

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7939
OFFERED BY Mr . Levin

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Student Veteran Emergency Relief Act of 2022”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Educational assistance benefits during emergency situations.
- Sec. 3. Extension of time limitations for use of entitlement.
- Sec. 4. Extension of payment of vocational rehabilitation subsistence allowances.
- Sec. 5. Payment of work-study allowances during emergency situations.
- Sec. 6. Payment of allowances to veterans enrolled in educational institutions closed for emergency situations.
- Sec. 7. Apprenticeship or on-job training requirements.
- Sec. 8. Prohibition of charge to entitlement of students unable to pursue a program of education due to an emergency situation.
- Sec. 9. Determinations relating to percentage of students of educational institution who receive educational assistance by Department of Veterans Affairs.
- Sec. 10. Department of Veterans Affairs approval of certain study-abroad programs.
- Sec. 11. Eligibility for educational assistance under Department of Veterans Affairs Post-9/11 Educational Assistance Program of certain individuals who receive sole survivorship discharges.
- Sec. 12. Uniform application for Department of Veterans Affairs approval of courses of education.
- Sec. 13. Notice requirements for Department of Veterans Affairs education surveys.
- Sec. 14. Exception to requirement to submit verification of enrollment of certain individuals.
- Sec. 15. Possible definitions of certain terms relating to educational assistance.
- Sec. 16. Department of Veterans Affairs loan fees.

1 **SEC. 2. EDUCATIONAL ASSISTANCE BENEFITS DURING**
2 **EMERGENCY SITUATIONS.**

3 (a) IN GENERAL.—Chapter 36 of title 38, United
4 States Code, is amended—

5 (1) by redesignating subchapters I and II as
6 subchapters II and III, respectively; and

7 (2) by inserting before subchapter II, as so re-
8 designated, the following new subchapter:”.

9 “SUBCHAPTER I—EMERGENCY SITUATIONS
10 **“§ 3601. Definition of emergency situation**

11 “In this chapter, the term ‘emergency situation’
12 means a situation that—

13 “(1) the President declares is an emergency;
14 and

15 “(2) the Secretary determines is an emergency
16 for purposes of the laws administered by the Sec-
17 retary.

18 **“§ 3602. Continuation of educational assistance bene-**
19 **fits during emergency situations**

20 “(a) AUTHORITY.—If the Secretary determines under
21 subsection (c) that an individual is negatively affected by
22 an emergency situation, the Secretary may provide edu-
23 cational assistance to that individual under the laws ad-
24 ministered by the Secretary as if such negative effects did
25 not occur. The authority under this section is in addition
26 to the other authorities of the Secretary to provide benefits

1 in emergency situations, but in no case may the Secretary
2 provide more than a total of four weeks of additional edu-
3 cational assistance by reason of any other such authority
4 and this section.

5 “(b) HOUSING AND ALLOWANCES.—In providing
6 educational assistance to an individual pursuant to sub-
7 section (a), the Secretary may—

8 “(1) continue to pay a monthly housing stipend
9 under chapter 33 of this title, during a month the
10 individual would have been enrolled in a program of
11 education or training but for the emergency situa-
12 tion at the same rate such stipend would have been
13 payable if the individual had not been negatively af-
14 fected by the emergency situation, except that the
15 total number of weeks for which stipends may con-
16 tinue to be so payable may not exceed four weeks;
17 and

18 “(2) continue to pay payments or subsistence
19 allowances under chapters 30, 31, 32, 33, and 35 of
20 this title and chapter 1606 of title 10 during a
21 month for a period of time that the individual would
22 have been enrolled in a program of education or
23 training but for the emergency situation, except that
24 the total number of weeks for which payments or al-

1 lowances may continue to be so payable may not ex-
2 ceed four weeks.

3 “(c) DETERMINATION OF NEGATIVE EFFECTS.—The
4 Secretary shall determine that an individual was nega-
5 tively affected by an emergency situation if—

6 “(1) the individual is enrolled in a covered pro-
7 gram of education of an educational institution or
8 enrolled in training at a training establishment and
9 is pursuing such program or training using edu-
10 cational assistance under the laws administered by
11 the Secretary;

12 “(2) the educational institution or training es-
13 tablishment certifies to the Secretary that such pro-
14 gram or training is truncated, delayed, relocated,
15 canceled, partially canceled, converted from being
16 on-site to being offered by distance learning, or oth-
17 erwise modified or made unavailable by reason of the
18 emergency situation; and

19 “(3) the Secretary determines that the modi-
20 fication to such program or training specified under
21 paragraph (2) would reduce the amount of edu-
22 cational assistance (including with respect to month-
23 ly housing stipends, payments, or subsistence allow-
24 ances) that would be payable to the individual but
25 for the emergency situation.

1 “(d) EFFECT ON ENTITLEMENT PERIOD.—If the
2 Secretary determines that an individual who received as-
3 sistance under this section did not make progress toward
4 the completion of the program of education in which the
5 individual is enrolled during the period for which the indi-
6 vidual received such assistance, any assistance provided
7 pursuant to this section shall not be counted for purposes
8 of determining the total amount of an individual’s entitle-
9 ment to educational assistance, housing stipends, or pay-
10 ments or subsistence allowances under chapters 30, 31,
11 32, and 35 of this title and chapter 1606 of title 10.

12 **“§ 3603. Continuation of educational assistance bene-**
13 **fits for certain programs of education**
14 **converted to distance learning by reason**
15 **of emergency situations**

16 “In the case of a program of education approved by
17 a State approving agency, or the Secretary when acting
18 in the role of a State approving agency, that is converted
19 from being offered on-site at an educational institution or
20 training establishment to being offered by distance learn-
21 ing by reason of an emergency or health-related situation,
22 as determined by the Secretary, the Secretary may con-
23 tinue to provide educational assistance under the laws ad-
24 ministered by the Secretary without regard to such conver-
25 sion, including with respect to paying any—

1 “(1) monthly housing stipends under chapter
2 33 of this title; or

3 “(2) payments or subsistence allowances under
4 chapters 30, 31, 32, and 35 of this title and chapter
5 1606 of title 10.

6 **“§ 3604. Effects of closure of educational institution**
7 **and modification of courses by reason of**
8 **emergency situation**

9 “(a) CLOSURE OR DISAPPROVAL.—Any payment of
10 educational assistance described in subsection (b) shall
11 not—

12 “(1) be charged against any entitlement to edu-
13 cational assistance of the individual concerned; or

14 “(2) be counted against the aggregate period
15 for which section 3695 of this title limits the receipt
16 of educational assistance by such individual.

17 “(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Sub-
18 ject to subsection (d), the payment of educational assist-
19 ance described in this subsection is the payment of such
20 assistance to an individual for pursuit of a course or pro-
21 gram of education at an educational institution under
22 chapter 30, 31, 32, 33, or 35 of this title or chapter 1606
23 of title 10, if the Secretary determines that the indi-
24 vidual—

1 “(1) was unable to complete such course or pro-
2 gram as a result of—

3 “(A) the closure of the educational institu-
4 tion, or the full or partial cancellation of a
5 course or program of education, by reason of an
6 emergency situation; or

7 “(B) the disapproval of the course or a
8 course that is a necessary part of that program
9 under this chapter because the course was
10 modified by reason of such emergency; and

11 “(2) did not receive credit or lost training time,
12 toward completion of the program of education being
13 so pursued.

14 “(c) HOUSING ASSISTANCE.—In this section, edu-
15 cational assistance includes, as applicable—

16 “(1) monthly housing stipends payable under
17 chapter 33 of this title for any month the individual
18 would have been enrolled in a course or program of
19 education; and

20 “(2) payments or subsistence allowances under
21 chapters 30, 31, 32, and 35 of this title and chapter
22 1606 of title 10 during a month the individual would
23 have been enrolled in a course or program of edu-
24 cation.

1 “(d) PERIOD NOT CHARGED.—The period for which,
2 by reason of this section, educational assistance is not
3 charged against entitlement or counted toward the appli-
4 cable aggregate period under section 3695 of this title
5 shall not exceed the aggregate of—

6 “(1) the portion of the period of enrollment in
7 the course from which the individual did not receive
8 credit or with respect to which the individual lost
9 training time, as determined under subsection
10 (b)(2); and

11 “(2) the period by which a monthly stipend is
12 extended under section 3680(a)(2)(B) of this title.

13 “(e) CONTINUING PURSUIT OF DISAPPROVED
14 COURSES.—(1) The Secretary may treat a course of edu-
15 cation that is disapproved under this chapter as being ap-
16 proved under this chapter with respect to an individual
17 described in paragraph (2) if the Secretary determines,
18 on a programmatic basis, that—

19 “(A) such disapproval is the result of an action
20 described in subsection (b)(1)(B); and

21 “(B) continuing pursuing such course is in the
22 best interest of the individual.

23 “(2) An individual described in this paragraph is an
24 individual who is pursuing a course of education at an
25 educational institution under chapter 30, 31, 32, 33, or

1 35 of this title or chapter 1606 of title 10, as of the date
2 on which the course is disapproved as described in sub-
3 section (b)(1)(B).

4 “(f) STATUS AS FULL-TIME STUDENT FOR PUR-
5 POSES OF HOUSING STIPEND CALCULATION.—In the case
6 of an individual who, as of the first day of an emergency
7 situation was enrolled on a full-time basis in a program
8 of education and was receiving educational assistance
9 under chapter 33 of this title or subsistence allowance
10 under chapter 31 of this title, and for whom the Secretary
11 makes a determination under subsection (b), the indi-
12 vidual shall be treated as an individual enrolled in a pro-
13 gram of education on a full-time basis for the purpose of
14 calculating monthly housing stipends payable under chap-
15 ter 33 of this title, or subsistence allowance payable under
16 chapter 31 of this title, for any month the individual is
17 enrolled in the program of education on a part-time basis
18 to complete any course of education that was partially or
19 fully canceled by reason of the emergency situation.

20 “(g) NOTICE OF CLOSURES.—Not later than 5 busi-
21 ness days after the date on which the Secretary receives
22 notice that an educational institution will close or is closed
23 by reason of an emergency situation, the Secretary shall
24 provide to each individual who is enrolled in a course or
25 program of education at such educational institution using

1 entitlement to educational assistance under chapter 30,
2 31, 32, 33, or 35 of this title, or chapter 1606 of title
3 10 notice of—

4 “(1) such closure and the date of such closure;

5 and

6 “(2) the effect of such closure on the individ-
7 ual’s entitlement to educational assistance pursuant
8 to this section.

9 **“§ 3605. Payment of educational assistance in cases of**
10 **withdrawal**

11 “(a) IN GENERAL.—In the case of any individual who
12 withdraws from a program of education or training, other
13 than a program by correspondence, in an educational in-
14 stitution under chapter 31, 34, or 35 of this title for a
15 covered reason during the period of an emergency situa-
16 tion, the Secretary shall find mitigating circumstances for
17 purposes of section 3680(a)(1)(C)(ii) of this title.

18 “(b) COVERED REASON.—In this section, the term
19 ‘covered reason’ means any reason related to an emer-
20 gency situation, including—

21 “(1) illness, quarantine, or social distancing re-
22 quirements;

23 “(2) issues associated with accessibility;

24 “(3) access or availability of childcare;

1 “(4) providing care for a family member or co-
2 habitants;

3 “(5) change of location or residence due to the
4 emergency situation or associated school closures;

5 “(6) employment changes or financial hardship;
6 and

7 “(7) issues associated with changes in format
8 or medium of instruction.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended—

11 (1) by striking the item relating to subchapter
12 II and inserting the following new item:

 “SUBCHAPTER III—MISCELLANEOUS PROVISIONS”.

13 (2) by striking the item relating to subchapter
14 I and inserting the following new item:

 “SUBCHAPTER II—STATE APPROVING AGENCIES”.

15 (3) by inserting before the item relating to sub-
16 chapter II the following new items:

 “SUBCHAPTER I—EMERGENCY SITUATIONS

 “3601. Definition of emergency situation.

 “3602. Continuation of educational assistance benefits during emergency situa-
 tions.

 “3603. Continuation of educational assistance benefits for certain programs of
 education converted to distance learning by reason of emer-
 gency situations.

 “3604. Effects of closure of educational institution and modification of courses
 by reason of emergency situation.

 “3605. Payment of educational assistance in cases of withdrawal.”.

17 (c) CONFORMING REPEALS.—The following provi-
18 sions of law are repealed:

1 (1) Sections 1102, 1103, and 1104 of the John-
2 ny Isakson and David P. Roe, M.D. Veterans Health
3 Care and Benefits Improvement Act of 2020 (Public
4 Law 116–315).

5 (2) Public Law 116–128.

6 **SEC. 3. EXTENSION OF TIME LIMITATIONS FOR USE OF EN-**
7 **TITLEMENT.**

8 (a) MONTGOMERY GI BILL.—Section 3031 of title
9 38, United States Code, is amended by adding at the end
10 the following new subsection:

11 “(i) In the case of an individual eligible for edu-
12 cational assistance under this chapter who is prevented
13 from pursuing the individual’s chosen program of edu-
14 cation before the expiration of the 10-year period for the
15 use of entitlement under this chapter otherwise applicable
16 under this section because the educational institution or
17 training establishment closed (temporarily or perma-
18 nently) under an established policy based on an Executive
19 order of the President or due to an emergency situation,
20 such 10-year period—

21 “(1) shall not run during the period the indi-
22 vidual is so prevented from pursuing such program;
23 and

24 “(2) shall again begin running on the first day
25 after the individual is able to resume pursuit of a

1 program of education with educational assistance
2 under this chapter.”.

3 (b) POST-9/11 EDUCATIONAL ASSISTANCE.—

4 (1) IN GENERAL.—Section 3321(b)(1) of such
5 title is amended—

6 (A) by inserting “(A)” before “Sub-
7 sections”; and

8 (B) by striking “and (d)” and inserting
9 “(d), and (i)”; and by adding at the end the fol-
10 lowing new subparagraph:

11 “(B) Subsection (i) of section 3031 shall apply
12 with respect to the running of the 15-year period de-
13 scribed in paragraphs (4)(A) and (5)(A) of this sub-
14 section in the same manner as such subsection ap-
15 plies under section 3031 with respect to the running
16 of the 10-year period described in section 3031(a).”.

17 (2) TRANSFER PERIOD.—Section 3319(h)(5) of
18 such title is amended—

19 (A) in subparagraph (A) by inserting “or
20 (C)” after “subparagraph (B)”; and

21 (B) by adding at the end the following new
22 subparagraph:

23 “(C) EMERGENCY SITUATIONS.—In any
24 case in which the Secretary determines that an
25 individual to whom entitlement is transferred

1 under this section has been prevented from pur-
2 suing the individual’s chosen program of edu-
3 cation before the individual attains the age of
4 26 years because the educational institution or
5 training establishment closed (temporarily or
6 permanently) under an established policy based
7 on an Executive order of the President or due
8 to an emergency situation, the Secretary shall
9 extend the period during which the individual
10 may use such entitlement for a period equal to
11 the number of months that the individual was
12 so prevented from pursuing the program of
13 education, as determined by the Secretary.”.

14 (c) VOCATIONAL REHABILITATION AND TRAINING.—

15 (1) PERIOD FOR USE.—Section 3103 of such
16 title is amended—

17 (A) in subsection (a), by striking “or (g)”
18 and inserting “(g), or (h)”; and

19 (B) by adding at the end the following new
20 subsection:

21 “(h) In any case in which the Secretary determines
22 that a veteran has been prevented from participating in
23 a vocational rehabilitation program under this chapter
24 within the twelve-year period of eligibility prescribed in

1 subsection (a) due to an emergency situation, such twelve-
2 year period—

3 “(1) shall not run during the period the indi-
4 vidual is so prevented from participating such pro-
5 gram; and

6 “(2) shall again begin running on the first day
7 after the individual is able to resume participation in
8 such program.”.

9 (2) DURATION OF PROGRAM.—Section 3105(b)
10 of such title is amended—

11 (A) in paragraph (1), by striking “para-
12 graph (2)” and inserting “paragraphs (2) and
13 (3)”; and

14 (B) by adding at the end the following new
15 paragraph:

16 “(3)(A) In any case in which the Secretary deter-
17 mines that a veteran has been prevented from partici-
18 pating in counseling and placement and postplacement
19 services described in section 3104(a)(2) and (5) of this
20 title due to an emergency situation, the Secretary shall
21 extend the period during which the Secretary may provide
22 such counseling and placement and postplacement services
23 for the veteran for a period equal to the number of months
24 that the veteran was so prevented from participating in

1 such counseling and services, as determined by the Sec-
2 retary.

3 “(B) In any case in which the Secretary determines
4 that a veteran has been prevented from participating in
5 a vocational rehabilitation program under this chapter due
6 to an emergency situation, the Secretary shall extend the
7 period of the veteran’s vocational rehabilitation program
8 for a period equal to the number of months that the vet-
9 eran was so prevented from participating in the vocational
10 rehabilitation program, as determined by the Secretary.”.

11 (d) EDUCATIONAL ASSISTANCE FOR MEMBERS OF
12 THE SELECTED RESERVE.—Section 16133(b) of title 10,
13 United States Code, is amended by adding at the end the
14 following new paragraph:

15 “(5) In any case in which the Secretary con-
16 cerned determines that a person entitled to edu-
17 cational assistance under this chapter has been pre-
18 vented from using such person’s entitlement due to
19 an emergency situation, the Secretary concerned
20 shall extend the period of entitlement prescribed in
21 subsection (a) for a period equal to the number of
22 months that the person was so prevented from using
23 such entitlement, as determined by the Secretary.”.

24 (e) EMERGENCY SITUATION DEFINED.—

1 (1) POST-9/11 EDUCATIONAL ASSISTANCE PRO-
2 GRAM.—Section 3301 of title 38, United States
3 Code, is amended by adding at the end the following
4 new paragraph:

5 “(5) The term ‘emergency situation’ has the
6 meaning given such term in section 3601 of this
7 title.”.

8 (2) MGIB.—Section 3002 of such title is
9 amended by adding at the end the following new
10 paragraph:

11 “(9) The term ‘emergency situation’ has the
12 meaning given such term in section 3601 of this
13 title.”.

14 (3) VOCATIONAL REHABILITATION AND TRAIN-
15 ING.—Section 3101 of such title is amended by add-
16 ing at the end the following new paragraph:

17 “(10) The term ‘emergency situation’ has the
18 meaning given such term in section 3601 of this
19 title.”.

20 (4) EDUCATIONAL ASSISTANCE FOR MEMBERS
21 OF THE SELECTED RESERVE.—Section 16133 of
22 title 10, United States Code, is amended by adding
23 at the end the following new subsection:

24 “(c) The term ‘emergency situation’ has the meaning
25 given such term in section 3601 of title 38.”.

1 (f) CONFORMING REPEAL.—Section 6 of the Student
2 Veteran Coronavirus Response Act of 2020 (Public Law
3 116–140) is repealed.

4 **SEC. 4. EXTENSION OF PAYMENT OF VOCATIONAL REHA-**
5 **BILITATION SUBSISTENCE ALLOWANCES.**

6 (a) IN GENERAL.—Section 3104 of title 38, United
7 States Code, is amended by adding at the end the fol-
8 lowing new subsection:

9 “(e) In the case of any veteran whom the Secretary
10 of Veterans Affairs determines is satisfactorily following
11 a program of employment services provided under sub-
12 section (a)(5) during the period of an emergency situation,
13 the Secretary may pay the veteran a subsistence allow-
14 ance, as prescribed in section 3108 of this title for full-
15 time training for the type of program that the veteran was
16 pursuing, for two additional months, if the Secretary de-
17 termines that the veteran is negatively affected by the
18 emergency situation.”.

19 (b) CONFORMING REPEAL.—Section 8 of the Student
20 Veteran Coronavirus Response Act of 2020 (Public Law
21 116–140) is repealed.

1 **SEC. 5. PAYMENT OF WORK-STUDY ALLOWANCES DURING**
2 **EMERGENCY SITUATIONS.**

3 (a) IN GENERAL.—Section 3485 of title 38, United
4 States Code, is amended by adding at the end the fol-
5 lowing new subsection:

6 “(f)(1) In case of an individual who is in receipt of
7 work-study allowance pursuant to an agreement described
8 in subsection (a)(3) as of the date on which an emergency
9 situation occurs and who is unable to continue to perform
10 qualifying work-study activities described in subsection
11 (a)(4) by reason of the emergency situation—

12 “(A) the Secretary may continue to pay work-
13 study allowance under this section or make deduc-
14 tions described in subsection (e)(1) during the pe-
15 riod of such emergency situation, notwithstanding
16 the inability of the individual to perform such work-
17 study activities by reason of such emergency situa-
18 tion; and

19 “(B) at the option of the individual, the Sec-
20 retary shall extend the agreement described in sub-
21 section (a)(3) with the individual for any subsequent
22 period of enrollment initiated during the emergency
23 situation, notwithstanding the inability of the indi-
24 vidual to perform work-study activities described in
25 subsection (a)(4) by reason of such emergency situa-
26 tion.

1 “(2) The amount of work-study allowance payable to
2 an individual under paragraph (1)(A) during the period
3 of an emergency situation shall be an amount determined
4 by the Secretary but may not exceed the amount that
5 would be payable under subsection (a)(2) if the individual
6 worked 25 hours per week paid during such period.

7 “(3) The term ‘emergency situation’ has the meaning
8 given that term in section 3601 of this title.”.

9 (b) CONFORMING REPEAL.—Section 3 of the Student
10 Veteran Coronavirus Response Act of 2020 (Public Law
11 116–140) is repealed.

12 **SEC. 6. PAYMENT OF ALLOWANCES TO VETERANS EN-**
13 **ROLLED IN EDUCATIONAL INSTITUTIONS**
14 **CLOSED FOR EMERGENCY SITUATIONS.**

15 (a) IN GENERAL.—Section 3680 of title 38, United
16 States Code, is amended by adding at the end the fol-
17 lowing new subsection:

18 “(h) PAYMENTS DURING EMERGENCY SITUA-
19 TIONS.—(1) The Secretary may pay allowances to an eligi-
20 ble veteran or eligible person under subsection (a)(2)(A),
21 if the veteran or person is enrolled in a program or course
22 of education that—

23 “(A) is provided by an educational institution
24 or training establishment that is closed by reason of
25 an emergency situation; or

1 “(B) is suspended by reason of an emergency
2 situation.

3 “(2) The total number of weeks for which allowances
4 may be paid by reason of this subsection may not exceed
5 four weeks.

6 “(3) Any amount paid under this subsection shall not
7 be counted for purposes of the limitation on allowances
8 under subsection (a)(2)(A).”.

9 (b) CONFORMING REPEAL.—Section 4 of the Student
10 Veteran Coronavirus Response Act of 2020 (Public Law
11 116–140) is repealed.

12 **SEC. 7. APPRENTICESHIP OR ON-JOB TRAINING REQUIRE-**
13 **MENTS.**

14 (a) IN GENERAL.—Section 3687(e) of title 38,
15 United States Code, is amended by striking paragraph (2)
16 and inserting the following new paragraph (2):

17 “(2)(A) Subject to subparagraphs (B) and (C), for
18 any month in which an individual fails to complete 120
19 hours of training, the entitlement otherwise chargeable
20 under paragraph (1) shall be reduced in the same propor-
21 tion as the monthly training assistance allowance payable
22 is reduced under subsection (b)(3).

23 “(B) In the case of an individual who is unemployed
24 by reason of an emergency situation during any month,
25 the 120-hour requirement under subparagraph (A) for

1 that month shall be reduced proportionately to reflect the
2 individual's period of unemployment, except that the
3 amount of monthly training assistance otherwise payable
4 to the individual under subsection (b)(3) shall not be re-
5 duced.

6 “(C) Any period during which an individual is unem-
7 ployed by reason of an emergency situation shall not—

8 “(i) be charged against any entitlement to edu-
9 cational assistance of the individual; or

10 “(ii) be counted against the aggregate period
11 for which section 3695 of this title limits the receipt
12 of educational assistance by such individual.

13 “(D) Any amount by which the entitlement of an in-
14 dividual is reduced under subparagraph (A) shall not—

15 “(i) be charged against any entitlement to edu-
16 cational assistance of the individual; or

17 “(ii) be counted against the aggregate period
18 for which section 3695 of this title limits the receipt
19 of educational assistance by such individual.

20 “(E) In the case of an individual who fails to com-
21 plete 120 hours of training during a month, but who com-
22 pleted more than 120 hours of training during the pre-
23 ceding month, the individual may apply the number of
24 hours in excess of 120 that the individual completed for
25 that month to the month for which the individual failed

1 to complete 120 hours. If the addition of such excess hours
2 results in a total of 120 hours or more, the individual shall
3 be treated as an individual who has completed 120 hours
4 of training for that month. Any excess hours applied to
5 a different month under this subparagraph may only be
6 applied to one such month.

7 “(F) This paragraph applies to amounts described in
8 section 3313(g)(3)(B)(iv) and section 3032(c)(2) of this
9 title and section 16131(d)(2) of title 10.

10 “(G) In this paragraph:

11 “(i) The term ‘unemployed’ includes being fur-
12 loughed or being scheduled to work zero hours.

13 “(ii) The term ‘fails to complete 120 hours of
14 training’ means, with respect to an individual, that
15 during any month, the individual completes at least
16 one hour, but fewer than 120 hours, of training, in-
17 cluding in a case in which the individual is unem-
18 ployed for part of, but not the whole, month.”.

19 (b) CONFORMING REPEAL.—Section 1106 of the
20 Johnny Isakson and David P. Roe, M.D. Veterans Health
21 Care and Benefits Improvement Act of 2020 (Public Law
22 116–315) is repealed.

1 **SEC. 8. PROHIBITION OF CHARGE TO ENTITLEMENT OF**
2 **STUDENTS UNABLE TO PURSUE A PROGRAM**
3 **OF EDUCATION DUE TO AN EMERGENCY SIT-**
4 **UATION.**

5 (a) **PERMANENT APPLICABILITY.**—Section
6 3699(b)(1) of title 38, United States Code, is amended—

7 (1) in subparagraph (A), by striking “or” at
8 the end;

9 (2) in subparagraph (B)(ii), by striking “and”
10 at the end and inserting “or” ; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(C) the temporary closure of an edu-
14 cational institution or training establishment or
15 the temporary closure or termination of a
16 course or program of education by reason of an
17 emergency situation; and”.

18 (b) **CONFORMING REPEAL.**—Section 5 of the Student
19 Veteran Coronavirus Response Act of 2020 (Public Law
20 116–140) is repealed.

21 **SEC. 9. DETERMINATIONS RELATING TO PERCENTAGE OF**
22 **STUDENTS OF EDUCATIONAL INSTITUTION**
23 **WHO RECEIVE EDUCATIONAL ASSISTANCE BY**
24 **DEPARTMENT OF VETERANS AFFAIRS.**

25 (a) **IN GENERAL.**—Subsection (d) of section 3680A
26 is amended to read as follows:

1 “(d)(1) The Secretary shall not approve the enroll-
2 ment of any eligible veteran, not already enrolled, in any
3 course for any period during which the Secretary finds
4 that more than 85 percent of the students enrolled in the
5 course are having all or part of their tuition, fees, or other
6 charges paid to or for them by the educational institution
7 or by the Department of Veterans Affairs under this title
8 or under chapter 1606 of title 10, except with respect to
9 tuition, fees, or other charges that are paid under a pay-
10 ment plan at an educational institution that the Secretary
11 determines has a history of offering payment plans that
12 are completed not later than 180 days after the end of
13 the applicable term, quarter, or semester.

14 “(2) The Secretary may waive the requirements
15 of paragraph (1), in whole or in part, if the Sec-
16 retary determines, pursuant to regulations which the
17 Secretary shall prescribe, it to be in the interest of
18 the eligible veteran and the Federal Government.

19 “(3)(A) The Secretary shall establish a process
20 by which an educational institution may request a
21 review of a determination that the educational insti-
22 tution does not meet the requirements of paragraph
23 (1).

24 “(B) An educational institution that re-
25 quests a review under subparagraph (A)—

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

6 “(ii) may include any information that
7 the educational institution believes the De-
8 partment should have taken into account
9 when making the determination, including
10 with respect to any mitigating cir-
11 cumstances.

12 “(C) The Under Secretary of Benefits
13 shall issue an initial decision for each review re-
14 quested under subparagraph (A) by not later
15 than 30 days after the date of the request, to
16 the extent feasible.

17 “(D) An educational institution may re-
18 quest the Secretary to review the decision by
19 the Under Secretary under subparagraph (C).
20 The Secretary shall review each decision so re-
21 quested and, pursuant to such review, shall
22 issue a final decision sustaining, modifying, or
23 overturning the decision by the Under Sec-
24 retary.

1 “(E) The Secretary shall carry out this
2 paragraph without regard to any review process
3 carried out by the Secretary under chapter 51
4 of this title.

5 “(4) Paragraph (1) shall not apply to any
6 course offered by an educational institution if—

7 “(A) the majority of courses offered by the
8 educational institution are approved under sec-
9 tion 3672 or 3675 of this title; and

10 “(B) the total number of veterans and per-
11 sons receiving assistance under this title or
12 under chapter 1606 of title 10 who are enrolled
13 in such institution equals 35 percent or less of
14 the total student enrollment at such institution
15 (computed separately for the main campus and
16 any branch or extension of such institution).

17 “(5)(A) Paragraph (1) shall not apply to any
18 course offered by an educational institution if—

19 “(i) the majority of courses offered by
20 the educational institution are approved
21 under section 3676 of this title; and

22 “(ii) the total number of veterans and
23 persons receiving assistance under this title
24 or under chapter 1606 of title 10 who are
25 enrolled in such institution equals 35 per-

1 cent or less of the total student enrollment
2 at such institution (computed separately
3 for the main campus and any branch or
4 extension of such institution).

5 “(B) Notwithstanding subparagraph (A),
6 on a case by case basis, the Secretary may
7 apply paragraph (1) with respect to any course
8 otherwise covered by such subparagraph if the
9 Secretary has reason to believe that the enroll-
10 ment of veterans and persons described in
11 clause (ii) of such subparagraph may be in ex-
12 cess of 85 percent of the total student enroll-
13 ment in such course.

14 “(6) The Secretary shall ensure that an edu-
15 cational institution that meets the requirements of
16 paragraph (4) or (5) submits information to the Sec-
17 retary on a biennial basis to verify meeting such re-
18 quirements. During such biennial period in which an
19 educational institution is covered by such
20 verification, the Secretary may not require the edu-
21 cational institution to submit information with re-
22 spect to meeting the requirements of paragraph (1).

23 “(7) Paragraph (1) shall not apply with respect
24 to the enrollment of a veteran—

1 (2) by striking “The Secretary” and inserting
2 “(1) Except as provided in paragraph (2), the Sec-
3 retary”; and

4 (3) by adding at the end the following new
5 paragraph:

6 “(2)(A) In the case of a covered study-abroad course,
7 the Secretary may approve the course for a period of not
8 more than five years, if the contract or other written
9 agreement under which the course is offered provides
10 that—

11 “(i) the educational institution that offers a
12 course that is approved under this chapter agrees
13 to—

14 “(I) assume responsibility for the quality
15 and content of the covered study-abroad course;
16 and

17 “(II) serve as the certifying official for the
18 course for purposes of this chapter; and

19 “(ii) the educational institution that offers the
20 covered study-abroad course agrees to seek the ap-
21 proval of the course under this chapter by not later
22 than five years after the date of the agreement.

23 “(B) In this paragraph, the term ‘covered study-
24 abroad course’ means a course that—

1 “(i) is provided as a part of a program of edu-
2 cation offered by an educational institution under a
3 contract or other written agreement by another edu-
4 cational institution that offers a course that is ap-
5 proved under this chapter;

6 “(ii) is provided at a location in a foreign coun-
7 try; and

8 “(iii) has not been approved under this chap-
9 ter.”.

10 (b) TREATMENT OF CERTAIN COURSES.—In the case
11 of any covered study-abroad course, under the meaning
12 given such term in subparagraph (B) of paragraph (2) of
13 subsection (f) of section 3680A of title 38, United States
14 Code, as added by subsection (a), that is being offered
15 under a contract or other written agreement as of the date
16 of the enactment of this Act, the Secretary of Veterans
17 Affairs may approve such course under such paragraph
18 (2) for the five-year period beginning on the date of the
19 enactment of this Act, if such contract or other written
20 agreement meets the criteria provided in subparagraph
21 (A) of such paragraph.

1 **SEC. 11. ELIGIBILITY FOR EDUCATIONAL ASSISTANCE**
2 **UNDER DEPARTMENT OF VETERANS AFFAIRS**
3 **POST-9/11 EDUCATIONAL ASSISTANCE PRO-**
4 **GRAM OF CERTAIN INDIVIDUALS WHO RE-**
5 **CEIVE SOLE SURVIVORSHIP DISCHARGES.**

6 (a) **SHORT TITLE.**—This section may be cited as the
7 “Sgt. Wolf Kyle Weninger Veterans Education Fairness
8 Act of 2022”.

9 (b) **ELIGIBILITY.**—Subsection (b)(2) of section 3311
10 of title 38, United States Code, is amended—

11 (1) in the matter preceding subparagraph (A),
12 by striking “who”;

13 (2) by redesignating subparagraphs (A) and
14 (B) as clauses (i) and (ii);

15 (3) by inserting before clause (i), as so redesign-
16 nated, the following new subparagraph (A):

17 “(A) who—”;

18 (4) in clause (ii), as so redesignated—

19 (A) by striking “subparagraph (A)” and
20 inserting “clause (i)”; and

21 (B) by striking the period and inserting
22 “or by reason of a sole survivorship discharge
23 (as that term is defined in section 1174(i) of
24 title 10); or”; and

25 (5) by adding at the end the following new sub-
26 paragraph (B):

1 “(B) who—

2 “(i) commencing on or after Sep-
3 tember 11, 2001, completes at least 30
4 continuous days of service described in
5 subsection (d) (1) or (2); and

6 “(ii) after completion of service de-
7 scribed in clause (i), is discharged or re-
8 leased by reason of a sole survivorship dis-
9 charge (as that term is defined in section
10 1174(i) of title 10).”.

11 (c) CONFORMING AMENDMENT.—Subsection (d) of
12 such section is amended by striking “The following” and
13 inserting “Except as provided in subsection (b)(2)(B), the
14 following”.

15 **SEC. 12. UNIFORM APPLICATION FOR DEPARTMENT OF**
16 **VETERANS AFFAIRS APPROVAL OF COURSES**
17 **OF EDUCATION.**

18 (a) IN GENERAL.—Subchapter I of chapter 36 of title
19 38, United States Code, is amended by inserting after sec-
20 tion 3672 the following new section:

21 **“§ 3672A. Uniform application**

22 “(a) IN GENERAL.—(1) The Secretary, in partner-
23 ship with State approving agencies, educational institu-
24 tions, and training establishments, shall require the use
25 of a uniform application by any educational institution or

1 training establishment seeking the approval of a new
2 course of education under this chapter.

3 “(2) The Secretary shall maintain one uniform appli-
4 cation for institutions of higher learning and one such ap-
5 plication for other educational institutions and training es-
6 tablishments.

7 “(3) In the case of any State that uses approval cri-
8 teria not covered by a uniform application under this sec-
9 tion, the State approving agency for that State shall re-
10 quire the use of the uniform application and may require
11 the submittal of additional information.

12 “(b) REQUIREMENTS.—The uniform application re-
13 quired under subsection (a) shall meet the following re-
14 quirements:

15 “(1) A requirement that the appropriate execu-
16 tive of the educational institution or training estab-
17 lishment seeking the approval of a course of edu-
18 cation attests on behalf of the educational institution
19 or training establishment that the educational insti-
20 tution or training establishment—

21 “(A) is in compliance with all applicable
22 laws and regulations relating to the approval of
23 courses of education under this chapter; and

24 “(B) during the five-year period preceding
25 the date of the application—

1 “(i) has not been subject to, or been
2 party to a contract with any individual or
3 entity that has been subject to, any ad-
4 verse administrative or judicial action
5 that—

6 “(I) related to the instruction or
7 training, including with respect to the
8 quality of education, provided by the
9 institution or establishment; and

10 “(II) resulted in a fine or penalty
11 in an amount equal to or more than
12 five percent of the amount of funding
13 provided to the institution or estab-
14 lishment under title IV of the Higher
15 Education Act of 1965 for the fiscal
16 year preceding the year in which the
17 application is submitted; or

18 “(ii) has not employed an individual,
19 or been party to a contract with any indi-
20 vidual or entity, that has been convicted of
21 a Federal fraud charge related to the in-
22 struction or training provided by the insti-
23 tution or establishment.

24 “(2) In the case of any educational institution
25 or training establishment that is not participating in

1 title IV of the Higher Education Act of 1965, a re-
2 quirement for the inclusion of—

3 “(A) a copy of—

4 “(i) the articles of incorporation filed
5 on behalf of the institution or establish-
6 ment or proof of licensing to operate as an
7 educational institution or training estab-
8 lishment in the State where the institution
9 or establishment is located; and

10 “(ii) the financial position of the insti-
11 tution or establishment, as prepared by an
12 appropriate third-party entity; or

13 “(B) other adequate evidence, as deter-
14 mined by the Secretary, that the institution or
15 establishment is authorized to provide post-sec-
16 ondary education or training in the State where
17 the institution or establishment is located.

18 “(3) In the case of any course of education that
19 is offered by an educational institution or training
20 establishment that has never offered a course of edu-
21 cation that was approved under this chapter, a re-
22 quirement for the inclusion of information about the
23 course of education covered by the application, in-
24 cluding—

1 “(A) the number of students who have en-
2 tered and graduated from the course during the
3 preceding two-year period; and

4 “(B) if available, the cohort default rate
5 for funds provided to the institution or estab-
6 lishment under title IV of the Higher Education
7 Act of 1965.

8 “(4) In the case of any educational institution
9 or training establishment that is not an institution
10 of higher learning, a requirement for the inclusion
11 of—

12 “(A) a list of individuals who will serve as
13 fully qualified instructors for the course of edu-
14 cation, as of the date of the application, and an
15 attestation that such individuals—

16 “(i) have a degree or other training,
17 as appropriate, in the field of the course;

18 “(ii) effectively teach the skills offered
19 under the course; and

20 “(iii) have demonstrated relevant in-
21 dustry experience in the field of the course;
22 and

23 “(B) a list of individuals who will serve as
24 career services employees for students enrolled
25 in the course and an attestation that such indi-

1 viduals are skilled at identifying professions in
2 the relevant industry that are in need of new
3 employees to hire, tailoring the course of edu-
4 cation to meet market needs, and identifying
5 the employers likely to hire graduates.

6 “(c) REQUIREMENTS FOR STATE APPROVING AGEN-
7 CIES.—During the approval process with respect to a uni-
8 form application submitted by an educational institution
9 or training establishment, a State approving agency, or
10 the Secretary when acting in the role of a State approving
11 agency, shall contact the Secretary of Education to deter-
12 mine whether the course of education subject to such ap-
13 proval process has withdrawn, or been denied or sus-
14 pended, from receiving for benefits under title IV of the
15 Higher Education Act of 1965.

16 “(d) APPROPRIATE EXECUTIVE.—In this section, the
17 appropriate executive of an educational institution or
18 training establishment is a senior executive official, senior
19 administrator, owner, or operator designated by the insti-
20 tution or establishment.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by inserting
23 after the item relating to section 3672 the following new
24 item:

“3672A. Uniform application.”.

1 (c) APPLICABILITY.—The application required by
2 section 3672A of title 38, United States Code, as added
3 by subsection (a), shall—

4 (1) be developed by not later than October 1,
5 2023; and

6 (2) be required for the approval of any new
7 course of education proposed on or after that day.

8 **SEC. 13. NOTICE REQUIREMENTS FOR DEPARTMENT OF**
9 **VETERANS AFFAIRS EDUCATION SURVEYS.**

10 (a) RISK-BASED SURVEY.—Section 3673A of title 38,
11 United States Code, is amended by adding at the end the
12 following new subsection:

13 “(d) NOTICE.—To the maximum amount feasible, the
14 Secretary, or a State approving agency, as applicable,
15 shall provide not more than one business day of notice
16 to an educational institution before conducting a targeted
17 risk-based survey of the institution under this section.”.

18 (b) COMPLIANCE SURVEYS.—Section 3693 of title
19 38, United States Code, is amended—

20 (1) by redesignating subsection (c) as sub-
21 section (d); and

22 (2) by inserting after subsection (b) the fol-
23 lowing new subsection (c):

24 “(c) To the maximum extent feasible, the Secretary,
25 or a State approving agency, as applicable, shall provide

1 not more than ten business days of notice to an edu-
2 cational institution or training establishment before con-
3 ducting a compliance survey of the institution or establish-
4 ment under this section.”.

5 **SEC. 14. EXCEPTION TO REQUIREMENT TO SUBMIT**
6 **VERIFICATION OF ENROLLMENT OF CERTAIN**
7 **INDIVIDUALS.**

8 Section 3313(l) of title 38, United States Code, is
9 amended—

10 (1) in paragraph (1), by striking “The Sec-
11 retary” and inserting “Except as provided in para-
12 graph (4), the Secretary”; and

13 (2) by striking paragraph (4) and inserting the
14 following new paragraph (4)

15 “(4) EXCEPTION.—An educational institution is
16 not required to submit verification of an individual
17 under paragraph (1)(A) if—

18 “(A) the individual is enrolled in a course
19 or program of education offered by the edu-
20 cational institution on at least a full-time basis
21 before the date on which the individual is able
22 to withdraw from the course or program of edu-
23 cation without penalty;

24 “(B) the educational institution charges
25 the same amount of tuition and fees for stu-

1 dents who are enrolled on a full-time basis and
2 students who are enrolled on a more-than-full-
3 time basis; and

4 “(C) the individual remains enrolled in the
5 course or program of education after the date
6 on which the individual is able to withdraw
7 from the course or program of education with-
8 out penalty.”.

9 **SEC. 15. POSSIBLE DEFINITIONS OF CERTAIN TERMS RE-**
10 **LATING TO EDUCATIONAL ASSISTANCE.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Secretary of Veterans Affairs shall
13 submit to the Committees on Veterans’ Affairs of the Sen-
14 ate and House of Representatives a report containing pos-
15 sible definitions of the Secretary for each of the following
16 terms:

- 17 (1) Student services.
18 (2) Marketing.
19 (3) Classroom instruction.

20 **SEC. 16. DEPARTMENT OF VETERANS AFFAIRS LOAN FEES.**

21 The loan fee table in section 3729(b)(2) of title 38,
22 United States Code, is amended by striking “January 14,
23 2031” each place it appears and inserting “January 19,
24 2031”.

