

Suspend the Rules And Pass the Bill, H.R. 5545, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

117TH CONGRESS
1ST SESSION

H. R. 5545

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2021

Mr. TRONE (for himself, Mr. TAKANO, and Mr. LEVIN of California) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Responsible Education
3 Mitigating Options and Technical Extensions Act” or the
4 “REMOTE Act”.

5 **SEC. 2. EXTENSIONS OF CERTAIN PROVISIONS OF LAW RE-**
6 **LATING TO BENEFITS PROVIDED UNDER DE-**
7 **PARTMENT OF VETERANS AFFAIRS EDU-**
8 **CATIONAL ASSISTANCE PROGRAMS DURING**
9 **COVID-19 PANDEMIC.**

10 (a) EXTENSION OF STUDENT VETERAN
11 CORONAVIRUS RESPONSE ACT OF 2020.—Section 2 of the
12 Student Veteran Coronavirus Response Act of 2020 (Pub-
13 lic Law 116–140; 38 U.S.C. 3031 note), as amended by
14 section 5202(a) of the Department of Veterans Affairs
15 Expiring Authorities Act of 2020 (Division E of Public
16 Law 116–159), is further amended by striking “December
17 21, 2021” and inserting “June 1, 2022”.

18 (b) EXTENSION OF PERIOD FOR CONTINUATION OF
19 DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL AS-
20 SISTANCE BENEFITS FOR CERTAIN PROGRAMS OF EDU-
21 CATION CONVERTED TO DISTANCE LEARNING BY REASON
22 OF EMERGENCIES AND HEALTH-RELATED SITUATIONS.—
23 Section 1(b) of Public Law 116–128 (38 U.S.C. 3001 note
24 prec.), as amended by section 5202(b) of the Department
25 of Veterans Affairs Expiring Authorities Act of 2020 (Di-
26 vision E of Public Law 116–159), is further amended by

1 striking “December 21, 2021” and inserting “June 1,
2 2022”.

3 **SEC. 3. AMENDMENTS TO REQUIREMENTS FOR EDU-**
4 **CATIONAL INSTITUTIONS PARTICIPATING IN**
5 **THE EDUCATIONAL ASSISTANCE PROGRAMS**
6 **OF THE DEPARTMENT OF VETERANS AF-**
7 **FAIRS.**

8 (a) WAIVER OF VERIFICATION OF ENROLLMENT FOR
9 CERTAIN EDUCATIONAL INSTITUTIONS.—Section 3313(l)
10 of title 38, United States Code, is amended by adding at
11 the end the following new paragraph:

12 “(4) WAIVER.—The Secretary may waive the
13 requirements of this subsection for an educational
14 institution that the Secretary has determined uses a
15 flat tuition and fee structure that would make the
16 use of a second verification under this subsection
17 unnecessary.”.

18 (b) LIMITATIONS ON AUTHORITY TO DISAPPROVE OF
19 COURSES.—

20 (1) IN GENERAL.—Subsection (f) of section
21 3679 of title 38, United States Code, is amended—

22 (A) in paragraph (2)(B)—

23 (i) by inserting “, except for the re-
24 cruitment of foreign students residing in
25 foreign countries who are not eligible to re-

1 ceive Federal student assistance” after
2 “assistance”; and

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

5 “(C) In determining whether a violation of sub-
6 paragraph (B) has occurred, the State approving
7 agency, or the Secretary when acting in the place of
8 the State approving agency, shall construe the re-
9 quirements of this paragraph in accordance with the
10 regulations and guidance prescribed by the Secretary
11 of Education under section 487(a)(20) of the Higher
12 Education Act of 1965 (20 U.S.C. 1094(a)(20)).”;

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

15 (C) by inserting after paragraph (6) the
16 following new paragraph (7):

17 “(7) This subsection shall not apply to an educational
18 institution—

19 “(A) located in a foreign country; or

20 “(B) that provides to a covered individual con-
21 sumer information regarding costs of the program of
22 education (including financial aid available to such
23 covered individual) using a form or template devel-
24 oped by the Secretary of Education.”.

1 (2) APPLICATION DATE.—The Secretary of Vet-
2 erans Affairs may not carry out subsection (f) of
3 section 3679 of title 38, United States Code, until
4 August 1, 2022, except that, beginning on June 15,
5 2022, an educational institution may submit an ap-
6 plication for a waiver under paragraph (5) of such
7 subsection.

8 (3) CONFORMING AMENDMENTS.—Subsection
9 (c) of section 3696 of such title is amended—

10 (A) by inserting “(1)” before “An edu-
11 cational”;

12 (B) by inserting “, except for the recruit-
13 ment of foreign students residing in foreign
14 countries who are not eligible to receive Federal
15 student assistance” after “assistance”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(2) In determining whether a violation of paragraph
19 (1) has occurred, the Under Secretary for Benefits shall
20 construe the requirements of this paragraph in accordance
21 with the regulations and guidance prescribed by the Sec-
22 retary of Education under section 487(a)(20) of the High-
23 er Education Act of 1965 (20 U.S.C. 1094(a)(20)).”.

24 (c) EXEMPTION OF FOREIGN SCHOOLS FROM CER-
25 TAIN REQUIREMENTS.—

1 (1) INFORMATION RELATING TO TESTS.—Sec-
2 tion 3689(c) of title 38, United States Code, is
3 amended by adding at the end the following new
4 paragraph:

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

8 (2) EXAMINATION OF RECORDS.—Section
9 3690(c) of title 38, United States Code, is amend-
10 ed—

11 (A) by striking “Notwithstanding” and in-
12 serting “(1) Except as provided in paragraph
13 (2), notwithstanding”; and

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

16 “(2) Paragraph (1) does not apply to the records and
17 accounts—

18 “(A) of an educational institution located in a
19 foreign country; and

20 “(B) that pertain to an individual who is not
21 receiving educational assistance under this chap-
22 ter.”.

1 **SEC. 4. PROVISION OF EDUCATIONAL ASSISTANCE TO STU-**
2 **DENTS WHO ARE “ROUNDING OUT” UNDER**
3 **EDUCATIONAL ASSISTANCE PROGRAMS OF**
4 **DEPARTMENT OF VETERANS AFFAIRS.**

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

7 (1) in paragraph (1), in the matter before sub-
8 paragraph (A), by striking “in paragraph (2)” and
9 inserting “in paragraphs (2) and (3)”; and

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

12 “(3) Notwithstanding paragraph (1), in the
13 case of an eligible veteran or eligible person who is
14 pursuing a program of education on less than a half-
15 time basis during a period that is the last semester,
16 term, or academic period the veteran or person will
17 be enrolled in the program of education because the
18 veteran or person will complete the program of edu-
19 cation at the end of that semester, term, or aca-
20 demic period, the Secretary may, pursuant to such
21 regulations as the Secretary shall prescribe, provide
22 to the veteran or person educational assistance
23 under chapter 30, 31, 32, 33, 34, or 35 of this title
24 or under chapter 1606 of title 10, including a
25 monthly housing stipend described in section
26 3313(c) of this title, on the basis of the total num-

1 ber of credits or courses in which the veteran or per-
2 son is enrolled, if—

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

9 “(B) the veteran or person—

10 “(i) is enrolled in, or has completed,
11 every course offered by the program of
12 education during the last semester, term,
13 or academic period in which the veteran or
14 person is enrolled in the program of edu-
15 cation; and

16 “(ii) enrolls in an additional course
17 that is not required for the completion of
18 such program of education and the enroll-
19 ment in the non-required course in addi-
20 tion to the required course or courses in
21 which the veteran or person is enrolled
22 constitutes enrollment on more than a
23 half-time basis.”.

24 (b) EFFECTIVE DATE.—The amendments made by
25 subsection (a) shall take effect on January 1, 2022, and

1 apply with respect to any semester, term, or academic pe-
2 riod that begins on or after that date.

3 **SEC. 5. EXTENSION OF RELIEF RELATING TO VETERANS**
4 **EDUCATIONAL ASSISTANCE.**

5 (a) EXTENSION OF MODIFICATION OF TIME LIMITA-
6 TIONS ON USE OF ENTITLEMENT TO MONTGOMERY GI
7 BILL AND VOCATIONAL REHABILITATION AND TRAIN-
8 ING.—Section 1105 of the Johnny Isakson and David P.
9 Roe, M.D. Veterans Health Care and Benefits Improve-
10 ment Act of 2020 (Public Law 116–315) is amended by
11 striking “December 21, 2021” each place it appears and
12 inserting “June 1, 2022”.

13 (b) EXTENSION OF CONTINUATION OF DEPARTMENT
14 OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BEN-
15 EFITS DURING COVID–19 EMERGENCY.—Section
16 1102(e) of such Act is amended by striking “December
17 21, 2021” and inserting “June 1, 2022”.

18 (c) EXTENSION OF PROVISIONS RELATING TO EF-
19 FECTS OF CLOSURE OF EDUCATIONAL INSTITUTION AND
20 MODIFICATION OF COURSES BY REASON OF COVID–19
21 EMERGENCY.—Section 1103(h) of such Act is amended
22 by striking “December 21, 2021” and inserting “June 1,
23 2022”.

24 (d) EXTENSION OF PROVISION RELATING TO PAY-
25 MENT OF EDUCATIONAL ASSISTANCE IN CASES OF WITH-

1 DRAWAL.—Section 1104(a) of such Act is amended by
2 striking “December 21, 2021” and inserting “June 1,
3 2022”.

4 (e) EXTENSION OF PROVISION RELATING TO AP-
5 PRENTICESHIP OR ON-JOB TRAINING REQUIREMENTS.—
6 Section 1106(b) of such Act is amended by striking “De-
7 cember 21, 2021” and inserting “June 1, 2022”.

8 (f) EXTENSION OF PAYMENT OF WORK-STUDY AL-
9 LOWANCES DURING EMERGENCY SITUATION.—Section 3
10 of the Student Veteran Coronavirus Response Act of 2020
11 (Public Law 116–140; 38 U.S.C. 3485 note) is amended
12 by striking “During the covered period” and inserting
13 “During the period beginning on March 1, 2020, and end-
14 ing on June 1, 2022”.

15 **SEC. 6. ADJUSTMENTS OF CERTAIN LOAN FEES.**

16 The loan fee table in section 3729(b)(2) of title 38,
17 United States Code, is amended by striking “October 1,
18 2030” each place it appears and inserting “January 14,
19 2031”.

20 **SEC. 7. ELIMINATION OF CAP ON FULL-TIME EMPLOYEES**
21 **OF THE DEPARTMENT OF VETERANS AF-**
22 **FAIRS WHO PROVIDE EQUAL EMPLOYMENT**
23 **OPPORTUNITY COUNSELING.**

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

1 (1) by striking subsection (g); and

2 (2) by redesignating subsection (h) as sub-
3 section (g).

4 (b) REPORT.—Not later than 60 days after the date
5 of the enactment of this Act, the Secretary of Veterans
6 Affairs shall submit to the Committees on Veterans' Af-
7 fairs of the Senate and House of Representatives a report
8 regarding the effect of the amendment under subsection
9 (a).

10 **SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.**

11 The budgetary effects of this Act, for the purpose of
12 complying with the Statutory Pay-As-You-Go Act of 2010,
13 shall be determined by reference to the latest statement
14 titled “Budgetary Effects of PAYGO Legislation” for this
15 Act, submitted for printing in the Congressional Record
16 by the Chairman of the House Budget Committee, pro-
17 vided that such statement has been submitted prior to the
18 vote on passage.

Amend the title so as to read: “A bill to extend cer-
tain expiring provisions of law relating to benefits pro-
vided under Department of Veterans Affairs educational
assistance programs during COVID–19 pandemic, and
for other purposes.”.