

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 161

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jumpstart Our Businesses by Supporting Students Act of 2023” or the
5
6 “JOBS Act of 2023”.

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

9 (a) IN GENERAL.—

10 (1) AMENDMENT.—Section 401 of the Higher
11 Education Act of 1965 (20 U.S.C. 1070a), as
12 amended by section 703 of the FAFSA Simplifica-

1 tion Act (title VII of division FF of Public Law
2 116–260) and the FAFSA Simplification Act Tech-
3 nical Corrections Act (Public Law 117–103), is fur-
4 ther amended by adding 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, and in-demand industry
11 sectors 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, or
19 by the institution;

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

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

5 “(V) is accredited by an accred-
6 iting agency or association recognized
7 under subpart 2 of part H whose
8 scope of recognition includes job
9 training programs in accordance with
10 section 496(a)(4)(C), and such agency
11 or association determines, after vali-
12 dation of the determination by an in-
13 dustry or sector partnership, that the
14 program provides academic content,
15 an amount of instructional time, and
16 a recognized postsecondary credential
17 that are sufficient to—

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

21 “(bb) satisfy any applicable
22 educational prerequisite require-
23 ment for professional licensure or
24 certification, so that the student
25 who completes the program and

1 seeks employment qualifies to
2 take any licensure or certification
3 examination needed to practice or
4 find employment in an occupa-
5 tion that the program prepares
6 students to enter;

7 “(VI) when applicable, meets the
8 requirements of paragraph (3);

9 “(VII) may include integrated
10 education and training;

11 “(VIII) may be offered as part of
12 an eligible career pathway program;

13 “(IX) does not exceed by more
14 than 50 percent the minimum number
15 of clock hours required for training if
16 the State has established such a re-
17 quirement; and

18 “(X) shall include institutional
19 credit articulation for a student en-
20 rolled in a noncredit job training pro-
21 gram, which shall be monitored by the
22 accrediting agency or association of
23 the institution.

24 “(ii) APPROVAL BY THE SEC-
25 RETARY.—In the case of a program that is

1 seeking to establish eligibility as an eligible
2 job training program under this subpara-
3 graph, the Secretary shall make a deter-
4 mination about whether the program meets
5 the requirements of this subparagraph not
6 more than 60 days after the date on which
7 such program is submitted for consider-
8 ation as an eligible job training program.

9 “(iii) ADDITIONAL ASSURANCE.—The
10 Secretary shall not determine that a pro-
11 gram is an eligible job training program in
12 accordance with clause (ii) unless the Sec-
13 retary receives a certification from the ap-
14 propriate State board containing an assur-
15 ance that the program meets the require-
16 ments of clause (i).

17 “(C) INSTITUTION OF HIGHER EDU-
18 CATION.—The term ‘institution of higher edu-
19 cation’ means—

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

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

24 “(D) INSTITUTIONAL CREDIT ARTICULA-
25 TION.—The term ‘institutional credit articula-

1 tion’ means an institution of higher education
2 provides a student who has completed a non-
3 credit program with the equivalent academic
4 credit that may be applied to a subsequent
5 credit-bearing certificate or degree program
6 upon enrollment in such program at such insti-
7 tution.

8 “(E) TOTAL EARNINGS.—The term ‘total
9 earnings’ means median annual earnings.

10 “(F) WIOA DEFINITIONS.—The terms ‘in-
11 demand industry sector or occupation’, ‘indus-
12 try or sector partnership’, ‘recognized postsec-
13 ondary credential’, and ‘State board’ have the
14 meanings given such terms in section 3 of the
15 Workforce Innovation and Opportunity Act.

16 “(2) IN GENERAL.—For award year 2026–2027
17 and each subsequent award year through award year
18 2030–2031, the Secretary shall carry out a program
19 through which the Secretary shall award Federal
20 Pell Grants to students in eligible job training pro-
21 grams (referred to as a ‘job training Federal Pell
22 Grant’). Each job training Federal Pell Grant
23 awarded under this subsection shall have the same
24 terms and conditions, and be awarded in the same

1 manner, as other Federal Pell Grants awarded
2 under subsection (b), except as follows:

3 “(A) A student who is eligible to receive a
4 job training Federal Pell Grant under this sub-
5 section is a student who—

6 “(i) has not yet attained a
7 postbaccalaureate degree;

8 “(ii) attends an institution of higher
9 education;

10 “(iii) is enrolled, or accepted for en-
11 rollment, in an eligible job training pro-
12 gram at such institution of higher edu-
13 cation; and

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

18 “(B) The amount of a job training Federal
19 Pell Grant for an eligible student shall be deter-
20 mined under subsection (b), except that not-
21 withstanding subsection (b)(1)(B), a student
22 who is eligible for less than the minimum Fed-
23 eral Pell Grant for an academic year in which
24 the student is enrolled in an eligible program

1 full time may still be eligible for a job training
2 Federal Pell Grant.

3 “(3) TOTAL EARNINGS INCREASE REQUIRE-
4 MENT.—

5 “(A) IN GENERAL.—Beginning on the date
6 described in subparagraph (E) and as a condi-
7 tion of continued participation in the job train-
8 ing Federal Pell Grant program under this sub-
9 section, an eligible job training program shall
10 demonstrate, on a quarterly basis, that the me-
11 dian increase of total earnings for students who
12 complete the eligible job training program ex-
13 ceeds 20 percent, in accordance with subpara-
14 graphs (B) through (D).

15 “(B) METHOD OF CALCULATION.—In
16 order to determine compliance with subpara-
17 graph (A) for an eligible job training program,
18 the Secretary shall, using the data from the pri-
19 mary data source described in subparagraph
20 (F) and such other information as the Sec-
21 retary may require (which may include
22 disaggregated data by student subgroup), con-
23 tinuously monitor and determine whether stu-
24 dents who complete the eligible job training
25 program receive a median increase of such stu-

1 dents' total earnings that exceeds 20 percent.
2 For the purposes of this paragraph, the Sec-
3 retary shall determine such percentage of
4 change by calculating the difference between—

5 “(i) the total earnings of students who
6 enroll in such program, calculated based
7 on earnings in the year prior to enroll-
8 ment; and

9 “(ii) the total earnings of students
10 who complete such program, calculated
11 based on earnings in the year after com-
12 pleting such program, subject to subpara-
13 graph (C).

14 “(C) STUDENTS.—The percentage change
15 calculated in accordance with subparagraph (B)
16 shall include students—

17 “(i) who, in the year prior to enroll-
18 ment in the eligible job training program,
19 met a minimum earnings level, as estab-
20 lished by the Secretary; and

21 “(ii) whose annual earnings data for
22 such year shall be drawn from the primary
23 data source described in subparagraph (F).

24 “(D) EXCLUSION.—An institution of high-
25 er education offering an eligible job training

1 program for which the Secretary awards job
2 training Federal Pell Grants under this sub-
3 section may exclude from the calculation under
4 subparagraph (B) any students who are en-
5 rolled in an eligible program, as defined in sec-
6 tion 481, at the time that earnings are evalu-
7 ated under such subparagraph.

8 “(E) APPLICABILITY.—The requirements
9 of this paragraph shall apply to an eligible job
10 training program beginning on the date that is
11 18 months after the program’s date of approval
12 as an eligible job training program under this
13 subsection.

14 “(F) PRIMARY DATA SOURCE.—The Sec-
15 retary shall use data from the National Student
16 Loan Data System matched with Internal Rev-
17 enue Service income data to calculate the total
18 earnings change described in subparagraph (B).
19 The Secretary shall coordinate and enter into a
20 data sharing agreement to fulfill such purpose.

21 “(4) INCLUSION IN TOTAL ELIGIBILITY PE-
22 RIOD.—Any period during which a student receives
23 a job training Federal Pell Grant under this sub-
24 section shall be included in calculating the student’s
25 period of eligibility for Federal Pell Grants under

1 subsection (d), and the eligibility requirements re-
2 garding students who are enrolled in an under-
3 graduate program on less than a full-time basis shall
4 similarly apply to students who are enrolled in an el-
5 igible job training program at an institution of high-
6 er education on less than a full-time basis.”.

7 (2) EFFECTIVE DATE.—The amendment made
8 by paragraph (1) shall take effect as if included in
9 section 703 of the FAFSA Simplification Act (title
10 VII of division FF of Public Law 116–260), as
11 amended by the FAFSA Simplification Act Tech-
12 nical Corrections Act (Public Law 117–103), and
13 subject to the effective date of section 701(b) of the
14 FAFSA Simplification Act.

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

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

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

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

24 “(C) For award years 2026–2027 through
25 2029–2031, if such agency or association has or

1 seeks to include within its scope of recognition
2 the evaluation of the quality of institutions of
3 higher education participating in the job train-
4 ing Federal Pell Grant program under section
5 401(k), such agency or association shall, in ad-
6 dition to meeting the other requirements of this
7 subpart, demonstrate to the Secretary that,
8 with respect to such eligible job training pro-
9 grams (as defined in that section)—

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

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

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

1 “(II) provides the academic con-
2 tent and amount of instructional time
3 that is sufficient to—

4 “(aa) meet the hiring re-
5 quirements of potential employ-
6 ers; and

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

18 (c) INTERAGENCY DATA SHARING.—The Secretary
19 of Education shall coordinate and enter into a data shar-
20 ing agreement with the Secretary of Labor to ensure ac-
21 cess to data related to indicators of performance collected
22 under section 116 of the Workforce Innovation and Oppor-
23 tunity Act (29 U.S.C. 3141). Under such data sharing
24 agreement, the Commissioner of the National Center for
25 Education Statistics shall collect and review the contents

1 of performance reports for eligible providers of training
2 services described in section 116(d)(4) of that Act not less
3 frequently than once each year.

4 (d) EFFECTIVE DATE; SUNSET.—

5 (1) IN GENERAL.—Unless otherwise specified,
6 this section, and the amendments made by this sec-
7 tion, shall take effect on July 1, 2026.

8 (2) SUNSET.—The authority of the Secretary of
9 Education to provide job training Federal Pell
10 Grants under section 401(k) of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1070a(k)), as amend-
12 ed by this section, shall expire on June 30, 2031,
13 and shall not be subject to any extension under sec-
14 tion 422 of the General Education Provisions Act
15 (20 U.S.C. 1226a).