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 “Student Veteran Emergency Relief Act of 2022”.

3 (b) Table of Contents.—The table of contents for 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.
SEC. 2. EDUCATIONAL ASSISTANCE BENEFITS DURING EMERGENCY SITUATIONS.

(a) In General.—Chapter 36 of title 38, United States Code, is amended—

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

(2) by inserting before subchapter II, as so redesignated, the following new subchapter:"

"SUBCHAPTER I—EMERGENCY SITUATIONS

§3601. Definition of emergency situation

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

“(1) the President declares is an emergency;

and

“(2) the Secretary determines is an emergency for purposes of the laws administered by the Secretary.

§3602. Continuation of educational assistance benefits during emergency situations

“(a) Authority.—If the Secretary determines under subsection (c) that an individual is negatively affected by an emergency situation, the Secretary may provide educational assistance to that individual under the laws administered by the Secretary as if such negative effects did not occur. The authority under this section is in addition to the other authorities of the Secretary to provide benefits
in emergency situations, but in no case may the Secretary
provide more than a total of four weeks of additional edu-
cational assistance by reason of any other such authority
and this section.

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

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

“(2) continue to pay payments or subsistence
allowances under chapters 30, 31, 32, 33, and 35 of
this title and chapter 1606 of title 10 during a
month for a period of time that the individual would
have been enrolled in a program of education or
training but for the emergency situation, except that
the total number of weeks for which payments or al-
lowances may continue to be so payable may not exceed four weeks.

“(c) DETERMINATION OF NEGATIVE EFFECTS.—The Secretary shall determine that an individual was negatively affected by an emergency situation if—

“(1) the individual is enrolled in a covered program of education of an educational institution or enrolled in training at a training establishment and is pursuing such program or training using educational assistance under the laws administered by the Secretary;

“(2) the educational institution or training establishment certifies to the Secretary that such program or training is truncated, delayed, relocated, canceled, partially canceled, converted from being on-site to being offered by distance learning, or otherwise modified or made unavailable by reason of the emergency situation; and

“(3) the Secretary determines that the modification to such program or training specified under paragraph (2) would reduce the amount of educational assistance (including with respect to monthly housing stipends, payments, or subsistence allowances) that would be payable to the individual but for the emergency situation.
“(d) Effect on Entitlement Period.—If the Secretary determines that an individual who received assistance under this section did not make progress toward the completion of the program of education in which the individual is enrolled during the period for which the individual received such assistance, any assistance provided pursuant to this section shall not be counted for purposes of determining the total amount of an individual’s entitlement to educational assistance, housing stipends, or payments or subsistence allowances under chapters 30, 31, 32, and 35 of this title and chapter 1606 of title 10.

“§ 3603. Continuation of educational assistance benefits for certain programs of education converted to distance learning by reason of emergency situations

“In the case of a program of education approved by a State approving agency, or the Secretary when acting in the role of a State approving agency, that is converted from being offered on-site at an educational institution or training establishment to being offered by distance learning by reason of an emergency or health-related situation, as determined by the Secretary, the Secretary may continue to provide educational assistance under the laws administered by the Secretary without regard to such conversion, including with respect to paying any—
“(1) monthly housing stipends under chapter 33 of this title; or

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

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

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

“(1) be charged against any entitlement to educational assistance of the individual concerned; or

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

“(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Subject to subsection (d), the payment of educational assistance described in this subsection is the payment of such assistance to an individual for pursuit of a course or program of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 of title 10, if the Secretary determines that the individual—
“(1) was unable to complete such course or program as a result of—

“(A) the closure of the educational institution, or the full or partial cancellation of a course or program of education, by reason of an emergency situation; or

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

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

“(c) HOUSING ASSISTANCE.—In this section, educational assistance includes, as applicable—

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

“(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of this title and chapter 1606 of title 10 during a month the individual would have been enrolled in a course or program of education.
“(d) PERIOD NOT CHARGED.—The period for which, by reason of this section, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of—

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

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

“(e) CONTINUING PURSUIT OF DISAPPROVED COURSES.—(1) The Secretary may treat a course of education that is disapproved under this chapter as being approved under this chapter with respect to an individual described in paragraph (2) if the Secretary determines, on a programmatic basis, that—

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

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

“(2) An individual described in this paragraph is an individual who is pursuing a course of education at an educational institution under chapter 30, 31, 32, 33, or
35 of this title or chapter 1606 of title 10, as of the date
on which the course is disapproved as described in sub-
section (b)(1)(B).

“(f) Status as Full-time Student for Pur-
poses of Housing Stipend Calculation.—In the case
of an individual who, as of the first day of an emergency
situation was enrolled on a full-time basis in a program
of education and was receiving educational assistance
under chapter 33 of this title or subsistence allowance
under chapter 31 of this title, and for whom the Secretary
makes a determination under subsection (b), the indi-
vidual shall be treated as an individual enrolled in a pro-
gram of education on a full-time basis for the purpose of
calculating monthly housing stipends payable under chap-
ter 33 of this title, or subsistence allowance payable under
chapter 31 of this title, for any month the individual is
enrolled in the program of education on a part-time basis
to complete any course of education that was partially or
fully canceled by reason of the emergency situation.

“(g) Notice of Closures.—Not later than 5 busi-
ness days after the date on which the Secretary receives
notice that an educational institution will close or is closed
by reason of an emergency situation, the Secretary shall
provide to each individual who is enrolled in a course or
program of education at such educational institution using
entitlement to educational assistance under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 of title 10 notice of—

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

“(2) the effect of such closure on the individual’s entitlement to educational assistance pursuant to this section.

§ 3605. Payment of educational assistance in cases of withdrawal

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

“(b) COVERED REASON.—In this section, the term ‘covered reason’ means any reason related to an emergency situation, including—

“(1) illness, quarantine, or social distancing requirements;

“(2) issues associated with accessibility;

“(3) access or availability of childcare;
“(4) providing care for a family member or co-
habitants;

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

“(6) employment changes or financial hardship;

and

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

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

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

“SUBCHAPTER III—MISCELLANEOUS PROVISIONS”.

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

“SUBCHAPTER II—STATE APPROVING AGENCIES”.

(3) by inserting before the item relating to sub-
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 emergency 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.”.

(c) CONFORMING REPEALS.—The following provi-
sions of law are repealed:
(1) Sections 1102, 1103, and 1104 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315).

(2) Public Law 116–128.

SEC. 3. EXTENSION OF TIME LIMITATIONS FOR USE OF ENTITLEMENT.

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

“(i) In the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual’s chosen program of education before the expiration of the 10-year period for the use of entitlement under this chapter otherwise applicable under this section because the educational institution or training establishment closed (temporarily or permanently) under an established policy based on an Executive order of the President or due to an emergency situation, such 10-year period—

“(1) shall not run during the period the individual is so prevented from pursuing such program; and

“(2) shall again begin running on the first day after the individual is able to resume pursuit of a
program of education with educational assistance under this chapter.”.

(b) Post-9/11 Educational Assistance.—

(1) In general.—Section 3321(b)(1) of such title is amended—

(A) by inserting “(A)” before “Subsections”; and

(B) by striking “and (d)” and inserting “(d), and (i)”; and by adding at the end the following new subparagraph:

“(B) Subsection (i) of section 3031 shall apply with respect to the running of the 15-year period described in paragraphs (4)(A) and (5)(A) of this subsection in the same manner as such subsection applies under section 3031 with respect to the running of the 10-year period described in section 3031(a).”.

(2) Transfer Period.—Section 3319(h)(5) of such title is amended—

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

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

“(C) Emergency Situations.—In any case in which the Secretary determines that an individual to whom entitlement is transferred
under this section has been prevented from pursu-
ing the individual’s chosen program of edu-
cation before the individual attains the age of 26 years because the educational institution or
training establishment closed (temporarily or
permanently) under an established policy based
on an Executive order of the President or due
to an emergency situation, the Secretary shall
extend the period during which the individual
may use such entitlement for a period equal to
the number of months that the individual was
so prevented from pursuing the program of
education, as determined by the Secretary.’’.

(e) VOCATIONAL REHABILITATION AND TRAINING.—

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

(A) in subsection (a), by striking ‘‘or (g)’’
and inserting ‘‘(g), or (h)’’; and

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

‘‘(h) In any case in which the Secretary determines
that a veteran has been prevented from participating in
a vocational rehabilitation program under this chapter
within the twelve-year period of eligibility prescribed in
subsection (a) due to an emergency situation, such twelve-year period—

“(1) shall not run during the period the individual is so prevented from participating such program; and

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

(2) Duration of Program.—Section 3105(b) of such title is amended—

(A) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

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

“(3)(A) In any case in which the Secretary determines that a veteran has been prevented from participating in counseling and placement and postplacement services described in section 3104(a)(2) and (5) of this title due to an emergency situation, the Secretary shall extend the period during which the Secretary may provide such counseling and placement and postplacement services for the veteran for a period equal to the number of months that the veteran was so prevented from participating in
such counseling and services, as determined by the Secretary.

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

(d) Educational Assistance for Members of the Selected Reserve.—Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) In any case in which the Secretary concerned determines that a person entitled to educational assistance under this chapter has been prevented from using such person’s entitlement due to an emergency situation, the Secretary concerned shall extend the period of entitlement prescribed in subsection (a) for a period equal to the number of months that the person was so prevented from using such entitlement, as determined by the Secretary.”.

(e) Emergency Situation Defined.—
(1) Post-9/11 Educational Assistance Program.—Section 3301 of title 38, United States Code, is amended by adding at the end the following new paragraph:

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

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

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

(3) Vocational Rehabilitation and Training.—Section 3101 of such title is amended by adding at the end the following new paragraph:

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

(4) Educational Assistance for Members of the Selected Reserve.—Section 16133 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) The term ‘emergency situation’ has the meaning given such term in section 3601 of title 38.”.
(f) **CONFORMING REPEAL.**—Section 6 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is repealed.

SEC. 4. EXTENSION OF PAYMENT OF VOCATIONAL REHABILITATION SUBSISTENCE ALLOWANCES.

(a) **IN GENERAL.**—Section 3104 of title 38, United States Code, is amended by adding at the end the following new subsection:

“\(e\) In the case of any veteran whom the Secretary of Veterans Affairs determines is satisfactorily following a program of employment services provided under subsection \((a)(5)\) during the period of an emergency situation, the Secretary may pay the veteran a subsistence allowance, as prescribed in section 3108 of this title for full-time training for the type of program that the veteran was pursuing, for two additional months, if the Secretary determines that the veteran is negatively affected by the emergency situation.”.

(b) **CONFORMING REPEAL.**—Section 8 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140) is repealed.
SEC. 5. PAYMENT OF WORK-STUDY ALLOWANCES DURING EMERGENCY SITUATIONS.

(a) In general.—Section 3485 of title 38, United States Code, is amended by adding at the end the following new subsection:

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

“(A) the Secretary may continue to pay work-study allowance under this section or make deductions described in subsection (e)(1) during the period of such emergency situation, notwithstanding the inability of the individual to perform such work-study activities by reason of such emergency situation; and

“(B) at the option of the individual, the Secretary shall extend the agreement described in subsection (a)(3) with the individual for any subsequent period of enrollment initiated during the emergency situation, notwithstanding the inability of the individual to perform work-study activities described in subsection (a)(4) by reason of such emergency situation.
“(2) The amount of work-study allowance payable to an individual under paragraph (1)(A) during the period of an emergency situation shall be an amount determined by the Secretary but may not exceed the amount that would be payable under subsection (a)(2) if the individual worked 25 hours per week paid during such period.

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

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

SEC. 6. PAYMENT OF ALLOWANCES TO VETERANS ENROLLED IN EDUCATIONAL INSTITUTIONS CLOSED FOR EMERGENCY SITUATIONS.

(a) IN GENERAL.—Section 3680 of title 38, United States Code, is amended by adding at the end the following new subsection:

““(h) PAYMENTS DURING EMERGENCY SITUATIONS.—(1) The Secretary may pay allowances to an eligible veteran or eligible person under subsection (a)(2)(A), if the veteran or person is enrolled in a program or course of education that—

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

“(B) is otherwise not provided by an educational institution or training establishment that is closed by reason of an emergency situation.”
“(B) is suspended by reason of an emergency situation.

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

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

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

SEC. 7. APPRENTICESHIP OR ON-JOB TRAINING REQUIREMENTS.

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

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

“(B) In the case of an individual who is unemployed by reason of an emergency situation during any month, the 120-hour requirement under subparagraph (A) for
that month shall be reduced proportionately to reflect the individual's period of unemployment, except that the amount of monthly training assistance otherwise payable to the individual under subsection (b)(3) shall not be reduced.

“(C) Any period during which an individual is unemployed by reason of an emergency situation shall not—

“(i) be charged against any entitlement to educational assistance of the individual; or

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

“(D) Any amount by which the entitlement of an individual is reduced under subparagraph (A) shall not—

“(i) be charged against any entitlement to educational assistance of the individual; or

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

“(E) In the case of an individual who fails to complete 120 hours of training during a month, but who completed more than 120 hours of training during the preceding month, the individual may apply the number of hours in excess of 120 that the individual completed for that month to the month for which the individual failed
to complete 120 hours. If the addition of such excess hours results in a total of 120 hours or more, the individual shall be treated as an individual who has completed 120 hours of training for that month. Any excess hours applied to a different month under this subparagraph may only be applied to one such month.

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

“(G) In this paragraph:

“(i) The term ‘unemployed’ includes being furloughed or being scheduled to work zero hours.

“(ii) The term ‘fails to complete 120 hours of training’ means, with respect to an individual, that during any month, the individual completes at least one hour, but fewer than 120 hours, of training, including in a case in which the individual is unemployed for part of, but not the whole, month.”.

(b) CONFORMING REPEAL.—Section 1106 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is repealed.
SEC. 8. PROHIBITION OF CHARGE TO ENTITLEMENT OF STUDENTS UNABLE TO PURSUE A PROGRAM OF EDUCATION DUE TO AN EMERGENCY SITUATION.

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

(1) in subparagraph (A), by striking “or” at the end;
(2) in subparagraph (B)(ii), by striking “and” at the end and inserting “or” ; and
(3) by adding at the end the following new subparagraph:

“(C) the temporary closure of an educational institution or training establishment or the temporary closure or termination of a course or program of education by reason of an emergency situation; and”.

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

SEC. 9. DETERMINATIONS RELATING TO PERCENTAGE OF STUDENTS OF EDUCATIONAL INSTITUTION WHO RECEIVE EDUCATIONAL ASSISTANCE BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subsection (d) of section 3680A is amended to read as follows:
“(d)(1) The Secretary shall not approve the enrollment of any eligible veteran, not already enrolled, in any course for any period during which the Secretary finds that more than 85 percent of the students enrolled in the course 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 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 the requirements of paragraph (1), in whole or in part, if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, it to be in the interest of the eligible veteran and the Federal Government.

“(3)(A) The Secretary shall establish 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).

“(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.

“(C) The Under Secretary of Benefits shall issue an initial decision for each review requested under subparagraph (A) by not later than 30 days after the date of the request, to the extent feasible.

“(D) An educational institution may request the Secretary to review the decision by the Under Secretary under subparagraph (C). The Secretary shall review each decision so requested and, pursuant to such review, shall issue a final decision sustaining, modifying, or overturning the decision by the Under Secretary.
“(E) The Secretary shall carry out this paragraph without regard to any review process carried out by the Secretary under chapter 51 of this title.

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

“(A) the majority of courses offered by the educational institution are approved under section 3672 or 3675 of this title; and

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

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

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

“(ii) the total number of veterans and persons receiving assistance under this title or under chapter 1606 of title 10 who are enrolled in such institution equals 35 per-
cent or less of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution).

“(B) Notwithstanding subparagraph (A), on a case by case basis, the Secretary may apply paragraph (1) with respect to any course otherwise covered by such subparagraph if the Secretary has reason to believe that the enrollment of veterans and persons described in clause (ii) of such subparagraph may be in excess of 85 percent of the total student enrollment in such course.

“(6) The Secretary shall ensure that an educational institution that meets the requirements of paragraph (4) or (5) submits information to the Secretary on a biennial basis to verify meeting such requirements. During such biennial period in which an educational institution is covered by such verification, the Secretary may not require the educational institution to submit information with respect to meeting the requirements of paragraph (1).

“(7) Paragraph (1) shall not apply with respect to the enrollment of a veteran—
“(A) in a program of education for which fewer than 10 students 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 of title 10;

“(B) in a course offered pursuant to section 3019, 3034(a)(3), 3234, or 3241(a)(2) of this title;

“(C) in a farm cooperative training course;

or

“(D) in a course described in subsection (g).”.

(b) Application.—The amendment made by subsection (a) shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after the date of the enactment of this Act.

SEC. 10. DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF CERTAIN STUDY-ABROAD PROGRAMS.

(a) In General.—Section 3680A(f) of title 38, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;
(2) by striking “The Secretary” and inserting
“(1) Except as provided in paragraph (2), the Sec-
retary”; and
(3) by adding at the end the following new
paragraph:
“(2)(A) In the case of a covered study-abroad course,
the Secretary may approve the course for a period of not
more than five years, if the contract or other written
agreement under which the course is offered provides
that—
“(i) the educational institution that offers a
course that is approved under this chapter agrees
to—
“(I) assume responsibility for the quality
and content of the covered study-abroad course;
and
“(II) serve as the certifying official for the
course for purposes of this chapter; and
“(ii) the educational institution that offers the
covered study-abroad course agrees to seek the ap-
proval of the course under this chapter by not later
than five years after the date of the agreement.
“(B) In this paragraph, the term ‘covered study-
abroad course’ means a course that—
“(i) is provided as a part of a program of education offered by an educational institution under a contract or other written agreement by another educational institution that offers a course that is approved under this chapter;

“(ii) is provided at a location in a foreign country; and

“(iii) has not been approved under this chapter.”.

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

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

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

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

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

(3) by inserting before clause (i), as so redesignated, the following new subparagraph (A):

“(A) who—”;

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

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

and

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

(5) by adding at the end the following new sub-

paragraph (B):
“(B) who—

“(i) commencing on or after September 11, 2001, completes at least 30 continuous days of service described in subsection (d) (1) or (2); and

“(ii) after completion of service described in clause (i), is discharged or released by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10).”.

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

SEC. 12. UNIFORM APPLICATION FOR DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF COURSES OF EDUCATION.

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

“§ 3672A. Uniform application

“(a) IN GENERAL.—(1) The Secretary, in partnership with State approving agencies, educational institutions, and training establishments, shall require the use of a uniform application by any educational institution or
training establishment seeking the approval of a new course of education under this chapter.

“(2) The Secretary shall maintain one uniform application for institutions of higher learning and one such application for other educational institutions and training establishments.

“(3) In the case of any State that uses approval criteria not covered by a uniform application under this section, the State approving agency for that State shall require the use of the uniform application and may require the submittal of additional information.

“(b) REQUIREMENTS.—The uniform application required under subsection (a) shall meet the following requirements:

“(1) A requirement that the appropriate executive of the educational institution or training establishment seeking the approval of a course of education attests on behalf of the educational institution or training establishment that the educational institution or training establishment—

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

“(B) during the five-year period preceding the date of the application—
“(i) has not been subject to, or been party to a contract with any individual or entity that has been subject to, any adverse administrative or judicial action that—

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

“(II) resulted in a fine or penalty in an amount equal to or more than five percent of the amount of funding provided to the institution or establishment under title IV of the Higher Education Act of 1965 for the fiscal year preceding the year in which the application is submitted; or

“(ii) has not employed an individual, or been party to a contract with any individual or entity, that has been convicted of a Federal fraud charge related to the instruction or training provided by the institution or establishment.

“(2) In the case of any educational institution or training establishment that is not participating in
title IV of the Higher Education Act of 1965, a re-
requirement for the inclusion of—
“(A) a copy of—
“(i) the articles of incorporation filed
on behalf of the institution or establish-
ment or proof of licensing to operate as an
educational institution or training estab-
ishment in the State where the institution
or establishment is located; and
“(ii) the financial position of the insti-
tution or establishment, as prepared by an
appropriate third-party entity; or
“(B) other adequate evidence, as deter-
mined by the Secretary, that the institution or
establishment is authorized to provide post-sec-
ondary education or training in the State where
the institution or establishment is located.
“(3) In the case of any course of education that
is offered by an educational institution or training
establishment that has never offered a course of edu-
cation that was approved under this chapter, a re-
requirement for the inclusion of information about the
course of education covered by the application, in-
cluding—
“(A) the number of students who have entered and graduated from the course during the preceding two-year period; and

“(B) if available, the cohort default rate for funds provided to the institution or establishment under title IV of the Higher Education Act of 1965.

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

“(A) a list of individuals who will serve as fully qualified instructors for the course of education, as of the date of the application, and an attestation that such individuals—

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

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

“(iii) have demonstrated relevant industry experience in the field of the course;

and

“(B) a list of individuals who will serve as career services employees for students enrolled in the course and an attestation that such indi-
individuals are skilled at identifying professions in
the relevant industry that are in need of new
employees to hire, tailoring the course of edu-
cation to meet market needs, and identifying
the employers likely to hire graduates.

“(c) Requirements for State Approving Agen-
cies.—During the approval process with respect to a uni-
form application submitted by an educational institution
or training establishment, a State approving agency, or
the Secretary when acting in the role of a State approving
agency, shall contact the Secretary of Education to deter-
mine whether the course of education subject to such ap-
proval process has withdrawn, or been denied or sus-
pended, from receiving for benefits under title IV of the

“(d) Appropriate Executive.—In this section, the
appropriate executive of an educational institution or
training establishment is a senior executive official, senior
administrator, owner, or operator designated by the insti-
tution or establishment.”.

(b) Clerical Amendment.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 3672 the following new
item:

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

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

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

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

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

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

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

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) To the maximum extent feasible, the Secretary, or a State approving agency, as applicable, shall provide
not more than ten business days of notice to an educational institution or training establishment before conducting a compliance survey of the institution or establishment under this section.”

SEC. 14. EXCEPTION TO REQUIREMENT TO SUBMIT VERIFICATION OF ENROLLMENT OF CERTAIN INDIVIDUALS.

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

(1) in paragraph (1), by striking “The Secretary” and inserting “Except as provided in paragraph (4), the Secretary”; and

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

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

“(A) the individual is enrolled in a course or program of education offered by the educational institution on at least a full-time basis before the date on which the individual is able to withdraw from the course or program of education without penalty;

“(B) the educational institution charges the same amount of tuition and fees for stu-
dents who are enrolled on a full-time basis and
students who are enrolled on a more-than-full-
time basis; and

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

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

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

(1) Student services.

(2) Marketing.

(3) Classroom instruction.

SEC. 16. DEPARTMENT OF VETERANS AFFAIRS LOAN FEES.

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

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