

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To establish, improve, or expand high-quality workforce development programs at community colleges, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. WARNOCK (for himself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To establish, improve, or expand high-quality workforce development programs at community colleges, 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 “Pathways to Prosperity  
5 Act”.

6 **SEC. 2. STRENGTHENING COMMUNITY COLLEGES GRANT**  
7 **PROGRAM.**

8 Subtitle D of title I of the Workforce Innovation and  
9 Opportunity Act (29 U.S.C. 3221 et seq.) is amended—

1 (1) by redesignating section 172 as section 173;

2 and

3 (2) by inserting after section 171 the following:

4 **“SEC. 172. STRENGTHENING COMMUNITY COLLEGES WORK-**  
5 **FORCE DEVELOPMENT GRANTS PROGRAM.**

6 “(a) PURPOSES.—The purposes of this section are—

7 “(1) to establish, improve, or expand high-quality  
8 workforce development programs at community  
9 colleges;

10 “(2) to expand opportunities for individuals to  
11 obtain recognized postsecondary credentials that are  
12 nationally or regionally portable and stackable for  
13 in-demand industry sectors or occupations;

14 “(3) to better align high-quality workforce de-  
15 velopment programs at community colleges with  
16 local industry needs and in-demand industry sectors  
17 or occupations; and

18 “(4) to strengthen partnerships between em-  
19 ployers in in-demand industry sectors or occupations  
20 and community colleges for the purpose of ensuring  
21 high-quality workforce development curriculums.

22 “(b) STRENGTHENING COMMUNITY COLLEGES  
23 WORKFORCE DEVELOPMENT GRANTS PROGRAM.—

24 “(1) IN GENERAL.—From the amounts appro-  
25 priated to carry out this section under section

1       173(e) and not reserved under paragraph (2), the  
2       Secretary shall, on a competitive basis, award grants  
3       to eligible institutions, to work with eligible partner-  
4       ships to carry out the activities described in sub-  
5       section (e).

6               “(2) RESERVATION.—Of the amounts appro-  
7       priated to carry out this section under section  
8       173(e), the Secretary may reserve not more than 2  
9       percent for the administration of grants awarded  
10      under this section, including—

11               “(A) providing technical assistance and  
12      targeted outreach to support eligible institu-  
13      tions serving a high number or high percentage  
14      of low-income individuals or individuals with  
15      barriers to employment, and rural-serving eligi-  
16      ble institutions, to provide guidance and assist-  
17      ance in the process of applying for grants under  
18      this section; and

19               “(B) evaluating and reporting on the per-  
20      formance and impact of programs funded under  
21      this section in accordance with subsections (f)  
22      through (h).

23               “(c) AWARD PERIOD.—

1           “(1) INITIAL GRANT PERIOD.—Each grant  
2 awarded under this section shall be awarded for an  
3 initial period of not more than 4 years.

4           “(2) SUBSEQUENT GRANTS.—An eligible insti-  
5 tution that receives an initial grant under this sec-  
6 tion may receive one or more additional grants  
7 under this section, for additional periods of not more  
8 than 4 years each, if the eligible institution dem-  
9 onstrates that, during the most recently completed  
10 grant period for a grant received under this section,  
11 the institution’s eligible partnership achieved the lev-  
12 els of performance established under subsection (f)  
13 with respect to the indicators of performance speci-  
14 fied in subsection (f).

15           “(d) APPLICATION.—

16           “(1) IN GENERAL.—To be eligible to receive a  
17 grant under this section, an eligible institution shall  
18 submit an application to the Secretary at such time  
19 and in such manner as the Secretary may require.

20           “(2) CONTENTS.—An application submitted by  
21 an eligible institution under paragraph (1) shall in-  
22 clude a description of each the following:

23           “(A) The extent to which the eligible insti-  
24 tution has demonstrated success building part-  
25 nerships with local employers in in-demand in-

1 industry sectors or occupations to carry out ac-  
2 tivities to provide students with the skills need-  
3 ed for such occupations or occupations in such  
4 industry sectors and an explanation of the re-  
5 sults of any such partnership activities.

6 “(B) The methods and strategies the eligi-  
7 ble institution will use to engage with employers  
8 in in-demand industry sectors or occupations,  
9 including any arrangements the institution will  
10 make to place individuals who complete the  
11 workforce development program supported by  
12 the grant into employment with such employers.

13 “(C) The proposed eligible partnership  
14 that the eligible institution will establish and  
15 maintain to comply with subsection (e)(1) (re-  
16 ferred to in this section as an ‘eligible partner-  
17 ship’, including—

18 “(i) the roles and responsibilities (in-  
19 cluding serving as a provider), determined  
20 by the eligible institution, of each em-  
21 ployer, organization, agency, or institution  
22 of higher education that the eligible insti-  
23 tution will partner with to carry out the  
24 activities under this section; and

1                   “(ii) the needs that will be addressed  
2                   by such eligible partnership.

3                   “(D) One or more industry sectors or oc-  
4                   cupations that such partnership will target and  
5                   real-time labor market data demonstrating that  
6                   those sectors or occupations are aligned with  
7                   employer demand in the geographic area to be  
8                   served by the eligible institution.

9                   “(E) Information that consists of—

10                   “(i) a description of the extent to  
11                   which the eligible institution will leverage  
12                   additional resources to support the pro-  
13                   gram to be funded with the grant, and an  
14                   assurance that the eligible institution will  
15                   obtain a written commitment for any lever-  
16                   aged funds (such as matching funds) for  
17                   the program;

18                   “(ii) information demonstrating the  
19                   future sustainability of such program; and

20                   “(iii) a description of any investments  
21                   or matching funds provided by employers  
22                   participating in the eligible partnerships.

23                   “(F) The steps the institution will take to  
24                   ensure the high quality of the program to be

1 funded with the grant, including the career  
2 pathways within such program.

3 “(G) The population and geographic area  
4 to be served by the eligible institution, including  
5 the number of individuals the eligible institution  
6 intends to serve during the grant period.

7 “(H) The workforce development program  
8 to be supported by the grant.

9 “(I) The recognized postsecondary creden-  
10 tial that is expected to be earned by partici-  
11 pants in such workforce development program  
12 and the related in-demand industry sector or  
13 occupation for which such program will prepare  
14 participants.

15 “(J) The evidence upon which the edu-  
16 cation and skills development strategies to be  
17 used in such workforce development program  
18 are based and an explanation of how such evi-  
19 dence influenced the design of the program to  
20 improve education and employment outcomes.

21 “(K) How activities of the eligible institu-  
22 tion and its eligible partnership carried out  
23 through the program are expected to align with  
24 the workforce strategies identified in—

1           “(i) any State plan or local plan sub-  
2           mitted under this Act by the State, out-  
3           lying area, or locality in which the eligible  
4           institution is expected to operate;

5           “(ii) any State plan submitted under  
6           section 122 of the Carl D. Perkins Career  
7           and Technical Education Act of 2006 (20  
8           U.S.C. 2342) by such State or outlying  
9           area; and

10          “(iii) any economic development plan  
11          of the chief executive of such State or out-  
12          lying area.

13          “(L) The expected measures of the eligible  
14          institution, for the eligible partnership, with re-  
15          spect to—

16               “(i) a capacity building indicator (as  
17               described in subsection (f)(1)(B)); and

18               “(ii) the expected levels of perform-  
19               ance of individuals participating in the pro-  
20               gram to be offered by the eligible institu-  
21               tion, with respect to any indicators of per-  
22               formance applicable under subsection (f).

23          “(M) In the case of an eligible institution  
24          proposing a workforce development program  
25          that leads to a recognized postsecondary cre-



1           dential described in subsection (e)(2)(C)(i), the  
2           information described in subclauses (I) through  
3           (VI) of subsection (e)(2)(C)(i).

4           “(N) How the eligible institution will keep  
5           tuition and other costs of attendance (as de-  
6           scribed in subsection (e)(3)(D)) low or afford-  
7           able for students who are participants.

8           “(O) How the eligible institution will work  
9           with employers and industry partners in an eli-  
10          gible partnership to design curricula and train-  
11          ing programs aligned to industry needs for the  
12          workforce development programs.

13          “(3) CONSIDERATION OF PREVIOUS EXPERI-  
14          ENCE.—The Secretary may not disqualify an eligible  
15          institution from receiving a grant under this section  
16          solely because such institution lacks previous experi-  
17          ence in building partnerships, as described in para-  
18          graph (2)(A).

19          “(4) PRIORITY.—In awarding grants under this  
20          section, the Secretary shall give priority to eligible  
21          institutions that—

22                  “(A) will use such a grant to serve—

23                          “(i) individuals with barriers to em-  
24                          ployment; or

1                   “(ii) incumbent workers who need to  
2                   gain or improve foundational skills to en-  
3                   hance their employability;

4                   “(B) use competency-based assessments,  
5                   such as the covered assessment identified by the  
6                   State in which the eligible institution is located,  
7                   to award academic credit for prior learning for  
8                   the program supported by the grant; or

9                   “(C) have, or will seek to have, the pro-  
10                  vider of the career education program within  
11                  the program supported by the grant included on  
12                  the list of eligible providers of training services  
13                  under section 122(d) for the State in which the  
14                  eligible institution is located.

15                  “(e) USES OF FUNDS.—

16                  “(1) ELIGIBLE PARTNERSHIP.—For the pur-  
17                  pose of carrying out the activities specified in para-  
18                  graphs (2) and (3), an eligible institution that re-  
19                  ceives a grant under this section shall establish a  
20                  partnership (including continuing an existing part-  
21                  nership) that shall include one or more employers in  
22                  an in-demand industry sector or occupation and may  
23                  include other organizations, agencies, or institutions  
24                  of higher education. The eligible institution shall  
25                  maintain such eligible partnership for the duration

1 of the grant period. The eligible institution shall en-  
2 sure that the partnership, in carrying out its roles  
3 and responsibilities under subsection (d)(2)(C) for  
4 the program under the grant—

5 “(A) targets one or more specific in-de-  
6 mand industry sectors or occupations;

7 “(B) carries out activities that include col-  
8 laboration with the workforce development sys-  
9 tem;

10 “(C) serves adult and dislocated workers,  
11 incumbent workers, and new entrants to the  
12 workforce;

13 “(D) uses an evidence-based program de-  
14 sign that is appropriate for the activities carried  
15 out by the partnership;

16 “(E) incorporates work-based learning op-  
17 portunities, as defined in section 3 of the Carl  
18 D. Perkins Career and Technical Education Act  
19 of 2006 (20 U.S.C. 2302); and

20 “(F) incorporates, to the extent appro-  
21 priate, virtual service delivery to facilitate tech-  
22 nology-enabled learning.

23 “(2) REQUIRED ACTIVITIES.—An eligible insti-  
24 tution that receives a grant under this section shall  
25 use the grant funds, in consultation with the em-

1        ployers in the eligible partnership described in para-  
2        graph (1), to—

3                “(A) establish, improve, or expand a high-  
4                quality, evidence-based workforce development  
5                program, such as a career pathway program, or  
6                work-based learning program (including appren-  
7                ticeship programs or pre-apprenticeships);

8                “(B) provide career services to individuals  
9                participating in the program funded with the  
10              grant to facilitate retention and program com-  
11              pletion, which may include—

12                      “(i) career navigation, coaching,  
13                      mentorship, and case management serv-  
14                      ices, including providing information and  
15                      outreach to individuals with barriers to  
16                      employment to encourage such individuals  
17                      to participate in the program funded with  
18                      the grant; and

19                      “(ii) providing access to course mate-  
20                      rials, technological devices, required equip-  
21                      ment, and other supports necessary for  
22                      participation in and successful completion  
23                      of such program; and

1           “(C) make available, in a format that is  
2 open, searchable, and easily comparable, infor-  
3 mation on—

4           “(i) curricula and recognized postsec-  
5 ondary credentials offered through the pro-  
6 gram funded with the grant, including any  
7 curricula or credentials created or further  
8 developed using such grant, which for each  
9 recognized postsecondary credential shall  
10 include—

11           “(I) the issuing entity of such  
12 credential;

13           “(II) any third-party endorse-  
14 ment of such credential;

15           “(III) the occupations for which  
16 the credential prepares individuals;

17           “(IV) the skills and competencies  
18 necessary to achieve to earn such cre-  
19 dential;

20           “(V) the level of mastery of such  
21 skills and competencies (including how  
22 mastery necessary to achieve to earn  
23 such credential is assessed); and

24           “(VI) any transfer value or  
25 stackability of the credential;

1           “(ii) any skills or competencies devel-  
2           oped by individuals who participate in such  
3           program beyond the skills and com-  
4           petencies identified as necessary to earn  
5           such credential; and

6           “(iii) related employment and earn-  
7           ings outcomes on the primary indicators of  
8           performance described in subclauses (I)  
9           through (III) of section 116(b)(2)(A)(i).

10           “(3) ADDITIONAL ACTIVITIES.—In addition to  
11           the activities required under paragraph (2), an eligi-  
12           ble institution that receives a grant under this sec-  
13           tion shall use the grant funds, in consultation with  
14           the employers in the eligible partnership described in  
15           paragraph (1), carry out one or more of the fol-  
16           lowing activities:

17           “(A) Establish, improve, or expand for the  
18           workforce development program carried out  
19           under the grant—

20           “(i) articulation agreements (as de-  
21           fined in section 486A(a) of the Higher  
22           Education Act of 1965 (20 U.S.C.  
23           1093a(a)));

24           “(ii) credit transfer agreements;

1           “(iii) a corequisite remediation pro-  
2           gram that enables a student to receive re-  
3           medial education services while enrolled in  
4           a postsecondary course rather than requir-  
5           ing the student to receive remedial edu-  
6           cation before enrolling in a such a course;

7           “(iv) a dual or concurrent enrollment  
8           program;

9           “(v) competency-based education and  
10          assessment; or

11          “(vi) policies and processes to award  
12          academic credit for prior learning or for a  
13          program described in paragraph (2)(A).

14          “(B) Establish or implement plans for pro-  
15          viders of the program described in paragraph  
16          (2)(A) to meet the criteria and information re-  
17          quirements and carry out the procedures nec-  
18          essary to be included on the eligible training  
19          services provider list described in section  
20          122(d), to provide training services through the  
21          program.

22          “(C) Purchase, lease, or refurbish special-  
23          ized equipment as necessary to carry out such  
24          program, except that not more than 15 percent  
25          of the funds awarded to the eligible institution

1 under this section may be used for activities de-  
2 scribed in this subparagraph.

3 “(D) Reduce or eliminate unmet financial  
4 need relating to the cost of attendance (as de-  
5 fined under section 472 of the Higher Edu-  
6 cation Act of 1965 (20 U.S.C. 1087ll)) of par-  
7 ticipants in such program.

8 “(4) ADMINISTRATIVE COST LIMIT.—An eligible  
9 institution may use not more than 7 percent of the  
10 funds awarded to the institution under this section  
11 for administrative costs, including costs related to  
12 collecting information, analysis, and coordination for  
13 purposes of subsection (f).

14 “(f) PERFORMANCE LEVELS AND PERFORMANCE  
15 REVIEWS.—

16 “(1) IN GENERAL.—The Secretary shall develop  
17 and implement guidance that establishes the levels  
18 of performance that are expected to be achieved by  
19 the eligible partnership established or maintained by  
20 the eligible institution under subsection (e)(1) receiv-  
21 ing a grant under this section. Such levels of per-  
22 formance shall be established on the following indi-  
23 cators of performance:

24 “(A) Each of the primary indicators of  
25 performance for adults described in section



1 116(b), which shall be applied for all individuals  
2 who participate in a program that receives  
3 funding from a grant under this section.

4 “(B) An indicator for the extent to which  
5 the eligible partnership built capacity by—

6 “(i) increasing the breadth and depth  
7 of employer engagement and investment in  
8 a workforce development program in the  
9 in-demand industry sector or occupation  
10 targeted by the eligible partnership;

11 “(ii) designing or implementing new  
12 and accelerated instructional techniques or  
13 technologies, including the use of advanced  
14 online and technology-enabled learning  
15 (such as learning through immersive tech-  
16 nology); and

17 “(iii) increasing program and policy  
18 alignment across systems and decreasing  
19 duplicative services or service gaps.

20 “(C) Indicators, with respect to individuals  
21 who participated in the workforce development  
22 program funded with the grant, for—

23 “(i) the percentage of participants  
24 who successfully completed the program;  
25 and

1                   “(ii) of the participants who were in-  
2                   cumbent workers at the time of enrollment  
3                   in the program, the percentage who ad-  
4                   vanced into higher-level positions during or  
5                   after completing the program.

6                   “(2) CONSULTATION AND DETERMINATION OF  
7                   PERFORMANCE LEVELS.—

8                   “(A) CONSIDERATION.—In developing lev-  
9                   els of performance for the indicators of per-  
10                  formance described in paragraph (1) in accord-  
11                  ance with paragraph (1), the Secretary shall  
12                  take into consideration the expected measures  
13                  of the eligible institution pursuant to subsection  
14                  (d)(2)(L).

15                  “(B) DETERMINATION.—After completing  
16                  the consideration required under subparagraph  
17                  (A), the Secretary shall separately determine  
18                  the levels of performance that will apply to each  
19                  eligible partnership for the indicators, taking  
20                  into account—

21                  “(i) the expected levels of performance  
22                  of the corresponding eligible institution  
23                  with respect to the expected measures de-  
24                  scribed by the eligible institution pursuant  
25                  to subsection (d)(2)(L); and

1           “(ii) local economic conditions in the  
2           geographic area to be served by the eligible  
3           institution, including differences in unem-  
4           ployment rates and job losses or gains in  
5           particular industry sectors or occupations.

6           “(C) NOTICE AND ACKNOWLEDGMENT.—

7           “(i) NOTICE.—The Secretary shall  
8           provide each eligible institution with a  
9           written notification that sets forth the lev-  
10          els of performance that will apply to the el-  
11          igible partnership on the indicators as de-  
12          termined under subparagraph (B).

13          “(ii) ACKNOWLEDGMENT.—After re-  
14          ceiving the notification described in clause  
15          (i), each eligible institution shall submit to  
16          the Secretary written confirmation that the  
17          eligible institution—

18                  “(I) received the notification; and

19                  “(II) agrees that the eligible  
20          partnership shall be evaluated in ac-  
21          cordance with the levels of perform-  
22          ance determined by the Secretary.

23          “(3) PERFORMANCE REVIEWS.—On an annual  
24          basis during each year of the grant period, the Sec-  
25          retary shall evaluate the performance on the indica-

1       tors of performance during such year of the eligible  
2       partnership of each eligible institution receiving a  
3       grant under this section in a manner consistent with  
4       the levels of performance determined for such part-  
5       nership pursuant to paragraph (2).

6               “(4) FAILURE TO MEET PERFORMANCE LEV-  
7       ELS.—After conducting an evaluation under para-  
8       graph (3), if the Secretary determines that an eligi-  
9       ble partnership did not achieve the levels of perform-  
10      ance applicable to the eligible partnership under  
11      paragraph (2), the Secretary shall—

12               “(A) provide technical assistance to the eli-  
13      gible partnership; and

14               “(B) develop a performance improvement  
15      plan for the eligible partnership.

16      “(g) EVALUATIONS AND REPORTS.—

17               “(1) IN GENERAL.—Not later than 4 years  
18      after the date on which the first grant is awarded  
19      under this section, the Secretary shall design and  
20      conduct an evaluation to determine the overall effec-  
21      tiveness of the eligible partnerships of eligible insti-  
22      tutions receiving grants under this section.

23               “(2) ELEMENTS.—The evaluation of the effec-  
24      tiveness of eligible partnerships conducted under  
25      paragraph (1) shall include an assessment of the

1 general effectiveness of programs and activities sup-  
2 ported by the grants awarded to the corresponding  
3 eligible institutions under this section, including the  
4 extent to which the eligible partnerships, through  
5 the programs and activities—

6 “(A) developed new, or expanded existing,  
7 successful industry sector or occupation strate-  
8 gies, including the extent to which such eligible  
9 partnerships deepened employer engagement in  
10 workforce development programs, and developed  
11 such programs that met industry skill needs;

12 “(B) created, expanded, or enhanced ca-  
13 reer pathways, including the extent to which the  
14 eligible partnerships developed or improved pro-  
15 vision of competency-based assessment and edu-  
16 cation, credit for prior learning, modularized  
17 and self-paced curricula, integrated education  
18 and workforce development, dual enrollment in  
19 secondary and postsecondary career pathways,  
20 stacked and latticed credentials, and online and  
21 distance learning;

22 “(C) created alignment between eligible in-  
23 stitutions and the workforce development sys-  
24 tem;

1           “(D) assisted individuals with finding, re-  
2           taining, or advancing in employment;

3           “(E) assisted individuals with earning rec-  
4           ognized postsecondary credentials; and

5           “(F) provided equal access to various de-  
6           mographic groups, including people of different  
7           geographic locations, ages, races, national ori-  
8           gins, and sexes.

9           “(3) DESIGN REQUIREMENTS.—The evaluation  
10          under this subsection shall—

11           “(A) be designed by the Secretary (acting  
12           through the Chief Evaluation Officer) in con-  
13           junction with the eligible partnerships being  
14           evaluated;

15           “(B) include analysis of program partici-  
16           pant feedback and include outcome and process  
17           measures; and

18           “(C) use designs that employ the most rig-  
19           orous analytical and statistical methods that  
20           are reasonably feasible, such as the use of con-  
21           trol groups.

22           “(4) DATA ACCESSIBILITY.—The Secretary  
23           shall make available on a publicly accessible website  
24           of the Department of Labor data collected as part  
25           of the evaluation under this subsection. Such data

1 shall be made available in an aggregated format that  
2 does not reveal personally identifiable information  
3 and that ensures compliance with relevant Federal  
4 laws, including section 444 of the General Education  
5 Provisions Act (20 U.S.C. 1232g), which shall be  
6 applied as if the programs described in this section  
7 are applicable programs under that section.

8 “(5) PUBLICATION AND REPORTING OF EVAL-  
9 UATION FINDINGS.—The Secretary (acting through  
10 the Chief Evaluation Officer) shall—

11 “(A) in accordance with the timeline deter-  
12 mined to be appropriate by the Chief Evalua-  
13 tion Officer, publish an interim report on the  
14 preliminary results of the evaluation conducted  
15 under this subsection;

16 “(B) not later than 60 days after the date  
17 on which the evaluation is completed under this  
18 subsection, submit to the Committee on Edu-  
19 cation and the Workforce of the House of Rep-  
20 resentatives and the Committee on Health,  
21 Education, Labor, and Pensions of the Senate  
22 a report on such evaluation; and

23 “(C) not later than 90 days after such  
24 completion date, publish and make the results

1 of such evaluation available on a publicly acces-  
2 sible website of the Department of Labor.

3 “(h) ANNUAL REPORTS.—The Secretary shall make  
4 available on a publicly accessible website of the Depart-  
5 ment of Labor, in transparent, linked, open, and inter-  
6 operable data formats, information on each of the fol-  
7 lowing:

8 “(1) The performance of eligible partnerships  
9 on the indicators of performance set forth under  
10 subparagraphs (A), (B), and (C) of subsection  
11 (f)(1).

12 “(2) The number of individuals enrolled in  
13 workforce development programs funded with a  
14 grant under this section.

15 “(i) SUPPLEMENT NOT SUPPLANT.—Funds made  
16 available to carry out this section shall be used to supple-  
17 ment, and not supplant, other Federal, State, and local  
18 public funds made available for carrying out the activities  
19 described in this section.

20 “(j) DEFINITIONS.—In this section:

21 “(1) COMMUNITY COLLEGE.—The term ‘com-  
22 munity college’ means—

23 “(A) a public institution of higher edu-  
24 cation (as defined in section 101(a) of the



1 Higher Education Act of 1965 (20 U.S.C.  
2 1001(a))), at which—

3 “(i) the highest degree awarded is an  
4 associate degree; or

5 “(ii) an associate degree is the most  
6 frequently awarded degree;

7 “(B) a branch campus of a 4-year public  
8 institution of higher education (as defined in  
9 section 101 of the Higher Education Act of  
10 1965 (20 U.S.C. 1001)), if, at such branch  
11 campus—

12 “(i) the highest degree awarded is an  
13 associate degree; or

14 “(ii) an associate degree is the most  
15 frequently awarded degree;

16 “(C) a 2-year Tribal College or University  
17 (as defined in section 316(b)(3) of the Higher  
18 Education Act of 1965 (20 U.S.C.  
19 1059c(b)(3))); or

20 “(D) a degree-granting Tribal College or  
21 University (as defined in section 316(b)(3) of  
22 the Higher Education Act of 1965 (20 U.S.C.  
23 1059c(b)(3))) at which—

24 “(i) the highest degree awarded is an  
25 associate degree; or

