

118TH CONGRESS
1ST SESSION

S. 1877

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to carry out a program under which the Secretary provides certain 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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2023

Mr. BRAUN (for himself, Mr. RUBIO, and Mr. TILLIS) 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 require the Secretary of Veterans Affairs to carry out a program under which the Secretary provides certain 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, 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 “Continue VET TEC
3 Authorization 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 Committee on Veterans’ Af-
20 fairs of the Senate and the Committee on Veterans’ Af-
21 fairs of the House of Representatives a report regarding
22 such process.

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

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

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

10 “(f) ANNUAL REPORTS.—Not later than one year
11 after the date of the enactment of the Continue VET TEC
12 Authorization Act of 2023, and annually thereafter until
13 the termination date specified in subsection (i), the Sec-
14 retary shall submit to the Committee on Veterans’ Affairs
15 of the Senate and the Committee on Veterans’ Affairs of
16 the House of Representatives a report on the operation
17 of program under this section during the year covered by
18 the report. Each such report shall include each of the fol-
19 lowing:

20 “(1) The number of covered individuals enrolled
21 in the program, disaggregated by type of educational
22 institution, during the year covered by the report.

23 “(2) The number of covered individuals who
24 completed a high technology program of education

1 under the program during the year covered by the
2 report.

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

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

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

15 “(6) 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, in various geographic areas deter-
19 mined by the Secretary.

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

1 program and who is employed in a position related
2 to technology.

3 “(8) The number of covered individuals who
4 completed a program of education under the pro-
5 gram and who subsequently enrolled in a second
6 program of education under the program.

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

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

18 “(h) DEFINITIONS.—In this section:

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

21 “(A) A veteran whom the Secretary deter-
22 mines—

23 “(i) served an aggregate of at least 36
24 months on active duty in the Armed
25 Forces (including service on active duty in

1 entry level and skill training) and was dis-
2 charged or released therefrom under condi-
3 tions other than dishonorable; and

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

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

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

11 “(A) offered by a public or private edu-
12 cational institution;

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

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

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

20 “(E) that provides instruction in computer
21 programming, computer software, media appli-
22 cation, data processing, or information sciences.

23 “(i) TERMINATION.—The authority to carry out a
24 program under this section shall terminate on September
25 30, 2028.”.

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

“3699C. High technology program.”.

5 (b) EFFECT ON HIGH TECHNOLOGY PILOT PRO-
6 GRAM.—Section 116 of the Harry W. Colmery Veterans
7 Educational Assistance Act of 2017 (Public Law 115–48;
8 38 U.S.C. 3001 note) is amended—

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

11 (2) by striking subsection (h) and inserting the
12 following new subsection (h):

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

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

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

21 “(4) Any independent study program except—

22 “(A) an independent study program (in-
23 cluding such a program taken over open circuit
24 television) that—

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

6 “(ii) leads to—

7 “(I) a standard college degree;

8 “(II) a certificate that reflects
9 educational attainment offered by an
10 institution of higher learning; or

11 “(III) a certificate that reflects
12 graduation from a course of study of-
13 fered by—

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

23 “(bb) a postsecondary voca-
24 tional institution (as defined in
25 section 102(c) of the Higher

1 Education Act of 1965 (20
2 U.S.C. 1002(c)) that provides
3 education at the postsecondary
4 level; and

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

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

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

22 “(III) meets such content and in-
23 structional standards as may be re-
24 quired to comply with the criteria

1 under section 3676(c)(14) and (15) of
2 this title; or

3 “(B) an online high technology program of
4 education (as defined in subsection (h) of sec-
5 tion 3699C of this title)—

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

9 “(ii) that has been provided to covered
10 individuals (as defined in subsection (h) of
11 such section) under such contract for a pe-
12 riod of at least five years;

13 “(iii) regarding which the Secretary
14 has determined that the average employ-
15 ment rate of covered individuals who grad-
16 uated from such program of education is
17 65 percent or higher for the year preceding
18 such determination; and

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

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

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

1 (d) EFFECTIVE DATE.—The amendments made by
2 subsections (a) and (c) shall take effect on October 1,
3 2023.

4 (e) RECISSION OF CERTAIN AMOUNTS APPRO-
5 PRIATED BY AMERICAN RESCUE PLAN ACT OF 2021.—
6 Of the amounts appropriated by section 8002 of the Amer-
7 ican Rescue Plan Act of 2021 (Public Law 117–2) that
8 remain unobligated on the date of the enactment of this
9 Act, \$700,000,000 is rescinded.

○