

leased therefrom under conditions other than dishonorable; or

“(B) a member of a reserve component of the Armed Forces who performs active service for a period of 30 days or longer by reason of the covered public health emergency.

“(3) The term ‘active service’ has the meaning given such term in section 101 of title 10, United States Code.”

[Pub. L. 117–138, §2(c), June 7, 2022, 136 Stat. 1257, provided that: “The amendments made by this section [amending section 8006 of Pub. L. 117–2, set out above] shall apply as if included in the American Rescue Plan Act of 2021 (Public Law 117–2).”]

[Pub. L. 117–16, §2(b), June 8, 2021, 135 Stat. 282, provided that: “The amendments made by subsection (a) [amending section 8006 of Pub. L. 117–2, set out above] shall apply as if included in the enactment of the American Rescue Plan Act of 2021 (Public Law 117–2).”]

SUBCHAPTER I—PURPOSES; DEFINITIONS

§ 3001. Purposes

The purposes of this chapter are—

(1) to provide a new educational assistance program to assist in the readjustment of members of the Armed Forces to civilian life after their separation from military service;

(2) to extend the benefits of a higher education to qualifying men and women who might not otherwise be able to afford such an education;

(3) to provide for vocational readjustment and to restore lost educational opportunities to those service men and women who served on active duty after June 30, 1985;

(4) to promote and assist the All-Volunteer Force program and the Total Force Concept of the Armed Forces by establishing a new program of educational assistance based upon service on active duty or a combination of service on active duty and in the Selected Reserve (including the National Guard) to aid in the recruitment and retention of highly qualified personnel for both the active and reserve components of the Armed Forces;

(5) to give special emphasis to providing educational assistance benefits to aid in the retention of personnel in the Armed Forces; and

(6) to enhance our Nation's competitiveness through the development of a more highly educated and productive work force.

(Added Pub. L. 98–525, title VII, §702(a)(1), Oct. 19, 1984, 98 Stat. 2553, §1401; amended Pub. L. 100–48, §5, June 1, 1987, 101 Stat. 331; renumbered §3001, Pub. L. 102–83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

Editorial Notes

PRIOR PROVISIONS

Prior section 3001 was renumbered section 5101 of this title.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1401 of this title as this section.

1987—Pars. (2) to (6). Pub. L. 100–48 added pars. (2), (3), and (6), redesignated former pars. (2) and (3) as (4) and (5), respectively, struck out “and” after “Forces;” in par. (4), and substituted “Forces; and” for “Forces;” in par. (5).

Statutory Notes and Related Subsidiaries

DEPARTMENT OF VETERANS AFFAIRS HIGH TECHNOLOGY PILOT PROGRAM

Pub. L. 115–48, title I, §116, Aug. 16, 2017, 131 Stat. 986, as amended by Pub. L. 115–407, title I, §105, Dec. 31, 2018, 132 Stat. 5371; Pub. L. 116–315, title IV, §4302, Jan. 5, 2021, 134 Stat. 5017; Pub. L. 117–103, div. DD, §101, Mar. 15, 2022, 136 Stat. 1111, provided that:

“(a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out a pilot program under which the Secretary shall provide eligible veterans 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.

“(b) ELIGIBILITY.—For purposes of the pilot program under this section, an eligible veteran is a veteran who is entitled to educational assistance under chapter 30, 32, 33, 34, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code. The Secretary shall treat an individual as an eligible veteran if the Secretary determines that the individual shall become an eligible veteran fewer than 180 days after the date of such determination. If an individual treated as an eligible veteran by reason of the preceding sentence does anything to make the veteran ineligible during the 180-day period referred to in such sentence, the Secretary may require the veteran to repay any benefits received by such veteran by reason of such sentence.

“(c) CONTRACTS.—

“(1) IN GENERAL.—For purposes of carrying out subsection (a), by not later than 180 days after August 1, 2018, the Secretary shall seek to enter into contracts with any number of qualified providers of high technology programs of education for the provision of such programs to eligible veterans under the pilot program. Each such contract shall provide for the conditions under which the Secretary may terminate the contract with the provider and the procedures for providing for the completion of the instruction of students who were enrolled in a program provided by such provider in the case of such a termination.

“(2) PAYMENT OF CONTRACTORS.—A contract under this subsection shall provide that the Secretary shall pay to a provider—

“(A) upon the enrollment of an eligible veteran in the program, 25 percent of the cost of the tuition and other fees for the program of education for the veteran;

“(B) upon the completion of the program by the veteran, 25 percent of such cost; and

“(C) upon the employment of the veteran in the field of study of the program following completion of the program, 50 percent of such cost.

“(3) QUALIFIED PROVIDERS.—For purposes of the pilot program, a provider of a high technology program of education is qualified if—

“(A) the provider employs instructors whom the Secretary determines are experts in their respective fields in accordance with paragraph (6);

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

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

“(4) APPROVAL CRITERIA.—The Secretary shall develop criteria for approving providers for purposes of the pilot program. In developing such criteria, the Secretary may consult with State approving agencies. Such criteria is not required to meet the requirements of section 3672 of title 38, United States Code.

“(5) TUITION REIMBURSEMENT.—In entering into contracts to carry out the pilot program, the Secretary shall give preference to a qualified provider that offers tuition reimbursement for any student who—

“(A) completes a program of education offered by the provider; and

“(B) does not find full-time meaningful employment in the field of study of the program within the

180-day period beginning on the date the student completes the program.

“(6) EXPERTS.—The Secretary shall determine whether instructors are experts under paragraph (3)(A) based on evidence furnished to the Secretary by the provider regarding the ability of the instructors to—

“(A) identify professions in need of new employees to hire, tailor the programs to meet market needs, and identify the employers likely to hire graduates;

“(B) effectively teach the skills offered to eligible veterans;

“(C) provide relevant industry experience in the fields of programs offered to incoming eligible veterans; and

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

“(d) HOUSING STIPEND.—The Secretary shall pay to each eligible veteran (not including an individual described in the second sentence of subsection (b)) who is enrolled in a high technology program of education under the pilot program on a full-time or part-time basis a monthly housing stipend equal to the product—

“(1) of—

“(A) in the case of a veteran pursuing resident training, the monthly amount of the basic allowance for housing payable under section 403 of title 37, United States Code, for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the campus of the institution where the individual physically participates in a majority of classes; or

“(B) in the case of a veteran pursuing a program of education through distance learning, a monthly amount equal to 50 percent of the national average of the monthly amount of the basic allowance for housing payable under section 403 of title 37, United States Code, for a member with dependents in pay grade E-5, multiplied by

“(2) the lesser of—

“(A) 1.0; or

“(B) the number of course hours borne by the individual in pursuit of the program of education involved, divided by the minimum number of course hours required for full-time pursuit of such program of education, rounded to the nearest multiple of 10.

“(e) HIGH TECHNOLOGY PROGRAM OF EDUCATION DEFINED.—In this section, the term ‘high technology program of education’ means a program of education that—

“(1) is offered by an entity other than an institution of higher learning;

“(2) does not lead to a degree; and

“(3) provides instruction in computer programming, computer software, media application, data processing, or information sciences.

“(f) REPORTS.—

“(1) SECRETARY OF VETERANS AFFAIRS.—Not later than 1 year after the date of the enactment of this Act [Aug. 16, 2017], and annually thereafter, the Secretary shall submit to Congress a report on the pilot program under this section.

“(2) COMPTROLLER GENERAL.—

“(A) INTERIM REPORT.—Not later than 3 years after the date on which the Secretary first enters into a contract under this section, the Comptroller General of the United States shall submit to Congress a report containing the results of the interim assessment of the Comptroller General. Such report shall include the recommendations of the Comptroller General for improving the pilot program and an assessment of each of the following:

“(i) The technology experience of the directors and instructors of the providers of high technology programs of education under the pilot program.

“(ii) Whether the providers cooperated with the technology industry to create the curriculum for the program of education.

“(iii) Whether the providers use an open source curriculum for the program of education.

“(iv) The admittance rate into the pilot program.

“(v) The job placement and retention rate for veterans who completed a program of education under the pilot program in the field of study of the program.

“(vi) The percentage of veterans who completed a program of education under the pilot program who were subsequently employed for a period of 6 months or longer in a field of study of the program.

“(vii) The percentage of veterans who completed a program of education under the pilot program who were subsequently employed for a period of less than 6 months in a field of study of the program.

“(viii) The median annual salary of veterans who completed a program of education under the pilot program and were subsequently employed.

“(ix) As applicable, the transfer rates to other academic or vocational programs and certifications and licensure exam passage rates.

“(x) The average age of veterans who participated in the pilot program.

“(B) FINAL REPORT.—Not later than 5 years after the date on which the Secretary first enters into a contract under this section, the Comptroller General shall submit to Congress a final report on the pilot program. Such report shall include the recommendation of the Comptroller General with respect to whether the program should be extended and an assessment of each item described in clauses (i) through (x) of subparagraph (A).

“(g) AUTHORIZATION OF APPROPRIATIONS.—Funds shall be made available to carry out the pilot program under this section from funds appropriated to, or otherwise made available to, the Department for the payment of readjustment benefits, in the following amounts for a fiscal year in which the Secretary carries out the pilot program:

“(1) For fiscal year 2019, \$15,000,000.

“(2) For fiscal year 2020, \$15,000,000.

“(3) For fiscal year 2021, \$45,000,000.

“(4) For fiscal year 2022, \$125,000,000.

“(5) For fiscal year 2023, \$45,000,000.

“(6) For fiscal year 2024, \$45,000,000.

“(h) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on the date that is 5 years after the date on which the Secretary first enters into a contract under this section.

“(i) PROHIBITION ON CERTAIN ACCOUNTING OF ASSISTANCE.—The Secretary may not consider enrollment in a high technology program of education under this section to be assistance under a provision of law referred to in section 3695 of title 38, United States Code.”

§ 3002. Definitions

For the purposes of this chapter—

(1) The term “basic educational assistance” means educational assistance provided under subchapter II of this chapter.

(2) The term “supplemental educational assistance” means educational assistance provided under subchapter III of this chapter.

(3) The term “program of education”—

(A) has the meaning given such term in section 3452(b) of this title;

(B) includes—

(i) a preparatory course for a test that is required or used for admission to an institution of higher education; and

(ii) a preparatory course for a test that is required or used for admission to a graduate school; and

(C) in the case of an individual who is not serving on active duty, includes (i) a full-time