

116TH CONGRESS  
1ST SESSION

# S. 839

To extend Federal Pell Grant eligibility of certain short-term programs.

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## IN THE SENATE OF THE UNITED STATES

MARCH 14, 2019

Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Ms. KLOBUCHAR, Mrs. CAPITO, Ms. HASSAN, Ms. STABENOW, Mr. GARDNER, Mr. BROWN, Mrs. GILLIBRAND, and Mr. CARDIN) 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 extend Federal Pell Grant eligibility of certain short-term programs.

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 “Jumpstart Our Busi-  
5 nesses by Supporting Students Act of 2019” or the  
6 “JOBS Act of 2019”.

1 **SEC. 2. EXTENDING FEDERAL PELL GRANT ELIGIBILITY OF**  
 2 **CERTAIN SHORT-TERM PROGRAMS.**

3 (a) IN GENERAL.—Section 401 of the Higher Edu-  
 4 cation Act of 1965 (20 U.S.C. 1070a) is amended by in-  
 5 serting after subsection (j) the following:

6 “(k) **JOB TRAINING FEDERAL PELL GRANT PRO-**  
 7 **GRAM.**—

8 “(1) **DEFINITIONS.**—In this subsection:

9 “(A) **ELIGIBLE CAREER PATHWAY PRO-**  
 10 **GRAM.**—The term ‘eligible career pathway pro-  
 11 gram’ means a program that—

12 “(i) meets the requirements of section  
 13 484(d)(2);

14 “(ii) is listed on the provider list  
 15 under section 122(d) of the Workforce In-  
 16 novation and Opportunity Act;

17 “(iii) is part of a career pathway, as  
 18 defined in section 3 of that Act; and

19 “(iv) is aligned to a program of study  
 20 as defined in section 3 of the Carl D. Per-  
 21 kins Career and Technical Education Act  
 22 of 2006.

23 “(B) **ELIGIBLE JOB TRAINING PRO-**  
 24 **GRAM.**—

25 “(i) IN GENERAL.—The term ‘eligible  
 26 job training program’ means a career and

1 technical education program at an institu-  
2 tion of higher education that—

3 “(I) provides not less than 150,  
4 and not more than 600, clock hours of  
5 instructional time over a period of not  
6 less than 8 weeks and not more than  
7 15 weeks;

8 “(II) provides training aligned  
9 with the requirements of high-skill,  
10 high-wage, or in-demand industry sec-  
11 tors or occupations in the State or  
12 local area, as determined by an indus-  
13 try or sector partnership;

14 “(III) is a program of training  
15 services, and provided through an eli-  
16 gible training provider, as described  
17 under section 122(d) of the Workforce  
18 Innovation and Opportunity Act;

19 “(IV) provides a student, upon  
20 completion of the program, with a rec-  
21 ognized postsecondary credential that  
22 is recognized by employers in the rel-  
23 evant industry, including credentials  
24 recognized by industry or sector part-  
25 nerships in the relevant industry in

1 the State or local area where the in-  
2 dustry is located and the job training  
3 program is provided;

4 “(V) has been determined by the  
5 institution of higher education (after  
6 validation of that determination by an  
7 industry or sector partnership) to pro-  
8 vide academic content, an amount of  
9 instructional time, and a recognized  
10 postsecondary credential that are suf-  
11 ficient to—

12 “(aa) meet the hiring re-  
13 quirements of potential employ-  
14 ers; and

15 “(bb) satisfy any applicable  
16 educational prerequisite require-  
17 ment for professional licensure or  
18 certification, so that the student  
19 who completes the program and  
20 seeks employment qualifies to  
21 take any licensure or certification  
22 examination needed to practice or  
23 find employment in an occupa-  
24 tion that the program prepares  
25 students to enter;

1                   “(VI) may include integrated  
2 education and training;

3                   “(VII) may be offered as part of  
4 an eligible career pathway program;

5                   “(VIII) does not exceed by more  
6 than 50 percent the minimum number  
7 of clock hours required for training if  
8 the State has established such a re-  
9 quirement; and

10                   “(IX) shall include institutional  
11 credit articulation for a student en-  
12 rolled in a noncredit job training pro-  
13 gram.

14                   “(ii) APPROVAL BY THE SEC-  
15 RETARY.—In the case of a program that is  
16 seeking to establish eligibility as an eligible  
17 job training program under this subpara-  
18 graph, the Secretary shall make a deter-  
19 mination about whether the program meets  
20 the requirements of this subparagraph not  
21 more than 60 days after the date on which  
22 such program is submitted for consider-  
23 ation as an eligible job training program.

24                   “(iii) ADDITIONAL ASSURANCE.—The  
25 Secretary shall not determine that a pro-

1           gram is an eligible job training program in  
 2           accordance with clause (ii) unless the Sec-  
 3           retary receives a certification from the ap-  
 4           propriate State board containing an assur-  
 5           ance that the program meets the require-  
 6           ments of clause (i).

7           “(C) INSTITUTION OF HIGHER EDU-  
 8           CATION.—The term ‘institution of higher edu-  
 9           cation’ means—

10                   “(i) an institution of higher education,  
 11                   as defined in section 101; or

12                   “(ii) a postsecondary vocational insti-  
 13                   tution, as defined in section 102(c).

14           “(D) INSTITUTIONAL CREDIT ARTICULA-  
 15           TION.—The term ‘institutional credit articula-  
 16           tion’ means an institution of higher education  
 17           provides a student who has completed a non-  
 18           credit program with the equivalent academic  
 19           credit that may be applied to a subsequent  
 20           credit-bearing certificate or degree program  
 21           upon enrollment in such program at such insti-  
 22           tution.

23           “(E) WIOA DEFINITIONS.—The terms ‘in-  
 24           dustry or sector partnership’, ‘in-demand indus-  
 25           try sector or occupation’, ‘recognized postsec-

1           ondary credential’, and ‘State board’ have the  
2           meanings given such terms in section 3 of the  
3           Workforce Innovation and Opportunity Act.

4           “(2) IN GENERAL.—For the award year begin-  
5           ning on July 1, 2019, and each subsequent award  
6           year, the Secretary shall carry out a program  
7           through which the Secretary shall award Federal  
8           Pell Grants to students in eligible job training pro-  
9           grams (referred to as a ‘job training Federal Pell  
10          Grant’). Each eligible job training Federal Pell  
11          Grant awarded under this subsection shall have the  
12          same terms and conditions, and be awarded in the  
13          same manner, as a Federal Pell Grant awarded  
14          under subsection (a), except as follows:

15                 “(A) A student who is eligible to receive a  
16                 job training Federal Pell Grant under this sub-  
17                 section is a student who—

18                         “(i) has not yet attained a  
19                         postbaccalaureate degree;

20                         “(ii) attends an institution of higher  
21                         education;

22                         “(iii) is enrolled, or accepted for en-  
23                         rollment, in an eligible job training pro-  
24                         gram at such institution of higher edu-  
25                         cation; and

1                   “(iv) meets all other eligibility re-  
2                   quirements for a Federal Pell Grant (ex-  
3                   cept with respect to the type of program of  
4                   study, as provided in clause (iii)).

5                   “(B) The amount of a job training Federal  
6                   Pell Grant for an eligible student shall be deter-  
7                   mined under subsection (b), except that sub-  
8                   section (b)(4) shall not apply.

9                   “(3) INCLUSION IN TOTAL ELIGIBILITY PE-  
10                  RIOD.—Any period during which a student receives  
11                  a job training Federal Pell Grant under this sub-  
12                  section shall be included in calculating the student’s  
13                  period of eligibility for Federal Pell Grants under  
14                  subsection (c), and the eligibility requirements re-  
15                  garding students who are enrolled in an under-  
16                  graduate program on less than a full-time basis shall  
17                  similarly apply to students who are enrolled in an el-  
18                  igible job training program at an eligible institution  
19                  on less than a full-time basis.”.

20                  (b) ACCREDITING AGENCY RECOGNITION OF ELIGI-  
21                  BLE JOB TRAINING PROGRAMS.—Section 496(a)(4) of the  
22                  Higher Education Act of 1965 (20 U.S.C. 1099b(a)(4))  
23                  is amended—

24                         (1) in subparagraph (A), by striking “and”  
25                         after the semicolon;



1           (2) in subparagraph (B)(ii), by inserting “and”  
2 after the semicolon; and

3           (3) by adding at the end the following:

4                   “(C) if such agency or association has or  
5 seeks to include within its scope of recognition  
6 the evaluation of the quality of institutions of  
7 higher education participating in the job train-  
8 ing Federal Pell Grant program under section  
9 401(k), such agency or association shall, in ad-  
10 dition to meeting the other requirements of this  
11 subpart, demonstrate to the Secretary that,  
12 with respect to such eligible job training pro-  
13 grams (as defined in that subsection)—

14                           “(i) the agency or association’s stand-  
15 ards include a process for determining if  
16 the institution has the capability to effec-  
17 tively offer an eligible job training pro-  
18 gram; and

19                           “(ii) the agency or association re-  
20 quires a demonstration that the program—

21                                   “(I) has identified each recog-  
22 nized postsecondary credential offered  
23 and the corresponding industry or sec-  
24 tor partnership that actively recog-  
25 nizes each credential in the relevant

1 industry in the State or local area  
2 where the industry is located; and

3 “(II) provides the academic con-  
4 tent and amount of instructional time  
5 that is sufficient to—

6 “(aa) meet the hiring re-  
7 quirements of potential employ-  
8 ers; and

9 “(bb) satisfy any applicable  
10 educational prerequisites for pro-  
11 fessional licensure or certification  
12 requirements so that the student  
13 who completes the program and  
14 seeks employment qualifies to  
15 take any licensure or certification  
16 examination that is needed to  
17 practice or find employment in  
18 an occupation that the program  
19 prepares students to enter.”.

20 (c) INTERAGENCY DATA SHARING.—The Secretary  
21 of Education shall coordinate and enter into a data shar-  
22 ing agreement with the Secretary of Labor to ensure ac-  
23 cess to data related to indicators of performance collected  
24 under section 116 of the Workforce Innovation and Oppor-  
25 tunity Act (29 U.S.C. 3141). Under such data sharing

1 agreement, the Commissioner of the National Center for  
2 Education Statistics shall collect and review the contents  
3 of performance reports for eligible providers of training  
4 services described in section 116(d)(4) of that Act not less  
5 frequently than once each year.

6 (d) MINIMUM FEDERAL PELL GRANT.—Section  
7 401(b)(4) of the Higher Education Act of 1965 (20  
8 U.S.C. 1070a(b)(4)) is amended by striking “ten percent”  
9 and inserting “5 percent”.

10 (e) EFFECTIVE DATE.—This section, and the amend-  
11 ments made by this section, shall take effect on July 1,  
12 2019.

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