

117TH CONGRESS
1ST SESSION

H. R. 5509

To amend title 38, United States Code, the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, and the Student Veteran Coronavirus Response Act of 2020 to make certain improvements to the educational assistance programs of the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2021

Mr. BOST introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, and the Student Veteran Coronavirus Response Act of 2020 to make certain improvements to the educational assistance programs of the Department of Veterans Affairs, 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 “Student Veteran
5 COVID-19 Protection Act of 2021”.

1 **SEC. 2. AMENDMENTS TO REQUIREMENTS FOR EDU-**
2 **CATIONAL INSTITUTIONS PARTICIPATING IN**
3 **THE EDUCATIONAL ASSISTANCE PROGRAMS**
4 **OF THE DEPARTMENT OF VETERANS AF-**
5 **FAIRS.**

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

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

16 (b) LIMITATIONS ON AUTHORITY TO DISAPPROVE OF
17 COURSES.—

18 (1) IN GENERAL.—Subsection (f) of section
19 3679 of title 38, United States Code, is amended—

20 (A) in paragraph (2)(B);

21 (i) by inserting “, except for the re-
22 cruitment of foreign students residing in
23 foreign countries who are not eligible to re-
24 ceive Federal student assistance” after
25 “assistance”; and

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

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

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

13 (C) by inserting after paragraph (6) the
 14 following new paragraph (7):

15 “(7) This subsection shall not apply to an educational
 16 institution—

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

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

23 (2) APPLICATION DATE.—The Secretary of Vet-
 24 erans Affairs may not carry out subsection (f) of
 25 section 3679 of title 38, United States Code until

1 August 1, 2022, except that, beginning on June 15,
2 2022, an educational institution may submit an ap-
3 plication for a waiver under paragraph (5) of such
4 subsection.

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

7 (A) by inserting “(1)” before “An edu-
8 cational”;

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

13 (C) by adding at the end the following new
14 paragraph:

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

21 (c) EXEMPTION OF FOREIGN SCHOOLS FROM CER-
22 TAIN REQUIREMENTS.—

23 (1) INFORMATION RELATING TO TESTS.—Sec-
24 tion 3689(c) of title 38, United States Code, is

1 amended by adding at the end the following new
2 paragraph:

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

6 (2) EXAMINATION OF RECORDS.—Section
7 3690(c) of title 38, United States Code, is amend-
8 ed—

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

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

14 “(2) Paragraph (1) does not apply to the records and
15 accounts—

16 “(A) of an educational institution located in a
17 foreign country; and

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

1 **SEC. 3. 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, 32, 33, 34, or 35 of this title or
24 under chapter 1606 of title 10, including a monthly
25 housing stipend described in section 3313(c) of this
26 title, on the basis of the total number of credits or

1 courses in which the veteran or person is enrolled,
2 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. 4. CONTINUATION OF DEPARTMENT OF VETERANS AF-**
4 **FAIRS EDUCATIONAL ASSISTANCE BENEFITS**
5 **FOR CERTAIN PROGRAMS OF EDUCATION**
6 **CONVERTED TO DISTANCE LEARNING BY**
7 **REASON OF EMERGENCIES AND HEALTH-RE-**
8 **LATED SITUATIONS.**

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

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

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

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

4 (c) DEFINITIONS.—In this section:

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

9 (2) The term “program of education” has the
10 meaning given that term in section 3002 of title 38,
11 United States Code.

12 (3) The term “State approving agency” has the
13 meaning given that term in section 3671 of title 38,
14 United States Code.

15 **SEC. 5. EXTENSION OF RELIEF RELATING TO VETERANS**
16 **EDUCATIONAL ASSISTANCE.**

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

1 (b) EXTENSION OF CONTINUATION OF DEPARTMENT
2 OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BEN-
3 EFITS DURING COVID–19 EMERGENCY.—Section
4 1102(e) of such Act is amended by striking “December
5 21, 2021” and inserting “June 1, 2022”.

6 (c) EXTENSION OF PROVISIONS RELATING TO EF-
7 FECTS OF CLOSURE OF EDUCATIONAL INSTITUTION AND
8 MODIFICATION OF COURSES BY REASON OF COVID–19
9 EMERGENCY.—Section 1103(h) of such Act is amended
10 by striking “December 21, 2021” and inserting “June 1,
11 2022”.

12 (d) EXTENSION OF PROVISION RELATING TO PAY-
13 MENT OF EDUCATIONAL ASSISTANCE IN CASES OF WITH-
14 DRAWAL.—Section 1104(a) of such Act is amended by
15 striking “December 21, 2021” and inserting “June 1,
16 2022”.

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

21 (f) EXTENSION OF PAYMENT OF WORK-STUDY AL-
22 LOWANCES DURING EMERGENCY SITUATION.—Section 3
23 of the Student Veteran Coronavirus Response Act of 2020
24 (Public Law 116–140; 38 U.S.C. 3485 note) is amended
25 by striking “During the covered period” and inserting

1 “During the period beginning on March 1, 2020, and end-
2 ing on June 1, 2022”.

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

4 The loan fee table in section 3729(b)(2) of title 38,
5 United States Code, is amended by striking “October 1,
6 2030” each place it appears and inserting “January 14,
7 2031”.

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