

118TH CONGRESS
1ST SESSION

S. 161

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

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2023

Mr. KAINE (for himself, Mr. BRAUN, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. CAPITO, Mr. CARDIN, Ms. COLLINS, Ms. CORTEZ MASTO, Mr. CRAMER, Mr. DAINES, Ms. DUCKWORTH, Ms. ERNST, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HICKENLOOPER, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. KELLY, Mr. KING, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MARSHALL, Mr. OSSOFF, Mr. RUBIO, Mrs. SHAHEEN, Ms. SINEMA, Ms. SMITH, Mr. TILLIS, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. WARNER, Mr. WICKER, and Mr. WYDEN) 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 2023” or the
6 “JOBS Act of 2023”.

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, 2023, 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) and the FAFSA Simplifica-
4 tion Act Technical Corrections Act (Public Law
5 117–103), is further amended by adding at the end
6 the following:

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

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

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

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14 484(d)(2);

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16 under section 122(d) of the Workforce In-
17 novation and Opportunity Act;

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19 defined in section 3 of that Act; and

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21 as defined in section 3 of the Carl D. Per-
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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-
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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-
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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, 2023, 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 (b), 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 not-
12 withstanding subsection (b)(1)(B) a student
13 who is eligible for less than the minimum Fed-
14 eral Pell Grant for an academic year in which
15 the student is enrolled in an eligible program
16 full time may still be eligible for a Federal Pell
17 Grant.

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

1 similarly apply to students who are enrolled in an el-
2 ible job training program at an eligible institution
3 on less than a full-time basis.”.

4 (3) EFFECTIVE DATE.—The amendment made
5 by paragraph (2) shall take effect as if included in
6 section 703 of the FAFSA Simplification Act (title
7 VII of division FF of Public Law 116–260), as
8 amended by the FAFSA Simplification Act Tech-
9 nical Corrections Act (Public Law 117–103), and
10 subject to the effective date of section 701(b) of
11 such Act.

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

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

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

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

21 “(C) if such agency or association has or
22 seeks to include within its scope of recognition
23 the evaluation of the quality of institutions of
24 higher education participating in the job train-
25 ing Federal Pell Grant program under section

1 401(k), such agency or association shall, in ad-
2 dition to meeting the other requirements of this
3 subpart, demonstrate to the Secretary that,
4 with respect to such eligible job training pro-
5 grams (as defined in that subsection)—

6 “(i) the agency or association’s stand-
7 ards include a process for determining if
8 the institution has the capability to effec-
9 tively offer an eligible job training pro-
10 gram; and

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

13 “(I) has identified each recog-
14 nized postsecondary credential offered
15 and the corresponding industry or sec-
16 tor partnership that actively recog-
17 nizes each credential in the relevant
18 industry in the State or local area
19 where the industry is located; and

20 “(II) provides the academic con-
21 tent and amount of instructional time
22 that is sufficient to—

23 “(aa) meet the hiring re-
24 quirements of potential employ-
25 ers; and

1 “(bb) satisfy any applicable
2 educational prerequisites for pro-
3 fessional licensure or certification
4 requirements so that the student
5 who completes the program and
6 seeks employment qualifies to
7 take any licensure or certification
8 examination that is needed to
9 practice or find employment in
10 an occupation that the program
11 prepares students to enter.”.

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

23 (d) MINIMUM FEDERAL PELL GRANT.—

24 (1) IN GENERAL.—Section 401(b)(4) of the
25 Higher Education Act of 1965 (20 U.S.C.

1 1070a(b)(4)) is amended by striking “ten percent”
2 and inserting “5 percent”.

3 (2) FAFSA SIMPLIFICATION.—

4 (A) IN GENERAL.—Section 401(a)(2)(F) of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1070a(a)(2)(F)), as amended by section 703 of
7 the FAFSA Simplification Act (title VII of divi-
8 sion FF of Public Law 116–260) and the
9 FAFSA Simplification Act Technical Correc-
10 tions Act (Public Law 117–103), is further
11 amended by striking “ten percent” and insert-
12 ing “5 percent”.

13 (B) EFFECTIVE DATE.—The amendment
14 made by this paragraph shall take effect as if
15 included in section 703 of the FAFSA Sim-
16 plification Act (title VII of division FF of Pub-
17 lic Law 116–260) and the FAFSA Simplifica-
18 tion Act Technical Corrections Act (Public Law
19 117–103), and subject to the effective date of
20 section 701(b) of such Act.

21 (e) EFFECTIVE DATE.—Unless otherwise specified,
22 this section, and the amendments made by this section,
23 shall take effect on July 1, 2023.

○