

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1669  
OFFERED BY MR. MCGARVEY OF KENTUCKY**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “VET–TEC Authoriza-  
3 tion Act of 2023”.

**4 SEC. 2. DEPARTMENT OF VETERANS AFFAIRS HIGH TECH-  
5 NOLOGY PROGRAM.**

6 (a) HIGH TECHNOLOGY PROGRAM.—

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

**11 “§ 3699C. High technology program**

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

1 “(2) Not more than 6,000 covered individuals may  
2 participate in the program under this section in any fiscal  
3 year.

4 “(b) AMOUNT OF ASSISTANCE.—(1) The Secretary  
5 shall provide, to each covered individual who pursues a  
6 high technology program of education under this section,  
7 educational assistance in amounts equal to the amounts  
8 provided under section 3313(c)(1) of this title, including  
9 with respect to the housing stipend described in that sec-  
10 tion and in accordance with the treatment of programs  
11 that are distance learning and programs that are less than  
12 half-time.

13 “(2) Under paragraph (1), the Secretary shall pro-  
14 vide such amounts of educational assistance to a covered  
15 individual for each of the following:

16 “(A) A high technology program of education.

17 “(B) A second such program if—

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

21 “(ii) the covered individual uses edu-  
22 cational assistance under chapter 33 of this  
23 title to pursue the second such program.

24 “(c) CONTRACTS.—(1) For purposes of carrying out  
25 subsection (a), the Secretary shall seek to enter into con-

1 tracts with any number of qualified providers of high tech-  
2 nology programs of education for the provision of such  
3 programs to covered individuals. Each such contract shall  
4 provide for the conditions under which the Secretary may  
5 terminate the contract with the provider and the proce-  
6 dures for providing for the graduation of students who  
7 were enrolled in a program provided by such provider in  
8 the case of such a termination.

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

11 “(A) upon the enrollment of a covered indi-  
12 vidual in the program, 25 percent of the cost of the  
13 tuition and other fees for the program of education  
14 for the individual;

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

17 “(C) 50 percent of such cost upon—

18 “(i) the successful employment of the cov-  
19 ered individual for a period—

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

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

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

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

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

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

11          “(B) the provider has successfully provided the  
12          high technology program for at least one year;

13          “(C) the provider does not charge tuition and  
14          fees to a covered individual who receives assistance  
15          under this section to pursue such program that are  
16          higher than the tuition and fees charged by such  
17          provider to another individual; and

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

20          “(4)(A) The Secretary shall prescribe criteria for ap-  
21          proving providers of a high technology program of edu-  
22          cation under this section.

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

1       “(C) Such criteria are not required to meet the re-  
2       quirements of section 3672 of this title.

3       “(D) Such criteria shall include the job placement  
4       rate, in the field of study of a program of education, of  
5       covered individuals who complete such program of edu-  
6       cation.

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

11           “(A) identify professions in need of new em-  
12      ployees to hire, tailor the programs to meet market  
13      needs, and identify the employers likely to hire grad-  
14      uates;

15           “(B) effectively teach the skills offered to cov-  
16      ered individuals;

17           “(C) provide relevant industry experience in the  
18      fields of programs offered to incoming covered indi-  
19      viduals; and

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

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

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

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

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

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

23          “(e) REQUIREMENTS FOR EDUCATIONAL INSTITU-  
24          TIONS.—(1) The Secretary shall not approve the enroll-  
25          ment of any covered individual, not already enrolled, in

1 any high technology programs of education under this sec-  
2 tion for any period during which the Secretary finds that  
3 more than 85 percent of the students enrolled in the pro-  
4 gram are having all or part of their tuition, fees, or other  
5 charges paid to or for them by the educational institution  
6 or by the Department of Veterans Affairs under this title  
7 or under chapter 1606 or 1607 of title 10, except with  
8 respect to tuition, fees, or other charges that are paid  
9 under a payment plan at an educational institution that  
10 the Secretary determines has a history of offering pay-  
11 ment plans that are completed not later than 180 days  
12 after the end of the applicable term, quarter, or semester.

13       “(2) The Secretary may waive a requirement of para-  
14 graph (1) if the Secretary determines, pursuant to regula-  
15 tions which the Secretary shall prescribe, such waiver to  
16 be in the interest of the covered individual and the Federal  
17 Government. Not later than 30 days after the Secretary  
18 waives such a requirement, the Secretary shall submit to  
19 the Committees on Veterans’ Affairs of the Senate and  
20 House of Representatives a report regarding such waiver.

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

1           “(ii) The Secretary may consult with a State approv-  
2   ing agency regarding such process or such a review.

3           “(iii) Not later than 180 days after the Secretary es-  
4   tablishes or revises a process under this subparagraph, the  
5   Secretary shall submit to the Committees on Veterans’ Af-  
6   fairs of the Senate and House of Representatives a report  
7   regarding such process.

8           “(B) An educational institution that requests a re-  
9   view under subparagraph (A)—

10           “(i) shall request the review not later than 30  
11   days after the start of the term, quarter, or semester  
12   for which the determination described in subpara-  
13   graph (A) applies; and

14           “(ii) may include any information that the edu-  
15   cational institution believes the Department should  
16   have taken into account when making the deter-  
17   mination, including with respect to any mitigating  
18   circumstances.

19           “(f) ANNUAL REPORTS.—Not later than one year  
20   after the date of the enactment of this section, and annu-  
21   ally thereafter until the termination date specified in sub-  
22   section (i), the Secretary shall submit to the Committees  
23   on Veterans’ Affairs of the Senate and House of Rep-  
24   resentatives a report on the operation of program under



1 this section during the year covered by the report. Each  
2 such report shall include each of the following:

3           “(1) The number of covered individuals enrolled  
4           in the program, disaggregated by type of educational  
5           institution, during the year covered by the report.

6           “(2) The number of covered individuals who  
7           completed a high technology program of education  
8           under the program during the year covered by the  
9           report.

10           “(3) The average employment rate of covered  
11           individuals who completed such a program of edu-  
12           cation during such year, as of 180 days after the  
13           date of completion.

14           “(4) The average length of time between the  
15           completion of such a program of education and em-  
16           ployment.

17           “(5) The total number of covered individuals  
18           who completed a program of education under the  
19           program and who, as of the date of the submission  
20           of the report, are employed in a position related to  
21           technology.

22           “(6) The average salary of a covered individual  
23           who completed a program of education under the  
24           program and who is employed in a position related

1 to technology, in various geographic areas deter-  
2 mined by the Secretary.

3 “(7) The average salary of all individuals em-  
4 ployed in positions related to technology in the geo-  
5 graphic areas determined under subparagraph (F),  
6 and the difference, if any, between such average sal-  
7 ary and the average salary of a covered individual  
8 who completed a program of education under the  
9 program and who is employed in a position related  
10 to technology.

11 “(8) The number of covered individuals who  
12 completed a program of education under the pro-  
13 gram and who subsequently enrolled in a second  
14 program of education under the program.

15 “(g) COLLECTION OF INFORMATION; CONSULTA-  
16 TION.—(1) The Secretary shall develop practices to use  
17 to collect information about covered individuals and pro-  
18 viders of high technology programs of education.

19 “(2) For the purpose of carrying out program under  
20 this section, the Secretary may consult with providers of  
21 high technology programs of education and may establish  
22 an advisory group made up of representatives of such pro-  
23 viders, private employers in the technology field, and other  
24 relevant groups or entities, as the Secretary determines  
25 necessary.

1 “(h) DEFINITIONS.—In this section:

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

4 “(A) A veteran whom the Secretary deter-  
5 mines—

6 “(i) served an aggregate of at least 36  
7 months on active duty in the Armed  
8 Forces (including service on active duty in  
9 entry level and skill training) and was dis-  
10 charged or released therefrom under condi-  
11 tions other than dishonorable; and

12 “(ii) has not attained the age of 62.

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

17 “(2) The term ‘high technology program of edu-  
18 cation’ means a program of education—

19 “(A) offered by a public or private edu-  
20 cational institution;

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

25 “(C) that does not lead to a degree;

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

3           “(E) that provides instruction in computer  
4           programming, computer software, media appli-  
5           cation, data processing, or information sciences.

6           “(i) TERMINATION.—The authority to carry out a  
7           program under this section shall terminate on September  
8           30, 2028.”.

9           (2) CLERICAL AMENDMENT.—The table of sec-  
10          tions at the beginning of such chapter is amended  
11          by inserting after the item relating to section 3699B  
12          the following new item:

“3699C. High technology program.”.

13          (b) EFFECT ON HIGH TECHNOLOGY PILOT PRO-  
14          GRAM.—Section 116 of the Harry W. Colmery Veterans  
15          Educational Assistance Act of 2017 (Public Law 115–48;  
16          38 U.S.C. 3001 note) is amended—

17                 (1) in subsection (g), by striking paragraph (6);  
18                 and

19                 (2) by striking subsection (h) and inserting the  
20                 following new subsection (h):

21                 “(h) TERMINATION.—The authority to carry out a  
22                 pilot program under this section shall terminate Sep-  
23                 tember 30, 2023.”.

1           (c) APPROVAL OF CERTAIN HIGH TECHNOLOGY PRO-  
2 GRAMS.—Section 3680A of title 38, United States Code,  
3 is amended—

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

6           “(4) Any independent study program except—

7                 “(A) an independent study program (in-  
8 cluding such a program taken over open circuit  
9 television) that—

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

15                         “(ii) leads to—

16                                 “(I) a standard college degree;

17                                 “(II) a certificate that reflects  
18 educational attainment offered by an  
19 institution of higher learning; or

20                                 “(III) a certificate that reflects  
21 graduation from a course of study of-  
22 fered by—

23   “(aa) an area career and  
24 technical education school (as de-  
25 fined in subparagraphs (C) and

1 (D) of section 3(3) of the Carl D.  
2 Perkins Career and Technical  
3 Education Act of 2006 (20  
4 U.S.C. 2302(3))) that provides  
5 education at the postsecondary  
6 level; or

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

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

16 “(I) provides training aligned  
17 with the requirements of employers in  
18 the State or local area where the pro-  
19 gram is located, which may include in-  
20 demand industry sectors or occupa-  
21 tions;

22 “(II) provides a student, upon  
23 graduation from the program, with a  
24 recognized postsecondary credential  
25 that is recognized by employers in the

1 relevant industry, which may include  
2 a credential recognized by industry or  
3 sector partnerships in the State or  
4 local area where the industry is lo-  
5 cated; and

6 “(III) meets such content and in-  
7 structional standards as may be re-  
8 quired to comply with the criteria  
9 under section 3676(c)(14) and (15) of  
10 this title; or

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

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

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

21 “(iii) regarding which the Secretary  
22 has determined that the average employ-  
23 ment rate of covered individuals who grad-  
24 uated from such program of education is

1                   65 percent or higher for the year preceding  
2                   such determination; and

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

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

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

10                  (d) **EFFECTIVE DATE.**—The amendments made by  
11                  subsections (a) and (c) shall take effect on October 1,  
12                  2023.

