

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mrs. MURRAY

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

5 (a) COMPREHENSIVE POLICY REQUIRED.—

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

1 **“§ 3698. Comprehensive policy on providing edu-**
2 **cation information to veterans**

3 “(a) COMPREHENSIVE POLICY REQUIRED.—The Sec-
4 retary shall develop a comprehensive policy to improve out-
5 reach and transparency to veterans and members of the
6 Armed Forces through the provision of information on in-
7 stitutions of higher learning.

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

11 “(1) Effective and efficient methods to inform
12 individuals of the educational and vocational coun-
13 seling provided under section 3697A of this title.

14 “(2) A centralized mechanism for tracking and
15 publishing feedback from students and State approv-
16 ing agencies regarding the quality of instruction, re-
17 cruiting practices, and post-graduation employment
18 placement of institutions of higher learning that—

19 “(A) allows institutions of higher learning
20 to verify feedback and address issues regarding
21 feedback before the feedback is published;

22 “(B) protects the privacy of students, in-
23 cluding by not publishing the names of stu-
24 dents; and

1 “(C) publishes only feedback that conforms
2 with criteria for relevancy that the Secretary
3 shall determine.

4 “(3) The merit of and the manner in which a
5 State approving agency shares with an accrediting
6 agency or association recognized by the Secretary of
7 Education under subpart 2 of part H of title IV of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1099b) information regarding the State approving
10 agency’s evaluation of an institution of higher learn-
11 ing.

12 “(4) Description of the information provided to
13 individuals participating in the Transition Assistance
14 Program under section 1144 of title 10 relating to
15 institutions of higher learning.

16 “(5) Effective and efficient methods to provide
17 veterans and members of the Armed Forces with in-
18 formation regarding postsecondary education and
19 training opportunities available to the veteran or
20 member.

21 “(c) POSTSECONDARY EDUCATION INFORMATION.—

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

1 seq.) held by individuals upon completion of
2 programs of education at the institution of
3 higher learning (as determined from informa-
4 tion collected by the Secretary of Education);

5 “(vii) the cohort default rate, as defined in
6 section 435(m) of the Higher Education Act of
7 1965 (20 U.S.C. 1085(m)), of the institution;

8 “(viii) the total enrollment, graduation
9 rate, and retention rate, as determined from in-
10 formation collected by the Integrated Postsec-
11 ondary Education Data System of the Secretary
12 of Education;

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

17 “(x) the information regarding the institu-
18 tion’s policies related to transfer of credit from
19 other institutions, as required under section
20 485(h)(1) of the Higher Education Act of 1965
21 (20 U.S.C. 1092(h)(1)) and provided to the
22 Secretary of Education under section
23 132(i)(1)(V)(iv) of such Act (20 U.S.C.
24 1015a(i)(1)(V)(iv)).

1 “(2) To the extent practicable, the Secretary shall
2 provide the information described in paragraph (1) by in-
3 cluding hyperlinks on the Internet website of the Depart-
4 ment to other Internet websites that contain such informa-
5 tion, including the Internet website of the Department of
6 Education, in a form that is comprehensive and easily un-
7 derstood by veterans, members of the Armed Forces, and
8 other individuals.

9 “(3)(A) If the Secretary of Veterans Affairs requires,
10 for purposes of providing information pursuant to sub-
11 section (b)(5), information that has been reported, or in-
12 formation that is similar to information that has been re-
13 ported, by an institution of higher learning to the Sec-
14 retary of Education, the Secretary of Defense, the Sec-
15 retary of Labor, or the heads of other Federal agencies
16 under a provision of law other than under this section,
17 the Secretary of Veterans Affairs shall obtain the informa-
18 tion the Secretary of Veterans Affairs requires from the
19 Secretary or head with the information rather than the
20 institution of higher learning.

21 “(B) If the Secretary of Veterans Affairs requires,
22 for purposes of providing information pursuant to sub-
23 section (b)(5), information from an institution of higher
24 learning that has not been reported to another Federal

1 agency, the Secretary shall, to the degree practicable, ob-
2 tain such information through the Secretary of Education.

3 “(d) CONSISTENCY WITH EXISTING EDUCATION
4 POLICY.—In carrying out this section, the Secretary shall
5 ensure that—

6 “(1) the comprehensive policy is consistent with
7 any requirements and initiatives resulting from Ex-
8 ecutive Order No. 13607; and

9 “(2) the efforts of the Secretary to implement
10 the comprehensive policy do not duplicate the efforts
11 being taken by any Federal agencies.

12 “(e) COMMUNICATION WITH INSTITUTIONS OF
13 HIGHER LEARNING.—To the extent practicable, if the
14 Secretary considers it necessary to communicate with an
15 institution of higher learning to carry out the comprehen-
16 sive policy required by subsection (a), the Secretary shall
17 carry out such communication through the use of a com-
18 munication system of the Department of Education.

19 “(f) DEFINITIONS.—In this section:

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

23 “(2) The term ‘postsecondary education and
24 training opportunities’ means any postsecondary
25 program of education, including apprenticeships and

1 on-job training, for which the Secretary of Veterans
2 Affairs provides assistance to a veteran or member
3 of the Armed Forces.”.

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

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

8 (b) SURVEY.—In developing the policy required by
9 section 3698(a) of title 38, United States Code, as added
10 by subsection (a), the Secretary of Veterans Affairs shall
11 conduct a market survey to determine the availability of
12 the following:

13 (1) A commercially available off-the-shelf online
14 tool that allows a veteran or member of the Armed
15 Forces to assess whether the veteran or member is
16 academically ready to engage in postsecondary edu-
17 cation and training opportunities and whether the
18 veteran or member would need any remedial prepa-
19 ration before beginning such opportunities.

20 (2) A commercially available off-the-shelf online
21 tool that provides a veteran or member of the Armed
22 Forces with a list of providers of postsecondary edu-
23 cation and training opportunities based on criteria
24 selected by the veteran or member.

1 (c) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary of Veterans
3 Affairs shall submit to the appropriate committees of Con-
4 gress a report that includes—

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

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

10 (3) the results of the survey conducted under
11 subsection (b), including whether the Secretary
12 plans to implement the tools described in such sub-
13 section.

14 (d) DEFINITIONS.—In this section:

15 (1) APPROPRIATE COMMITTEES OF CON-
16 GRESS.—The term “appropriate committees of Con-
17 gress” means—

18 (A) the Committee on Veterans’ Affairs
19 and the Committee on Health, Education,
20 Labor, and Pensions of the Senate; and

21 (B) the Committee on Veterans’ Affairs
22 and the Committee on Education and the
23 Workforce of the House of Representatives.

24 (2) COMMERCIALY AVAILABLE OFF-THE-
25 SHELF.—The term “commercially available off-the-

1 shelf” has the meaning given that term in section
2 104 of title 41, United States Code.

3 (3) POSTSECONDARY EDUCATION AND TRAIN-
4 ING OPPORTUNITIES.—The term “postsecondary
5 education and training opportunities” means any
6 postsecondary program of education, including ap-
7 prenticeships and on-job training, for which the Sec-
8 retary of Veterans Affairs provides assistance to a
9 veteran or member of the Armed Forces.

10 **SEC. 2. PROHIBITION ON CERTAIN USES OF INDUCEMENTS**
11 **BY EDUCATIONAL INSTITUTIONS.**

12 Section 3696 of title 38, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(d)(1) The Secretary shall not approve under this
16 chapter any course offered by an educational institution
17 if the educational institution provides any commission,
18 bonus, or other incentive payment based directly or indi-
19 rectly on success in securing enrollments or financial aid
20 to any persons or entities engaged in any student recruit-
21 ing or admission activities or in making decisions regard-
22 ing the award of student financial assistance.

23 “(2) To the degree practicable, the Secretary shall
24 carry out paragraph (1) in a manner that is consistent
25 with the Secretary of Education’s enforcement of section

1 487(a)(20) of the Higher Education Act of 1965 (20
2 U.S.C. 1094(a)(20)).”.

3 **SEC. 3. DEDICATED POINTS OF CONTACT FOR SCHOOL**
4 **CERTIFYING OFFICIALS.**

5 Section 3684 of title 38, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(d) Not later than 90 days after the date of the en-
9 actment of this subsection, the Secretary shall ensure that
10 the Department provides personnel of educational institu-
11 tions who are charged with submitting reports or certifi-
12 cations to the Secretary under this section with assistance
13 in preparing and submitting such reports or certifi-
14 cations.”.

15 **SEC. 4. LIMITATION ON AWARDS AND BONUSES TO EM-**
16 **PLOYEES OF DEPARTMENT OF VETERANS AF-**
17 **FAIRS.**

18 For fiscal year 2013, the Secretary of Veterans Af-
19 fairs may not pay more than \$395,000,000 in awards or
20 bonuses under chapter 45 or 53 of title 5, United States
21 Code, or any other awards or bonuses authorized under
22 such title.