

117TH CONGRESS  
1ST SESSION

# H. R. 4338

To establish a fund to provide grants for the operation and expansion of evidence-based workforce development and post-secondary education programs and to support evaluations of these programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2021

Ms. SHERRILL (for herself and Mr. MCKINLEY) introduced the following bill;  
which was referred to the Committee on Education and Labor

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## A BILL

To establish a fund to provide grants for the operation and expansion of evidence-based workforce development and post-secondary education programs and to support evaluations of these programs, 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 “Expanding Pathways  
5 to Employment Act”.

1 **SEC. 2. WORKFORCE DEVELOPMENT AND POST-SEC-**  
2 **ONDARY EDUCATION GRANT PROGRAM.**

3 (a) IN GENERAL.—The Secretary, in consultation  
4 with the Board, shall make grants in accordance with this  
5 section to provide long-term funding commitments for eli-  
6 gible workforce development programs and eligible post-  
7 secondary education programs as follows:

8 (1) WORKFORCE DEVELOPMENT PROGRAMS  
9 SUPPORTED BY STRONG EVIDENCE.—Of the total  
10 amount appropriated under section 6, the Secretary  
11 shall use 50 percent of such amount to make grants  
12 for eligible workforce development programs that  
13 have demonstrated a substantial, statistically signifi-  
14 cant positive impact on worker earnings through one  
15 or more well-designed and well-implemented random-  
16 ized control experimental studies. A grant awarded  
17 under this paragraph shall be used for the cost of  
18 operating and expanding such program, and may  
19 also be used, at the discretion of the grantee, for the  
20 cost of conducting a new randomized control experi-  
21 mental study with respect to such program.

22 (2) WORKFORCE DEVELOPMENT PROGRAMS  
23 SUPPORTED BY MODERATE AND PROMISING EVI-  
24 DENCE.—Of the total amount appropriated under  
25 section 6, the Secretary shall use 25 percent of such  
26 amount to make grants for eligible workforce devel-

1       opment programs that have demonstrated a substan-  
2       tial, statistically significant positive impact on work-  
3       er earnings through one or more well-designed and  
4       well-implemented quasi-experimental studies or cor-  
5       relational studies. A grant awarded under this para-  
6       graph shall be used—

7               (A) for the cost of conducting randomized  
8       control experimental studies with respect to  
9       such program; and

10              (B) for the cost of operating and expand-  
11       ing such program (but only if a grant under  
12       subclause (A) has been concurrently awarded  
13       for such program).

14       (3) DISCRETIONARY AMOUNT.—Of the total  
15       amount appropriated under section 6, the Secretary  
16       shall use 20 percent of such amount at the discre-  
17       tion of the Secretary—

18              (A) to make additional grants as described  
19       in paragraph (1);

20              (B) to make additional grants as described  
21       in paragraph (2); and

22              (C) to make grants for eligible post-sec-  
23       ondary education programs that have dem-  
24       onstrated a substantial, statistically significant  
25       positive impact on student graduation and de-

1           gree completion through one or more well-de-  
2           signed and well-implemented randomized con-  
3           trol experimental studies, quasi-experimental  
4           studies, or correlational studies, to be used—

5                   (i) in the case of programs that have  
6                   demonstrated such positive impact through  
7                   one or more randomized control experi-  
8                   mental studies, for the cost of operating  
9                   and expanding such program, and, at the  
10                  discretion of the grantee, for the cost of  
11                  conducting a new randomized control ex-  
12                  perimental study with respect to such pro-  
13                  gram; and

14                  (ii) in the case of programs that have  
15                  demonstrated such positive impact through  
16                  one or more quasi-experimental studies or  
17                  correlational studies—

18                           (I) for the cost of conducting  
19                           randomized control experimental stud-  
20                           ies with respect to such program; and

21                           (II) for the cost of operating and  
22                           expanding such program (but only if a  
23                           grant under subclause (I) has been  
24                           concurrently awarded for such pro-  
25                           gram).

1           (4) TECHNICAL ASSISTANCE.—Of the total  
2 amount appropriated under section 6, the Secretary  
3 shall use 5 percent—

4           (A) to provide technical assistance for eli-  
5 gible workforce development programs and eligi-  
6 ble post-secondary education programs, includ-  
7 ing technical assistance related to the use of ad-  
8 ministrative data to improve program perform-  
9 ance;

10           (B) to conduct feasibility studies and other  
11 planning activities;

12           (C) to disseminate best practices; and

13           (D) for staff and other costs related to  
14 such activities.

15       (b) ELIGIBLE APPLICANTS.—Applicants for a grant  
16 under subsection (a) may include—

17           (1) State, local, territorial, or tribal govern-  
18 ments, but only if the application includes one or  
19 more clearly designated nonprofit organizations, in-  
20 stitutions of higher education, or post-secondary vo-  
21 cational institutions that will implement the program  
22 using such grant funds; and

23           (2) nonprofit organizations, institutions of high-  
24 er education, or post-secondary vocational institu-  
25 tions, but only if the application—

1 (A) is supported by a State, local, terri-  
2 torial, or tribal government; and

3 (B) includes a plan to partner with that  
4 government, a sustainability plan to ensure the  
5 program continues to be delivered after the end  
6 of the grant award, and a clearly designated  
7 place or places where the program will be ad-  
8 ministered.

9 (c) **MATCHING REQUIREMENT.**—The Secretary shall  
10 not award any grant under paragraph (1) or paragraph  
11 (3)(A) of subsection (a) to an entity unless the entity pro-  
12 vides matching funds from Federal or non-Federal sources  
13 in an amount equal to not less than 50 percent of such  
14 grant, except that the Secretary may, at the request of  
15 an applicant or a grantee, grant a waiver reducing this  
16 requirement for the purposes of increasing the accessi-  
17 bility or equity of the program design, or in the case of  
18 grants awarded to an eligible entity with limited resources.

19 **SEC. 3. AMOUNT OF GRANTS AND CRITERIA FOR AWARD-**  
20 **ING GRANTS.**

21 (a) **IN GENERAL.**—The amount of a grant awarded  
22 for an eligible workforce development program or post-sec-  
23 ondary education program under section 2 shall be deter-  
24 mined by the Secretary, in consultation with the Board,  
25 based on the following:

1           (1) The program’s impact on participant earn-  
2           ings or participant graduation and degree comple-  
3           tion rates relative to costs (as determined under  
4           guidance issued pursuant to subsection (b)).

5           (2) Whether the program was evaluated  
6           through a randomized control experimental study, a  
7           quasi-experimental study, or a correlational study,  
8           and the overall quality of the evidence behind the  
9           program, including the sample size and number of  
10          evaluations, the statistical quality of the evaluations,  
11          the magnitude of the impacts detected, and the  
12          strength of the causal connection between the pro-  
13          gram and key economic outcomes measured.

14          (3) The number of additional participants that  
15          the program expects to enroll as a result of receiving  
16          such grant.

17          (4) Whether the program has been dem-  
18          onstrated to improve equity, in particular for popu-  
19          lations of individuals or communities (which may in-  
20          clude rural communities) historically held furthest  
21          from opportunity.

22          (b) IMPACT RELATIVE TO COSTS STANDARD.—The  
23          Board shall devise and publish a minimum impact relative  
24          to costs standard comparing the impact on worker earn-  
25          ings or student graduation and degree completion rates

1 as a result of an eligible workforce development program  
2 or post-secondary education program and the annual cost  
3 per participant under such program. Such standard  
4 shall—

5 (1) set forth a minimum required demonstrable  
6 increase in earnings or graduation and degree com-  
7 pletion rates over time (based on previous evalua-  
8 tions) per dollar of program cost per participant;  
9 and

10 (2) allow for additional flexibility for programs  
11 that specifically or primarily serve individuals with  
12 barriers to employment (as defined in section 3(24)  
13 of the Workforce Innovation and Opportunity Act  
14 (29 U.S.C. 3102(24)) or post-secondary education,  
15 individuals in communities that have historically or  
16 currently been underserved by workforce develop-  
17 ment and post-secondary education programs, and  
18 individuals in rural areas.

19 **SEC. 4. INDEPENDENT BOARD.**

20 (a) **ESTABLISHMENT OF INDEPENDENT BOARD.**—  
21 There is established an independent board (in this Act re-  
22 ferred to as the “Board”) consisting of 5 members ap-  
23 pointed by the Secretary in accordance with subsection (c).

24 (b) **DUTIES.**—The Board shall review applications for  
25 grants under this Act and make recommendations to the



1 Secretary with respect to the awarding of such grants. The  
2 Board shall, in their recommendation to the Secretary re-  
3 garding program selection, prioritize programs that have  
4 demonstrated a larger impact relative to costs (as deter-  
5 mined under guidance issued pursuant to subsection (b)),  
6 that have been evaluated by more well-designed and well-  
7 implemented studies, and that have been evaluated by ran-  
8 domized control experimental studies rather than quasi-  
9 experimental studies or correlational studies. The Board  
10 shall, in their recommendation to the Secretary regarding  
11 grant size, prioritize higher funding levels to programs  
12 that have demonstrated a larger impact relative to costs  
13 (as so determined), that have been evaluated by more well-  
14 designed and well-implemented studies, that have been  
15 evaluated by randomized control experimental studies  
16 rather than quasi-experimental studies or correlational  
17 studies, and that expect to enroll more participants as a  
18 result of receiving such grant. For the purposes of these  
19 recommendations, the Board shall devise a quality stand-  
20 ard for evaluations to determine which evaluations are  
21 more well-designed and well-implemented compared to  
22 others.

23 (c) APPOINTMENT.—The Secretary shall appoint in-  
24 dividuals to serve on the Board who meet the qualifica-  
25 tions described in subsection (d). In making such appoint-

1 ments, the Secretary shall consult and receive rec-  
2 ommendations from the Commission of Social Impact  
3 Partnerships established under section 2057 of the Social  
4 Security Act.

5 (d) QUALIFICATIONS OF MEMBERS.—An individual  
6 who meets the qualifications described in this subsection  
7 is an individual who is an academic, nonprofit, or execu-  
8 tive agency official with expertise in workforce develop-  
9 ment programs or post-secondary education programs and  
10 experience in running rigorous evaluations. Such an indi-  
11 vidual shall—

12 (1) be an expert in program evaluation and evi-  
13 dence-based policy, including evaluation methodolo-  
14 gies that are appropriately rigorous and reliant upon  
15 independent data;

16 (2) have relevant professional or personal expe-  
17 rience in a field related to one or more of the out-  
18 comes listed in this division; or

19 (3) have relevant lived or professional experi-  
20 ence with underserved communities and under-  
21 resourced families that this Act is intended to serve.

22 (e) STAFFING.—In administering the program under  
23 this Act, the Secretary may hire such staff as necessary,  
24 including by using placement authorities under the Inter-  
25 governmental Personnel Act of 1970, and any other direct

1 hire authorities available to the Secretary for any other  
2 purpose. In hiring staff to administer such program, the  
3 Secretary shall ensure that such staff meet the qualifica-  
4 tions described in subsection (d).

5 (f) REPORTS.—The Board shall report on progress  
6 periodically to the Federal Interagency Council on Social  
7 Impact Partnerships established under section 2056 of the  
8 Social Security Act, and shall coordinate policies and deci-  
9 sions with relevance to other Federal agencies through  
10 such Council.

11 (g) GUIDANCE.—

12 (1) IN GENERAL.—The Board, in consultation  
13 with the Commission of Social Impact Partnerships  
14 established under section 2057 of the Social Security  
15 Act, shall develop and make publicly available guid-  
16 ance regarding best practices for the evaluation of  
17 eligible workforce development programs and eligible  
18 post-secondary education programs to be used to as-  
19 sess the quality of each evaluation as required under  
20 subsection (b). Such guidance shall seek to ensure  
21 that—

22 (A) the evaluation accurately models a par-  
23 ticipant group population that is representative  
24 of the overall population served by the program;

1 (B) aggregate shifts that might affect  
2 baseline numbers are controlled for by the eval-  
3 uation; and

4 (C) regardless of any other factors, all pos-  
5 sible safeguards are undertaken to avoid statis-  
6 tical creaming, in which the impact of a pro-  
7 gram is over measured as recruited participants  
8 become more highly skilled prior to participa-  
9 tion over time.

10 (2) PROCEDURE.—In issuing the guidance and  
11 performance benchmarks defined above, the Board  
12 shall release and circulate draft guidance, regula-  
13 tions, and performance benchmarks, which shall be  
14 circulated to the Commission, and shall not be  
15 adopted unless approved by a majority vote of the  
16 Commission at a public meeting, and the Commis-  
17 sion shall receive proposed draft guidance or per-  
18 formance benchmarks not less than 30 days prior to  
19 voting to approve it. The Board shall use the draft  
20 guidance, regulations, and performance benchmarks,  
21 once approved by the Commission, to review grant  
22 applications under this Act and make recommenda-  
23 tions to the Secretary with respect to the awarding  
24 of such grants, as described in subsection (b).

1 **SEC. 5. DEFINITIONS.**

2 For purposes of this Act:

3 (1) **ELIGIBLE WORKFORCE DEVELOPMENT PRO-**  
4 **GRAM.**—The term “eligible workforce development  
5 program” means a program operated by a nonprofit  
6 organization that provides skills training and edu-  
7 cation to existing and potential workers with the ob-  
8 jective of increasing the wage level and chance of  
9 employment of those workers.

10 (2) **ELIGIBLE POST-SECONDARY EDUCATION**  
11 **PROGRAM.**—The term “eligible post-secondary edu-  
12 cation program” means a program operated by a  
13 nonprofit organization, an institution of higher edu-  
14 cation (as defined in section 101 of the Higher Edu-  
15 cation Act of 1965), or a postsecondary vocational  
16 institution (as defined in section 102(c) of such Act)  
17 that provides education and support services to post-  
18 secondary students with the objective of increasing  
19 the rate at which these individuals graduate or ob-  
20 tain a post-secondary credential from the post-sec-  
21 ondary program in which they are enrolled.

22 (3) **RANDOMIZED CONTROL EXPERIMENTAL**  
23 **STUDY.**—The term “randomized control experi-  
24 mental study” means a study conducted by an inde-  
25 pendent organization utilizing a randomized control  
26 trial methodology that compares the earnings, or

1 graduation and degree completion rates, of partici-  
2 pant group and control group members, and meas-  
3 ures the causal impact of an eligible workforce devel-  
4 opment program, or eligible post-secondary edu-  
5 cation program, on participants' earnings, or grad-  
6 uation and degree completion rates, at least two  
7 years after participants enroll in the program.

8 (4) QUASI-EXPERIMENTAL STUDY.—The term  
9 “quasi-experimental study” means a study con-  
10 ducted by an independent organization that uses a  
11 non-randomized methodology and model to measure  
12 the causal impact of an eligible workforce develop-  
13 ment program, or eligible post-secondary education  
14 program, on participants' earnings, or graduation  
15 and degree completion rates, at least two years after  
16 participants enroll in the program.

17 (5) CORRELATIONAL STUDY.—The term “cor-  
18 relational study” means a study conducted by an  
19 independent organization using a non-randomized  
20 methodology with statistical controls for selection  
21 bias that has found a correlational impact of an eli-  
22 gible workforce development program, or eligible  
23 post-secondary education program, on participants'  
24 earnings, or graduation and degree completion rates,  
25 and has demonstrated a rationale based on high-

1 quality research findings that the program is likely  
2 to improve those participant outcomes at least two  
3 years after participants enroll in the program but  
4 has not yet demonstrated a causal relationship.

5 (6) WELL-DESIGNED AND WELL-IMPLE-  
6 MENTED.—The term “well-designed and well-imple-  
7 mented”, as applied to a study, means a study that  
8 is replicable, uses programmatic and control groups  
9 that are representative of the type of population  
10 served by the program, uses controls for aggregate  
11 shifts that might affect baseline numbers, does not  
12 have problems with attrition from the program, and  
13 takes measures to avoid statistical creaming.

14 (7) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Treasury.

16 **SEC. 6. FUNDING.**

17 There is appropriated to carry out this Act, out of  
18 any funds in the Treasury not otherwise appropriated,  
19 \$700,000,000 for fiscal year 2021, to remain available for  
20 9 fiscal years.

○