

117TH CONGRESS  
2D SESSION

# **S. 4458**

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## **AN ACT**

To amend title 38, United States Code, to improve the process by which the Secretary of Veterans Affairs determines whether an educational institution meets requirements relating to the percentage of students who receive educational assistance furnished by the Secretary, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Ensuring the Best  
5 Schools for Veterans Act of 2022”.

6 **SEC. 2. DETERMINATIONS RELATING TO PERCENTAGE OF**  
7 **STUDENTS OF EDUCATIONAL INSTITUTION**  
8 **WHO RECEIVE EDUCATIONAL ASSISTANCE BY**  
9 **DEPARTMENT OF VETERANS AFFAIRS.**

10        (a) IN GENERAL.—Subsection (d) of section 3680A  
11 of title 38, United States Code, is amended to read as  
12 follows:

13        “(d)(1) The Secretary shall not approve the enroll-  
14 ment of any eligible veteran, not already enrolled, in any  
15 course for any period during which the Secretary finds  
16 that more than 85 percent of the students enrolled in the  
17 course are having all or part of their tuition, fees, or other  
18 charges paid to or for them by the educational institution  
19 or by the Department of Veterans Affairs under this title  
20 or under chapter 1606 of title 10, except with respect to  
21 tuition, fees, or other charges that are paid under a pay-  
22 ment plan at an educational institution that the Secretary  
23 determines has a history of offering payment plans that  
24 are completed not later than 180 days after the end of  
25 the applicable term, quarter, or semester.

1       “(2) The Secretary may waive the requirements of  
2 paragraph (1), in whole or in part, if the Secretary deter-  
3 mines, pursuant to regulations which the Secretary shall  
4 prescribe, it to be in the interest of the eligible veteran  
5 and the Federal Government.

6       “(3)(A) The Secretary shall establish a process by  
7 which an educational institution may request a review of  
8 a determination that the educational institution does not  
9 meet the requirements of paragraph (1).

10       “(B) An educational institution that requests a re-  
11 view under subparagraph (A)—

12               “(i) shall request the review not later than 30  
13 days after the start of the term, quarter, or semester  
14 for which the determination described in subpara-  
15 graph (A) applies; and

16               “(ii) may include any information that the edu-  
17 cational institution believes the Department should  
18 have taken into account when making the deter-  
19 mination, including with respect to any mitigating  
20 circumstances.

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

1       “(D) An educational institution may request the Sec-  
2 retary to review the decision by the Under Secretary under  
3 subparagraph (C). The Secretary shall review each deci-  
4 sion so requested and, pursuant to such review, shall issue  
5 a final decision sustaining, modifying, or overturning the  
6 decision by the Under Secretary.

7       “(E) The Secretary shall carry out this paragraph  
8 without regard to any review process carried out by the  
9 Secretary under chapter 51 of this title.

10       “(4) Paragraph (1) shall not apply to any course of-  
11 fered by an educational institution if—

12               “(A) the majority of courses offered by the edu-  
13 cational institution are approved under section 3672  
14 or 3675 of this title; and

15               “(B) the total number of veterans and persons  
16 receiving assistance under this title or under chapter  
17 1606 of title 10 who are enrolled in such institution  
18 equals 35 percent or less of the total student enroll-  
19 ment at such institution (computed separately for  
20 the main campus and any branch or extension of  
21 such institution).

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

1           “(i) the majority of courses offered by the edu-  
2           cational institution are approved under section 3676  
3           of this title; and

4           “(ii) the total number of veterans and persons  
5           receiving assistance under this title or under chapter  
6           1606 of title 10 who are enrolled in such institution  
7           equals 35 percent or less of the total student enroll-  
8           ment at such institution (computed separately for  
9           the main campus and any branch or extension of  
10          such institution).

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

18          “(6) The Secretary shall ensure that an educational  
19          institution that meets the requirements of paragraph (4)  
20          or (5) submits information to the Secretary on a biennial  
21          basis to verify meeting such requirements. During such  
22          biennial period in which an educational institution is cov-  
23          ered by such verification, the Secretary may not require  
24          the educational institution to submit information with re-  
25          spect to meeting the requirements of paragraph (1).

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

3 “(A) in a program of education for which fewer  
4 than 10 students are having all or part of their tui-  
5 tion, fees, or other charges paid to or for them by  
6 the educational institution or by the Department of  
7 Veterans Affairs under this title or under chapter  
8 1606 of title 10;

9 “(B) in a course offered pursuant to section  
10 3019, 3034(a)(3), 3234, or 3241(a)(2) of this title;

11 “(C) in a farm cooperative training course; or

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

13 (b) APPLICATION.—The amendment made by sub-  
14 section (a) shall apply with respect to a quarter, semester,  
15 or term, as applicable, commencing on or after the date  
16 of the enactment of this Act.

Passed the Senate August 4, 2022.

Attest:

*Secretary.*



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