To extend certain expiring provisions of law relating to benefits provided under Department of Veterans Affairs educational assistance programs during the COVID–19 pandemic, and for other purposes.

IN THE SENATE OF THE UNITED STATES

November 18, 2021

Ms. Cortez Masto (for herself, Mr. Tester, Mr. Blumenthal, Ms. Rosen, Ms. Hirono, Mr. Brown, and Mr. Kelly) introduced the following bill; which was read twice and referred to the Committee on Veterans’ Affairs

A BILL

To extend certain expiring provisions of law relating to benefits provided under Department of Veterans Affairs educational assistance programs during the COVID–19 pandemic, 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 “Responsible Education

5 Mitigating Options and Technical Extensions Act of

6 2021” or the “REMOTE Act of 2021”.

SEC. 2. EXTENSIONS OF CERTAIN PROVISIONS OF LAW RELATING TO BENEFITS PROVIDED UNDER DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE PROGRAMS DURING COVID–19 PANDEMIC.

(a) Extension of Student Veteran Coronavirus Response Act of 2020.—Section 2 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140; 38 U.S.C. 3031 note), as amended by section 5202(a) of the Department of Veterans Affairs Expiring Authorities Act of 2020 (division E of Public Law 116–159), is further amended by striking “December 21, 2021” and inserting “June 1, 2022”.

(b) Extension of Payment of Work-Study Allowances During Emergency Situation.—Section 3 of the Student Veteran Coronavirus Response Act of 2020 (38 U.S.C. 3485 note) is amended by striking “During the covered period” and inserting “During the period beginning on March 1, 2020, and ending on June 1, 2022”.

(c) Extension of Period for Continuation of Department of Veterans Affairs Educational Assistance Benefits for Certain Programs of Education Converted to Distance Learning by Reason of Emergencies and Health-Related Situations.—Section 1(b) of Public Law 116–128 (38 U.S.C. 3001 note prec.), as amended by section 5202(b) of the
Department of Veterans Affairs Expiring Authorities Act of 2020 (division E of Public Law 116–159), is further amended by striking “December 21, 2021” and inserting “June 1, 2022”.

(d) EXTENSION OF MODIFICATION OF TIME LIMITATIONS ON USE OF ENTITLEMENT TO MONTGOMERY GI BILL AND VOCATIONAL REHABILITATION AND TRAINING.—Section 1105 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is amended by striking “December 21, 2021” each place it appears and inserting “June 1, 2022”.

(e) EXTENSION OF CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS DURING COVID–19 EMERGENCY.—Section 1102(e) of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is amended by striking “December 21, 2021” and inserting “June 1, 2022”.

(f) EXTENSION OF PROVISIONS RELATING TO EFFECTS OF CLOSURE OF EDUCATIONAL INSTITUTION AND MODIFICATION OF COURSES BY REASON OF COVID–19 EMERGENCY.—Section 1103(h) of such Act is amended by striking “December 21, 2021” and inserting “June 1, 2022”.
(g) Extension of provision relating to payment of educational assistance in cases of withdrawal.—Section 1104(a) of such Act is amended by striking “December 21, 2021” and inserting “June 1, 2022”.

(h) Extension of provision relating to apprenticeship or on-job training requirements.—Section 1106(b) of such Act is amended by striking “December 21, 2021” and inserting “June 1, 2022”.

SEC. 3. Modifications to requirements for educational institutions participating in the educational assistance programs of the department of veterans affairs.

(a) Waiver of verification of enrollment for certain educational institutions.—Section 3313(l) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) Waiver.—The Secretary may waive the requirements of this subsection for an educational institution that the Secretary has determined uses a flat tuition and fee structure that would make the use of a second verification under this subsection unnecessary.”.
(b) LIMITATIONS ON AUTHORITY TO DISAPPROVE OF COURSES.—

(1) IN GENERAL.—Subsection (f) of section 3679 of title 38, United States Code, is amended—

(A) in paragraph (2)(B),

(i) by inserting “, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance” after “assistance”; and

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

“(C) In determining whether a violation of subparagraph (B) has occurred, the State approving agency, or the Secretary when acting in the place of the State approving agency, shall construe the requirements of this paragraph in accordance with the regulations and guidance prescribed by the Secretary of Education under section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).”;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following new paragraph (7):
“(7) This subsection shall not apply to an educational institution—

“(A) located in a foreign country; or

“(B) that provides to a covered individual consumer information regarding costs of the program of education (including financial aid available to such covered individual) using a form or template developed by the Secretary of Education.”.

(2) Application date.—The Secretary of Veterans Affairs may not carry out subsection (f) of section 3679 of title 38, United States Code, until August 1, 2022, except that, beginning on June 15, 2022, an educational institution may submit an application for a waiver under paragraph (5) of such subsection.

(3) Conforming amendments.—Subsection (c) of section 3696 of such title is amended—

(A) by inserting “(1)” before “An educational”; 

(B) by inserting “, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance” after “assistance”; and

(C) by adding at the end the following new paragraph:
“(2) In determining whether a violation of paragraph (1) has occurred, the Under Secretary for Benefits shall construe the requirements of this paragraph in accordance with the regulations and guidance prescribed by the Secretary of Education under section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).”.

(c) Exemption of Foreign Schools from Certain Requirements.—

(1) Information relating to tests.—Section 3689(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(3) Subparagraph (G) of paragraph (1) shall not apply with respect to an educational institution located in a foreign country.”.

(2) Examination of records.—Section 3690(c) of title 38, United States Code, is amended—

(A) by striking “Notwithstanding” and inserting “(1) Except as provided in paragraph (2), notwithstanding”; and

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

“(2) Paragraph (1) does not apply to the records and accounts—
“(A) of an educational institution located in a
foreign country; and
“(B) that pertain to an individual who is not
receiving educational assistance under this chap-
ter.”.

SEC. 4. CONTINUATION OF DEPARTMENT OF VETERANS AF-
FAIRS EDUCATIONAL ASSISTANCE BENEFITS
FOR CERTAIN PROGRAMS OF EDUCATION
CONVERTED TO DISTANCE LEARNING BY
REASON OF EMERGENCIES AND HEALTH-RE-
LATED SITUATIONS.

(a) IN GENERAL.—In the case of a program of edu-
cation approved by a State approving agency, or the Sec-
retary of Veterans Affairs when acting in the role of a
State approving agency, that is converted from being of-
fered on-site at an educational institution to being offered
by distance learning by reason of an emergency or health-
related situation, as determined by the Secretary, the Sec-
retary may continue to provide educational assistance
under the laws administered by the Secretary without re-
gard to such conversion, including with respect to paying
any—

(1) monthly housing stipends under chapter 33
of title 38, United States Code; or
(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of such title and chapters 1606 and 1607 of title 10, United States Code.

(b) APPLICABILITY PERIOD.—Subsection (a) shall apply during the period beginning on December 21, 2021, and ending on June 1, 2022.

(c) DEFINITIONS.—In this section:

(1) EDUCATIONAL INSTITUTION.—The term “educational institution” has the meaning given that term in section 3452 of title 38, United States Code, and includes an institution of higher learning (as defined in such section).

(2) PROGRAM OF EDUCATION.—The term “program of education” has the meaning given that term in section 3002 of title 38, United States Code.

(3) STATE APPROVING AGENCY.—The term “State approving agency” has the meaning given that term in section 3671 of title 38, United States Code.

SEC. 5. BUDGETARY EFFECTS.

(a) IN GENERAL.—Amounts provided to carry out the amendments made by this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).
(b) Designation in Senate.—In the Senate, amounts provided to carry out the amendments made by this Act are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.