

Committee Print

(Reflecting the actions of the Committee on Veterans' Affairs
on July 11, 2012)

112TH CONGRESS
2^D SESSION

H. R. 4057

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, 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,*

1 **SECTION 1. COMPREHENSIVE POLICY ON PROVIDING EDU-**
2 **CATION INFORMATION TO VETERANS.**

3 (a) COMPREHENSIVE POLICY REQUIRED.—

4 (1) IN GENERAL.—Chapter 36 of title 38,
5 United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 3698. Comprehensive policy on providing edu-**
8 **cation information to veterans**

9 “(a) COMPREHENSIVE POLICY REQUIRED.—The Sec-
10 retary shall develop a comprehensive policy to improve out-
11 reach and transparency to veterans and members of the
12 Armed Forces through the provision of information on in-
13 stitutions of higher learning.

14 “(b) SCOPE.—In developing the policy required by
15 subsection (a), the Secretary shall include each of the fol-
16 lowing elements:

17 “(1) The most effective way to inform individ-
18 uals of the educational and vocational counseling
19 provided under section 3697A of this title.

20 “(2) A centralized way to track and publish
21 feedback from students and State approving agen-
22 cies regarding the quality of instruction and accredi-
23 tation, recruiting practices, and post-graduation em-
24 ployment placement of institutions of higher learn-
25 ing.

1 “(3) The merit of and the manner in which a
2 State approving agency shares with an accrediting
3 agency or association recognized by the Secretary of
4 Education under subpart 2 of part H of title IV of
5 the Higher Education Act of 1965 (20 U.S.C. 1099b
6 et seq.) information regarding the State approving
7 agency’s evaluation of an institution of higher learn-
8 ing.

9 “(4) The manner in which information regard-
10 ing institutions of higher learning is provided to in-
11 dividuals participating in the Transition Assistance
12 Program under section 1144 of title 10.

13 “(5) The most effective way to provide veterans
14 and members of the Armed Forces with information
15 regarding postsecondary education and training op-
16 portunities available to the veteran or member.

17 “(c) POSTSECONDARY EDUCATION INFORMATION.—

18 (1) The Secretary shall ensure that the information pro-
19 vided pursuant to subsection (b)(5) includes—

20 “(A) an explanation of the different types of ac-
21 creditation available to educational institutions and
22 programs of education;

23 “(B) a description of Federal student aid pro-
24 grams; and

1 “(C) for each institution of higher learning, for
2 the most recent academic year for which information
3 is available—

4 “(i) whether the institution is public, pri-
5 vate nonprofit, or proprietary for-profit;

6 “(ii) the name of the national or regional
7 accrediting agency that accredits the institu-
8 tion, including the contact information used by
9 the agency to receive complaints from students;

10 “(iii) information on the State approving
11 agency, including the contact information used
12 by the agency to receive complaints from stu-
13 dents;

14 “(iv) whether the institution participates in
15 programs under title IV of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1070 et seq.);

17 “(v) the tuition and fees;

18 “(vi) the median amount of debt from Fed-
19 eral student loans under title IV of the Higher
20 Education Act of 1965 (20 U.S.C. 1070 et
21 seq.) held by students at institution;

22 “(vii) the cohort default rate, as defined in
23 section 435(m) of the Higher Education Act of
24 1965 (20 U.S.C. 1085(m)), of the institution;

1 “(viii) the enrollment rates, graduation
2 rates, and retention rates;

3 “(ix) for each program of education offered
4 by the institution that is designed to prepare a
5 student for an occupation that requires a licen-
6 sure or certification test offered by a Federal,
7 State, or local government or has other pre-
8 conditions or requirements, the degree to which
9 the program prepares the student for the par-
10 ticular occupation;

11 “(x) whether the institution provides stu-
12 dents with technical support, academic support,
13 and other support services, including career
14 counseling and job placement; and

15 “(xi) whether the institution accepts aca-
16 demic credit by students who are transferring
17 to the institution, including credits awarded by
18 a proprietary for-profit institution.

19 “(2) To the extent possible, the Secretary shall pro-
20 vide the information described in paragraph (1) by includ-
21 ing hyperlinks on the Internet website of the Department
22 to other websites that contain such information in a form
23 that is comprehensive and easily understood by veterans,
24 members, and other individuals.

25 “(d) DEFINITIONS.—In this section:

1 “(1) The term ‘institution of higher learning’
2 has the meaning given that term in section 3452(f)
3 of this title.

4 “(2) The term ‘postsecondary education and
5 training opportunities’ means any postsecondary
6 program of education, including apprenticeships and
7 on-job training, for which the Secretary of Veterans
8 Affairs provides assistance to a veteran or member
9 of the Armed Forces.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of such chapter is amended
12 by adding after the item relating to section 3697A
13 the following new item:

 “3698. Comprehensive policy on providing education information to veterans.”.

14 (b) PROHIBITION ON INDUCEMENTS.—Section 3696
15 of title 38, United States Code, is amended by adding at
16 the end the following new subsection:

17 “(e) The Secretary shall not approve an educational
18 institution if the educational institution provides any com-
19 mission, bonus, or other incentive payment based directly
20 or indirectly on success in securing enrollments or finan-
21 cial aid to any persons or entities engaged in any student
22 recruiting or admission activities or in making decisions
23 regarding the award of student financial assistance.”.

24 (c) SURVEY.—In developing the policy required by
25 section 3698(a) of title 38, United States Code, as added

1 by subsection (a), the Secretary shall conduct a market
2 survey to determine the availability of the following:

3 (1) A commercially available off-the-shelf online
4 tool that allows a veteran or member of the Armed
5 Forces to assess whether the veteran or member is
6 academically ready to engage in postsecondary edu-
7 cation and training opportunities and whether the
8 veteran or member would need any remedial prepa-
9 ration before beginning such opportunities.

10 (2) A commercially available off-the-shelf online
11 tool that provides a veteran or member of the Armed
12 Forces with a list of providers of postsecondary edu-
13 cation and training opportunities based on criteria
14 selected by the veteran or member.

15 (d) REPORT.—Not later than 90 days after the date
16 of the enactment of this Act, the Secretary shall submit
17 to the Committees on Veterans' Affairs of the House of
18 Representatives and the Senate, the Committee on Edu-
19 cation and the Workforce of the House of Representatives,
20 and the Committee on Health, Education, Labor, and
21 Pensions of the Senate a report that includes—

22 (1) a description of the policy developed by the
23 Secretary under section 3698(a) of title 38, United
24 States Code, as added by subsection (a);

1 (2) a plan of the Secretary to implement such
2 policy; and

3 (3) the results of the survey conducted under
4 subsection (b), including whether the Secretary
5 plans to implement the tools described in such sub-
6 section.

7 (e) DEFINITIONS.—In this section:

8 (1) The term “commercially available off-the-
9 shelf” has the meaning given that term in section
10 104 of title 41, United States Code.

11 (2) The term “postsecondary education and
12 training opportunities” means any postsecondary
13 program of education, including apprenticeships and
14 on-job training, for which the Secretary of Veterans
15 Affairs provides assistance to a veteran or member
16 of the Armed Forces.

17 **SEC. 2. STATE CONSIDERATION OF MILITARY TRAINING IN**
18 **GRANTING CERTAIN STATE CERTIFICATIONS**
19 **AND LICENSES AS A CONDITION ON THE RE-**
20 **CEIPT OF FUNDS FOR VETERANS EMPLOY-**
21 **MENT AND TRAINING.**

22 (a) IN GENERAL.—Section 4102A(c) of title 38,
23 United States Code, is amended by adding at the end the
24 following:

1 “(9)(A) As a condition of a grant or contract under
2 which funds are made available to a State in order to carry
3 out section 4103A or 4104 of this title for any program
4 year, the Secretary shall require the State to disclose to
5 the Secretary in writing the following:

6 “(i) Criteria applicants must satisfy to receive
7 a certification or license described in subparagraph
8 (B) by the State.

9 “(ii) A description of the standard practices of
10 the State for evaluating training received by vet-
11 erans while serving on active duty in the Armed
12 Forces and evaluating the documented work experi-
13 ence of such veterans during such service for pur-
14 poses of approving or denying a certification or li-
15 cense described in subparagraph (B).

16 “(iii) Identification of areas in which training
17 and experience described in clause (ii) fails to meet
18 criteria described in clause (i).

19 “(B) A certification or license described in this sub-
20 paragraph is any of the following:

21 “(i) A license to be a nonemergency medical
22 professional.

23 “(ii) A license to be an emergency medical pro-
24 fessional.

25 “(iii) Any commercial driver’s license.

1 “(C) The Secretary shall share the information the
2 Secretary receives under subparagraph (A)(ii) with the
3 Secretary of Defense to help the Secretary of Defense im-
4 prove training for military occupational specialties so that
5 individuals who receive such training are able to receive
6 a certification or license described in subparagraph (B)
7 from a State.

8 “(D) The Secretary shall publish on the Internet
9 website of the Department—

10 “(i) any guidance the Secretary gives the Sec-
11 retary of Defense with respect to carrying out this
12 section; and

13 “(ii) any information the Secretary receives
14 from a State pursuant to subparagraph (A).”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply with respect to a program year
17 beginning on or after October 1, 2013.

18 **SEC. 3. CONDITIONS ON THE AWARD OF PER DIEM PAY-**
19 **MENTS BY THE SECRETARY OF VETERANS**
20 **AFFAIRS FOR THE PROVISION OF HOUSING**
21 **OR SERVICES TO HOMELESS VETERANS.**

22 (a) CONDITION.—

23 (1) IN GENERAL.—Paragraph (1) of section
24 2012(c) of title 38, United States Code, is amended
25 to read as follows:

1 “(1) Except as provided in paragraph (2), a per diem
2 payment may not be provided under this section to a grant
3 recipient or eligible entity unless the entity submits to the
4 Secretary a certification that the building where the entity
5 provides such housing or services is in compliance with
6 codes relevant to the operations and level of care provided,
7 including the most current Life Safety Code or Inter-
8 national Fire Code and all applicable State and local hous-
9 ing codes, licensing requirements, fire and safety require-
10 ments, and any other requirements in the jurisdiction in
11 which the project is located regarding the condition of the
12 structure and the operation of the supportive housing or
13 service center.”.

14 (2) EFFECTIVE DATE.—The amendment made
15 by paragraph (1) shall apply with respect to an ap-
16 plication for a per diem payment under section 2012
17 of title 38, United States Code, submitted on or
18 after the date of the enactment of this Act.

19 (b) ANNUAL REPORT.—Section 2065(b) of title 38,
20 United States Code, is amended—

21 (1) by redesignating paragraph (6) as para-
22 graph (7); and

23 (2) by inserting after paragraph (5) the fol-
24 lowing new paragraph (6):

1 “(6) The Secretary’s evaluation of the safety
2 and accessibility of facilities used to provide pro-
3 grams established by grant recipients or eligible enti-
4 ties under section 2011 and 2012 of this title, in-
5 cluding the number of such grant recipients or eligi-
6 ble entities who have submitted a certification under
7 section 2012(c)(1).”.

8 (c) TREATMENT OF CURRENT RECIPIENTS.—In the
9 case of the recipient of a per diem payment under section
10 2012 of title 38, United States Code, that receives such
11 a payment during the year in which this Act is enacted,
12 the Secretary of Veterans Affairs shall require the recipi-
13 ent to submit the certification required under section
14 2012(c)(1) of such title, as amended by subsection (a)(1),
15 by not later than two years after the date of the enactment
16 of this Act. If the recipient fails to submit such certifi-
17 cation by such date, the Secretary may not make any addi-
18 tional per diem payments to the recipient under such sec-
19 tion 2012 until the recipient submits such certification.

20 **SEC. 4. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.**

21 (a) ESTABLISHMENT OF REGISTRY.—Not later than
22 180 days after the date of the enactment of this Act, the
23 Secretary of Veterans Affairs shall—

24 (1) establish and maintain an open burn pit
25 registry for eligible individuals who may have been

1 exposed to toxic chemicals and fumes caused by open
2 burn pits;

3 (2) include any information in such registry
4 that the Secretary of Veterans Affairs determines
5 necessary to ascertain and monitor the health effects
6 of the exposure of members of the Armed Forces to
7 toxic chemicals and fumes caused by open burn pits;

8 (3) develop a public information campaign to
9 inform eligible individuals about the open burn pit
10 registry, including how to register and the benefits
11 of registering; and

12 (4) periodically notify eligible individuals of sig-
13 nificant developments in the study and treatment of
14 conditions associated with exposure to toxic chemi-
15 cals and fumes caused by open burn pits.

16 (b) REPORT TO CONGRESS.—

17 (1) REPORT BY INDEPENDENT SCIENTIFIC OR-
18 GANIZATION.—The Secretary of Veterans Affairs
19 shall enter into an agreement with an independent
20 scientific organization to develop a report containing
21 the following:

22 (A) An assessment of the effectiveness of
23 actions taken by the Secretaries to collect and
24 maintain information on the health effects of

1 exposure to toxic chemicals and fumes caused
2 by open burn pits.

3 (B) Recommendations to improve the col-
4 lection and maintenance of such information.

5 (C) Using established and previously pub-
6 lished epidemiological studies, recommendations
7 regarding the most effective and prudent means
8 of addressing the medical needs of eligible indi-
9 viduals with respect to conditions that are likely
10 to result from exposure to open burn pits.

11 (2) SUBMITTAL TO CONGRESS.—Not later than
12 18 months after the date on which the registry
13 under subsection (a) is established, the Secretary of
14 Veterans Affairs shall submit to Congress the report
15 developed under paragraph (1).

16 (c) DEFINITIONS.—In this section:

17 (1) The term “open burn pit” means an area
18 of land located in Afghanistan or Iraq that—

19 (A) is designated by the Secretary of De-
20 fense to be used for disposing solid waste by
21 burning in the outdoor air; and

22 (B) does not contain a commercially manu-
23 factured incinerator or other equipment specifi-
24 cally designed and manufactured for the burn-
25 ing of solid waste.

1 (2) The term “eligible individual” means any
2 individual who, on or after September 11, 2001—

3 (A) was deployed in support of a contin-
4 gency operation while serving in the Armed
5 Forces; and

6 (B) during such deployment, was based or
7 stationed at a location where an open burn pit
8 was used.

9 **SEC. 5. PERFORMANCE AWARDS IN THE SENIOR EXECU-**
10 **TIVE SERVICE.**

11 For each of fiscal years 2013 through 2017, the Sec-
12 retary of Veterans Affairs may not pay more than
13 \$1,000,000 in performance awards under section 5384 of
14 title 5, United States Code.