

118TH CONGRESS
1ST SESSION

H. R. 1669

IN THE SENATE OF THE UNITED STATES

MAY 30, 2023

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

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,*

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:

10 **“§ 3699C. High technology program**

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

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

20 “(b) AMOUNT OF ASSISTANCE.—(1) The Secretary
21 shall provide, to each covered individual who pursues a
22 high technology program of education under this section,
23 educational assistance in amounts equal to the amounts
24 provided under section 3313(c)(1) of this title, including
25 with respect to the housing stipend described in that sec-
26 tion and in accordance with the treatment of programs

1 that are distance learning and programs that are less than
2 half-time.

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

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

7 “(B) A second such program if—

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

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

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

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

1 “(A) upon the enrollment of a covered indi-
2 vidual in the program, 25 percent of the cost of the
3 tuition and other fees for the program of education
4 for the individual;

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

7 “(C) 50 percent of such cost upon—

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

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

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

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

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

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

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

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

3 “(C) the provider does not charge tuition and
4 fees to a covered individual who receives assistance
5 under this section to pursue such program that are
6 higher than the tuition and fees charged by such
7 provider to another individual; and

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

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

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

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

17 “(D) Such criteria shall include the job placement
18 rate, in the field of study of a program of education, of
19 covered individuals who complete such program of edu-
20 cation.

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

1 “(A) identify professions in need of new em-
2 ployees to hire, tailor the programs to meet market
3 needs, and identify the employers likely to hire grad-
4 uates;

5 “(B) effectively teach the skills offered to cov-
6 ered individuals;

7 “(C) provide relevant industry experience in the
8 fields of programs offered to incoming covered indi-
9 viduals; and

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

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

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

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

24 “(d) EFFECT ON OTHER ENTITLEMENT.—(1) If a
25 covered individual enrolled in a high technology program

1 of education under this section has remaining entitlement
2 to educational assistance under chapter 30, 32, 33, 34,
3 or 35 of this title, entitlement of the individual to edu-
4 cational assistance under this section shall be charged at
5 the rate of one month of such remaining entitlement for
6 each such month of educational assistance under this sec-
7 tion.

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

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

1 ment plans that are completed not later than 180 days
2 after the end of the applicable term, quarter, or semester.

3 “(2) The Secretary may waive a requirement of para-
4 graph (1) if the Secretary determines, pursuant to regula-
5 tions which the Secretary shall prescribe, such waiver to
6 be in the interest of the covered individual and the Federal
7 Government. Not later than 30 days after the Secretary
8 waives such a requirement, the Secretary shall submit to
9 the Committees on Veterans’ Affairs of the Senate and
10 House of Representatives a report regarding such waiver.

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

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

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

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

24 “(i) shall request the review not later than 30
25 days after the start of the term, quarter, or semester

1 for which the determination described in subpara-
2 graph (A) applies; and

3 “(ii) may include any information that the edu-
4 cational institution believes the Department should
5 have taken into account when making the deter-
6 mination, including with respect to any mitigating
7 circumstances.

8 “(f) ANNUAL REPORTS.—Not later than one year
9 after the date of the enactment of this section, and annu-
10 ally thereafter until the termination date specified in sub-
11 section (i), the Secretary shall submit to the Committees
12 on Veterans’ Affairs of the Senate and House of Rep-
13 resentatives a report on the operation of program under
14 this section during the year covered by the report. Each
15 such report shall include each of the following:

16 “(1) The number of covered individuals enrolled
17 in the program, disaggregated by type of educational
18 institution, during the year covered by the report.

19 “(2) The number of covered individuals who
20 completed a high technology program of education
21 under the program during the year covered by the
22 report.

23 “(3) The average employment rate of covered
24 individuals who completed such a program of edu-

1 cation during such year, as of 180 days after the
2 date of completion.

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

6 “(5) The total number of covered individuals
7 who completed a program of education under the
8 program and who, as of the date of the submission
9 of the report, are employed in a position related to
10 technology.

11 “(6) The average salary of a covered individual
12 who completed a program of education under the
13 program and who is employed in a position related
14 to technology, in various geographic areas deter-
15 mined by the Secretary.

16 “(7) The average salary of all individuals em-
17 ployed in positions related to technology in the geo-
18 graphic areas determined under subparagraph (F),
19 and the difference, if any, between such average sal-
20 ary and the average salary of a covered individual
21 who completed a program of education under the
22 program and who is employed in a position related
23 to technology.

24 “(8) The number of covered individuals who
25 completed a program of education under the pro-

1 gram and who subsequently enrolled in a second
2 program of education under the program.

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

7 “(2) For the purpose of carrying out program under
8 this section, the Secretary may consult with providers of
9 high technology programs of education and may establish
10 an advisory group made up of representatives of such pro-
11 viders, private employers in the technology field, and other
12 relevant groups or entities, as the Secretary determines
13 necessary.

14 “(h) DEFINITIONS.—In this section:

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

17 “(A) A veteran whom the Secretary deter-
18 mines—

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

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

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

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

7 “(A) offered by a public or private edu-
8 cational institution;

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

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

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

16 “(E) that provides instruction in computer
17 programming, computer software, media appli-
18 cation, data processing, or information sciences.

19 “(i) TERMINATION.—The authority to carry out a
20 program under this section shall terminate on September
21 30, 2028.”.

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

“3699C. High technology program.”.

1 (b) EFFECT ON HIGH TECHNOLOGY PILOT PRO-
2 GRAM.—Section 116 of the Harry W. Colmery Veterans
3 Educational Assistance Act of 2017 (Public Law 115–48;
4 38 U.S.C. 3001 note) is amended—

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

7 (2) by striking subsection (h) and inserting the
8 following new subsection (h):

9 “(h) TERMINATION.—The authority to carry out a
10 pilot program under this section shall terminate on Sep-
11 tember 30, 2023.”.

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

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

17 “(4) Any independent study program except—
18 “(A) an independent study program (in-
19 cluding such a program taken over open circuit
20 television) that—

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

1 “(ii) leads to—

2 “(I) a standard college degree;

3 “(II) a certificate that reflects
4 educational attainment offered by an
5 institution of higher learning; or

6 “(III) a certificate that reflects
7 graduation from a course of study of-
8 fered by—

9 “(aa) an area career and
10 technical education school (as de-
11 fined in subparagraphs (C) and
12 (D) of section 3(3) of the Carl D.
13 Perkins Career and Technical
14 Education Act of 2006 (20
15 U.S.C. 2302(3))) that provides
16 education at the postsecondary
17 level; or

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

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

3 “(I) provides training aligned
4 with the requirements of employers in
5 the State or local area where the pro-
6 gram is located, which may include in-
7 demand industry sectors or occupa-
8 tions;

9 “(II) provides a student, upon
10 graduation from the program, with a
11 recognized postsecondary credential
12 that is recognized by employers in the
13 relevant industry, which may include
14 a credential recognized by industry or
15 sector partnerships in the State or
16 local area where the industry is lo-
17 cated; and

18 “(III) meets such content and in-
19 structional standards as may be re-
20 quired to comply with the criteria
21 under section 3676(c)(14) and (15) of
22 this title; or

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

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

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

8 “(iii) regarding which the Secretary
9 has determined that the average employ-
10 ment rate of covered individuals who grad-
11 uated from such program of education is
12 65 percent or higher for the year preceding
13 such determination; and

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

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

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

21 (d) EFFECTIVE DATE.—The amendments made by
22 subsections (a) and (c) shall take effect on October 1,
23 2023.

1 **SEC. 3. BURIAL ALLOWANCE FOR CERTAIN VETERANS WHO**
2 **DIE AT HOME WHILE IN RECEIPT OF HOS-**
3 **PICE CARE FURNISHED BY DEPARTMENT OF**
4 **VETERANS AFFAIRS.**

5 (a) IN GENERAL.—Subsection (a)(2)(A) of section
6 2303 of title 38, United States Code, is further amend-
7 ed—

8 (1) in clause (i), by striking “; or” and insert-
9 ing a semicolon;

10 (2) in clause (ii)(III), by striking the period at
11 the end and inserting “; or”; and

12 (3) by adding at the end the following new
13 clause:

14 “(iii) a home or other setting at which the
15 deceased veteran was, at the time of death, re-
16 ceiving hospice care pursuant to section
17 1717(a) of this title if such care was directly
18 preceded by the Secretary furnishing to the vet-
19 eran hospital care or nursing home care de-
20 scribed in subclause (I), (II), or (III) of clause
21 (ii).”.

22 (b) APPLICABILITY.—The amendments made by sub-
23 section (a) shall take effect on the date of the enactment
24 of this Act and apply with respect to deaths occurring on
25 or after the date that is 180 days after the date of the
26 enactment of this Act.

1 **SEC. 4. INCLUSION OF NON-DEGREE FLIGHT TRAINING IN**
2 **CERTAIN REHABILITATION PROGRAMS FOR**
3 **CERTAIN VETERANS WITH SERVICE-CON-**
4 **NECTED DISABILITIES.**

5 Section 3101 of title 38, United States Code, is
6 amended—

7 (1) in paragraph (7), by adding at the end the
8 following: “A rehabilitation program may include a
9 program that includes flight training and does not
10 lead to a degree.”; and

11 (2) by redesignating the first paragraph (10) as
12 paragraph (1).

13 **SEC. 5. SOLE LIABILITY FOR TRANSFERRED EDUCATIONAL**
14 **ASSISTANCE BY AN INDIVIDUAL WHO FAILS**
15 **TO COMPLETE A SERVICE AGREEMENT.**

16 Subsection (i) of section 3319 of title 38, United
17 States Code, is amended—

18 (1) in paragraph (1)—

19 (A) by striking “In the event” and insert-
20 ing “Subject to paragraph (2), in the event”;
21 and

22 (B) by inserting “of this title” after “sec-
23 tion 3685”;

24 (2) in subparagraph (A) of paragraph (2)—

25 (A) in the heading, by striking “IN GEN-
26 ERAL” and inserting “SOLE LIABILITY”; and

1 (B) by striking “under paragraph (1)” and
 2 inserting “for which the individual shall be sole-
 3 ly liable to the United States for the amount of
 4 the overpayment for purposes of section 3685
 5 of this title”; and

6 (3) in subparagraph (B) of paragraph (2)—

7 (A) in the matter preceding clause (i), by
 8 striking “Subparagraph (A) shall not apply”
 9 and inserting “Neither the individual nor the
 10 dependent shall be liable to the United States
 11 for the amount of the overpayment for purposes
 12 of section 3685 of this title”; and

13 (B) in clause (ii), by inserting “of this
 14 title” after “section 3311(c)(4)”.

15 **SEC. 6. INCREASE OF DEPARTMENT OF VETERANS AFFAIRS**
 16 **EDUCATIONAL ASSISTANCE FOR PROGRAMS**
 17 **OF EDUCATION IN REPUBLIC OF PHIL-**
 18 **IPPINES.**

19 (a) **SHORT TITLE.**—This section may be cited as the
 20 “Filipino Education Fairness Act”.

21 (b) **INCREASE.**—Section 3532 of title 38, United
 22 States Code, is amended—

23 (1) by striking subsection (d); and

24 (2) by redesignating subsections (e) through (g)
 25 as subsections (d) through (f), respectively.

1 **SEC. 7. PROVISION OF CERTIFICATES OF ELIGIBILITY AND**
2 **AWARD LETTERS USING ELECTRONIC MEANS.**

3 Chapter 36 of title 38, United States Code, is amend-
4 ed by inserting after section 3698 the following new sec-
5 tion (and conforming the table of sections at the beginning
6 of such chapter accordingly):

7 **“§ 3698A. Provision of certificates of eligibility and**
8 **award letters using electronic means**

9 “(a) REQUIREMENT.—Except as provided by sub-
10 section (b), the Secretary shall provide to an individual
11 the following documents using electronic means:

12 “(1) A certificate of eligibility for the entitle-
13 ment of the individual to covered educational assist-
14 ance.

15 “(2) An award letter regarding the authoriza-
16 tion of the individual to receive covered educational
17 assistance.

18 “(b) ELECTION TO OPT OUT.—An individual may
19 elect to receive the documents specified in subsection (a)
20 by mail rather than through electronic means under sub-
21 section (a). An individual may revoke such an election at
22 any time, by means prescribed by the Secretary.

23 “(c) COVERED EDUCATIONAL ASSISTANCE.—In this
24 section, the term ‘covered educational assistance’ means
25 educational assistance under chapter 30, 33, or 35, or sec-
26 tion 3699C, of this title.”.

1 **SEC. 8. DEPARTMENT OF VETERANS AFFAIRS HOUSING**
2 **LOAN FEES.**

3 The loan fee table in section 3729(b)(2) of title 38,
4 United States Code, is amended by striking “November
5 14, 2031” each place it appears and inserting “April 30,
6 2032”.

Passed the House of Representatives May 24, 2023.

Attest: CHERYL L. JOHNSON,
Clerk.

By LISA P. GRANT,
Deputy Clerk.