

116TH CONGRESS
1ST SESSION

H. R. 3892

To amend the Workforce Innovation and Opportunity Act to award competitive grants for the purpose of developing, offering, improving, and providing educational or career pathway programs for workers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2019

Mr. HARDER of California introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Workforce Innovation and Opportunity Act to award competitive grants for the purpose of developing, offering, improving, and providing educational or career pathway programs for workers, 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 “Short-Term Acceler-
5 ated Reskilling Tracks Career Pathways Act” or the
6 “START Career Pathways Act”.

1 **SEC. 2. START PATHWAYS TO CAREERS FUND.**

2 Title I of the Workforce Innovation and Opportunity
3 Act (29 U.S.C. 3111 et seq.) is amended by adding at
4 the end the following:

5 **“Subtitle F—START Pathways to**
6 **Careers Fund**

7 **“SEC. 199. START PATHWAYS TO CAREERS PROGRAM.**

8 “(a) GRANTS AUTHORIZED.—Not later than the end
9 of the first full fiscal year after the date of enactment of
10 the START Career Pathways Act, from funds appro-
11 priated under section 199A, the Secretary of Labor (in
12 coordination with the Secretary of Education) shall award
13 competitive grants to eligible entities described in sub-
14 section (c) for the purpose of developing, offering, improv-
15 ing, and providing educational or career pathway pro-
16 grams for workers.

17 “(b) DURATION.—

18 “(1) IN GENERAL.—The Secretaries may award
19 a grant to an eligible entity for not more than a 6-
20 year period.

21 “(2) CONTINUATION OF GRANTS.—At the end
22 of the initial 3-year grant period for a grant award-
23 ed to an eligible entity under this section, the Sec-
24 retary shall evaluate, using the performance indica-
25 tors under subsection (h), each program for which
26 the eligible entity was awarded such grant to deter-

mine if eligible entity is eligible to receive such grant
for an additional 3-year grant period.

“(c) ELIGIBLE ENTITY.—

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

“(A) GENERAL DEFINITION.—For purposes of this section, an ‘eligible entity’ means any of the entities described in subparagraph (B) (or a consortium of any of such entities) in partnership with local employers or a local employer or local industry partnership representing multiple employers.

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

“(i) a junior college or a community college (as defined under section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c) to mean public 2-year State institutions of higher education at which the highest degree that is predominantly awarded to students is an associate’s degree, including 2-year tribally controlled colleges);

“(ii) a 4-year public institution of higher education (as defined in section

1 101(a) of the Higher Education Act of
2 1965 (20 U.S.C. 1001(a))) that offers 2-
3 year degrees, and that will use funds pro-
4 vided under this section for activities at
5 the certificate and associate degree levels;
6 or

7 “(iii) a postsecondary vocational insti-
8 tution, as defined in section 102(e) of the
9 Higher Education Act of 1965.

10 “(2) ADDITIONAL PARTNERS.—

11 “(A) AUTHORIZATION OF ADDITIONAL
12 PARTNERS.—In addition to partnering with
13 local employers or a local employer or local in-
14 dustry partnership representing multiple em-
15 ployers as described in paragraph (1)(A), an
16 entity described in paragraph (1) may include
17 in the partnership described in paragraph (1)
18 one or more of the organizations described in
19 subparagraph (B). Each eligible entity that in-
20 cludes one or more such organizations shall col-
21 laborate with the State or local board in the
22 area served by the eligible entity.

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

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

6 “(ii) A community-based organization.

7 “(iii) A joint labor-management part-
8 nership.

9 “(iv) A State board that oversees
10 higher education.

11 “(v) A State educational agency (as
12 defined in section 8101 of the Elementary
13 and Secondary Education Act of 1965 (20
14 U.S.C. 7801)).

15 “(vi) An elementary school or sec-
16 ondary school (as such terms are defined
17 in section 8101 of the Elementary and
18 Secondary Education Act of 1965 (20
19 U.S.C. 7801)).

20 “(vii) A local educational agency (as
21 defined in section 8101 of the Elementary
22 and Secondary Education Act of 1965 (20
23 U.S.C. 7801)).

24 “(viii) A State-based education fo-
25 cused nonprofit.

1 “(ix) An educational service agency
2 (as defined in section 8101 of the Elemen-
3 tary and Secondary Education Act of 1965
4 (20 U.S.C. 7801)).

5 “(x) Any other not-for-profit or com-
6 munity-based organization, with a proven
7 record on job training (as determined by
8 the Secretaries), that the Secretaries con-
9 sider appropriate.

10 “(d) EDUCATIONAL OR CAREER PATHWAY PRO-
11 GRAM.—For purposes of this section, the Governor of the
12 State in which at least 1 of the entities described in sub-
13 section (c) of an eligible entity is located shall establish
14 criteria for an educational or career training pathway pro-
15 gram leading to a recognized postsecondary credential for
16 which an eligible entity submits a grant proposal under
17 subsection (e).

18 “(e) APPLICATION.—An eligible entity seeking a
19 grant under this section shall submit an application con-
20 taining a grant proposal, for an educational or career
21 pathway program leading to a recognized postsecondary
22 credential, to the Secretaries at such time and containing
23 such information as the Secretaries determine is required,
24 including—

25 “(1) a detailed description of—

1 “(A) the extent to which the educational or
2 career pathway program described in the grant
3 proposal fits within an overall strategic plan
4 consisting of—

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

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

11 “(iii) a strategic local plan developed
12 by the eligible entity;

13 “(B) the extent to which the program will
14 meet the needs of employers in the area for
15 workers in high-skill, high-wage, or in-demand
16 sectors or occupations;

17 “(C) the extent to which the program will
18 meet the educational or career training needs of
19 workers in the area;

20 “(D) the specific educational or career
21 pathway program and how the program meets
22 the criteria established under subsection (f), in-
23 cluding the manner in which the grant will be
24 used to develop, offer, improve, and provide the
25 educational or career pathway program;

1 “(E) any previous experience of the eligible
2 entity in providing educational or career path-
3 way programs, the absence of which shall not
4 automatically disqualify an eligible institution
5 from receiving a grant under this section; and

6 “(F) how the program leading to the cre-
7 dential meets the criteria described in sub-
8 section (f); and

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

15 “(f) CRITERIA FOR AWARD.—

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

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

24 “(B) An assessment of the likely employ-
25 ment opportunities available in the area to indi-

viduals who complete an educational or career pathway program that the eligible entity proposes to develop, offer, improve, and provide.

“(C) An assessment of prior demand for training programs by individuals eligible for training and served by the eligible entity, as well as availability and capacity of existing (as of the date of the assessment) training programs to meet future demand for training programs.

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

“(A) include a partnership, with local employers or a local employer or local industry partnership, that—

“(i) pays a portion of the costs of educational or career pathway programs;
or

“(ii) creates a career pathway by supporting employers who hire individuals who have attained a recognized postsecondary credential resulting from the educational or career training pathway program of the eligible entity;

1 “(B) enter into a partnership with a labor
2 organization or labor-management training pro-
3 gram to provide, through the program, tech-
4 nical expertise for occupationally specific edu-
5 cation necessary for a recognized postsecondary
6 credential leading to an occupation in a local
7 high-skill, high-wage, or in-demand industry
8 sector or occupation;

9 “(C) are focused on serving individuals
10 with barriers to employment, students who are
11 veterans including, active duty servicemembers
12 who are otherwise eligible for educational assist-
13 ance under chapter 30 of title 38, United
14 States Code, spouses of members of the Armed
15 Forces, children of members of the Armed
16 Forces, and incumbent workers who are low-
17 skilled and who need to increase their work-re-
18 lated skills;

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

21 “(E) are eligible entities that include an
22 institution of higher education eligible for as-
23 sistance under title III or V of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1051 et seq.; 20
25 U.S.C. 1101 et seq.).

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

3 “(1) The development, offering, improvement,
4 and provision of educational or career pathway pro-
5 grams, that provide relevant job training for skilled
6 occupations, that lead to recognized postsecondary
7 credentials, that will meet the needs of employers in
8 high-skill, high-wage, or in-demand sectors or occu-
9 pations (such as nursing, health care, agriculture,
10 horticulture, food, natural resources, fire science,
11 building trades, and labor) and that may include
12 registered apprenticeship programs, on-the-job train-
13 ing programs, and programs that support employers
14 in upgrading the skills of their workforce.

15 “(2) The development and implementation of
16 policies and programs to expand opportunities for
17 students to earn a recognized postsecondary creden-
18 tial, including a degree, in high-skill, high-wage, or
19 in-demand industry sectors or occupations, including
20 by—

21 “(A) facilitating the transfer of academic
22 credits between institutions of higher education,
23 including the transfer of academic credits for
24 courses in the same field of study;

1 “(B) expanding articulation agreements
2 and policies that guarantee transfers between
3 such institutions, including through common
4 course numbering and use of a general core
5 curriculum;

6 “(C) developing or enhancing student sup-
7 port services; and

8 “(D) establishing policies and processes for
9 assessing and awarding course credit for work-
10 related learning.

11 “(3) The creation of career pathway programs
12 that provide a sequence of education and occupa-
13 tional training that leads to a recognized postsec-
14 ondary credential, including a degree, including pro-
15 grams that—

16 “(A) blend basic skills and occupational
17 training;

18 “(B) facilitate means of transitioning par-
19 ticipants from non-credit occupational, basic
20 skills, or developmental coursework to for-credit
21 coursework within and across institutions;

22 “(C) build or enhance linkages, including
23 the development of dual enrollment programs
24 and early college high schools, between sec-
25 ondary education or adult education programs

1 (including programs established under the Carl
2 D. Perkins Career and Technical Education Act
3 of 2006 (20 U.S.C. 2301 et seq.) and title II
4 of this Act);

5 “(D) are innovative programs designed to
6 increase the provision of training for students,
7 including students who are members of the Na-
8 tional Guard or Reserves, to enter high-skill,
9 high-wage, or in-demand industry sectors or oc-
10 cupations;

11 “(E) support paid internships that will
12 allow students to simultaneously earn credit for
13 work-based learning and gain relevant employ-
14 ment experience in a high-skill, high-wage, or
15 in-demand industry sector or occupation, which
16 shall include opportunities that transition indi-
17 viduals into employment; and

18 “(F) develop competency-based education
19 programs that offer an outcome-oriented ap-
20 proach through which recognized postsecondary
21 credentials are awarded based on successful
22 demonstration of skills and proficiency.

23 “(4) A Pay-for-Success program that leads to a
24 recognized postsecondary credential, for which an el-
25 igible entity—

1 “(A) enters into a partnership with an in-
2 vestor, such as a philanthropic organization
3 that provides funding for a specific project to
4 address a clear and measurable educational or
5 career training need in the area to be served
6 under the grant; and

7 “(B) agrees to be reimbursed under the
8 grant only if the project achieves specified per-
9 formance outcomes and criteria agreed to by
10 the Secretary.

11 “(h) PERFORMANCE MEASURES.—

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

15 “(2) MEASURES.—The performance measures
16 shall consist of—

17 “(A) indicators of performance, including
18 the number of program participants who are in
19 unsubsidized employment during the second
20 quarter after exit from the program; and

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

23 “(3) MONITORING PROGRESS.—The Secretary
24 shall monitor the progress of eligible entities that re-

1 ceive grants under this section in ensuring that their
2 programs meet the performance measures.

3 **“SEC. 199A. GENERAL PROVISIONS.**

4 “(a) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) IN GENERAL.—There are authorized to be
6 appropriated such sums as may be necessary to
7 carry out the program established by section 199.
8 Funds appropriated under this subsection shall re-
9 main available until the end of the 5th full fiscal
10 year after the date of enactment of the START Ca-
11 reer Pathways Act.

12 “(2) ADMINISTRATIVE COST.—Not more than 5
13 percent of the amounts made available under para-
14 graph (1) may be used by the Secretaries for Fed-
15 eral administration of the program described in that
16 subsection, including providing technical assistance
17 and carrying out evaluations for the program de-
18 scribed in that subsection.

19 “(3) PERIOD OF AVAILABILITY.—The funds ap-
20 propriated pursuant to paragraph (1) for a fiscal
21 year shall be available for Federal obligation for that
22 fiscal year and the succeeding 4 fiscal years.

23 “(b) SECRETARIES DEFINED.—In this subtitle, the
24 term ‘Secretaries’ means the Secretary of Labor and the
25 Secretary of Education.”.

1 **SEC. 3. START (SHORT-TERM ACCELERATED RESKILLING**
2 **TRACKS) PATHWAYS TO CAREERS FEDERAL**
3 **PELL GRANTS.**

4 Section 401 of the Higher Education Act of 1965 (20
5 U.S.C. 1070a–1) is amended by adding at the end the fol-
6 lowing:

7 “(k) START FEDERAL PELL GRANT APPLICA-
8 TIONS.—

9 “(1) IN GENERAL.—For the award years begin-
10 ning on October 1, 2019, the Secretary shall carry
11 out a program through which the Secretary shall
12 award START Federal Pell Grants to students in el-
13 igible short-term programs.

14 “(2) TERMS AND CONDITIONS.—Each START
15 Federal Pell Grant awarded under this subsection
16 shall have the same terms and conditions, and be
17 awarded in the same manner, as a Federal Pell
18 Grant awarded under subsection (a), except as fol-
19 lows:

20 “(A) STUDENT ELIGIBILITY.—A student
21 who is eligible to receive a Federal Pell Grant
22 under this subsection is a student who—

23 “(i) has not yet attained a bacca-
24 laurate degree or postbaccalaureate de-
25 gree; and

1 “(ii) is enrolled, or accepted for en-
2 rollment, in an eligible short-term program
3 at an institution of higher education.

4 “(B) GRANT AMOUNT.—The amount of a
5 START Federal Pell Grant awarded under this
6 subsection for an eligible student shall be deter-
7 mined under subsection (b)(2)(A), except
8 that—

9 “(i) subsection (b)(4) shall be applied
10 by substituting ‘5 percent’ for ‘ten per-
11 cent’; and

12 “(ii) no increase shall be calculated
13 under subsection (b)(7)(B) for such stu-
14 dent.

15 “(C) INCLUSION IN DURATION LIMITS.—
16 Any period during which a student receives a
17 START Federal Pell Grant under this sub-
18 section shall be included in calculating the stu-
19 dent’s period of eligibility for Federal Pell
20 Grants under subsection (c), and any regula-
21 tions under such subsection regarding students
22 who are enrolled in an undergraduate program
23 on less than a full-time basis shall similarly
24 apply to students who are enrolled in an eligible

1 short-term program at an eligible institution on
2 less than a full-time basis.

3 “(D) EFFECT ON DISCONTINUED PARTICI-
4 PATION.—An eligible student who receives a
5 START Federal Pell Grant under this sub-
6 section shall receive such grant during the pe-
7 riod in which the student is enrolled in a short-
8 term program for which the student receives
9 such grant and is making satisfactory academic
10 progress, without regard to whether the short-
11 term program ceases to be eligible for participa-
12 tion in the START Federal Pell Grant program
13 under this subsection.

14 “(3) ELIGIBLE SHORT-TERM PROGRAM RE-
15 QUIREMENTS.—

16 “(A) IN GENERAL.—To be an eligible
17 short-term program for purposes of this sub-
18 section, the Secretary shall determine that a
19 short-term program meets the following:

20 “(i) The short-term program is made
21 available to workers in the geographic area
22 in which the program is offered.

23 “(ii) The short-term program pre-
24 pares participants for employment oppor-
25 tunities in high-skill, high-wage, or in-de-

1 mand sectors or occupations in such geo-
2 graphic area.

3 “(iii) The short-term program meets
4 any other requirements that the Secretary
5 determines appropriate.

6 “(B) TERMINATION OF ELIGIBLE SHORT-
7 TERM PROGRAM STATUS.—A short-term pro-
8 gram may cease to be an eligible short-term
9 program for purposes of this subsection if not
10 less than 2 annual evaluations under paragraph
11 (4) for such program demonstrate that the pro-
12 gram does not meet the performance outcomes
13 established by the Secretary on the metrics de-
14 scribed in paragraph (4)(B)(ii).

15 “(4) EVALUATIONS AND REPORTS.—

16 “(A) REPORTS.—Not later than 3 years
17 after the date that the first Federal Pell Grant
18 is awarded under this subsection, and on an an-
19 nual basis thereafter, the Secretary, in con-
20 sultation with the Director of the Institute of
21 Education Sciences, shall evaluate each short-
22 term program participating under this sub-
23 section in accordance with subparagraph (B),
24 and report the results of such evaluation to the
25 authorizing committees.

1 “(B) EVALUATION OF PROGRAMS.—An
2 evaluation of a short-term program under sub-
3 paragraph (A) shall—

4 “(i) evaluate the extent to which such
5 short-term program meets the require-
6 ments under paragraph (3); and

7 “(ii) include both qualitative and
8 quantitative evidence of—

9 “(I) the program’s alignment
10 with workforce needs, including place-
11 ment and retention in jobs related to
12 the training provided by the program;

13 “(II) the effect, if any, this pro-
14 gram has on matriculation of students
15 attending 4-year institutions;

16 “(III) the extent to which stu-
17 dents have sought a higher credential
18 or degree or military service;

19 “(IV) employment rates after
20 program completion;

21 “(V) earnings (either average
22 earnings of completers or the share of
23 completers earning more than the av-
24 erage high school graduate);

1 “(VI) program completion rates;
2 and
3 “(VII) rates of continued edu-
4 cation of those who have completed
5 the program.

6 “(5) SUNSET.—The Secretary shall not have
7 the authority to award Federal Pell Grants under
8 this subsection after the date that is 7 years after
9 the date of enactment of the START Career Path-
10 ways Act.

11 “(6) DEFINITIONS.—In this subsection:

12 “(A) CAREER AND TECHNICAL EDU-
13 CATION.—The term ‘career and technical edu-
14 cation’ has the meaning given the term in sec-
15 tion 3 of the Carl D. Perkins Career and Tech-
16 nical Education Act of 2006 (20 U.S.C. 2302).

17 “(B) HIGH-SKILL; HIGH-WAGE.—The
18 terms ‘high-skill’ and ‘high-wage’ are used as
19 such terms are used in the Carl D. Perkins Ca-
20 reer and Technical Education Act of 2006 (20
21 U.S.C. 2301 et seq.).

22 “(C) JOB TRAINING PROGRAM.—The term
23 ‘job training program’ means a career and tech-
24 nical education program at an institution of
25 higher education that—

1 “(i) provides not less than 150 clock
2 hours of instructional time over a period of
3 not less than 8 weeks;

4 “(ii) provides training in partnership
5 with the requirements of employers in the
6 State or local area, which may include
7 high-skill, high-wage, or in-demand sectors
8 or occupations in the State or local area;

9 “(iii) provides a student, upon comple-
10 tion of the program, with a recognized
11 postsecondary credential, that is widely
12 recognized by local employers in the rel-
13 evant industry, including credentials recog-
14 nized by industry or sector partnerships in
15 the State or local area where the industry
16 is located;

17 “(iv) utilizes work-based and worksite
18 learning experiences, where appropriate
19 and available, that—

20 “(I) are related to the employ-
21 ment for which the program provides
22 training (such as employment in a
23 sector or occupation described in
24 clause (ii)); and

1 “(II) are supervised by an indi-
2 vidual with expertise in the field; and

3 “(v) has been determined by the insti-
4 tution of higher education (after validation
5 of that determination by an industry or
6 sector partnership) to provide academic
7 content, an amount of instructional time,
8 and a recognized postsecondary credential
9 that—

10 “(I) meet the hiring requirements
11 of potential local employers;

12 “(II) allow the students to apply
13 for any licenses or certifications that
14 may be required to be employed in the
15 local field for which the job training is
16 offered;

17 “(III) may include integrated or
18 basic skills courses; and

19 “(IV) may be offered as part of
20 an eligible local eligible career path-
21 ways program.

22 “(D) SHORT-TERM PROGRAM.—The term
23 ‘short-term program’ means—

24 “(i) a career and technical education
25 program that provides more than 320

1 clock hours and less than 600 clock hours
2 of instruction;

3 “(ii) an educational or career pathway
4 program that is part of a career pathway;
5 or

6 “(iii) a job-training program.

7 “(E) WIOA TERMS.—The terms ‘career
8 pathway’, ‘in-demand industry sector or occupa-
9 tion’, and ‘recognized postsecondary credential’
10 have the meanings given the terms in section 3
11 of the Workforce Innovation and Opportunity
12 Act (29 U.S.C. 3102).”.

○