

115TH CONGRESS  
2D SESSION

# S. 2390

To amend the Workforce Innovation and Opportunity Act to support community college and industry partnerships, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2018

Ms. DUCKWORTH (for herself, Ms. SMITH, Mrs. FEINSTEIN, and Mr. KAINÉ) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Workforce Innovation and Opportunity Act to support community college and industry partnerships, and for other purposes.

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 “Community College  
5 to Career Fund Act”.

6 **SEC. 2. COMMUNITY COLLEGE TO CAREER FUND.**

7 (a) IN GENERAL.—Title I of the Workforce Innova-  
8 tion and Opportunity Act (29 U.S.C. 3111 et seq.) is  
9 amended by adding at the end the following:

1 **“Subtitle F—Community College to**  
 2 **Career Fund**

3 **“SEC. 199. COMMUNITY COLLEGE AND INDUSTRY PARTNER-**  
 4 **SHIPS PROGRAM.**

5 “(a) GRANTS AUTHORIZED.—Not later than the end  
 6 of the first full fiscal year after the date of enactment of  
 7 the Community College to Career Fund Act, from funds  
 8 appropriated under section 199A, the Secretary of Labor  
 9 (in coordination with the Secretary of Education and the  
 10 Secretary of Commerce) shall award competitive grants to  
 11 eligible entities described in subsection (b) for the purpose  
 12 of developing, offering, improving, and providing edu-  
 13 cational or career training programs for workers. The  
 14 grants shall be awarded for periods of 3 years.

15 “(b) ELIGIBLE ENTITY.—

16 “(1) PARTNERSHIPS WITH EMPLOYERS OR AN  
 17 EMPLOYER OR INDUSTRY PARTNERSHIP.—

18 “(A) GENERAL DEFINITION.—For pur-  
 19 poses of this section, an ‘eligible entity’ means  
 20 any of the entities described in subparagraph  
 21 (B) (or a consortium of any of such entities) in  
 22 partnership with employers or an employer or  
 23 industry partnership representing multiple em-  
 24 ployers.

“(B) DESCRIPTION OF ENTITIES.—The entities described in this subparagraph are—

“(i) a community college;

“(ii) a 4-year public institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that offers 2-year degrees, and that will use funds provided under this section for activities at the certificate and associate degree levels;

“(iii) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))); or

“(iv) a public or private nonprofit, 2-year institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) in the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

“(2) ADDITIONAL PARTNERS.—

“(A) AUTHORIZATION OF ADDITIONAL PARTNERS.—In addition to partnering with employers or an employer or industry partnership representing multiple employers as described in paragraph (1)(A), an entity described in paragraph (1) may include in the partnership described in paragraph (1) one or more of the organizations described in subparagraph (B). Each eligible entity that includes one or more such organizations shall collaborate with the State or local board in the area served by the eligible entity.

“(B) ORGANIZATIONS.—The organizations described in this subparagraph are as follows:

“(i) A provider of adult education (as defined in section 203) or an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

“(ii) A community-based organization.

“(iii) A joint labor-management partnership.

“(iv) A State board or local board.

“(v) An elementary school or secondary school, as defined in section 8101

1 of the Elementary and Secondary Edu-  
2 cation Act of 1965 (20 U.S.C. 7801).

3 “(vi) Any other organization that the  
4 Secretaries consider appropriate.

5 “(c) EDUCATIONAL OR CAREER TRAINING PRO-  
6 GRAM.—For purposes of this section, the Governor of the  
7 State in which at least one of the entities described in sub-  
8 section (b)(1)(B) of an eligible entity is located shall es-  
9 tablish criteria for an educational or career training pro-  
10 gram leading to a recognized postsecondary credential for  
11 which an eligible entity submits a grant proposal under  
12 subsection (d).

13 “(d) APPLICATION.—An eligible entity seeking a  
14 grant under this section shall submit an application con-  
15 taining a grant proposal, for an educational or career  
16 training program leading to a recognized postsecondary  
17 credential, to the Secretaries at such time and containing  
18 such information as the Secretaries determine is required,  
19 including—

20 “(1) a detailed description of—

21 “(A) the extent to which the educational or  
22 career training program described in the grant  
23 proposal fits within an overall strategic plan  
24 consisting of—

1 “(i) the State plan described in sec-  
2 tion 102 or 103, for the State involved;

3 “(ii) the local plan described in sec-  
4 tion 108, for each local area that com-  
5 prises a significant portion of the area to  
6 be served by the eligible entity; and

7 “(iii) a strategic plan developed by the  
8 eligible entity;

9 “(B) the extent to which the program will  
10 meet the needs of employers in the area for  
11 skilled workers in in-demand industry sectors  
12 and occupations;

13 “(C) the extent to which the program will  
14 meet the educational or career training needs of  
15 workers in the area;

16 “(D) the specific educational or career  
17 training program and how the program meets  
18 the criteria established under subsection (e), in-  
19 cluding the manner in which the grant will be  
20 used to develop, offer, improve, and provide the  
21 educational or career training program;

22 “(E) any previous experience of the eligible  
23 entity in providing educational or career train-  
24 ing programs, the absence of which shall not

1 automatically disqualify an eligible institution  
2 from receiving a grant under this section; and

3 “(F) how the program leading to the cre-  
4 dential meets the criteria described in sub-  
5 section (c); and

6 “(2) a detailed plan on how the entity will en-  
7 sure that the program will meet the performance  
8 measures described in subsection (g), and an assur-  
9 ance that the entity will annually submit to the Sec-  
10 retary information on the performance of the pro-  
11 gram on the performance measures described in sub-  
12 section (g).

13 “(e) CRITERIA FOR AWARD.—

14 “(1) IN GENERAL.—Grants under this section  
15 shall be awarded based on criteria established by the  
16 Secretaries, that include the following:

17 “(A) A determination of the merits of the  
18 grant proposal submitted by the eligible entity  
19 involved to develop, offer, improve, and provide  
20 an educational or career training program to be  
21 made available to workers.

22 “(B) An assessment of the likely employ-  
23 ment opportunities available in the area to indi-  
24 viduals who complete an educational or career

1 training program that the eligible entity pro-  
2 poses to develop, offer, improve, and provide.

3 “(C) An assessment of prior demand for  
4 training programs by individuals eligible for  
5 training and served by the eligible entity, as  
6 well as availability and capacity of existing (as  
7 of the date of the assessment) training pro-  
8 grams to meet future demand for training pro-  
9 grams.

10 “(2) PRIORITY.—In awarding grants under this  
11 section, the Secretaries shall give priority to eligible  
12 entities that—

13 “(A) include a partnership, with employers  
14 or an employer or industry partnership, that—

15 “(i) pays a portion of the costs of  
16 educational or career training programs; or

17 “(ii) agrees to hire individuals who  
18 have attained a recognized postsecondary  
19 credential resulting from the educational or  
20 career training program of the eligible en-  
21 tity;

22 “(B) enter into a partnership with a labor  
23 organization or labor-management training pro-  
24 gram to provide, through the program, tech-  
25 nical expertise for occupationally specific edu-

1 cation necessary for a recognized postsecondary  
 2 credential leading to a skilled occupation in an  
 3 in-demand industry sector;

4 “(C) are focused on serving individuals  
 5 with barriers to employment, students who are  
 6 veterans, spouses of member of the Armed  
 7 Forces, incumbent workers who are low-skilled  
 8 and who need to increase their work-related  
 9 skills;

10 “(D) include any eligible entities serving  
 11 areas with high unemployment rates; and

12 “(E) are eligible entities that include an  
 13 institution of higher education eligible for as-  
 14 sistance under title III or V of the Higher Edu-  
 15 cation Act of 1965 (20 U.S.C. 1051 et seq.; 20  
 16 U.S.C. 1101 et seq.).

17 “(f) USE OF FUNDS.—Grant funds awarded under  
 18 this section shall be used for one or more of the following:

19 “(1) The development, offering, improvement,  
 20 and provision of educational or career training pro-  
 21 grams, that provide relevant job training for skilled  
 22 occupations, that lead to recognized postsecondary  
 23 credentials, that will meet the needs of employers in  
 24 in-demand industry sectors, and that may include  
 25 registered apprenticeship programs, on-the-job train-

1       ing programs, and programs that support employers  
2       in upgrading the skills of their workforce.

3               “(2) The development and implementation of  
4       policies and programs to expand opportunities for  
5       students to earn a recognized postsecondary creden-  
6       tial, including a degree, in in-demand industry sec-  
7       tors and occupations, including by—

8               “(A) facilitating the transfer of academic  
9       credits between institutions of higher education,  
10       including the transfer of academic credits for  
11       courses in the same field of study;

12              “(B) expanding articulation agreements  
13       and policies that guarantee transfers between  
14       such institutions, including through common  
15       course numbering and use of a general core  
16       curriculum;

17              “(C) developing or enhancing student sup-  
18       port services programs; and

19              “(D) establishing policies and processes for  
20       assessing and awarding course credit for work-  
21       related learning.

22              “(3) The creation of career pathway programs  
23       that provide a sequence of education and occupa-  
24       tional training that leads to a recognized postsec-

1       ondary credential, including a degree, including pro-  
2       grams that—

3               “(A) blend basic skills and occupational  
4       training;

5               “(B) facilitate means of transitioning par-  
6       ticipants from non-credit occupational, basic  
7       skills, or developmental coursework to for-credit  
8       coursework within and across institutions;

9               “(C) build or enhance linkages, including  
10      the development of dual enrollment programs  
11      and early college high schools, between sec-  
12      ondary education or adult education programs  
13      (including programs established under the Carl  
14      D. Perkins Career and Technical Education Act  
15      of 2006 (20 U.S.C. 2301 et seq.) and title II  
16      of this Act);

17              “(D) are innovative programs designed to  
18      increase the provision of training for students,  
19      including students who are members of the Na-  
20      tional Guard or Reserves, to enter skilled occu-  
21      pations in in-demand industry sectors;

22              “(E) support paid internships that will  
23      allow students to simultaneously earn credit for  
24      work-based learning and gain relevant employ-  
25      ment experience in an in-demand industry sec-

1 tor or occupation, which shall include opportu-  
2 nities that transition individuals into employ-  
3 ment; and

4 “(F) develop competency-based education  
5 programs that offer an outcome-oriented ap-  
6 proach through which recognized postsecondary  
7 credentials are awarded based on successful  
8 demonstration of skills and proficiency.

9 “(4) The development and implementation of—

10 “(A) a Pay-for-Performance program that  
11 leads to a recognized postsecondary credential,  
12 for which an eligible entity agrees to be reim-  
13 bursed under the grant primarily on the basis  
14 of achievement of specified performance out-  
15 comes and criteria agreed to by the Secretary;  
16 or

17 “(B) a Pay-for-Success program that leads  
18 to a recognized postsecondary credential, for  
19 which an eligible entity—

20 “(i) enters into a partnership with an  
21 investor, such as a philanthropic organiza-  
22 tion that provides funding for a specific  
23 project to address a clear and measurable  
24 educational or career training need in the  
25 area to be served under the grant; and

1 “(ii) agrees to be reimbursed under  
 2 the grant only if the project achieves speci-  
 3 fied performance outcomes and criteria  
 4 agreed to by the Secretary.

5 “(g) PERFORMANCE MEASURES.—

6 “(1) IN GENERAL.—The Secretary shall estab-  
 7 lish performance measures for the programs carried  
 8 out under this section.

9 “(2) MEASURES.—The performance measures  
 10 shall consist of—

11 “(A) indicators of performance, including  
 12 the number of program participants who are in  
 13 unsubsidized employment during the second  
 14 quarter after exit from the program; and

15 “(B) a level of performance for each indi-  
 16 cator described in subparagraph (A).

17 “(3) MONITORING PROGRESS.—The Secretary  
 18 shall monitor the progress of eligible entities that re-  
 19 ceive grants under this section in ensuring that their  
 20 programs meet the performance measures.

21 **“SEC. 199A. AUTHORIZATION OF APPROPRIATIONS.**

22 “(a) IN GENERAL.—There are authorized to be ap-  
 23 propriated such sums as may be necessary to carry out  
 24 the program established by section 199. Funds appro-  
 25 priated under this subsection shall remain available until

1 the end of the 5th full fiscal year after the date of enact-  
 2 ment of the Community College to Career Fund Act.

3 “(b) ADMINISTRATIVE COST.—Not more than 5 per-  
 4 cent of the amounts made available under subsection (a)  
 5 may be used by the Secretaries for Federal administration  
 6 the program described in that subsection, including pro-  
 7 viding technical assistance and carrying out evaluations  
 8 for the program described in that subsection.

9 “(c) PERIOD OF AVAILABILITY.—The funds appro-  
 10 priated pursuant to subsection (a) for a fiscal year shall  
 11 be available for Federal obligation for that fiscal year and  
 12 the succeeding 4 fiscal years.

13 **“SEC. 199B. DEFINITIONS.**

14 “For purposes of this subtitle:

15 “(1) COMMUNITY COLLEGE.—The term ‘com-  
 16 munity college’ has the meaning given the term ‘jun-  
 17 ior or community college’ in section 312(f) of the  
 18 Higher Education Act of 1965 (20 U.S.C. 1058(f)).

19 “(2) EDUCATIONAL OR CAREER TRAINING PRO-  
 20 GRAM.—The term ‘educational or career training  
 21 program’ means—

22 “(A) a career pathway program, as defined  
 23 in section 3; or

1                   “(B) a program with an integrated edu-  
 2                   cation and training approach, as defined in sec-  
 3                   tion 203.”.

4           (b) CONFORMING AMENDMENT.—The table of con-  
 5           tents for the Workforce Innovation and Opportunity Act  
 6           is amended by inserting after the items relating to subtitle  
 7           E of title I the following:

                                  “Subtitle F—Community College to Career Fund

                                  “Sec. 199. Community college and industry partnerships program.

                                  “Sec. 199A. Authorization of appropriations.

                                  “Sec. 199B. Definition.”.

8           (c) EFFECTIVE DATE.—This Act, including the  
 9           amendments made by this Act, takes effect as if included  
 10          in the Workforce Innovation and Opportunity Act.

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