

118TH CONGRESS
1ST SESSION

H. R. 1669

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

MARCH 21, 2023

Mr. CISCOMANI (for himself, Mr. KHANNA, and Mr. BOST) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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.

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 “VET–TEC Authoriza-
5 tion Act of 2023”.

6 **SEC. 2. PERMANENT DEPARTMENT OF VETERANS AFFAIRS**

7 **HIGH TECHNOLOGY PROGRAM.**

8 (a) IN GENERAL.—Chapter 36 of title 38, United
9 States Code, is amended by adding at the end the fol-

1 lowing new section (and conforming the table of sections
2 accordingly):

3 **“§ 3699C. High technology program**

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

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

13 “(b) AMOUNT OF ASSISTANCE.—(1) The Secretary
14 shall provide, to each covered individual who pursues a
15 high technology program of education under this section,
16 educational assistance in amounts equal to the amounts
17 provided under section 3313(c)(1) of this title, including
18 with respect to the housing stipend described in that sec-
19 tion and in accordance with the treatment of programs
20 that are distance learning and programs that are less than
21 half-time.

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

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

1 “(B) A second such program if—

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

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

8 “(c) CONTRACTS.—(1) For purposes of carrying out
9 subsection (a), the Secretary shall seek to enter into con-
10 tracts with any number of qualified providers of high tech-
11 nology programs of education for the provision of such
12 programs to covered individuals. Each such contract shall
13 provide for the conditions under which the Secretary may
14 terminate the contract with the provider and the proce-
15 dures for providing for the graduation of students who
16 were enrolled in a program provided by such provider in
17 the case of such a termination.

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

20 “(A) upon the enrollment of a covered indi-
21 vidual in the program, 25 percent of the cost of the
22 tuition and other fees for the program of education
23 for the individual;

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

1 “(C) 50 percent of such cost upon—

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

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

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

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

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

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

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

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

21 “(C) the provider does not charge tuition and
22 fees to a covered individual who receives assistance
23 under this section to pursue such program that are
24 higher than the tuition and fees charged by such
25 provider to another individual; and

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

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

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

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

10 “(D) Such criteria shall include the job placement
11 rate, in the field of study of a program of education, of
12 covered individuals who complete such program of edu-
13 cation.

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

18 “(A) identify professions in need of new em-
19 ployees to hire, tailor the programs to meet market
20 needs, and identify the employers likely to hire grad-
21 uates;

22 “(B) effectively teach the skills offered to cov-
23 ered individuals;

1 “(C) provide relevant industry experience in the
2 fields of programs offered to incoming covered indi-
3 viduals; and

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

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

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

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

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

1 each such month of educational assistance under this sec-
2 tion.

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

7 “(e) REQUIREMENTS FOR EDUCATIONAL INSTITU-
8 TIONS.—(1) The Secretary shall not approve the enroll-
9 ment of any covered individual, not already enrolled, in
10 any high technology programs of education under this sec-
11 tion for any period during which the Secretary finds that
12 more than 85 percent of the students enrolled in the pro-
13 gram are having all or part of their tuition, fees, or other
14 charges paid to or for them by the educational institution
15 or by the Department of Veterans Affairs under this title
16 or under chapter 1606 or 1607 of title 10, except with
17 respect to tuition, fees, or other charges that are paid
18 under a payment plan at an educational institution that
19 the Secretary determines has a history of offering pay-
20 ment plans that are completed not later than 180 days
21 after the end of the applicable term, quarter, or semester.

22 “(2) The Secretary may waive a requirement of para-
23 graph (1) if the Secretary determines, pursuant to regula-
24 tions which the Secretary shall prescribe, such waiver to
25 be in the interest of the covered individual and the Federal

1 Government. Not later than 30 days after the Secretary
2 waives such a requirement, the Secretary shall submit to
3 the Committees on Veterans' Affairs of the Senate and
4 House of Representatives a report regarding such waiver.

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

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

11 “(iii) Not later than 180 days after the Secretary es-
12 tablishes or revises a process under this subparagraph, the
13 Secretary shall submit to the Committees on Veterans' Af-
14 fairs of the Senate and House of Representatives a report
15 regarding such process.

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

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

22 “(ii) may include any information that the edu-
23 cational institution believes the Department should
24 have taken into account when making the deter-

1 mination, including with respect to any mitigating
2 circumstances.

3 “(f) ANNUAL REPORT.—Not later than one year
4 after the date of the enactment of this section, and annu-
5 ally thereafter, the Secretary shall submit to the Commit-
6 tees on Veterans’ Affairs of the Senate and House of Rep-
7 resentatives a report on the operation of program under
8 this section during the year covered by the report.

9 “(g) DEFINITIONS.—In this section:

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

12 “(A) A veteran whom the Secretary deter-
13 mines—

14 “(i) served an aggregate of at least 36
15 months on active duty in the Armed
16 Forces (including service on active duty in
17 entry level and skill training) and was dis-
18 charged or released therefrom under condi-
19 tions other than dishonorable; and

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

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

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

3 “(A) offered by a public or private edu-
4 cational institution;

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

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

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

12 “(E) that provides instruction in computer
13 programming, computer software, media appli-
14 cation, data processing, or information
15 sciences.”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect on the date that is 180
18 days after the date of the enactment of this Act.

19 (c) EFFECT ON HIGH TECHNOLOGY PILOT PRO-
20 GRAM.—Subsection (h) of section 116 of the Harry W.
21 Colmery Veterans Educational Assistance Act of 2017
22 (Public Law 115–48; 38 U.S.C. 3001 note) is amended
23 to read as follows:

24 “(h) TERMINATION.—The authority to carry out a
25 pilot program under this section shall terminate on the

1 date that is one year after the date of the enactment of
2 section 3699C of title 38, United States Code.”.

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

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

8 “(4) Any independent study program except—

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

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

17 “(ii) leads to—

18 “(I) a standard college degree;

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

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

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

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

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

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

1 “(II) provides a student, upon
2 graduation from the program, with a
3 recognized postsecondary credential
4 that is recognized by employers in the
5 relevant industry, which may include
6 a credential recognized by industry or
7 sector partnerships in the State or
8 local area where the industry is lo-
9 cated; and

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

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

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

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

1 “(iii) regarding which the Secretary
2 has determined that the average employ-
3 ment rate of covered individuals who grad-
4 uated from such program of education is
5 70 percent or higher for the year preceding
6 such determination; and

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

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

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

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