

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.

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## 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

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## 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 community  
13 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 appropriated  
22 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. 1087l)) 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.”.

○