H. R. 118TH CONGRESS 1ST SESSION

To amend title 38, United States Code, to make permanent the high technology pilot program of the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. introduced the following bill; which was referred to the Committee on 

A BILL

To amend title 38, United States Code, to make permanent the high technology pilot program of the Department of Veterans Affairs, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “VET-TEC Authorization Act of 2023”.

February 22, 2023 (10:06 a.m.)
SEC. 2. PERMANENT DEPARTMENT OF VETERANS AFFAIRS

HIGH TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new section (and conforming the table of sections accordingly):

“§ 3699C. High technology program

“(a) ESTABLISHMENT.—(1) The Secretary shall carry out a program under which the Secretary provides covered individuals with the opportunity to enroll in high technology programs of education that the Secretary determines provide training or skills sought by employers in a relevant field or industry.

“(2) Not more than 8,000 covered individuals may participate in the program under this section in any fiscal year.

“(b) AMOUNT OF ASSISTANCE.—(1) The Secretary shall provide, to each covered individual who pursues a high technology program of education under this section, educational assistance in amounts equal to the amounts provided under section 3313(c)(1) of this title, including with respect to the housing stipend described in that section and in accordance with the treatment of programs that are distance learning and programs that are less than half-time.
“(2) Under paragraph (1), the Secretary shall provide such amounts of educational assistance to a covered individual for each of the following:

“(A) A high technology program of education.

“(B) A second such program if—

“(i) the second such program begins at least 18 months after the covered individual graduates from the first such program; and

“(ii) the covered individual uses educational assistance under chapter 33 of this title to pursue the second such program.

“(c) CONTRACTS.—(1) For purposes of carrying out subsection (a), the Secretary shall seek to enter into contracts with any number of qualified providers of high technology programs of education for the provision of such programs to covered individuals. Each such contract shall provide for the conditions under which the Secretary may terminate the contract with the provider and the procedures for providing for the graduation of students who were enrolled in a program provided by such provider in the case of such a termination.

“(2) A contract under this subsection shall provide that the Secretary shall pay to a provider—

“(A) upon the enrollment of a covered individual in the program, 25 percent of the cost of the
tuition and other fees for the program of education for the individual;

“(B) upon graduation of the individual from the program, 25 percent of such cost; and

“(C) 50 percent of such cost upon—

“(i) the successful employment of the covered individual for a period—

“(I) of 180 days in the field of study of the program; and

“(II) that begins not later than 180 days following graduation of the covered individual from the program;

“(ii) the employment of the individual by the provider for a period of one year; or

“(iii) the enrollment of the individual in a program of education to continue education in such field of study.

“(3) For purposes of this section, a provider of a high technology program of education is qualified if—

“(A) the provider employs instructors whom the Secretary determines are experts in their respective fields in accordance with paragraph (5);

“(B) the provider has successfully provided the high technology program for at least one year;
“(C) the provider does not charge tuition and fees to a covered individual who receives assistance under this section to pursue such program that are higher than the tuition and fees charged by such provider to another individual; and

“(D) the provider meets the approval criteria developed by the Secretary under paragraph (4).

“(4)(A) The Secretary shall prescribe criteria for approving providers of a high technology program of education under this section.

“(B) In developing such criteria, the Secretary may consult with State approving agencies.

“(C) Such criteria are not required to meet the requirements of section 3672 of this title.

“(D) Such criteria shall include the job placement rate, in the field of study of a program of education, of covered individuals who complete such program of education.

“(5) The Secretary shall determine whether instructors are experts under paragraph (3)(A) based on evidence furnished to the Secretary by the provider regarding the ability of the instructors to—

“(A) identify professions in need of new employees to hire, tailor the programs to meet market
needs, and identify the employers likely to hire graduates;

“(B) effectively teach the skills offered to covered individuals;

“(C) provide relevant industry experience in the fields of programs offered to incoming covered individuals; and

“(D) demonstrate relevant industry experience in such fields of programs.

“(6) In entering into contracts under this subsection, the Secretary shall give preference to a provider of a high technology program of education—

“(A) from which at least 70 percent of graduates find full-time employment in the field of study of the program during the 180-day period beginning on the date the student graduates from the program; or

“(B) that offers tuition reimbursement for any student who graduates from such a program and does not find employment described in subparagraph (A).

“(d) EFFECT ON OTHER ENTITLEMENT.—(1) If a covered individual enrolled in a high technology program of education under this section has remaining entitlement to educational assistance under chapter 30, 32, 33, 34,
or 35 of this title, entitlement of the individual to edu-
cational assistance under this section shall be charged at
the rate of one month of such remaining entitlement for
each such month of educational assistance under this sec-
tion.

“(2) The Secretary may not consider enrollment in
a high technology program of education under this section
to be assistance under a provision of law referred to in
section 3695 of this title.

“(e) REQUIREMENTS FOR EDUCATIONAL INSTITU-
TIONS.—(1) The Secretary shall not approve the enroll-
ment of any covered individual, not already enrolled, in
any high technology programs of education under this sec-
tion for any period during which the Secretary finds that
more than 85 percent of the students enrolled in the pro-
gram are having all or part of their tuition, fees, or other
charges paid to or for them by the educational institution
or by the Department of Veterans Affairs under this title
or under chapter 1606 or 1607 of title 10, except with
respect to tuition, fees, or other charges that are paid
under a payment plan at an educational institution that
the Secretary determines has a history of offering pay-
ment plans that are completed not later than 180 days
after the end of the applicable term, quarter, or semester.
“(2) The Secretary may waive a requirement of paragraph (1) if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, such waiver to be in the interest of the covered individual and the Federal Government. Not later than 30 days after the Secretary waives such a requirement, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report regarding such waiver.

“(3)(A)(i) The Secretary shall establish and maintain a process by which an educational institution may request a review of a determination that the educational institution does not meet the requirements of paragraph (1).

“(ii) The Secretary may consult with a State approving agency regarding such process or such a review.

“(iii) Not later than 180 days after the Secretary establishes or revises a process under this subparagraph, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report regarding such process.

“(B) An educational institution that requests a review under subparagraph (A)—

“(i) shall request the review not later than 30 days after the start of the term, quarter, or semester for which the determination described in subparagraph (A) applies; and
“(ii) may include any information that the educational institution believes the Department should have taken into account when making the determination, including with respect to any mitigating circumstances.

“(f) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section, and annually thereafter, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the operation of program under this section during the year covered by the report.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘covered individual’ means any of the following:

“(A) A veteran whom the Secretary determines—

“(i) served an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training) and was discharged or released therefrom under conditions other than dishonorable; and

“(ii) has not attained the age of 62.

“(B) A member of the Armed Forces that the Secretary determines will become a veteran
described in subparagraph (A) fewer than 180 days after the date of such determination.

“(2) The term ‘high technology program of education’ means a program of education—

“(A) offered by a public or private educational institution;

“(B) if offered by an institution of higher learning, that is provided directly by such institution rather than by an entity other than such institution under a contract or other agreement;

“(C) that does not lead to a degree;

“(D) that has a term of not less than six and not more than 28 weeks; and

“(E) that provides instruction in computer programming, computer software, media application, data processing, or information sciences.”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(c) Effect on High Technology Pilot Program.—Subsection (h) of section 116 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3001 note) is amended to read as follows:
“(h) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on the date that is one year after the date of the enactment of section 3699C of title 38, United States Code.”.

(d) APPROVAL OF CERTAIN HIGH TECHNOLOGY PROGRAMS.—Section 3680A of title 38, United States Code, is amended—

(1) in subsection (a), by striking paragraph (4) and inserting the following:

“(4) Any independent study program except—

“(A) an independent study program (including such a program taken over open circuit television) that—

“(i) is accredited by an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b);

“(ii) leads to—

“(I) a standard college degree;

“(II) a certificate that reflects educational attainment offered by an institution of higher learning; or
“(III) a certificate that reflects
graduation from a course of study of-
fered by—

“(aa) an area career and
technical education school (as de-
defined in subparagraphs (C) and
(D) of section 3(3) of the Carl D.
Perkins Career and Technical
Education Act of 2006 (20
U.S.C. 2302(3))) that provides
education at the postsecondary
level; or

“(bb) a postsecondary voca-
tional institution (as defined in
section 102(c) of the Higher
Education Act of 1965 (20
U.S.C. 1002(c))) that provides
education at the postsecondary
level; and

“(iii) in the case of a program de-
scribed in clause (ii)(III)—

“(I) provides training aligned
with the requirements of employers in
the State or local area where the pro-
gram is located, which may include in-
demand industry sectors or occupations; and

“(II) provides a student, upon graduation from the program, with a recognized postsecondary credential that is recognized by employers in the relevant industry, which may include a credential recognized by industry or sector partnerships in the State or local area where the industry is located; and

“(III) meets such content and instructional standards as may be required to comply with the criteria under section 3676(c)(14) and (15) of this title; or

“(B) an online high technology program of education (as defined in subsection (g)(2) of section 3699C of this title)—

“(i) the provider of which has entered into a contract with the Secretary under subsection (c) of such section;

“(ii) that has been provided to covered individuals (as defined in subsection (g)(1)
of such section) under such contract for a
period of at least five years;

“(iii) regarding which the Secretary
has determined that the average employ-
ment rate of covered individuals who grad-
uated from such program of education is
70 percent or higher for the year preceding
such determination; and

“(iv) that satisfies the requirements of
subsection (e) of such section.”; and

(2) in subsection (d), by adding at the end the
following:

“(8) Paragraph (1) shall not apply to the enrollment
of a veteran in an online high technology program de-
scribed in subsection (a)(4)(B).”.