

117TH CONGRESS
2D SESSION

H. R. 7385

To amend the Workforce Innovation Opportunity Act to codify a competitive grant program to build community colleges' capacity to provide employment and training programs for in-demand industries or occupations.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2022

Mrs. MCBATH (for herself, Mrs. HAYES, Mr. BOWMAN, Mr. TAKANO, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Workforce Innovation Opportunity Act to codify a competitive grant program to build community colleges' capacity to provide employment and training programs for in-demand industries or occupations.

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 “Training, Retention,
5 And Investment Now for a Better America Act” or the
6 “TRAIN Act”.

1 **SEC. 2. STRENGTHENING COMMUNITY COLLEGES TRAIN-**
2 **ING GRANTS PROGRAM.**

3 Subtitle D of title I (29 U.S.C. 3221 et seq.) is
4 amended—

5 (1) by redesignating section 172 as section 176;

6 and

7 (2) by inserting after section 171 the following:

8 **“SEC. 172. STRENGTHENING COMMUNITY COLLEGES**
9 **TRAINING GRANTS PROGRAM.**

10 “(a) PURPOSES.—The purposes of this section are—

11 “(1) to establish, improve, or expand high-quality
12 educational or career training programs at com-
13 munity colleges; and

14 “(2) to expand opportunities for individuals to
15 obtain recognized postsecondary credentials that are
16 nationally or regionally portable and stackable for
17 high-skill, high-wage, or in-demand industry sectors
18 or occupations.

19 “(b) STRENGTHENING COMMUNITY COLLEGES
20 TRAINING GRANTS PROGRAM.—

21 “(1) IN GENERAL.—From the amounts appro-
22 priated to carry out this section under subsection (k)
23 and not reserved under paragraph (2), the Secretary
24 shall, on a competitive basis, make grants to eligible
25 institutions to carry out the activities described in
26 subsection (e).

1 “(2) RESERVATION.—Of the amounts appro-
2 priated to carry out this section under subsection
3 (k), the Secretary may reserve not more than two
4 percent for the administration of grants awarded
5 under this section, including—

6 “(A) providing technical assistance and
7 targeted outreach to support eligible institu-
8 tions serving a high number or high percentage
9 of low-income individuals or individuals with
10 barriers to employment, and rural-serving eligi-
11 ble institutions, to provide guidance and assist-
12 ance in the process of applying for grants under
13 this section; and

14 “(B) evaluating and reporting on the per-
15 formance and impact of programs funded under
16 this section in accordance with subsections (f)
17 through (h).

18 “(c) AWARD PERIOD.—

19 “(1) INITIAL GRANT PERIOD.—Each grant
20 under this section shall be awarded for an initial pe-
21 riod of not more than 4 years.

22 “(2) SUBSEQUENT GRANTS.—An eligible insti-
23 tution that receives an initial grant under this sec-
24 tion may receive one or more additional grants
25 under this section for additional periods of not more

1 than 4 years each if the eligible institution dem-
2 onstrates that the community college and industry
3 partnership supported with the initial grant was suc-
4 cessful (as determined by the Secretary on the basis
5 of the levels of performance achieved with respect to
6 the performance indicators specified in subsection
7 (f)).

8 “(d) APPLICATION.—

9 “(1) IN GENERAL.—To be eligible to receive a
10 grant under this section, an eligible institution shall
11 submit an application to the Secretary at such time,
12 in such manner, and containing such information as
13 the Secretary may require.

14 “(2) CONTENTS.—At a minimum, an applica-
15 tion submitted by an eligible institution under para-
16 graph (1) shall include a description of each the fol-
17 lowing:

18 “(A) The extent to which the eligible insti-
19 tution included in the partnership has prior ex-
20 perience in leading similar capacity building
21 projects that demonstrates the institution’s abil-
22 ity to accomplish multi-pronged, complex
23 projects and an explanation of the results of
24 any such projects.

1 “(B) The extent to which the eligible insti-
2 tution can—

3 “(i) leverage additional resources to
4 support the programs funded with the
5 grant; and

6 “(ii) demonstrate the future sustain-
7 ability of each such program.

8 “(C) The steps the institution will take to
9 ensure the quality of each program supported
10 by the grant, including the career pathways
11 within such programs.

12 “(D) The needs that will be addressed by
13 the community college and industry partnership
14 supported by the grant.

15 “(E) The population and geographic area
16 to be served by the partnership.

17 “(F) One or more industries that the part-
18 nership will target and data demonstrating that
19 those industries are aligned with employer de-
20 mand in the geographic area to be served by
21 the partnership.

22 “(G) The educational or career training
23 programs to be supported by the grant.

24 “(H) The recognized postsecondary creden-
25 tials that are expected to be earned by partici-

1 pants in such programs and the related in-de-
2 mand industry sectors or occupations for which
3 such programs will prepare participants.

4 “(I) The evidence upon which the edu-
5 cation and training strategies to be used in the
6 programs are based and an explanation of how
7 such evidence influenced the design of the pro-
8 grams to improve education and employment
9 outcomes.

10 “(J) The methods and strategies the part-
11 nership will use to engage with employers in in-
12 demand industry sectors or occupations.

13 “(K) The roles and responsibilities of each
14 employer, organization, agency, or institution of
15 higher education with which the eligible institu-
16 tion will partner to carry out activities under
17 this section.

18 “(L) Whether, and to what extent, the ac-
19 tivities of the partnership are expected to align
20 with the workforce strategies identified in—

21 “(i) any State plan or local plan sub-
22 mitted under this Act by the State, out-
23 lying area, or locality in which the partner-
24 ship is expected to operate;

1 “(ii) any State plan submitted under
2 section 122 of the Carl D. Perkins Career
3 and Technical Education Act of 2006 (20
4 U.S.C. 2342) by such State or outlying
5 area; and

6 “(iii) any economic development plan
7 of the chief executive of such State or out-
8 lying area.

9 “(M) The goals of the partnership with re-
10 spect to—

11 “(i) capacity building (as described in
12 subsection (f)(1)(B)); and

13 “(ii) the expected performance of indi-
14 viduals participating in the programs to be
15 offered by the partnership, including with
16 respect to any performance indicators ap-
17 plicable under section 116 or subsection (f)
18 of this section.

19 “(3) CONSIDERATION OF PREVIOUS EXPERI-
20 ENCE.—The Secretary may not disqualify an other-
21 wise eligible institution from receiving a grant under
22 this section solely because such institution lacks pre-
23 vious experience in capacity building projects, as de-
24 scribed in subparagraph (2)(A).

1 “(4) PRIORITY.—In awarding grants under this
2 section, the Secretary shall give priority to eligible
3 entities that will use the grant to serve—

4 “(A) individuals with barriers to employ-
5 ment; or

6 “(B) incumbent workers who need to gain
7 or improve foundational skills to enhance their
8 employability.

9 “(e) USES OF FUNDS.—

10 “(1) COMMUNITY COLLEGE AND INDUSTRY
11 PARTNERSHIP.—For the purpose of carrying out the
12 activities specified in paragraphs (2) and (3), an eli-
13 gible institution that receives a grant under this sec-
14 tion shall establish a partnership or continue an ex-
15 isting partnership with one or more employers in an
16 in-demand industry sector or occupation and shall
17 maintain such partnership for the duration of the
18 grant period. The eligible institution shall ensure
19 that the partnership—

20 “(A) targets one or more specific high-
21 skill, high-wage, or in-demand industries;

22 “(B) includes collaboration with the work-
23 force development system;

1 “(C) serves adult and dislocated workers,
2 incumbent workers, and new entrants to the
3 workforce;

4 “(D) uses an evidence-based program de-
5 sign that is appropriate for the activities carried
6 out by the partnership; and

7 “(E) incorporates, to the extent appro-
8 priate, virtual service delivery to facilitate tech-
9 nology-enabled learning.

10 “(2) REQUIRED ACTIVITIES.—An eligible insti-
11 tution that receives a grant under this section, in
12 consultation with the partnership established under
13 paragraph (1), shall—

14 “(A) establish, improve, or expand high
15 quality, evidence-based education or career
16 training programs, career pathway programs, or
17 work-based learning programs (including ap-
18 prenticeship programs or pre-apprenticeships
19 that qualify an individual for participation in an
20 apprenticeship program); and

21 “(B) use not less than 15 percent of the
22 grant to provide supportive services to individ-
23 uals participating in the programs funded with
24 the grant to facilitate retention and program
25 completion, which may include—

1 “(i) childcare, transportation, mental
2 health services, substance use disorder pre-
3 vention and treatment, and assistance in
4 obtaining health insurance coverage and
5 housing;

6 “(ii) assistance in accessing State and
7 Federal means-tested benefits programs;

8 “(iii) career navigation, coaching,
9 mentorship, and case management serv-
10 ices, including providing information and
11 outreach to individuals with barriers to
12 employment to encourage such individuals
13 to participate in programs funded with the
14 grant; and

15 “(iv) providing access to course mate-
16 rials, technological devices, required equip-
17 ment, and other supports necessary for
18 participation in and successful completion
19 of such programs.

20 “(3) ADDITIONAL ACTIVITIES.—In addition to
21 the activities required under paragraph (2), an eligi-
22 ble institution that receives a grant under this sec-
23 tion, in consultation with the partnership established
24 under paragraph (1), shall carry out one or more of
25 the following activities:

1 “(A) Establish, improve, or expand—

2 “(i) articulation agreements (as de-
3 fined in section 486A(a) of the Higher
4 Education Act of 1965 (20 U.S.C.
5 1093a(a)));

6 “(ii) credit transfer agreements;

7 “(iii) corequisite remediation pro-
8 grams that enable a student to receive re-
9 medial education services while enrolled in
10 a postsecondary course rather than requir-
11 ing the student to receive remedial edu-
12 cation before enrolling in a such a course;

13 “(iv) dual or concurrent enrollment
14 programs;

15 “(v) competency-based education and
16 assessment; or

17 “(vi) policies and processes to award
18 academic credit for prior learning or for
19 the programs described in paragraph (2).

20 “(B) Make available, in a format that is
21 open, searchable, and easily comparable, infor-
22 mation on—

23 “(i) curricula and recognized postsec-
24 ondary credentials offered through pro-
25 grams funded with the grant, including

1 any curricula or credentials created or fur-
2 ther developed using such grant;

3 “(ii) the skills or competencies devel-
4 oped by individuals who participate in such
5 programs; and

6 “(iii) related employment and earn-
7 ings outcomes.

8 “(C) Establish or implement plans for pro-
9 viders of the programs described in paragraph
10 (2) to meet the criteria and carry out the proce-
11 dures necessary to be included on the eligible
12 training services provider list described in sec-
13 tion 122(d).

14 “(D) Purchase, lease, or refurbish special-
15 ized equipment as necessary to carry out such
16 programs.

17 “(E) Reduce or eliminate unmet financial
18 need relating to participants’ cost of attendance
19 (as defined under section 472 of the Higher
20 Education Act of 1965 (20 U.S.C. 10871l)) in
21 such programs.

22 “(4) ADMINISTRATIVE COST LIMIT.—An eligible
23 institution may use not more than 10 percent of the
24 funds received under this section for administrative
25 costs, including costs related to collecting informa-

1 tion, analysis, and coordination for purposes of sub-
2 section (f).

3 “(f) PERFORMANCE LEVELS AND PERFORMANCE
4 REVIEWS.—

5 “(1) IN GENERAL.—The Secretary shall develop
6 and implement guidance that establishes the levels
7 of performance that are expected to be achieved by
8 each community college and industry partnership
9 funded with a grant under this section. Such per-
10 formance levels shall be based on the following indi-
11 cators:

12 “(A) Each of the primary indicators of
13 performance for adults described in section
14 116(b).

15 “(B) The extent to which the partnership
16 built capacity by—

17 “(i) increasing the breadth and depth
18 of employer engagement and investment in
19 educational and training programs in the
20 in-demand industry sectors and occupa-
21 tions targeted by the partnership;

22 “(ii) designing or implementing new
23 and accelerated instructional techniques or
24 technologies, including the use of advanced

1 online and technology-enabled learning;
2 and

3 “(iii) increasing program and policy
4 alignment across systems and decreasing
5 duplicative services or service gaps.

6 “(C) With respect to individuals who par-
7 ticipated in an education or training program
8 funded with the grant—

9 “(i) the percentage of participants
10 who successfully completed a program; and

11 “(ii) of the participants who were in-
12 cumbent workers at the time of enrollment
13 in the program, the percentage who ad-
14 vanced into higher-level positions during or
15 after completing the program.

16 “(D) Such other indicators of performance
17 as the Secretary determines appropriate.

18 “(2) CONSULTATION AND DETERMINATION OF
19 PERFORMANCE LEVELS.—

20 “(A) CONSULTATION.—In developing the
21 performance levels under paragraph (1), the
22 Secretary shall consult with each partnership
23 funded with a grant under this section.

24 “(B) DETERMINATION.—After completing
25 the consultation required under subparagraph

1 (A), the Secretary shall separately determine
2 the performance levels that will apply to each
3 partnership taking into account—

4 “(i) the expected performance levels of
5 each eligible entity with respect to the
6 goals described in subsection (d)(2)(M);
7 and

8 “(ii) local economic conditions in the
9 geographic area to be served by the part-
10 nership, including differences in unemploy-
11 ment rates and job losses or gains in par-
12 ticular industries.

13 “(C) NOTICE AND ACKNOWLEDGMENT.—

14 “(i) NOTICE.—The Secretary shall
15 provide each partnership with a written no-
16 tification that sets forth the performance
17 levels that will apply to the partnership, as
18 determined under subparagraph (B).

19 “(ii) ACKNOWLEDGMENT.—After re-
20 ceiving the notification described in clause
21 (i), each partnership shall submit to the
22 Secretary written confirmation that the
23 partnership—

24 “(I) received the notification; and

1 “(II) agrees to be evaluated in
2 accordance with the performance lev-
3 els set by the Secretary.

4 “(3) PERFORMANCE REVIEWS.—On an annual
5 basis during each year of the grant period, the Sec-
6 retary shall evaluate the performance of each part-
7 nership funded with a grant under this section in a
8 manner consistent with paragraph (2).

9 “(4) FAILURE TO MEET PERFORMANCE LEV-
10 ELS.—After conducting an evaluation under para-
11 graph (3), if the Secretary determines that a part-
12 nership did not achieve the performance levels appli-
13 cable to the partnership under paragraph (2) the
14 Secretary shall—

15 “(A) provide technical assistance to the
16 partnership; and

17 “(B) develop a performance improvement
18 plan for the partnership.

19 “(g) EVALUATIONS AND REPORTS.—

20 “(1) IN GENERAL.—Not later than 5 years
21 after the date on which the first grant is made
22 under this section, the Secretary shall design and
23 conduct an evaluation to determine the overall effec-
24 tiveness of the community college and industry part-
25 nerships funded under this section.

1 “(2) ELEMENTS.—The evaluation conducted
2 under paragraph (1) shall include an assessment of
3 the general effectiveness of programs and activities
4 supported by grants awarded under this section, in-
5 cluding the extent to which the programs and activi-
6 ties—

7 “(A) developed new or expanded existing
8 successful industry sector strategies, including
9 the extent to which such partnerships deepened
10 employer engagement and developed education
11 and training programs that met industry skill
12 needs;

13 “(B) created, expanded, or enhanced ca-
14 reer pathways, including the extent to which the
15 partnerships developed or improved com-
16 petency-based education and assessment, credit
17 for prior learning, modularized and self-paced
18 curricula, integrated education and career
19 training, dual enrollment in secondary and post-
20 secondary career pathways, stacked and latticed
21 credentials, and online and distance learning;

22 “(C) created alignment between commu-
23 nity colleges and the workforce development
24 system;

1 “(D) assisted individuals with finding, re-
2 taining, or advancing in employment;

3 “(E) assisted individuals with earning rec-
4 ognized postsecondary credentials; and

5 “(F) served various demographic groups,
6 including people of different geographic loca-
7 tions, ages, races, national origins, and sex.

8 “(3) DESIGN REQUIREMENTS.—The evaluation
9 under this subsection shall—

10 “(A) be designed by the Secretary (acting
11 through the Chief Evaluation Officer) in con-
12 junction with the partnerships being evaluated;

13 “(B) include analysis of participant feed-
14 back and outcome and process measures; and

15 “(C) use designs that employ the most rig-
16 orous analytical and statistical methods that
17 are reasonably feasible, such as the use of con-
18 trol groups.

19 “(4) DATA ACCESSIBILITY.—The Secretary
20 shall make available on a publicly accessible website
21 of the Department of Labor any data collected as
22 part of the evaluation under this subsection. Such
23 data shall be made available in an aggregated for-
24 mat that does not reveal personally identifiable in-
25 formation.

1 “(5) PUBLICATION AND REPORTING OF EVAL-
2 UATION FINDINGS.—The Secretary (acting through
3 the Chief Evaluation Officer) shall—

4 “(A) not later than one year after the ini-
5 tial award of grants under this section, publish
6 an interim report on the preliminary results of
7 the evaluation conducted under this subsection;

8 “(B) not later than 60 days after the date
9 on which the evaluation is completed under this
10 subsection, submit to the Committee on Edu-
11 cation and Labor of the House of Representa-
12 tives and the Committee on Health, Education,
13 Labor, and Pensions of the Senate a report on
14 such evaluation; and

15 “(C) not later than 90 days after such
16 completion date, publish and make the results
17 of the evaluation available on a publicly acces-
18 sible website of the Department of Labor.

19 “(h) ANNUAL REPORTS.—The Secretary shall make
20 available on a publicly accessible website of the Depart-
21 ment of Labor, in transparent, linked, open, and inter-
22 operable data formats, the following information:

23 “(1) The performance of partnerships on the
24 capacity-building performance indicator set forth
25 under subsection (f)(1)(B).

1 “(2) The performance of partnerships on the
2 participant outcome performance indicators set forth
3 under subsection (f)(1)(C)).

4 “(3) The number of individuals enrolled in em-
5 ployment and training activities funded with a grant
6 under this section.

7 “(i) DEFINITIONS.—In this section:

8 “(1) COMMUNITY COLLEGE.—The term ‘com-
9 munity college’ means—

10 “(A) a public institution of higher edu-
11 cation (as defined in section 101(a) of the
12 Higher Education Act (20 U.S.C. 1001(a)), at
13 which—

14 “(i) the highest degree awarded is an
15 associate degree; or

16 “(ii) an associate degree is the most
17 frequently awarded degree;

18 “(B) a branch campus of a 4-year public
19 institution of higher education (as defined in
20 section 101 of the Higher Education Act of
21 1965 (20 U.S.C. 1001)), if, at such branch
22 campus—

23 “(i) the highest degree awarded is an
24 associate degree; or

1 “(ii) an associate degree is the most
2 frequently awarded degree;

3 “(C) a 2-year Tribal College or University
4 (as defined in section 316(b)(3) of the Higher
5 Education Act of 1965 (20 U.S.C.
6 1059c(b)(3))); or

7 “(D) a degree-granting Tribal College or
8 University (as defined in section 316(b)(3) of
9 the Higher Education Act of 1965 (20 U.S.C.
10 1059c(b)(3))) at which—

11 “(i) the highest degree awarded is an
12 associate degree; or

13 “(ii) an associate degree is the most
14 frequently awarded degree.

15 “(2) ELIGIBLE INSTITUTION.—The term ‘eligi-
16 ble institution’ means—

17 “(A) a community college;

18 “(B) a postsecondary vocational institution
19 (as defined in section 102(c) of the Higher
20 Education Act of 1965 (20 U.S.C. 1002(c))); or

21 “(C) a consortium of such colleges or insti-
22 tutions.

23 “(j) SUPPLEMENT NOT SUPPLANT.—Funds made
24 available under this section shall be used to supplement,
25 and not supplant other Federal, State, and local public

1 funds made available for carrying out the activities de-
2 scribed in this section.

3 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this sec-
5 tion—

6 “(1) \$100,000,000 for fiscal year 2023;

7 “(2) \$110,000,000 for fiscal year 2024;

8 “(3) \$121,000,000 for fiscal year 2025;

9 “(4) \$133,000,000 for fiscal year 2026;

10 “(5) \$146,000,000 for fiscal year 2027; and

11 “(6) \$161,000,000 for fiscal year 2028.”.

○