

added to section 3699(b)(1) of title 38, United States Code, by [former] section 5 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116-140; 38 U.S.C. 3699 note) [formerly set out below] is amended by inserting 'or training establishment' after 'educational institution'."

Pub. L. 116-140, § 5, Apr. 28, 2020, 134 Stat. 632, which temporarily added closure of educational institution or training establishment due to emergency situation as reason for payment of educational assistance not to be charged against entitlement of students, was repealed by Pub. L. 117-333, § 8(b), Jan. 5, 2023, 136 Stat. 6130. See subsec. (b)(1)(C) of this section.

**RESTORATION OF ENTITLEMENT TO REHABILITATION PROGRAMS FOR VETERANS AFFECTED BY SCHOOL CLOSURE OR DISAPPROVAL**

Pub. L. 116-140, § 7(a), Apr. 28, 2020, 134 Stat. 634, which provided that, during the period from Mar. 1, 2020, to Dec. 21, 2020, the Secretary of Veterans Affairs was to apply this section as if it were amended by striking "chapter 30," each time it appeared and inserting "chapter 30, 31," was repealed by Pub. L. 116-315, title I, § 1007(c), Jan. 5, 2021, 134 Stat. 4940. See 2021 Amendment note above.

**§ 3699A. Provision of certain information to educational institutions**

(a) **IN GENERAL.**—For each veteran or other individual pursuing a course of education that has been approved under this chapter using educational assistance to which the veteran or other individual is entitled under chapter 30, 32, 33, or 35 of this title, the Secretary shall make available to the educational institution offering the course information about the amount of such educational assistance to which the veteran or other individual is entitled. Such information shall be provided to such educational institution through a secure information technology system accessible by the educational institution and shall be regularly updated to reflect any amounts used by the veteran or other individual.

(b) **ELECTION.**—A veteran or other individual pursuing a course of education described in subsection (a) may elect not to provide the information described in such subsection to an educational institution in a manner prescribed by the Secretary.

(Added Pub. L. 115-48, title III, § 308(a), Aug. 16, 2017, 131 Stat. 994.)

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE**

Pub. L. 115-48, title III, § 308(c), Aug. 16, 2017, 131 Stat. 994, provided that: "Section 3699A of title 38, United States Code, as added by this section, shall take effect on August 1, 2018."

**§ 3699B. Treatment of certain for-profit educational institutions**

(a) **IN GENERAL.**—In the case of any for-profit educational institution that is converted to a nonprofit educational institution, the State approving agency or the Secretary when acting as a State approving agency shall conduct annual risk-based surveys of the institution during the three-year period beginning on the date on which the educational institution is so converted.

(b) **RISK-BASED SURVEY DEFINED.**—In this section, the term "risk-based survey" means the

risk-based survey developed under section 3673A of this title.

(Added Pub. L. 116-315, title I, § 1022(a), Jan. 5, 2021, 134 Stat. 4959.)

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE**

Pub. L. 116-315, title I, § 1022(c), Jan. 5, 2021, 134 Stat. 4959, as amended by Pub. L. 117-16, § 5(a), June 8, 2021, 135 Stat. 283, provided that: "Section 3699B of title 38, United States Code, as added by subsection (a), shall apply with respect to the conversion of a for-profit educational institution to a nonprofit educational institution, or the conversion of a for-profit educational institution to a public educational institution, that occurs on or after the date of the enactment of this Act [Jan. 5, 2021]."

[Pub. L. 117-16, § 5(b), June 8, 2021, 135 Stat. 283, provided that: "The amendment made by subsection (a) [amending section 1022(c) of Pub. L. 116-315, set out above] shall apply as if included in the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116-315)."]

**§ 3699C. High technology program**

(a) **ESTABLISHMENT.**—(1) The Secretary shall carry out a program under which the Secretary provides covered 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.

(2) Not more than 4,000 covered individuals may participate in the program under this section in any fiscal year.

(b) **AMOUNT OF ASSISTANCE.**—(1) The Secretary shall provide, to each covered individual who pursues a high technology program of education under this section, educational assistance in amounts equal to the amounts provided under section 3313(c)(1) of this title, including, except as provided in paragraph (3), with respect to the housing stipend described in that section and in accordance with the treatment of programs that are distance learning and programs that are less than half-time.

(2) Under paragraph (1), the Secretary shall provide such amounts of educational assistance to a covered individual for each of the following:

(A) A high technology program of education.

(B) A second such program if—

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

(ii) the covered individual uses educational assistance under chapter 33 of this title to pursue the second such program.

(3) No covered individual may receive a housing stipend under this subsection for any month if such individual is in receipt of a housing stipend under chapter 33 of this title for that month.

(c) **CONTRACTS.**—(1) For purposes of carrying out subsection (a), 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 covered individuals. Each such contract shall provide for the conditions under which the Secretary may terminate the contract with the pro-

vider and the procedures for providing for the graduation of students who were enrolled in a program provided by such provider in the case of such a termination.

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

(A) upon the enrollment of a covered individual in the program, 25 percent of the cost of the tuition and other fees for the program of education for the individual;

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

(C) 50 percent of such cost upon—

(i) the successful employment of the covered individual for a period—

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

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

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

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

(3) For purposes of this section, 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 (5);

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

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

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

(4)(A) The Secretary shall prescribe criteria for approving providers of a high technology program of education under this section.

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

(C) Such criteria are not required to meet the requirements of section 3672 of this title.

(D) Such criteria shall include the job placement rate, in the field of study of a program of education, of covered individuals who complete such program of education.

(5) 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 covered individuals;

(C) provide relevant industry experience in the fields of programs offered to incoming covered individuals; and

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

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

(A) from which at least 70 percent of graduates find full-time employment in the field of study of the program during the 180-day period beginning on the date the student graduates from the program; or

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

(d) EFFECT ON OTHER ENTITLEMENT.—(1) If a covered individual enrolled in a high technology program of education under this section has remaining entitlement to educational assistance under chapter 30, 32, 33, 34, or 35 of this title, such entitlement shall be charged at the rate of one month of such entitlement for each month of educational assistance provided under this section.

(2) If a covered individual enrolled in a high technology program of education under this section does not have remaining entitlement to educational assistance under chapter 30, 32, 33, 34, or 35 of this title, any educational assistance provided to such individual under this section shall be provided in addition to the entitlement that the individual has used.

(3) 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 this title.

(4)(A) An application for enrollment in a high technology program of education under this section shall include notice of the requirements relating to use of entitlement under paragraphs (1) and (2), including—

(i) in the case of the enrollment of an individual referred to under paragraph (1), the amount of entitlement that is typically charged for such enrollment;

(ii) an identification of any methods that may be available for minimizing the amount of entitlement required for such enrollment; and

(iii) an element requiring applicants to acknowledge receipt of the notice under this subparagraph.

(B) If the Secretary approves the enrollment of a covered individual in a high technology program of education under this section, the Secretary shall deliver electronically to the individual an award letter that provides notice of such approval and includes specific information describing how paragraphs (1) and (2) will be applied to the individual if the individual chooses to enroll in the program.

(e) REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS.—(1) The Secretary shall not approve the enrollment of any covered individual, not already enrolled, in any high technology programs of education under this section for any period during which the Secretary finds that more than 85 percent of the students enrolled in the program are having all or part of their tuition, fees,

or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 1606 or 1607 of title 10, except with respect to tuition, fees, or other charges that are paid under a payment plan at an educational institution that the Secretary determines has a history of offering payment plans that are completed not later than 180 days after the end of the applicable term, quarter, or semester.

(2) The Secretary may waive a requirement of paragraph (1) if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, such waiver to be in the interest of the covered individual and the Federal Government. Not later than 30 days after the Secretary waives such a requirement, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding such waiver.

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

(ii) The Secretary may consult with a State approving agency regarding such process or such a review.

(iii) Not later than 180 days after the Secretary establishes or revises a process under this subparagraph, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding such process.

(B) An educational institution that requests a review under subparagraph (A)—

(i) shall request the review not later than 30 days after the start of the term, quarter, or semester for which the determination described in subparagraph (A) applies; and

(ii) may include any information that the educational institution believes the Department should have taken into account when making the determination, including with respect to any mitigating circumstances.

(f) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this section, and annually thereafter until the termination date specified in subsection (i), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of program<sup>1</sup> under this section during the year covered by the report. Each such report shall include each of the following:

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

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

(3) The average employment rate of covered individuals who completed such a program of education during such year, as of 180 days after the date of completion.

(4) The average length of time between the completion of such a program of education and employment.

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

(6) The average salary of a covered individual who completed a program of education under the program and who is employed in a position related to technology, in various geographic areas determined by the Secretary.

(7) The average salary of all individuals employed in positions related to technology in the geographic areas determined under subparagraph (F), and the difference, if any, between such average salary and the average salary of a covered individual who completed a program of education under the program and who is employed in a position related to technology.

(8) The number of covered individuals who completed a program of education under the program and who subsequently enrolled in a second program of education under the program.

(g) COLLECTION OF INFORMATION; CONSULTATION.—(1) The Secretary shall develop practices to use to collect information about covered individuals and providers of high technology programs of education.

(2) For the purpose of carrying out program<sup>1</sup> under this section, the Secretary may consult with providers of high technology programs of education and may establish an advisory group made up of representatives of such providers, private employers in the technology field, and other relevant groups or entities, as the Secretary determines necessary.

(h) DEFINITIONS.—In this section:

(1) The term "covered individual" means any of the following:

(A) A veteran whom the Secretary determines—

- (i) served an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training) and was discharged or released therefrom under conditions other than dishonorable; and
- (ii) has not attained the age of 62.

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

(2) The term "high technology program of education" means a program of education—

(A) offered by a public or private educational institution;

(B) if offered by an institution of higher learning, that is provided directly by such institution rather than by an entity other than such institution under a contract or other agreement;

(C) that does not lead to a degree;

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

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

<sup>1</sup> So in original. Probably should be preceded by "the".

(i) **TERMINATION.**—The Secretary may not provide educational assistance under this section for a high technology program of education that begins after September 30, 2027.

(Added Pub. L. 118–210, title II, § 212(a)(1), Jan. 2, 2025, 138 Stat. 2767.)

**Editorial Notes**

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (f), is the date of enactment of Pub. L. 118–210, which was approved Jan. 2, 2025.

**§ 3699D. Notice of changes to policies and guidance relating to educational assistance programs**

In the case of any change to any policy or guidance provided by the Secretary that relates to any educational assistance program of the Department, the Secretary may not implement the change before the date that is 90 days after the date on which the Secretary makes available to students, educational institutions, and the Committees on Veterans’ Affairs of the Senate and House of Representatives notice of, and justification for, the change.

(Added Pub. L. 118–210, title II, § 213(a), Jan. 2, 2025, 138 Stat. 2774.)

**CHAPTER 37—HOUSING AND SMALL BUSINESS LOANS**

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SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS

- 3761. Direct housing loans to Native American veterans; program authority.
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[SUBCHAPTER VI—TRANSFERRED]

[3771 to 3775. Repealed or renumbered.]

**Editorial Notes**

AMENDMENTS

2025—Pub. L. 118–210, title II, § 232(b), Jan. 2, 2025, 138 Stat. 2788, added item 3762A.

2018—Pub. L. 115–174, title III, § 309(a)(4), May 24, 2018, 132 Stat. 1350, added item 3709.

2006—Pub. L. 109–233, title I, §§ 103(f)(4), 104(c), June 15, 2006, 120 Stat. 401, 402, substituted “DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS” for “NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM” in item for subchapter V, “Direct housing loans to Native American veterans; program authority” for “Pilot program” in item 3761, “Direct housing loans to Native American veterans; program administration” for “Direct housing loans to Native American veterans” in item 3762, and “Qualified non-Native American veterans” for “Definitions” in item 3764 and added item 3765.

2002—Pub. L. 107–330, title III, § 303(b), Dec. 6, 2002, 116 Stat. 2826, added item 3707A.

2001—Pub. L. 107–95, § 5(g)(2), Dec. 21, 2001, 115 Stat. 918, struck out item 3735 “Housing assistance for homeless veterans”, item for subchapter VI “LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS”, and items 3771 “Definitions”, 3772 “General authority”, 3773 “Requirements”, 3774 “Default”, and 3775 “Audit”.

1998—Pub. L. 105–368, title VI, §§ 601(b), 602(e)(3)(C), Nov. 11, 1998, 112 Stat. 3345, 3347, added item 3722, struck out items 3723 “Direct loan revolving fund”, 3724 “Loan Guaranty Revolving Fund”, and 3725 “Guaranty and Indemnity Fund”, substituted “Veterans Housing Benefit Program Fund and housing programs” for “Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund” in item 3734, substituted “Native American Veteran Housing Loan Program Account” for “Housing loan program account” in item 3763, and added item for subchapter VI and items 3771 to 3775.

1996—Pub. L. 104–110, title II, § 201(a)(2), Feb. 13, 1996, 110 Stat. 770, added item 3736.

Pub. L. 104–106, div. B, title XXVIII, § 2822(b)(2), Feb. 10, 1996, 110 Stat. 557, added item 3708.

1992—Pub. L. 102–547, §§ 3(a)(2), 8(c), Oct. 28, 1992, 106 Stat. 3635, 3640, added item 3707, item for subchapter V, and items 3761 to 3764.