

117TH CONGRESS
1ST SESSION

S. 864

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

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2021

Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BRAUN, Mr. BROWN, Mrs. CAPITO, Mr. CARDIN, Ms. COLLINS, Mr. COONS, Mr. CRAMER, Ms. DUCKWORTH, Ms. ERNST, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HOEVEN, Mr. KELLY, Mr. KING, Ms. KLOBUCHAR, Mr. MARSHALL, Mr. MORAN, Mrs. SHAHEEN, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. WICKER, Mr. SULLIVAN, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 2021” or the
6 “JOBS Act of 2021”.

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

3 (a) IN GENERAL.—

4 (1) PRIOR TO FAFSA SIMPLIFICATION.—Section
 5 401 of the Higher Education Act of 1965 (20
 6 U.S.C. 1070a) is amended by inserting after sub-
 7 section (j) the following:

8 “(k) JOB TRAINING FEDERAL PELL GRANT PRO-
 9 GRAM.—

10 “(1) DEFINITIONS.—In this subsection:

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

14 “(i) meets the requirements of section
 15 484(d)(2);

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

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

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

25 “(B) ELIGIBLE JOB TRAINING PRO-
 26 GRAM.—

1 “(i) IN GENERAL.—The term ‘eligible
2 job training program’ means a career and
3 technical education program at an institu-
4 tion of higher education that—

5 “(I) provides not less than 150,
6 and not more than 600, clock hours of
7 instructional time over a period of not
8 less than 8 weeks and not more than
9 15 weeks;

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

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

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

1 recognized by industry or sector part-
2 nerships in the relevant industry in
3 the State or local area where the in-
4 dustry is located and the job training
5 program is provided;

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

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

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

1 tion that the program prepares
2 students to enter;

3 “(VI) may include integrated
4 education and training;

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

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

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

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

1 “(iii) ADDITIONAL ASSURANCE.—The
2 Secretary shall not determine that a pro-
3 gram is an eligible job training program in
4 accordance with clause (ii) unless the Sec-
5 retary receives a certification from the ap-
6 propriate State board containing an assur-
7 ance that the program meets the require-
8 ments of clause (i).

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

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

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

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

1 “(E) WIOA DEFINITIONS.—The terms ‘in-
2 dustry or sector partnership’, ‘in-demand indus-
3 try sector or occupation’, ‘recognized postsec-
4 ondary credential’, and ‘State board’ have the
5 meanings given such terms in section 3 of the
6 Workforce Innovation and Opportunity Act.

7 “(2) IN GENERAL.—For the award year begin-
8 ning on July 1, 2021, and each subsequent award
9 year, the Secretary shall carry out a program
10 through which the Secretary shall award Federal
11 Pell Grants to students in eligible job training pro-
12 grams (referred to as a ‘job training Federal Pell
13 Grant’). Each eligible job training Federal Pell
14 Grant awarded under this subsection shall have the
15 same terms and conditions, and be awarded in the
16 same manner, as other Federal Pell Grants awarded
17 under subsection (a), except as follows:

18 “(A) A student who is eligible to receive a
19 job training Federal Pell Grant under this sub-
20 section is a student who—

21 “(i) has not yet attained a
22 postbaccalaureate degree;

23 “(ii) attends an institution of higher
24 education;

1 “(iii) is enrolled, or accepted for en-
2 rollment, in an eligible job training pro-
3 gram at such institution of higher edu-
4 cation; and

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

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

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

24 (2) AFTER FAFSA SIMPLIFICATION ACT.—Sec-
25 tion 401 of the Higher Education Act of 1965 (20

1 U.S.C. 1070a), as amended by section 703 of the
 2 FAFSA Simplification Act (title VII of division FF
 3 of Public Law 116–260), is further amended by add-
 4 ing at the end the following:

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

7 “(1) DEFINITIONS.—In this subsection:

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

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

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

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

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

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

24 “(i) IN GENERAL.—The term ‘eligible
 25 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, 2023, 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 other Federal Pell Grants awarded
14 under subsection (b), 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 not-
8 withstanding subsection (b)(1)(B) a student
9 who is eligible for less than the minimum Fed-
10 eral Pell Grant for an academic year in which
11 the student is enrolled in an eligible program
12 full time may still be eligible for a Federal Pell
13 Grant.

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

1 (3) EFFECTIVE DATE.—The amendment made
2 by paragraph (2) shall take effect as if included in
3 section 703 of the FAFSA Simplification Act (title
4 VII of division FF of Public Law 116–260) and sub-
5 ject to the effective date of section 701(b) of such
6 Act.

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

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

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

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

16 “(C) if such agency or association has or
17 seeks to include within its scope of recognition
18 the evaluation of the quality of institutions of
19 higher education participating in the job train-
20 ing Federal Pell Grant program under section
21 401(k), such agency or association shall, in ad-
22 dition to meeting the other requirements of this
23 subpart, demonstrate to the Secretary that,
24 with respect to such eligible job training pro-
25 grams (as defined in that subsection)—

1 “(i) the agency or association’s stand-
2 ards include a process for determining if
3 the institution has the capability to effec-
4 tively offer an eligible job training pro-
5 gram; and

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

8 “(I) has identified each recog-
9 nized postsecondary credential offered
10 and the corresponding industry or sec-
11 tor partnership that actively recog-
12 nizes each credential in the relevant
13 industry in the State or local area
14 where the industry is located; and

15 “(II) provides the academic con-
16 tent and amount of instructional time
17 that is sufficient to—

18 “(aa) meet the hiring re-
19 quirements of potential employ-
20 ers; and

21 “(bb) satisfy any applicable
22 educational prerequisites for pro-
23 fessional licensure or certification
24 requirements so that the student
25 who completes the program and

1 seeks employment qualifies to
2 take any licensure or certification
3 examination that is needed to
4 practice or find employment in
5 an occupation that the program
6 prepares students to enter.”.

7 (c) INTERAGENCY DATA SHARING.—The Secretary
8 of Education shall coordinate and enter into a data shar-
9 ing agreement with the Secretary of Labor to ensure ac-
10 cess to data related to indicators of performance collected
11 under section 116 of the Workforce Innovation and Oppor-
12 tunity Act (29 U.S.C. 3141). Under such data sharing
13 agreement, the Commissioner of the National Center for
14 Education Statistics shall collect and review the contents
15 of performance reports for eligible providers of training
16 services described in section 116(d)(4) of that Act not less
17 frequently than once each year.

18 (d) MINIMUM FEDERAL PELL GRANT.—

19 (1) IN GENERAL.—Section 401(b)(4) of the
20 Higher Education Act of 1965 (20 U.S.C.
21 1070a(b)(4)) is amended by striking “ten percent”
22 and inserting “5 percent”.

23 (2) FAFSA SIMPLIFICATION.—

24 (A) IN GENERAL.—Section 401(a)(2)(F) of
25 the Higher Education Act of 1965 (20 U.S.C.

1 1070a(a)(2)(F)), as amended by section 703 of
2 the FAFSA Simplification Act (title VII of divi-
3 sion FF of Public Law 116–260), is further
4 amended by striking “ten percent” and insert-
5 ing “5 percent”.

6 (B) EFFECTIVE DATE.—The amendment
7 made by this paragraph shall take effect as if
8 included in section 703 of the FAFSA Sim-
9 plification Act (title VII of division FF of Pub-
10 lic Law 116–260) and subject to the effective
11 date of section 701(b) of such Act.

12 (e) EFFECTIVE DATE.—Unless otherwise specified,
13 this section, and the amendments made by this section,
14 shall take effect on July 1, 2021.

○