

Public Law 117–76
117th Congress

An Act

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

Dec. 21, 2021
[H.R. 5545]

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 “Responsible Education Mitigating Options and Technical Extensions Act” or the “REMOTE Act”.

Responsible
Education
Mitigating
Options and
Technical
Extensions Act.
38 USC 101 note.

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 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”.

SEC. 3. AMENDMENTS 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:

Determination.

“(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.”.

38 USC 3679
note.

(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:

Determination.

“(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 chapter.”.

SEC. 4. PROVISION OF EDUCATIONAL ASSISTANCE TO STUDENTS WHO ARE “ROUNDING OUT” UNDER EDUCATIONAL ASSISTANCE PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Section 3680(a) of title 38, United States Code, is amended—

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

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

“(3) Notwithstanding paragraph (1), in the case of an eligible veteran or eligible person who is pursuing a program of education on less than a half-time basis during a period that is the last semester, term, or academic period the veteran or person will be enrolled in the program of education because the veteran or person will complete the program of education at the end of that semester, term, or academic period, the Secretary may, pursuant to such regulations as the Secretary shall prescribe, provide to the veteran or person educational assistance under chapter 30, 31, 32, 33, 34, or 35 of this title or under chapter 1606 of title 10, including a monthly housing stipend described in section 3313(c) of this title, on the basis of the total number of credits or courses in which the veteran or person is enrolled, if—

Regulations.

“(A) the number of credits the veteran or person needs to complete the program of education is less than the number of credits that would constitute enrollment on a more than half-time basis for that last semester, term, or academic period; and

“(B) the veteran or person—

“(i) is enrolled in, or has completed, every course offered by the program of education during the last semester, term, or academic period in which the veteran or person is enrolled in the program of education; and

“(ii) enrolls in an additional course that is not required for the completion of such program of education and the enrollment in the non-required course in addition to the required course or courses in which the veteran or person is enrolled constitutes enrollment on more than a half-time basis.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on January 1, 2022, and apply with respect to any semester, term, or academic period that begins on or after that date.

38 USC 3680
note.

SEC. 5. EXTENSION OF RELIEF RELATING TO VETERANS EDUCATIONAL ASSISTANCE.

(a) 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”.

38 USC 3031
note, 3103 note.

(b) EXTENSION OF CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS DURING COVID–19 EMERGENCY.—Section 1102(e) of such Act is amended by striking “December 21, 2021” and inserting “June 1, 2022”.

38 USC 3001
note prec.

(c) 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”.

134 Stat. 4964.

(d) 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”.

134 Stat. 4964.

(e) 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”.

38 USC 3687
note.

(f) EXTENSION OF PAYMENT OF WORK-STUDY ALLOWANCES DURING EMERGENCY SITUATION.—Section 3 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116–140; 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”.

SEC. 6. ADJUSTMENTS OF CERTAIN LOAN FEES.

The loan fee table in section 3729(b)(2) of title 38, United States Code, is amended by striking “October 1, 2030” each place it appears and inserting “January 14, 2031”.

SEC. 7. ELIMINATION OF CAP ON FULL-TIME EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS WHO PROVIDE EQUAL EMPLOYMENT OPPORTUNITY COUNSELING.

(a) IN GENERAL.—Section 516 of title 38, United States Code, is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report regarding the effect of the amendment under subsection (a).

SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the

Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved December 21, 2021.

LEGISLATIVE HISTORY—H.R. 5545:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Dec. 8, considered and passed House.

Dec. 15, considered and passed Senate.

