

117TH CONGRESS
1ST SESSION

S. 3247

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”.

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

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

14 (b) EXTENSION OF PAYMENT OF WORK-STUDY AL-
15 LOWANCES DURING EMERGENCY SITUATION.—Section 3
16 of the Student Veteran Coronavirus Response Act of 2020
17 (38 U.S.C. 3485 note) is amended by striking “During
18 the covered period” and inserting “During the period be-
19 ginning on March 1, 2020, and ending on June 1, 2022”.

20 (c) EXTENSION OF PERIOD FOR CONTINUATION OF
21 DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL AS-
22 SISTANCE BENEFITS FOR CERTAIN PROGRAMS OF EDU-
23 CATION CONVERTED TO DISTANCE LEARNING BY REASON
24 OF EMERGENCIES AND HEALTH-RELATED SITUA-
25 TIONS.—Section 1(b) of Public Law 116–128 (38 U.S.C.
26 3001 note prec.), as amended by section 5202(b) of the

1 Department of Veterans Affairs Expiring Authorities Act
 2 of 2020 (division E of Public Law 116–159), is further
 3 amended by striking “December 21, 2021” and inserting
 4 “June 1, 2022”.

5 (d) 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 (e) EXTENSION OF CONTINUATION OF DEPARTMENT
 14 OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BEN-
 15 EFITS DURING COVID–19 EMERGENCY.—Section
 16 1102(e) of the Johnny Isakson and David P. Roe, M.D.
 17 Veterans Health Care and Benefits Improvement Act of
 18 2020 (Public Law 116–315) is amended by striking “De-
 19 cember 21, 2021” and inserting “June 1, 2022”.

20 (f) EXTENSION OF PROVISIONS RELATING TO EF-
 21 FECTS OF CLOSURE OF EDUCATIONAL INSTITUTION AND
 22 MODIFICATION OF COURSES BY REASON OF COVID–19
 23 EMERGENCY.—Section 1103(h) of such Act is amended
 24 by striking “December 21, 2021” and inserting “June 1,
 25 2022”.

1 (g) EXTENSION OF PROVISION RELATING TO PAY-
 2 MENT OF EDUCATIONAL ASSISTANCE IN CASES OF WITH-
 3 DRAWAL.—Section 1104(a) of such Act is amended by
 4 striking “December 21, 2021” and inserting “June 1,
 5 2022”.

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

10 **SEC. 3. MODIFICATIONS TO REQUIREMENTS FOR EDU-**
 11 **CATIONAL INSTITUTIONS PARTICIPATING IN**
 12 **THE EDUCATIONAL ASSISTANCE PROGRAMS**
 13 **OF THE DEPARTMENT OF VETERANS AF-**
 14 **FAIRS.**

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

19 “(4) WAIVER.—The Secretary may waive the
 20 requirements of this subsection for an educational
 21 institution that the Secretary has determined uses a
 22 flat tuition and fee structure that would make the
 23 use of a second verification under this subsection
 24 unnecessary.”.

1 (b) LIMITATIONS ON AUTHORITY TO DISAPPROVE OF
2 COURSES.—

3 (1) IN GENERAL.—Subsection (f) of section
4 3679 of title 38, United States Code, is amended—

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

6 (i) by inserting “, except for the re-
7 cruitment of foreign students residing in
8 foreign countries who are not eligible to re-
9 ceive Federal student assistance” after
10 “assistance”; and

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

13 “(C) In determining whether a violation of sub-
14 paragraph (B) has occurred, the State approving
15 agency, or the Secretary when acting in the place of
16 the State approving agency, shall construe the re-
17 quirements of this paragraph in accordance with the
18 regulations and guidance prescribed by the Secretary
19 of Education under section 487(a)(20) of the Higher
20 Education Act of 1965 (20 U.S.C. 1094(a)(20)).”;

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

23 (C) by inserting after paragraph (6) the
24 following new paragraph (7):

1 “(7) This subsection shall not apply to an educational
2 institution—

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

4 “(B) that provides to a covered individual con-
5 sumer information regarding costs of the program of
6 education (including financial aid available to such
7 covered individual) using a form or template devel-
8 oped by the Secretary of Education.”.

9 (2) APPLICATION DATE.—The Secretary of Vet-
10 erans Affairs may not carry out subsection (f) of
11 section 3679 of title 38, United States Code, until
12 August 1, 2022, except that, beginning on June 15,
13 2022, an educational institution may submit an ap-
14 plication for a waiver under paragraph (5) of such
15 subsection.

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

18 (A) by inserting “(1)” before “An edu-
19 cational”;

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

24 (C) by adding at the end the following new
25 paragraph:

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

7 (c) EXEMPTION OF FOREIGN SCHOOLS FROM CER-
 8 TAIN REQUIREMENTS.—

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

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

16 (2) EXAMINATION OF RECORDS.—Section
 17 3690(c) of title 38, United States Code, is amend-
 18 ed—

19 (A) by striking “Notwithstanding” and in-
 20 serting “(1) Except as provided in paragraph
 21 (2), notwithstanding”; and

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

24 “(2) Paragraph (1) does not apply to the records and
 25 accounts—

1 “(A) of an educational institution located in a
2 foreign country; and

3 “(B) that pertain to an individual who is not
4 receiving educational assistance under this chap-
5 ter.”.

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

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

23 (1) monthly housing stipends under chapter 33
24 of title 38, United States Code; or

1 (2) payments or subsistence allowances under
2 chapters 30, 31, 32, and 35 of such title and chap-
3 ters 1606 and 1607 of title 10, United States Code.

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

7 (c) **DEFINITIONS.**—In this section:

8 (1) **EDUCATIONAL INSTITUTION.**—The term
9 “educational institution” has the meaning given that
10 term in section 3452 of title 38, United States Code,
11 and includes an institution of higher learning (as de-
12 fined in such section).

13 (2) **PROGRAM OF EDUCATION.**—The term “pro-
14 gram of education” has the meaning given that term
15 in section 3002 of title 38, United States Code.

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

20 **SEC. 5. BUDGETARY EFFECTS.**

21 (a) **IN GENERAL.**—Amounts provided to carry out
22 the amendments made by this Act are designated as an
23 emergency requirement pursuant to section 4(g) of the
24 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

1 (b) DESIGNATION IN SENATE.—In the Senate,
2 amounts provided to carry out the amendments made by
3 this Act are designated as an emergency requirement pur-
4 suant to section 4112(a) of H. Con. Res. 71 (115th Con-
5 gress), the concurrent resolution on the budget for fiscal
6 year 2018.

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