

118TH CONGRESS
1ST SESSION

H. R. 496

To amend the Higher Education Act of 1965 to extend Federal Pell Grant eligibility to certain short-term workforce programs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2023

Ms. STEFANIK (for herself, Ms. FOXX, Mr. BANKS, Mrs. HINSON, and Mr. THOMPSON of Pennsylvania) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 to extend Federal Pell Grant eligibility to certain short-term workforce 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 “Promoting Employ-
5 ment and Lifelong Learning Act” or the “PELL Act”.

6 **SEC. 2. PROGRAM ELIGIBILITY FOR WORKFORCE PELL**
7 **GRANTS.**

8 Section 481(b) of the Higher Education Act of 1965
9 (20 U.S.C. 1088(b)) is amended—

1 (1) by redesignating paragraphs (3) and (4) as
2 paragraphs (4) and (5), respectively; and

3 (2) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) (A) A program is an eligible program for
6 purposes of the Workforce Pell Grants program
7 under section 401(k) only if—

8 “(i) it is at least 150 clock hours of in-
9 struction, but not more than 600 clock hours of
10 instruction, or an equivalent number of credit
11 hours, offered during a minimum of 8 weeks,
12 but not more than 15 weeks;

13 “(ii) it is determined by an accrediting
14 agency or association recognized by the Sec-
15 retary pursuant to section 496(a) to—

16 “(I) provide an education aligned with
17 the requirements of in-demand industry
18 sectors or occupations, as defined in sec-
19 tion 3 of the Workforce Innovation and
20 Opportunity Act;

21 “(II) meet the hiring requirements of
22 potential employers in the sectors or occu-
23 pations described in subclause (I);

24 “(III) have been offered by an institu-
25 tion for not less than 1 year prior to a de-

1 termination by such agency or association
2 under this paragraph;

3 “(IV) have a verified completion rate
4 of at least 70 percent, calculated so as to
5 ensure that a student shall be counted as
6 a completion if the student completes the
7 program within 150 percent of the normal
8 time for completion; and

9 “(V) have verified a job placement
10 rate of at least 70 percent; and

11 “(iii) for each award year, the total
12 amount of the published tuition and fees of the
13 program for such year is an amount that does
14 not exceed the value-added earnings of students
15 who received Federal financial aid under this
16 title and who completed the program 3 years
17 prior to the award year, as such earnings are
18 determined by calculating the difference be-
19 tween—

20 “(I) the median earnings of such stu-
21 dents, as adjusted by the State and metro-
22 politan area regional price parities of the
23 Bureau of Economic Analysis based on the
24 location of such program; and

1 “(II) 150 percent of the poverty line
2 applicable to a single individual as deter-
3 mined under section 673(2) of the Commu-
4 nity Services Block Grant Act (42 U.S.C.
5 9902(2)) for such year.

6 “(B)(i) In the case of a program that has not
7 previously participated in programs under this title
8 and is being determined eligible for the first time
9 under this paragraph, the Secretary may consider
10 such program to be an eligible program for purposes
11 of the Workforce Pell Grants program under section
12 401(k) for a provisional eligibility period that may
13 not exceed 3 years, if such program—

14 “(I) subject to subclause (II), meets the
15 requirements of subparagraph (A); and

16 “(II) in lieu of the determination of me-
17 dian earnings under subclause (I) of subpara-
18 graph (A)(iii), provides to the Secretary for
19 purposes of meeting the requirements of sub-
20 paragraph (A)(iii), alternate earnings of stu-
21 dents who complete the program, which are sta-
22 tistically rigorous, accurate, comparable, and
23 representative of students who complete such
24 program.

1 “(ii) In a case in which the Secretary deter-
2 mines that a program provided inaccurate earnings
3 data under clause (i)(II) for purposes of receiving
4 provisional eligibility under clause (i), such program
5 shall return to the Secretary any funds received
6 under this title during the period beginning on first
7 date of the provisional eligibility period and ending
8 on the date of determination under this clause.

9 “(C) The Secretary shall establish an appeals
10 process to permit eligible programs for purposes of
11 the Workforce Pell Grants program under section
12 401(k) to submit alternate earnings data to comply
13 with subparagraph (A)(iii), provided that such data
14 are statistically rigorous, accurate, comparable, and
15 representative of students who receive a Workforce
16 Pell Grant and complete the eligible program.”.

17 **SEC. 3. DATA COLLECTION AND DISSEMINATION RELATED**
18 **TO WORKFORCE PELL.**

19 Section 131 of the Higher Education Act of 1965 (20
20 U.S.C. 1015) is amended by adding at the end the fol-
21 lowing:

22 “(i) DATA COLLECTION AND DISSEMINATION RE-
23 LATED TO WORKFORCE PELL.—

24 “(1) IN GENERAL.—The Secretary shall, on an
25 annual basis, collect, verify, and make publicly avail-

1 able on the College Scorecard or any similar suc-
2 cessor website, the information required under
3 clause (i), subclauses (IV) and (V) of clause (ii), and
4 clause (iii), and of subsection (b)(3)(A) of section
5 481, with respect to each eligible program that
6 meets the requirements of section 481(b)(3), includ-
7 ing—

8 “(A) the length of the program (as meas-
9 ured in clock hours, credit hours, or weeks);

10 “(B) the number of students enrolled in
11 the eligible program during the most recent
12 academic year for which data is available;

13 “(C) the percentage of students who enroll
14 in the eligible program and who complete the
15 eligible program within—

16 “(i) 150 percent of the normal time
17 for completion of such program; and

18 “(ii) 200 percent of the normal time
19 for completion of such program;

20 “(D) the percentage of students who are
21 employed not later than 180 days after com-
22 pleting the eligible program; and

23 “(E) the percentage of individuals—

24 “(i) who have completed such eligible
25 program; and

1 “(ii) 3 years after such completion,
2 whose median earnings exceed 150 percent
3 of the poverty line applicable to a single in-
4 dividual, as determined under section
5 673(2) of the Community Services Block
6 Grant Act (42 U.S.C. 9902(2)).

7 “(2) EXCEPTIONS.—Notwithstanding any other
8 provision of this subsection, if disclosure of any data
9 under paragraph (1) is prohibited under State or
10 Federal privacy laws or regulations, the Secretary
11 shall take such steps as the Secretary determines
12 necessary to make publicly available such data in ac-
13 cordance with such laws and regulations.”.

14 **SEC. 4. WORKFORCE PELL GRANTS.**

15 (a) IN GENERAL.—Section 401 of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1070a), as amended by sec-
17 tion 703 of the FAFSA Simplification Act (title VII of
18 division FF of Public Law 116–260), is amended by add-
19 ing at the end the following:

20 “(k) WORKFORCE PELL GRANTS PROGRAM.—

21 “(1) IN GENERAL.—For the award year begin-
22 ning on July 1, 2024, and each subsequent award
23 year, the Secretary shall award grants (referred to
24 as ‘Workforce Pell Grants’) to eligible students

1 under paragraph (2) in accordance with this sub-
2 section.

3 “(2) ELIGIBLE STUDENTS.—For award year
4 2024–2025 and each succeeding award year, to be
5 eligible to receive a Workforce Pell Grant under this
6 subsection for any period of enrollment, a student
7 shall meet the eligibility requirements for a Federal
8 Pell Grant under this section, except that the stu-
9 dent—

10 “(A) shall be enrolled, or accepted for en-
11 rollment, in an eligible program described in
12 section 481(b)(3); and

13 “(B) may not have received a
14 postbaccalaureate degree.

15 “(3) TERMS AND CONDITIONS OF AWARDS.—
16 The Secretary shall award Workforce Pell Grants
17 under this subsection in the same manner and with
18 the same terms and conditions as the Secretary
19 awards Federal Pell Grants under subsection (b), ex-
20 cept that a student who is eligible for a grant equal
21 to less than the amount of the minimum Federal
22 Pell Grant because the eligible workforce develop-
23 ment program in which the student is enrolled or ac-
24 cepted for enrollment is less than an academic year

1 (in hours of instruction or weeks of duration) may
2 still be eligible for a Workforce Pell Grant.

3 “(4) PREVENTION OF DOUBLE BENEFITS.—No
4 eligible student described in paragraph (2) may, for
5 the same period of enrollment, receive both a grant
6 under this subsection and a Federal Pell Grant
7 under subsection (b).”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall take effect as if included in section
10 703 of the FAFSA Simplification Act (title VII of division
11 FF of Public Law 116–260; 134 Stat. 3191) and in ac-
12 cordance with section 701(b) of such Act.

13 **SEC. 5. ACCREDITING AGENCY DETERMINATION OF ELIGI-**
14 **BILITY REQUIREMENTS FOR THE WORK-**
15 **FORCE PELL GRANTS PROGRAM.**

16 (a) IN GENERAL.—Section 496(a)(4) of the Higher
17 Education Act of 1965 (20 U.S.C. 1099b(a)(4)) is amend-
18 ed—

19 (1) in subparagraph (A), by striking “and” at
20 the end;

21 (2) in subparagraph (B)(ii), by inserting “and”
22 at the end; and

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

24 “(C) if such agency or association has or seeks
25 to include within its scope of recognition the evalua-

1 tion of the quality of institutions offering an eligible
2 program for purposes of the Workforce Pell Grants
3 program (in accordance with section 481(b)(3)),
4 such agency or association shall, in addition to meet-
5 ing the other requirements of this subpart, dem-
6 onstrate to the Secretary that, with respect to such
7 eligible programs—

8 “(i) the agency’s or association’s standards
9 include a process for determining if the institu-
10 tion has the capability to effectively offer such
11 an eligible program; and

12 “(ii) the agency or association requires a
13 demonstration that the program—

14 “(I) satisfies the requirements of sub-
15 paragraph (A)(ii) of section 481(b)(3); and

16 “(II) provides academic content, an
17 amount of instructional time, and com-
18 petencies to satisfy any applicable edu-
19 cational requirement so that a student who
20 completes the program and seeks employ-
21 ment is qualified to practice or work in the
22 sectors or occupations that the program
23 prepares students to enter;”.

24 (b) ADDITIONAL NACIQI REVIEW MEETINGS.—For
25 the purpose of preparing for the implementation of the

1 Workforce Pell Grant program under section 401(k) of the
2 Higher Education Act of 1965 (as added by section 4),
3 in addition to the meetings required under section
4 114(d)(1) of the Higher Education Act of 1965 (20
5 U.S.C. 1011c(d)(1)), the National Advisory Committee on
6 Institutional Quality and Integrity (as established by such
7 section 114) shall, through 2025, hold meetings to evalu-
8 ate the additions to the scope of recognition of accrediting
9 agencies and associations with respect to an eligible pro-
10 gram for purposes of the Workforce Pell Grants program
11 (in accordance with section 481(b)(3) of the Higher Edu-
12 cation Act of 1965, as added by section 2).

13 (c) INTERIM ACCREDITATION AUTHORITY.—

14 (1) NOTIFICATION.—Beginning on the date of
15 enactment of this Act, a qualified accrediting agency
16 or association which seeks to include within its scope
17 of recognition the evaluation of the quality of insti-
18 tutions offering eligible programs for the purposes of
19 the Workforce Pell Grants program, may include
20 within its scope of recognition the evaluation of such
21 institutions if the accrediting agency or associa-
22 tion—

23 (A) submits to the Secretary a notification
24 of the agency’s or association’s intent to add

1 the evaluation of such institutions to its scope
2 of recognition; and

3 (B) includes with such notification an ex-
4 planation of how the agency or association in-
5 tends to meet the criteria under section
6 496(a)(4)(C) of the Higher Education Act of
7 1965 (as added by subsection (a)) with respect
8 to the evaluation of institutions for purposes of
9 the Workforce Pell Grants program.

10 (2) REVIEW OF SCOPE OF CHANGES.—Upon re-
11 ceipt of a notification from an accrediting agency or
12 association under paragraph (1), the Secretary shall
13 direct the National Advisory Committee on Institu-
14 tional Quality and Integrity (as established by sec-
15 tion 114 of the Higher Education Act of 1965 (20
16 U.S.C. 1011e)) to evaluate, at the next available
17 meeting of such Committee, the addition to the
18 scope of recognition of the agency or association and
19 to advise the Secretary with respect to whether the
20 agency or association meets the criteria under sec-
21 tion 496(a)(4)(C) of the Higher Education Act of
22 1965 (as added by subsection (a)).

23 (3) TERMINATION OF INTERIM AUTHORITY.—
24 The interim authority under this subsection for an
25 agency or association to include within its scope of

1 recognition the evaluation of the quality of institu-
2 tions offering eligible programs for the purposes of
3 the Workforce Pell Grants program shall terminate
4 on the earlier of—

5 (A) the date that is 5 years after the date
6 of enactment of this Act; or

7 (B) the date on which the Secretary deter-
8 mines whether such agency or association meets
9 the criteria under section 496(a)(4)(C) of the
10 Higher Education Act of 1965 (as added by
11 subsection (a)).

12 (4) DEFINITIONS.—In this subsection:

13 (A) The term “qualified accrediting agency
14 or association” means an accrediting agency or
15 association recognized by the Secretary under
16 section 496 of the Higher Education Act of
17 1965 (20 U.S.C. 1099b) that seeks, for the
18 first time, to add to its scope of recognition the
19 evaluation of the quality of institutions offering
20 an eligible program for purposes of the Work-
21 force Pell Grants program.

22 (B) The term “Workforce Pell Grants pro-
23 gram” means the Workforce Pell Grant pro-
24 gram under section 401(k) of the Higher Edu-
25 cation Act of 1965 (as added by section 4).

1 **SEC. 6. ORDERLY IMPLEMENTATION OF WORKFORCE PELL**
2 **GRANT PROGRAM.**

3 The Secretary of Education shall have the authority
4 to take such steps as are necessary before July 1, 2024,
5 to provide for the orderly implementation on such date of
6 the amendments to the Higher Education Act of 1965
7 made by this Act.

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