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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

Mr. BANKS introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To amend the Higher Education Act of 1965 to establish  
a Job Training Federal Pell Grants demonstration pro-  
gram, 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”.

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

3 Section 401A of the Higher Education Act of 1965  
4 (20 U.S.C.1070a–1) is amended to read as follows:

5 **“SEC. 401A. JOB TRAINING FEDERAL PELL GRANTS DEM-**  
6 **ONSTRATION PROGRAM.**

7 “(a) DEFINITIONS.—In this section:

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

12 “(2) LOCAL WORKFORCE DEVELOPMENT  
13 BOARD.—The term ‘local workforce development  
14 board’ means a local board as defined in section 3  
15 of the Workforce Innovation and Opportunity Act  
16 (29 U.S.C. 3102).

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

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

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

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

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

16           “(c) DEMONSTRATION PROGRAM AUTHORIZED.—

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

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

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

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

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

17           “(B) may modify or remove any other stat-  
18           utory or regulatory requirement that the Sec-  
19           retary determines would otherwise inhibit the  
20           operation of the demonstration program.

21           “(2) CONTINUED ELIGIBILITY.—

22           “(A) IN GENERAL.—Any eligible student  
23           awarded a Job Training Federal Pell Grant  
24           shall receive the Job Training Federal Pell  
25           Grant for the period that the eligible student is

1 enrolled and making satisfactory academic  
2 progress in the short-term career and technical  
3 education program.

4 “(B) EFFECT ON DISCONTINUED PARTICI-  
5 PATION.—In any case where the institution of  
6 higher education attended by an eligible student  
7 receiving a Job Training Federal Pell Grant  
8 ceases participation in the demonstration pro-  
9 gram under this subsection, the Secretary shall  
10 ensure that the eligible student continues to re-  
11 ceive the Job Training Federal Pell Grant for  
12 the student’s short-term career and technical  
13 education program during the period described  
14 in subparagraph (A).

15 “(e) APPLICATION.—

16 “(1) IN GENERAL.—Each institution of higher  
17 education desiring to participate in the demonstra-  
18 tion program under this section shall submit an ap-  
19 plication to the Secretary at such time and in such  
20 manner as the Secretary may require.

21 “(2) CONTENTS.—Each application shall in-  
22 clude—

23 “(A) a description of not more than 8  
24 short-term career and technical education pro-  
25 grams offered by the institution that would be

1 eligible for the use of Job Training Federal Pell  
2 Grant funds;

3 “(B) an explanation of how each short-  
4 term career and technical education program  
5 provides training aligned with the requirements  
6 and needs of employers and industries in the  
7 State or region involved, based on—

8 “(i) the most recent needs assess-  
9 ments under section 133(c) of the Carl D.  
10 Perkins Career and Technical Education  
11 Act of 2006 (20 U.S.C. 2353(c)) for the  
12 region or State involved;

13 “(ii) the employment projections of  
14 the Office of Employment and Unemploy-  
15 ment Statistics of the Bureau of Labor  
16 and Statistics for the region or State in-  
17 volved; or

18 “(iii) the recommendations of local  
19 workforce investment boards and State  
20 agencies involved in career and technical  
21 education representing the region or State  
22 involved;

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

1           “(D) a description of the activities that the  
2 institution will carry out to place students of  
3 the institution who complete a short-term ca-  
4 reer and technical education program in jobs  
5 related to the training provided in the program;

6           “(E) a description of the self-evaluation  
7 criteria the institution will use to measure the  
8 outcomes of students using Job Training Fed-  
9 eral Pell Grants under this section at the short-  
10 term career and technical education programs  
11 of the institution;

12           “(F) a certification that the institution of  
13 higher education will fully cooperate with any  
14 evaluations of the demonstration program re-  
15 quired under this section; and

16           “(G) such other information as the Sec-  
17 retary may require.

18       “(f) SELECTION.—

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

22           “(A) select not more than 100 institutions  
23 of higher education to carry out the demonstra-  
24 tion program; and

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

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

12           “(A) the number of quality applications re-  
13           ceived;

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

17           “(C) with respect to each applying institu-  
18           tion of higher education, and each short-term  
19           career and technical education program for  
20           which a Job Training Federal Pell Grant may  
21           be used—

22           “(i) the financial responsibility and  
23           administrative capacity for the institution  
24           and program;



1                   “(ii) the job placement rates in the re-  
2                   gion and State in the fields of study rel-  
3                   evant to each short-term career and tech-  
4                   nical education program;

5                   “(iii) the needs of the region and  
6                   State; and

7                   “(iv) the support of faculty and insti-  
8                   tutional leadership.

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

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

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

23                   “(g) NOTIFICATION.—The Secretary shall make  
24                  available to the public and to the authorizing committees  
25                  a list of the short-term career and technical education pro-

1 grams selected to participate in the demonstration pro-  
2 gram under this section.

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

4 “(1) EVALUATION.—The Secretary and the Di-  
5 rector of the Institute of Education Sciences shall  
6 evaluate the demonstration programs authorized  
7 under this section on an annual basis. Each such  
8 evaluation shall—

9 “(A) review the extent to which the partici-  
10 pating eligible institution has successfully met  
11 its targets set forth in the application to the  
12 Secretary; and

13 “(B) include, if possible, both qualitative  
14 and quantitative evidence of—

15 “(i) the program’s alignment with  
16 workforce needs, including placement and  
17 retention in jobs related to the training  
18 provided by the program;

19 “(ii) job placement and retention  
20 rates of participating students within 6,  
21 12, and 24 months after the completion of  
22 the program;

23 “(iii) the effect, if any, this program  
24 has on students attending 4-year institu-  
25 tions, such as student diversion for four-

1           year institutions to short-term career and  
2           technical education programs;

3                   “(iv) the extent to which students  
4           have sought a higher credential or degree  
5           or military service; and

6                   “(v) program completion.

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

14          “(3) CONVENINGS.—The Secretary shall con-  
15          vene the institutions of higher education partici-  
16          pating in the demonstration program at least once  
17          every 2 years, in person or by webinar or other elec-  
18          tronic means.

19          “(i) OVERSIGHT.—

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

23                          “(A) ensure compliance of the institutions  
24          of higher education participating in the dem-

1           onstration program with all applicable require-  
2           ments of this title;

3           “(B) provide technical assistance;

4           “(C) monitor fluctuations in the student  
5           population enrolled in the short-term career and  
6           technical education programs participating in  
7           the demonstration program;

8           “(D) direct the office of Federal Student  
9           Aid and the operations support division of such  
10          office to develop a risk analysis model to mon-  
11          itor the integrity of the demonstration program;  
12          and

13          “(E) consult with appropriate State regu-  
14          latory authorities, as appropriate.

15          “(2) REMOVAL ABILITY.—The Secretary has  
16          the authority to remove an institution of higher edu-  
17          cation or a short-term career and technical edu-  
18          cation program from the demonstration program  
19          based on performance, after notice and an oppor-  
20          tunity for a hearing.

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