

One Hundred Seventeenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday,
the third day of January, two thousand and twenty two*

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.

*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 “Ensuring the Best Schools for Veterans Act of 2022”.

**SEC. 2. DETERMINATIONS RELATING TO PERCENTAGE OF STUDENTS
OF EDUCATIONAL INSTITUTION WHO RECEIVE EDU-
CATIONAL ASSISTANCE BY DEPARTMENT OF VETERANS
AFFAIRS.**

(a) IN GENERAL.—Subsection (d) of section 3680A of title 38, United States Code, 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 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).

“(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;

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“(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.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*