
5 order, and the support needed by such
6 employers to obtain their commitment
7 to testing creative solutions to employ-
8 ing program participants and such in-
9 dividuals;

10 “(III) connect employers and
11 workers to on-the-job training, incum-
12 bent worker training, or customized
13 training programs before or after lay-
14 off to help facilitate reemployment;

15 “(IV) connect employers with an
16 education or training provider to de-
17 velop classroom instruction to com-
18 plement on-the-job learning for pro-
19 gram participants and such individ-
20 uals;

21 “(V) help employers develop the
22 curriculum design of an on-the-job
23 training, incumbent worker training,
24 or customized training program for

1 program participants and such indi-
2 viduals;

3 “(VI) help employers employ pro-
4 gram participants or such individuals
5 engaging in an on-the-job training or
6 customized training program for a
7 transitional period before hiring such
8 a program participant or individual
9 for full-time employment of not less
10 than 30 hours a week; or

11 “(VII) connect employers to pro-
12 gram participants receiving concur-
13 rent outpatient treatment and job
14 training services.

15 “(ii) SUPPORTIVE SERVICES.—Pro-
16 viding supportive services, which shall be
17 coordinated with providers of career serv-
18 ices to provide maximum support for pro-
19 gram participants to assist such partici-
20 pants in maintaining employment and re-
21 covery for not less than 12 months, as ap-
22 propriate, and may include additional serv-
23 ices such as—

24 “(I) assistance in establishing eli-
25 gibility for assistance under Federal,

1 State, Tribal, and local programs pro-
2 viding health services, mental health
3 services, vocational services, social
4 services, or services through early
5 childhood education programs (as de-
6 fined in section 103 of the Higher
7 Education Act of 1965 (20 U.S.C.
8 1003));

9 “(II) evidence-based outpatient
10 and community-based substance use
11 disorder treatment services;

12 “(III) services offered through
13 providers of peer recovery support
14 services; or

15 “(IV) networking and mentorship
16 opportunities.

17 “(iii) CAREER AND JOB TRAINING
18 SERVICES.—Offering career services de-
19 scribed in section 134(c)(2) and training
20 services described in section 134(c)(3), and
21 related services, concurrently or sequen-
22 tially with the services provided under sub-
23 paragraphs (i) and (ii) and, at the election
24 of the participating partnership, providing

1 other related services, which may include 1
2 or more of the following:

3 “(I) Services to promote employ-
4 ability skills such as punctuality, per-
5 sonal maintenance skills, and profes-
6 sional conduct.

7 “(II) Provision of payments and
8 fees for employment and training-re-
9 lated applications, tests, and certifi-
10 cations.

11 “(III) Mentorship services and
12 job retention support for program
13 participants.

14 “(IV) Services to assist program
15 participants in maintaining employ-
16 ment for not less than 12 months, as
17 appropriate.

18 “(iv) PROVEN AND PROMISING PRAC-
19 TICES.—Leading efforts in the service area
20 to identify and promote proven and prom-
21 ising strategies and initiatives for meeting
22 the needs of employers and program par-
23 ticipants.

24 “(D) LIMITATIONS.—A participating part-
25 nership may not use—

1 “(i) more than 10 percent of the
2 funds received under a grant under this
3 subsection for the administrative costs of
4 the partnership in carrying out this sub-
5 section; and

6 “(ii) more than 10 percent of the
7 funds received under such grant for the
8 provision of supportive services described
9 in subparagraph (C)(iii) to program par-
10 ticipants.

11 “(5) PERFORMANCE ACCOUNTABILITY.—

12 “(A) REPORTS.—The Secretary shall es-
13 tablish quarterly reporting requirements for eli-
14 gible entities who are recipients of grants under
15 this subsection that, to the extent practicable,
16 are based on the performance accountability
17 provisions described in section 116.

18 “(B) EVALUATIONS.—

19 “(i) AUTHORITY TO ENTER INTO
20 AGREEMENTS.—The Secretary shall ensure
21 that an independent evaluation is con-
22 ducted on the pilot program carried out
23 under this subsection to determine the im-
24 pact of the program on the employment of
25 individuals with substance use disorders.

1 **SEC. 4. CONFORMING AMENDMENTS.**

2 Section 170 of the Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3225) is amended—

4 (1) in subsection (b)(1)(C), by striking “this
5 section” and inserting “this paragraph”; and

6 (2) in subsection (d)(4), by striking “this sec-
7 tion” and inserting “subsection (b)(1)(B)”.