

116TH CONGRESS  
1ST SESSION

# H. R. 2161

To amend the Higher Education Act of 1965 to establish a Job Training Federal Pell Grants demonstration program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2019

Mr. BANKS (for himself, Mr. GIBBS, and Mr. KEVIN HERN of Oklahoma) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Higher Education Act of 1965 to establish a Job Training Federal Pell Grants demonstration program, 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 “Pell Flexibility Act  
5 of 2019”.

6 **SEC. 2. JOB TRAINING FEDERAL PELL GRANTS DEM-**  
7 **ONSTRATION PROGRAM.**

8 Section 401A of the Higher Education Act of 1965  
9 (20 U.S.C. 1070a–1) is amended to read as follows:

1 **“SEC. 401A. JOB TRAINING FEDERAL PELL GRANTS DEM-**  
2 **ONSTRATION PROGRAM.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) JOB TRAINING FEDERAL PELL GRANT.—  
5 The term ‘Job Training Federal Pell Grant’ means  
6 a short-term Federal Pell Grant provided through  
7 the demonstration program under subsection (c).

8 “(2) LOCAL WORKFORCE DEVELOPMENT  
9 BOARD.—The term ‘local workforce development  
10 board’ means a local board as defined in section 3  
11 of the Workforce Innovation and Opportunity Act  
12 (29 U.S.C. 3102).

13 “(3) SHORT-TERM CAREER AND TECHNICAL  
14 EDUCATION PROGRAM.—The term ‘short-term career  
15 and technical education program’ means a career  
16 and technical education program, as defined in sec-  
17 tion 3 of the Carl D. Perkins Career and Technical  
18 Education Act of 2006 (20 U.S.C. 2302), that pro-  
19 vides more than 320 clock hours and less than 600  
20 clock hours of instruction.

21 “(b) PURPOSES.—The purposes of this section are—

22 “(1) to allow a demonstration program that is  
23 strictly monitored by the Department to test the via-  
24 bility of expanding Federal Pell Grant eligibility to  
25 short-term career and technical education programs  
26 at institutions of higher education;

1           “(2) to help determine the appropriate amount  
2           of a Federal Pell Grant provided to an eligible stu-  
3           dent for a short-term career and technical education  
4           program; and

5           “(3) to ensure that short-term career and tech-  
6           nical education programs eligible for a Job Training  
7           Federal Pell Grant provide rigorous and high-quality  
8           instruction or training that prepares students to  
9           enter or advance within a specific occupation or oc-  
10          cupational cluster.

11          “(c) DEMONSTRATION PROGRAM AUTHORIZED.—

12                 “(1) IN GENERAL.—The Secretary shall select,  
13                 in accordance with subsections (e) and (f), institu-  
14                 tions of higher education to participate in a Job  
15                 Training Federal Pell Grant demonstration program  
16                 by providing the selected institutions with authority  
17                 to award Job Training Federal Pell Grants to eligi-  
18                 ble students for approved short-term career and  
19                 technical education programs at the selected institu-  
20                 tions.

21                 “(2) DURATION.—An institution of higher edu-  
22                 cation selected under paragraph (1) shall have the  
23                 authority to provide Job Training Federal Pell  
24                 Grants for a period of 5 award years.

25          “(d) TERMS AND CONDITIONS; MODIFICATIONS.—

1           “(1) IN GENERAL.—A Job Training Federal  
2 Pell Grant shall have the same terms and conditions  
3 as a Federal Pell Grant under section 401, except  
4 that the Secretary—

5           “(A) shall define the terms ‘award year’,  
6 ‘academic year’, and ‘eligible program’ dif-  
7 ferently than otherwise defined in section 481,  
8 in order to enable short-term career and tech-  
9 nical education programs to be eligible pro-  
10 grams for Job Training Federal Pell Grants;  
11 and

12           “(B) may modify or remove any other stat-  
13 utory or regulatory requirement that the Sec-  
14 retary determines would otherwise inhibit the  
15 operation of the demonstration program.

16           “(2) CONTINUED ELIGIBILITY.—

17           “(A) IN GENERAL.—Any eligible student  
18 awarded a Job Training Federal Pell Grant  
19 shall receive the Job Training Federal Pell  
20 Grant for the period that the eligible student is  
21 enrolled and making satisfactory academic  
22 progress in the short-term career and technical  
23 education program.

24           “(B) EFFECT ON DISCONTINUED PARTICI-  
25 PATION.—In any case where the institution of

1 higher education attended by an eligible student  
2 receiving a Job Training Federal Pell Grant  
3 ceases participation in the demonstration pro-  
4 gram under this subsection, the Secretary shall  
5 ensure that the eligible student continues to re-  
6 ceive the Job Training Federal Pell Grant for  
7 the student's short-term career and technical  
8 education program during the period described  
9 in subparagraph (A).

10 “(e) APPLICATION.—

11 “(1) IN GENERAL.—Each institution of higher  
12 education desiring to participate in the demonstra-  
13 tion program under this section shall submit an ap-  
14 plication to the Secretary at such time and in such  
15 manner as the Secretary may require.

16 “(2) CONTENTS.—Each application shall in-  
17 clude—

18 “(A) a description of not more than 8  
19 short-term career and technical education pro-  
20 grams offered by the institution that would be  
21 eligible for the use of Job Training Federal Pell  
22 Grant funds;

23 “(B) an explanation of how each short-  
24 term career and technical education program  
25 provides training aligned with the requirements

1 and needs of employers and industries in the  
2 State or region involved, based on—

3 “(i) the most recent needs assess-  
4 ments under section 133(c) of the Carl D.  
5 Perkins Career and Technical Education  
6 Act of 2006 (20 U.S.C. 2353(c)) for the  
7 region or State involved;

8 “(ii) the employment projections of  
9 the Office of Employment and Unemploy-  
10 ment Statistics of the Bureau of Labor  
11 and Statistics for the region or State in-  
12 volved; or

13 “(iii) the recommendations of local  
14 workforce investment boards and State  
15 agencies involved in career and technical  
16 education representing the region or State  
17 involved;

18 “(C) a description of the students to whom  
19 these programs will be offered;

20 “(D) a description of the activities that the  
21 institution will carry out to place students of  
22 the institution who complete a short-term ca-  
23 reer and technical education program in jobs  
24 related to the training provided in the program;

1           “(E) a description of the self-evaluation  
2           criteria the institution will use to measure the  
3           outcomes of students using Job Training Fed-  
4           eral Pell Grants under this section at the short-  
5           term career and technical education programs  
6           of the institution;

7           “(F) a certification that the institution of  
8           higher education will fully cooperate with any  
9           evaluations of the demonstration program re-  
10          quired under this section; and

11          “(G) such other information as the Sec-  
12          retary may require.

13          “(f) SELECTION.—

14               “(1) IN GENERAL.—Not later than 24 months  
15          after the date of enactment of the Pell Flexibility  
16          Act of 2019, the Secretary shall—

17               “(A) select not more than 100 institutions  
18               of higher education to carry out the demonstra-  
19               tion program; and

20               “(B) approve, from the programs proposed  
21               under subsection (e)(2)(A), the short-term ca-  
22               reer and technical education programs at each  
23               institution for which Job Training Federal Pell  
24               Grants may be used.

1           “(2) CONSIDERATIONS FOR INITIAL APPLICA-  
2           TIONS.—In selecting institutions of higher education  
3           and short-term career and technical education pro-  
4           grams under this section to participate in the dem-  
5           onstration program, the Secretary shall take into ac-  
6           count—

7                   “(A) the number of quality applications re-  
8                   ceived;

9                   “(B) the Department’s capacity to oversee,  
10                  monitor, and implement non-standard aid dis-  
11                  bursement through the program; and

12                  “(C) with respect to each applying institu-  
13                  tion of higher education, and each short-term  
14                  career and technical education program for  
15                  which a Job Training Federal Pell Grant may  
16                  be used—

17                           “(i) the financial responsibility and  
18                           administrative capacity for the institution  
19                           and program;

20                           “(ii) the job placement rates in the re-  
21                           gion and State in the fields of study rel-  
22                           evant to each short-term career and tech-  
23                           nical education program;

24                           “(iii) the needs of the region and  
25                           State; and



1 “(iv) the support of faculty and insti-  
2 tutional leadership.

3 “(3) VARIETY OF SHORT-TERM PROGRAMS.—In  
4 selecting institutions of higher education for the  
5 demonstration program under this section, the Sec-  
6 retary shall, to the extent practicable based on the  
7 quality of the applications, select institutions of  
8 higher education that, in the aggregate, offer a wide  
9 array of short-term career and technical education  
10 programs, including programs that—

11 “(A) are career pathways, as defined by  
12 section 3(7) of the Workforce Innovation and  
13 Opportunity Act (29 U.S.C. 3102(7)); and

14 “(B) lead to other recognized postsec-  
15 ondary credentials that are of sufficient quality,  
16 as determined by the Secretary.

17 “(g) NOTIFICATION.—The Secretary shall make  
18 available to the public and to the authorizing committees  
19 a list of the short-term career and technical education pro-  
20 grams selected to participate in the demonstration pro-  
21 gram under this section.

22 “(h) EVALUATION, REPORTS, AND CONVENINGS.—

23 “(1) EVALUATION.—The Secretary and the Di-  
24 rector of the Institute of Education Sciences shall  
25 evaluate the demonstration programs authorized

1 under this section on an annual basis. Each such  
2 evaluation shall—

3 “(A) review the extent to which the partici-  
4 pating eligible institution has successfully met  
5 its targets set forth in the application to the  
6 Secretary; and

7 “(B) include, if possible, both qualitative  
8 and quantitative evidence of—

9 “(i) the program’s alignment with  
10 workforce needs, including placement and  
11 retention in jobs related to the training  
12 provided by the program;

13 “(ii) job placement and retention  
14 rates of participating students within 6,  
15 12, and 24 months after the completion of  
16 the program;

17 “(iii) the effect, if any, this program  
18 has on students attending 4-year institu-  
19 tions, such as student diversion for four-  
20 year institutions to short-term career and  
21 technical education programs;

22 “(iv) the extent to which students  
23 have sought a higher credential or degree  
24 or military service; and

25 “(v) program completion.

1           “(2) POLICY ANALYSIS; REPORTS.—By not  
2 later than 3 years after the date that the first Job  
3 Training Federal Pell Grants are awarded under  
4 this section, the Secretary shall review the dem-  
5 onstration program under this section and its out-  
6 comes and report those findings to the authorizing  
7 committees.

8           “(3) CONVENINGS.—The Secretary shall con-  
9 vene the institutions of higher education partici-  
10 pating in the demonstration program at least once  
11 every 2 years, in person or by webinar or other elec-  
12 tronic means.

13           “(i) OVERSIGHT.—

14           “(1) IN GENERAL.—In conducting the dem-  
15 onstration program authorized under this section,  
16 the Secretary shall, on a continuing basis—

17           “(A) ensure compliance of the institutions  
18 of higher education participating in the dem-  
19 onstration program with all applicable require-  
20 ments of this title;

21           “(B) provide technical assistance;

22           “(C) monitor fluctuations in the student  
23 population enrolled in the short-term career and  
24 technical education programs participating in  
25 the demonstration program;

1           “(D) direct the office of Federal Student  
2           Aid and the operations support division of such  
3           office to develop a risk analysis model to mon-  
4           itor the integrity of the demonstration program;  
5           and

6           “(E) consult with appropriate State regu-  
7           latory authorities, as appropriate.

8           “(2) REMOVAL ABILITY.—The Secretary has  
9           the authority to remove an institution of higher edu-  
10          cation or a short-term career and technical edu-  
11          cation program from the demonstration program  
12          based on performance, after notice and an oppor-  
13          tunity for a hearing.

14          “(j) SUNSET.—This section shall cease to have effect  
15          on the date that is 7 years after the date of enactment  
16          of the Pell Flexibility Act of 2019.”.

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