SA 6132. Mr. KAINE (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELIMINATING SHORT-TERM EDUCATION LOAN PROGRAMS; WORKFORCE FEDERAL PELL GRANTS; TECHNICAL CORRECTIONS.

(a) ELIMINATING SHORT-TERM EDUCATION LOAN PROGRAMS.—Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended by adding at the end the following:

''(5) The Secretary shall eliminate the short-term education loan program, as authorized under paragraph (2), on the date that is 120 days after the date the Secretary establishes the application for Workforce Federal Pell Grants under section 401(k).''.

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

(1) in paragraph (4)—

(A) in subparagraph (A), by striking ''under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title,'' and inserting ''or any retired member of an Armed Force ordered to active duty''; and

(B) in subparagraph (B), by striking ''an Armed Force'' and inserting ''the uniformed services (as defined in section 101(a) of title 10, United States Code)''; and

(2) by striking paragraph (5) and inserting the following:

''(5) QUALIFYING NATIONAL GUARD DUTY.—The term 'qualifying National Guard duty during a war or other military operation or national emergency' means service as a member of the National Guard—

''(A) on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, other military operation, or a national emergency declared by the President and supported by Federal funds; or

''(B) on State active duty (as defined in section 4303 of title 38, United States Code) for a period of more than 30 consecutive days in connection with—

''(i) a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.); or

''(ii) a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).''.

(c) WORKFORCE FEDERAL PELL GRANT PROGRAM.—

(1) ELIGIBLE PROGRAM.—

(A) IN GENERAL.—Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended by adding at the end the following:

''(5) A program is an eligible program for purposes of only section 401(k) if it—

''(A) is a program of at least 150, and not more than 600, clock hours of instruction, or an equivalent number of credit hours, offered during a minimum of 8 weeks and not more than 15 weeks of instructional time ; and

''(B) meets the requirements of such section 401(k).''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in section 702 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260; 134 Stat. 3191) and in accordance with section 701(b) of such Act.

(2) STUDENT ELIGIBILITY.—

(A) IN GENERAL.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091), as amended by section 702 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended by adding at the end the following:

''(u) ELIGIBILITY FOR WORKFORCE FEDERAL PELL GRANTS.—In order to be eligible to receive a Workforce Federal Pell Grant under this title for any period of enrollment, a student—

''(1) shall meet all other eligibility requirements for a Federal Pell Grant except as provided in paragraphs (2) and (3);

''(2) notwithstanding the eligibility requirements with respect to the program of study, shall be enrolled, or accepted for enrollment, in an eligible program under section 481(b)(5) offered by an eligible institution of higher education, as defined in section 401(k)(1)(D); and

''(3) notwithstanding the eligibility requirements with respect to the first undergraduate postbaccalaureate course of study under section 401(d)(1), may have completed such first undergraduate postbaccalaureate course of study, but shall not have received a postbaccalaureate degree.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in section 702 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260; 134 Stat. 3191) and in accordance with section 701(b) of such Act.

(3) FEDERAL PELL GRANTS.—

(A) IN GENERAL.—Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a), as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended by adding at the end the following:

''(k) WORKFORCE FEDERAL PELL GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.

''(B) ELIGIBLE WORKFORCE DEVELOPMENT PROGRAM.—

''(i) IN GENERAL.—The term 'eligible workforce development program' means a career and technical education program at an eligible institution of higher education that—

''(I) meets the requirements of section 481(b)(5);

''(II) provides education aligned with the requirements of high-skill, high-wage, or in-demand industry sectors or occupations (including in non-traditional fields) in the State or local area in which the workforce development program is provided, as determined by—

''(aa) the State in which the program is provided, in consultation with a State board or local board that serves such State or local area;

''(bb) a State plan, as described in section 122(d)(13)(C) of the Carl D. Perkins Career and Technical Education Act of 2006;

''(cc) an industry or sector partnership; or

''(dd) a comprehensive local needs assessment, as described in section 134(c) of the Carl D. Perkins Career and Technical Education Act of 2006;

''(III) is a program—

''(aa) provided through an eligible training provider, as described under section 122(d) of the Workforce Innovation and Opportunity Act; and

''(bb) subject to the reporting requirements of section 116(d)(4) of the Workforce Innovation and Opportunity Act, or would be subject to such requirements except for a waiver issued to a State under section 189(i) of the Workforce Innovation and Opportunity Act;

''(IV) provides a student, upon completion of the program, with a recognized postsecondary credential that is stackable and portable across multiple employers and geographical areas, except that the Secretary may waive some of all of the requirements of this subclause if the Secretary determines that there are extenuating circumstances that justify such waiver;

''(V) not later than 18 months after the date the program has been approved as an eligible workforce development program under this subsection, has demonstrated that students who complete the program receive a median increase of 20 percent of total earnings as compared to total earnings of such students prior to enrolling in such program, in accordance with paragraph (2);

''(VI) publishes prominently on the website of the institution, and provides a written disclosure to each prospective student prior to entering into an enrollment agreement for such program (which each such student shall confirm receiving through a written affirmation prior to entering such enrollment agreement) containing, at a minimum, the following information calculated, as applicable, in accordance with paragraph (8):

''(aa) The required tuition and fees of the program.

''(bb) The difference between required tuition and fees described in item (aa) and any grant aid (which does not need to be repaid) provided to the student.

''(cc) The completion rate of the program.

''(dd) The employment rates of students who complete the program, measured at approximately 6 months and 1 year, respectively, after completion of the program.

''(ee) Total earnings of students who complete the program, calculated based on earnings approximately 6 months after completion of the program.

''(ff) Total earnings of students who do not complete the program, calculated based on earnings approximately 6 months after ceasing enrollment in the program.

''(gg) The ratio of the amount that is the difference between required tuition and fees and any grant aid provided to the student described in item (bb) to the total earnings of students described in item (ee).

''(hh) An explanation, in clear and plain language that shall be specified by the Secretary, of the ratio described in item (gg).

''(ii) In the case of a workforce development program that prepares students for a professional licensure or certification examination, the share of such students who pass such examinations;

''(VII) has been determined by the eligible institution of higher education (after validation of that determination by an industry or sector partnership or State, in consultation with a State board or local board) to provide academic content, an amount of instructional time, competencies, and a recognized postsecondary credential that are sufficient to—

''(aa) meet the hiring requirements of potential employers in the sectors or occupations described in subclause (II), including such requirements identified pursuant to a geographically applicable comprehensive local needs assessment (as described in section 134(c) of the Carl D. Perkins Career and Technical Education Act of 2006) or pursuant

to a State plan (as described in section 122(d)(13)(C) of the Carl D. Perkins Career and Technical Education Act of 2006); and

''(bb) satisfy any applicable educational prerequisite requirement for professional licensure or certification in the State or States in which the program is offered, so that a student who completes the program and seeks employment is qualified to practice or find employment in such sectors or occupations that the program prepares students to enter, including, if applicable, being qualified to take any relevant licensure or certification examinations that may be needed to practice such employment;

''(VIII) has been in operation for not less than 1 year prior to becoming an eligible workforce development program under this subsection;

''(IX) prepares students to pursue one or more related certificate or degree programs at one or more institutions of higher education (as defined in section 101) or a postsecondary vocational institutions (as defined in section 102(c)), which may include the eligible institution of higher education providing the eligible workforce development program, including—

''(aa) by ensuring the acceptability of the credits received under the workforce development program toward meeting such certificate or degree program requirements (such as through an articulation agreement as defined in section 486A); and

''(bb) by ensuring that a student who completes noncredit coursework in the workforce development program, upon completion of the workforce development program and enrollment in such a related certificate or degree program, will receive academic credit for such noncredit coursework that will be accepted toward meeting such certificate or degree program requirements;

''(X) is not offered exclusively through distance education or a correspondence course, except as determined by the Secretary to be necessary, on a temporary basis, in connection with a—

''(aa) major disaster or emergency declared by the President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

''(bb) national emergency declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.);

''(XI) includes counseling for students to—

''(aa) support each such student in achieving the student's education and career goals; and

''(bb) ensure that each such student receives information on—

''(AA) the sectors or occupations described in subclause (II) for which the workforce development program provides training (including the total earnings of students who have completed the program and are employed in such sectors or occupations, calculated based on earnings approximately 6 months after completion of the program);

''(BB) the related certificate or degree programs described in subclause (X) for which the workforce development program provides preparation; and

''(CC) other sources of financial aid or other assistance for any component of the student's cost of attendance (as defined in section 472);

''(XII) meets requirements that are applicable to a program of training to prepare students for gainful employment in a recognized occupation;

''(XIII) may include integrated education and training; and

''(XIV) may be offered as part of a program that—

''(aa) meets the requirements of section 484(d)(2);

''(bb) is part of a career pathway, as defined in section 3 of the Workforce Innovation and Opportunity Act; and

''(cc) is aligned to a program of study, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.

''(ii) APPROVAL BY THE SECRETARY.—In the case of a program that is seeking to establish initial eligibility as an eligible workforce development program under this subparagraph, the Secretary shall make a determination whether the program meets the requirements of this subparagraph not more than 120 days after the date on which such program is submitted for consideration as an eligible workforce development program. If the Secretary determines the program meets the requirements of this paragraph, the Secretary shall grant an initial period of approval of 2 years.

''(iii) RENEWAL OF APPROVAL BY THE SECRETARY.—An eligible workforce development program that desires to continue eligibility as an eligible workforce development program after the period of initial approval described in clause (ii), or the subsequent period described in this clause, shall submit a renewal application to the Secretary (with such information as the Secretary may require), not more than 270 days and not less than 180 days before the end of the previous approval period. If the Secretary determines the program meets such requirements, the Secretary shall grant another period of approval for 3 years.

''(iv) REVOCATION OF APPROVAL BY THE SECRETARY.—If at any time the Secretary determines that a program previously approved under clause (ii) or (iii) is no longer meeting any of the requirements of an eligible workforce development program described in this subsection, the Secretary—

''(I) shall deny a subsequent renewal of approval in accordance with clause (iii) for such program after the expiration of the approval period;

''(II) may withdraw approval for such program before the expiration of the approval period;

''(III) shall ensure students who enrolled in such programs have access to transcripts for completed coursework without a fee or monetary charge and without regard to any balance owed to the institution; and

''(IV) shall prohibit such program and any substantially similar program, from being considered an eligible workforce development program described in this subsection for a period of not less than 5 years.

''(v) ADDITIONAL STATE ASSURANCE.—The Secretary shall not determine that a program is an eligible workforce development program in accordance with clause (ii) unless the Secretary receives a certification from the State in which the eligible workforce development program is provided, containing an assurance that the program meets the requirements of subclauses (II) and (III) of clause (i).

''(C) TOTAL EARNINGS.—The term 'total earnings' means the median annualized earnings, calculated using earnings for a pay period, month, quarter, or other time period deemed appropriate by the Secretary.

''(D) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term 'eligible institution of higher education' means an institution of higher education (as defined in section 101) or a postsecondary vocational institution (as defined in section 102(c)) that—

''(i) is approved by an accrediting agency or association that meets the requirements of section 496(a)(4)(C);

''(ii) has not been a proprietary institution of higher education, as defined in section 102(b), within the previous 3 years; and

''(iii) has not been subject, during any of the preceding 5 years, to—

''(I) any suspension, emergency action, or termination of programs under this title;

''(II) any adverse action by the institution's accrediting agency or association; or

''(III) any action by the State to revoke a license or other authority to operate; and

''(iv) is in compliance with the requirements of this subsection.

''(E) WIOA DEFINITIONS.—The terms 'industry or sector partnership', 'in-demand industry sector or occupation', 'recognized postsecondary credential', 'local board', and 'State board' have the meanings given such terms in section 3 of the Workforce Innovation and Opportunity Act.

''(2) TOTAL EARNINGS INCREASE REQUIREMENT.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), as a condition of participation under this subsection, the Secretary shall, using the data collected under paragraph (8) and such other information as the Secretary may require, determine whether such workforce development program meets the requirements of paragraph (1)(B)(i)(V) with respect to whether the students who complete the program receive a median increase of 20 percent of such students' total earnings. For the purposes of this paragraph, the Secretary shall determine such percentage increase by calculating the difference between—

''(i) the total earnings of students who enroll in such program, calculated based on earnings approximately 6 months prior to enrollment; and

''(ii) the total earnings of students who complete such program, calculated based on earnings approximately 6 months after completing such program, subject to subparagraph (B).

''(B) EXCLUSION.—An eligible institution of higher education offering an eligible workforce development program for which the Secretary awards Workforce Federal Pell Grants under this subsection may exclude from the calculation under subparagraph (A)(ii) any students who are enrolled in an eligible program, as defined in section 481, at the time that earnings are evaluated under subparagraph (A)(ii).

''(C) DATE OF EFFECT.—The requirement under this paragraph shall take effect beginning on the date that is 18 months after the date the program has been approved as an eligible workforce development program under this subsection.

''(3) APPEAL OF EARNINGS INFORMATION.—The Secretary's determination under paragraph (2) may include an appeals process to permit workforce development programs to submit alternate earnings data (which may include discretionary earnings data or total earnings data), provided that such data are statistically rigorous, accurate, comparable, and representative of students who enroll in or complete the program, or both, as applicable.

''(4) AUTHORIZATION OF AWARDS.—For the award year beginning on July 1, 2024, and each subsequent award year, the Secretary shall award Federal Pell Grants to eligible students pursuant to section 484(u) in eligible workforce development programs (referred to as a 'Workforce Federal Pell Grant'). Each Workforce Federal Pell Grant awarded under this subsection shall have the same terms and conditions, and be awarded in the same manner, as other Federal Pell Grants awarded under subsection (b), except a student who is eligible to receive a Workforce Federal Pell Grant under this subsection is a student who meets the eligibility criteria in section 484(u).

''(5) AMOUNT OF AWARD.—The amount of a Workforce Federal Pell Grant for an eligible student shall be determined under subsection (b), except that a student who is eligible for

less than the minimum Federal Pell Grant because the eligible workforce development program is less than an academic year (in clock-hours and weeks of instructional time) may still be eligible for a Workforce Federal Pell Grant.

''(6) INCLUSION IN TOTAL ELIGIBILITY PERIOD.—Any period during which a student receives a Workforce Federal Pell Grant under this subsection shall be included in calculating the student's period of eligibility for Federal Pell Grants under subsection (d), and the eligibility requirements regarding students who are enrolled in an undergraduate program on less than a full-time basis shall similarly apply to students who are enrolled in an eligible workforce development program at an eligible institution of higher education on less than a full-time basis.

''(7) SAME PAYMENT PERIOD.—No student may for the same payment period receive both a Workforce Federal Pell Grant under this subsection and a Federal Pell Grant under this section.

''(8) INTERAGENCY DATA COORDINATION AND DATA COLLECTION.—

''(A) INTERAGENCY DATA COORDINATION.—The Secretary shall coordinate with the Secretary of Labor to ensure access to data necessary to implement this subsection that is not otherwise available to the Secretary, including such data related to indicators of performance collected under section 116 of the Workforce Innovation and Opportunity Act.

''(B) DATA ON ELIGIBLE WORKFORCE DEVELOPMENT PROGRAMS.—Except as provided under subparagraph (C), using data otherwise available to the Secretary to the greatest extent practicable to streamline reporting requirements and minimize reporting burdens, and in coordination with the National Center for Education Statistics, the Secretary of Labor, and each institution of higher education offering an eligible workforce development program for which the Secretary awards Workforce Federal Pell Grants under this subsection, the Secretary shall, on at least an annual basis, collect and publish data with respect to each such eligible workforce development program, including, at a minimum, the following:

''(i) The number and demographics of students who enroll in the program, disaggregated by—

''(I) sex;

''(II) race and ethnicity;

''(III) classification as a student with a disability;

''(IV) income quintile, as defined by the Secretary;

''(V) military or veteran benefit status;

''(VI) status as a first-time student or transfer student from another institution;

''(VII) status as a first generation college student;

''(VIII) status as parent or guardian of 1 or more dependent children;

''(IX) status as a confined or incarcerated individual, as defined under section 484(t)(1)(A); and

''(X) status as a recipient of a Workforce Federal Pell Grant.

''(ii) The number and demographics, disaggregated by the categories listed in clause (i), of students who—

''(I) complete the program; and

''(II) do not complete the program.

''(iii) The required tuition and fees of the program.

''(iv) The total earnings of students, disaggregated by the categories listed in clause (i), who—

''(I) complete the program, calculated based on earnings approximately 6 months after completing such program; and

''(II) do not complete the program, calculated based on earnings approximately 6 months after ceasing enrollment in such program.

''(v) Outcomes of the students who complete the program, disaggregated by the categories listed in clause (i), with respect to—

''(I) the median time to completion among such students;

''(II) the employment rates of such students, measured at approximately 6 months and 1 year, respectively, after completion of the eligible workforce development program;

''(III) in the case of a workforce development program that prepares students for a professional licensure or certification examination, the share of such students who pass such examinations;

''(IV) the share of such students who enroll in a certificate or degree program at the institution of higher education offering the eligible workforce development program within 1 year of completing such eligible workforce development program;

''(V) the share of such students who transfer to another institution of higher education within 1 year of completing the eligible workforce development program; and

''(VI) the share of such students who complete a subsequent certificate or degree program at any institution of higher education within 6 years of completing the eligible workforce development program.

''(C) EXCEPTIONS.—Notwithstanding any other provision of this paragraph—

''(i) if disclosure of disaggregated data under subparagraph (B) is prohibited from disclosure due to applicable privacy restrictions, the Secretary may take such steps as the Secretary determines necessary to provide meaningful disaggregated student demographic or outcome information, including by combining categories;

''(ii) an institution may submit, and the Secretary may publish, data required to be collected under subparagraph (B) that is obtained through a State Unemployment Insurance Agency or through other supplemental means, in lieu of any additional data collection, provided that such data are statistically rigorous, accurate, comparable, and representative;

''(iii) to the extent that another provision of this Act, or any regulation prescribed under this Act, requires the same reporting or collection of data that is required under subparagraph (B), the Secretary may consider the reporting under such provision or regulation to satisfy the requirements of subparagraph (B); and

''(iv) the Secretary, in consultation with the Secretary of Labor, may modify or waive the requirements to disaggregate data by the categories listed in subparagraph (B)(i) for data described in clauses (iv) and (v)(III) of subparagraph (B) to align with the reporting requirements of section 116(d)(4) of the Workforce Innovation and Opportunity Act, streamline reporting requirements, and minimize reporting burdens.

''(D) REPORT.—Not later than July 1, 2025, the Secretary shall—

''(i) submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the impact of eligible workforce development programs for which the Secretary awards Workforce Federal Pell Grants under this subsection, based on the most recent data collected under subparagraph (B); and

''(ii) make the report described in clause (i) available publicly on the website of the Department.''.

(B) PUBLICATION OF APPLICATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall publish the application for workforce development programs to submit for approval as eligible workforce development programs, as defined in subsection (k)(1)(B) of section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a), as added by subparagraph (A). The information required to determine eligibility in such application shall be consistent with the requirements described in such subsection (k)(1)(B).

(C) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260; 134 Stat. 3191) and in accordance with section 701(b) of such Act.

(D) IMPLEMENTATION.—In carrying out the amendments made by subparagraph (A), the Secretary of Education may waive the application of—

(i) the master calendar requirements under section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089); and

(ii) negotiated rulemaking under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a).

(E) STAKEHOLDER ENGAGEMENT.—If the Secretary of Education waives the application of negotiated rulemaking pursuant to subparagraph (D)(ii), the Secretary shall, to the greatest extent practicable, ensure stakeholder engagement in development the application, guidance, and regulations related to eligible workforce development programs, as defined in subsection (k)(1)(B) of section 401 of the Higher Education Act of 1964 (20 U.S.C. 1070a), as added by subparagraph (A).

(d) WORKFORCE INNOVATION AND OPPORTUNITY ACT AMENDMENT.—

(1) ELIGIBLE TRAINING PROVIDER REPORTS.—Section 116(d)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(d)(4)) is amended—

(A) in subparagraph (E), by striking ''and'' after the semicolon;

(B) in subparagraph (F), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(G) for programs of study of an eligible provider participating in the Workforce Federal Pell Grant program under section 401(k) of the Higher Education Act of 1965, as added by section [_____] of the [_____ Act], such information related to employment and earnings as may be required under such subsection, including information relating to the total earnings increase under paragraph (2) of such subsection, except that the sanctions for failure to report under subsection (f)(1)(B) of this section shall not apply to this subparagraph.''.

(2) INTERAGENCY DATA COORDINATION.—Section 116(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(i)) is amended by adding at the end the following:

''(4) INTERAGENCY DATA COORDINATION FOR WORKFORCE FEDERAL PELL GRANT PROGRAM.—The Secretary of Labor shall coordinate with the Secretary of Education to ensure access to data necessary to implement section 401(k) of the Higher Education Act of 1965 (20 U.S.C. 1070a(k)), as added by section [_____] of the [_____ Act], that is not otherwise available to the Secretary of Education, which may include data related to unemployment insurance, wage information, employment-related outcomes, and indicators of performance collected under this section.''.

(e) ACCREDITING AGENCY RECOGNITION OF ELIGIBLE WORKFORCE DEVELOPMENT PROGRAMS.—Section 496(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a)(4)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) in subparagraph (B)(ii), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(C) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions of higher education participating in the Workforce Federal Pell Grant program under section 401(k), as added by section [_____] of the [_____ Act], such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that, with respect to such eligible workforce development programs (as defined in that subsection)—

''(i) the agency or association's standards include a process for determining if the institution has the capability to effectively offer an eligible workforce development program; and

''(ii) the agency or association requires a demonstration that the program—

''(I) has identified each recognized postsecondary credential offered in the relevant industry in the State or local area where the industry is located; and

''(II) provides academic content, an amount of instructional time, competencies, and a recognized postsecondary credential sufficient to satisfy any applicable educational requirement for professional licensure or certification in the State or States in which the program is offered, so that a student who completes the program and seeks employment is qualified to practice or find employment in the sectors or occupations that the program prepares students to enter, including, if applicable, being qualified to take any relevant licensure or certification examinations that may be needed to practice such employment.''.

(f) ADDITIONAL NACIQI REVIEW MEETINGS.—If necessary, the Secretary of Education shall hold additional meetings of the National Advisory Committee on Institutional Quality and Integrity through July 1, 2024 in order to evaluate additions to the scope of recognition of agencies or associations with respect to eligible workforce development programs as defined in section 401(k) of the Higher Education Act of 1965, as added by subsection (c)(3)(A) of this section, to prepare for implementation of the Workforce Federal Pell Grant program.

(g) ADMINISTRATIVE FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Labor, $75,000,000, for fiscal year 2023, to remain available until expended, to assist in carrying out activities relating to section 401(k) of the Higher Education Act of 1965, as added by this Act, and sections 116(d)(4)(G) and 116(i)(4) of the Workforce Innovation and Opportunity Act, as added by this Act, during fiscal years 2023 through 2031: *Provided*, That funds appropriated under this subsection may be used for carrying out such activities directly or through contracts, grants, subgrants and other arrangements, and may be used for Federal administrative costs relating to such activities. *Provided further*, That the Secretary of Labor may transfer funds appropriated under this subsection to accounts within the Department of Labor as necessary, as determined by the Secretary of Labor, to carry out such activities.

SA 6133. Mr. DURBIN (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REAUTHORIZATION OF READ ACT.

Section 4(a) of the Reinforcing Education Accountability in Development Act (division A of Public Law 115–56; 22 U.S.C. 2151c note) is amended by striking ''during the following five fiscal years'' and inserting ''during the following ten fiscal years''.

SA 6134. Ms. BALDWIN (for Mr. PORTMAN (for himself and Ms. BALDWIN)) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PREFERENCE FOR UNITED STATES INDUSTRY.

Section 308 of the Homeland Security Act of 2002 (6 U.S.C. 188) is amended by adding at the end the following:

''(d) PREFERENCE FOR UNITED STATES INDUSTRY.—

''(1) DEFINITIONS.—In this subsection:

''(A) COUNTRY OF CONCERN.—The term 'country of concern' means a country that—

''(i) is a covered nation, as that term is defined in section 4872(d) of title 10, United States Code; or

''(ii) the Secretary determines is engaged in conduct that is detrimental to the national security of the United States.

''(B) FUNDING AGREEMENT; NONPROFIT ORGANIZATION; SUBJECT INVENTION.—The terms 'funding agreement', 'nonprofit organization', and 'subject invention' have the meanings given those terms in section 201 of title 35, United States Code.

''(C) MANUFACTURED SUBSTANTIALLY IN THE UNITED STATES.—The term 'manufactured substantially in the United States' means manufactured substantially from all articles, materials, or supplies mined, produced, or manufactured in the United States.

''(D) RELEVANT CONGRESSIONAL COMMITTEES.—The term 'relevant congressional committees' means—

''(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(ii) the Committee on Homeland Security of the House of Representatives.

''(2) PREFERENCE.—Subject to the other provisions of this subsection, no firm or nonprofit organization which receives title to any subject invention developed under a funding agreement entered into with the Department and no assignee of any such firm or nonprofit organization shall grant the exclusive right to use or sell any subject invention unless the products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States.

''(3) WAIVERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in individual cases, the requirement for an agreement described in paragraph (2) may be waived by the Secretary upon a showing by the firm, nonprofit organization, or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

''(B) CONDITIONS ON WAIVERS GRANTED BY DEPARTMENT.—

''(i) BEFORE GRANT OF WAIVER.—Before granting a waiver under subparagraph (A), the Secretary shall—

''(I) consult with the relevant congressional committees regarding the decision of the Secretary to grant the waiver; and

''(II) comply with the procedures developed and implemented pursuant to section 70923(b)(2) of the Build America, Buy America Act (subtitle A of title IX of division G of Public Law 117–58).

''(ii) PROHIBITION ON GRANTING CERTAIN WAIVERS.—The Secretary may not grant a waiver under subparagraph (A) if, as a result of the waiver, products embodying the applicable subject invention, or produced through the use of the applicable subject invention, will be manufactured substantially in a country of concern.''.

SA 6135. Mr. SCHUMER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 875. PROHIBITION ON CERTAIN SEMICONDUCTOR PRODUCTS AND SERVICES.

(a) IN GENERAL.—Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 41 U.S.C. 3901 note prec.) is amended—

(1) in the section heading, by inserting ''**AND SEMICONDUCTOR PRODUCTS AND SERVICES**'' after ''**SERVICES OR EQUIPMENT**'';

(2) in subsection (a)(1), by inserting '', or covered semiconductor products or services,'' after ''equipment or services'' both places it appears; and

(3) in subsection (f)—

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

(B) by inserting after paragraph (2) the following new paragraph:

''(3) COVERED SEMICONDUCTOR PRODUCT OR SERVICES.—The term 'covered semiconductor product or services' means any of the following:

''(A) A product that incorporates a semiconductor product designed or produced by, or any service provided by, Semiconductor Manufacturing International Corporation (SMIC), ChangXin Memory Technologies (CXMT), or Yangtze Memory Technologies Corp. (YMTC) (or any subsidiary, affiliate, or successor of such entities).

''(B) Semiconductor products or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.''.