Suspend the Rules and Pass the Bill, H.R. 1767, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
2D SESSION

H. R. 1767

To amend title 38, United States Code, to provide that educational assistance paid under Department of Veterans Affairs educational assistance programs to an individual who pursued a program or course of education that was suspended or terminated for certain reasons shall not be charged against the entitlement of the individual, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. RAMIREZ (for herself and Mr. LEVIN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide that educational assistance paid under Department of Veterans Affairs educational assistance programs to an individual who pursued a program or course of education that was suspended or terminated for certain reasons shall not be charged against the entitlement of the individual, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Student Veteran Benefit Restoration Act”.

SEC. 2. TREATMENT BY DEPARTMENT OF VETERANS AFFAIRS OF EDUCATIONAL INSTITUTIONS THAT VIOLATE CERTAIN PROHIBITIONS ON ADVERTISING, SALES, AND ENROLLMENT PRACTICES.

(a) RESTORATION OF ENTITLEMENT.—Section 3696 of title 38, United States Code, is amended—

(1) by redesignating subsections (i) through (l) as subsections (j) through (m), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) RESTORATION OF ENTITLEMENT.—Upon a final determination by the Under Secretary for Benefits under subsection (g), including the results of any appeal under subsection (i), that an educational institution or the owner of an educational institution violated subsection (a), (c), or (d), the Secretary may determine that any payment of educational assistance to an individual who used, or was enticed to use, entitlement to educational assistance under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, to pursue a course or program of education at such educational institution during the time period when the violation occurred, and who, by reason of
such violation, was unable to continue such course or pro-
gram at such educational institution or was deprived (in
the determination of the Secretary) of the expected value
of such used entitlement, is not—

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

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

(b) REPAYMENT OF FUNDS.—

(1) IN GENERAL.—Subsection (h) of such sec-
tion is amended—

(A) in paragraph (4), by striking “sub-
section (i)” and inserting “subsection (j)”; and

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

“(5)(A) In addition to any other enforcement action
taken under this subsection, upon a final determination
by the Under Secretary for Benefits under subsection (g)
that an educational institution or the owner of an edu-
cational institution violated subsection (a) or (c), the Sec-
retary shall require the educational institution to repay to
the Secretary all amounts of educational assistance under
chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606
or 1607 of title 10, paid to the educational institution by
or on behalf of an individual who pursued a course or program of education at the educational institution during the time period when the violation occurred.

“(B) As a condition of the approval of a course or program of education under this chapter, the educational institution offering the course or program shall agree that if Under Secretary of Benefits makes a final determination under subsection (g) that the educational institution or the owner of the educational institution violated subsection (a) or (c), the educational institution shall make the repayment required under subparagraph (A).

“(C) The Under Secretary shall establish a process for making a determination regarding the amount an educational institution or an owner of an educational institution is required to repay under subparagraph (A) in the case of a violation of subsection (a) or (c). Such process shall include—

“(i) clearly defined factors to be used to determine the amount attributable to the violation, including the degree to which individuals enrolled in a program of education offered by the educational institution using entitlement to educational assistance under chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 or 1607 of title 10 suffered a loss due to the violation;
“(ii) a requirement that the Under Secretary provide notice to the educational institution or the owner of the educational institution that the Under Secretary is in the process of making such a determination with respect to the educational institution or owner; and

“(iii) a procedure under which the educational institution or owner may provide such information to the Under Secretary as the educational institution or owner determines appropriate within a specified period of time outlined by the Secretary for purposes of informing such determination.

“(D) A determination made pursuant to subparagraph (C) shall be—

“(i) made by the Under Secretary and may not be delegated; and

“(ii) subject to review under section 7104(a) of this title.”.

(2) DISAPPROVAL.—Section 3679 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(g) Notwithstanding any other provision of this chapter, in the case of an educational institution that the Secretary determines is required to repay to the Secretary an amount under section 3696(h)(5) of this title and does
not repay such amount, the Secretary shall disapprove a
course or program of education offered by the educational
institution until the educational institution repays to the
Secretary such amount.”.

(3) REINSTATEMENT.—Paragraph (2) of sub-
section (k) of section 3696, as redesignated by sub-
section (a)(1), is amended—

(A) in subparagraph (E)—

(i) by striking “that”; and

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (F) as

      subparagraph (G); and

(C) by inserting after subparagraph (E)

      the following new subparagraph (F):

“(F) the educational institution repays any

amount required to be repaid under subsection

(h)(5); and”.

SEC. 3. MODIFICATION OF CERTAIN HOUSING LOAN FEES.

The loan fee table in section 3729(b)(2) of title 38,
United States Code, is amended by striking “November
15, 2031” each place it appears and inserting “November
29, 2031”.