

118TH CONGRESS
1ST SESSION

S. 1678

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

IN THE SENATE OF THE UNITED STATES

MAY 18, 2023

Mr. KING (for himself and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to reauthorize the high technology 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. DEPARTMENT OF VETERANS AFFAIRS HIGH TECH-**
7 **NOLOGY PROGRAM.**

8 (a) HIGH TECHNOLOGY PROGRAM.—

1 (1) IN GENERAL.—Chapter 36 of title 38,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 3699C. High technology program**

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

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

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

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

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

2 “(B) A second such program if—

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

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

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

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

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

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

3 “(C) 50 percent of such cost upon—

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

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

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

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

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

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

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

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

23 “(C) the provider does not charge tuition and
24 fees to a covered individual who receives assistance
25 under this section to pursue such program that are

1 higher than the tuition and fees charged by such
2 provider to another individual; and

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

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

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

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

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

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

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

24 “(B) effectively teach the skills offered to cov-
25 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 REPORTS.—Not later than one year
4 after the date of the enactment of this section, and annu-
5 ally thereafter until the termination date specified in sub-
6 section (i), the Secretary shall submit to the Committee
7 on Veterans’ Affairs of the Senate and the Committee on
8 Veterans’ Affairs of the House of Representatives a report
9 on the operation of programs under this section during
10 the year covered by the report. Each such report shall in-
11 clude each of the following:

12 “(1) The number of covered individuals enrolled
13 in the program, disaggregated by type of educational
14 institution, during the year covered by the report.

15 “(2) The number of covered individuals who
16 completed a high technology program of education
17 under the program during the year covered by the
18 report.

19 “(3) The average employment rate of covered
20 individuals who completed such a program of edu-
21 cation during such year, as of 180 days after the
22 date of completion.

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

1 “(5) The total number of covered individuals
2 who completed a program of education under the
3 program and who, as of the date of the submission
4 of the report, are employed in a position related to
5 technology.

6 “(6) The average salary of a covered individual
7 who completed a program of education under the
8 program and who is employed in a position related
9 to technology, in various geographic areas deter-
10 mined by the Secretary.

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

19 “(8) The number of covered individuals who
20 completed a program of education under the pro-
21 gram and who subsequently enrolled in a second
22 program of education under the program.

23 “(g) COLLECTION OF INFORMATION; CONSULTA-
24 TION.—(1) The Secretary shall develop practices to use

1 to collect information about covered individuals and pro-
 2 viders of high technology programs of education.

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

10 “(h) DEFINITIONS.—In this section:

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

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

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

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

22 “(B) A member of the Armed Forces that
 23 the Secretary determines will become a veteran
 24 described in subparagraph (A) fewer than 180
 25 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 sciences.

15 “(i) TERMINATION.—The authority to carry out a
16 program under this section shall terminate on September
17 30, 2028.”.

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

 “3699C. High technology program.”.

22 (b) EFFECT ON HIGH TECHNOLOGY PILOT PRO-
23 GRAM.—Section 116 of the Harry W. Colmery Veterans
24 Educational Assistance Act of 2017 (Public Law 115–48;
25 38 U.S.C. 3001 note) is amended—

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

2 and

3 (2) by striking subsection (h) and inserting the

4 following new subsection (h):

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

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

11 (1) in subsection (a), by striking paragraph (4)

12 and inserting the following:

13 “(4) Any independent study program except—

14 “(A) an independent study program (in-
15 cluding such a program taken over open circuit
16 television) that—

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

22 “(ii) leads to—

23 “(I) a standard college degree;

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

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

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

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

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

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

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

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

21 “(B) an online high technology program of
22 education (as defined in subsection (h)(2) of
23 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. 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 “March 31,
6 2032”.

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