

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4057

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2012

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

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,*

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:

9 **“§ 3698. Comprehensive policy on providing edu-**  
10 **cation information to veterans**

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

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

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

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

1       ployment placement of institutions of higher learn-  
2       ing.

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

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

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

19              “(c) POSTSECONDARY EDUCATION INFORMATION.—  
20      (1) The Secretary shall ensure that the information pro-  
21      vided pursuant to subsection (b)(5) includes—

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

1           “(B) a description of Federal student aid pro-  
2           grams; and

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

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

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

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

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

19                  “(v) the tuition and fees;

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

1           “(vii) the cohort default rate, as defined in  
2 section 435(m) of the Higher Education Act of  
3 1965 (20 U.S.C. 1085(m)), of the institution;

4           “(viii) the enrollment rates, graduation  
5 rates, and retention rates;

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

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

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

22           “(2) To the extent possible, the Secretary shall pro-  
23 vide the information described in paragraph (1) by includ-  
24 ing hyperlinks on the Internet website of the Department  
25 to other websites that contain such information in a form

1 that is comprehensive and easily understood by veterans,  
2 members, and other individuals.

3 “(d) DEFINITIONS.—In this section:

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

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

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

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

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

20 “(e) The Secretary shall not approve an educational  
21 institution if the educational institution provides any com-  
22 mission, bonus, or other incentive payment based directly  
23 or indirectly on success in securing enrollments or finan-  
24 cial aid to any persons or entities engaged in any student

1 recruiting or admission activities or in making decisions  
2 regarding the award of student financial assistance.”.

3 (c) SURVEY.—In developing the policy required by  
4 section 3698(a) of title 38, United States Code, as added  
5 by subsection (a), the Secretary shall conduct a market  
6 survey to determine the availability of the following:

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

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

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

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

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

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

10 (e) DEFINITIONS.—In this section:

11           (1) The term “commercially available off-the-  
12 shelf” has the meaning given that term in section  
13 104 of title 41, United States Code.

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

1 **SEC. 2. STATE CONSIDERATION OF MILITARY TRAINING IN**  
2 **GRANTING CERTAIN STATE CERTIFICATIONS**  
3 **AND LICENSES AS A CONDITION ON THE RE-**  
4 **CEIPT OF FUNDS FOR VETERANS EMPLOY-**  
5 **MENT AND TRAINING.**

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

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

14 “(i) Criteria applicants must satisfy to receive  
15 a certification or license described in subparagraph  
16 (B) by the State.

17 “(ii) A description of the standard practices of  
18 the State for evaluating training received by vet-  
19 erans while serving on active duty in the Armed  
20 Forces and evaluating the documented work experi-  
21 ence of such veterans during such service for pur-  
22 poses of approving or denying a certification or li-  
23 cense described in subparagraph (B).

24 “(iii) Identification of areas in which training  
25 and experience described in clause (ii) fails to meet  
26 criteria described in clause (i).

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

3 “(i) A license to be a nonemergency medical  
4 professional.

5 “(ii) A license to be an emergency medical pro-  
6 fessional.

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

8 “(C) The Secretary shall share the information the  
9 Secretary receives under subparagraph (A)(ii) with the  
10 Secretary of Defense to help the Secretary of Defense im-  
11 prove training for military occupational specialties so that  
12 individuals who receive such training are able to receive  
13 a certification or license described in subparagraph (B)  
14 from a State.

15 “(D) The Secretary shall publish on the Internet  
16 website of the Department—

17 “(i) any guidance the Secretary gives the Sec-  
18 retary of Defense with respect to carrying out this  
19 section; and

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

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

1 **SEC. 3. CONDITIONS ON THE AWARD OF PER DIEM PAY-**  
2 **MENTS BY THE SECRETARY OF VETERANS**  
3 **AFFAIRS FOR THE PROVISION OF HOUSING**  
4 **OR SERVICES TO HOMELESS VETERANS.**

5 (a) CONDITION.—

6 (1) IN GENERAL.—Paragraph (1) of section  
7 2012(e) of title 38, United States Code, is amended  
8 to read as follows:

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

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

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

3 (1) by redesignating paragraph (6) as para-  
4 graph (7); and

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

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

14 (c) TREATMENT OF CURRENT RECIPIENTS.—In the  
15 case of the recipient of a per diem payment under section  
16 2012 of title 38, United States Code, that receives such  
17 a payment during the year in which this Act is enacted,  
18 the Secretary of Veterans Affairs shall require the recipi-  
19 ent to submit the certification required under section  
20 2012(c)(1) of such title, as amended by subsection (a)(1),  
21 by not later than two years after the date of the enactment  
22 of this Act. If the recipient fails to submit such certifi-  
23 cation by such date, the Secretary may not make any addi-  
24 tional per diem payments to the recipient under such sec-  
25 tion 2012 until the recipient submits such certification.

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

2 (a) ESTABLISHMENT OF REGISTRY.—Not later than  
3 180 days after the date of the enactment of this Act, the  
4 Secretary of Veterans Affairs shall—

5 (1) establish and maintain an open burn pit  
6 registry for eligible individuals who may have been  
7 exposed to toxic chemicals and fumes caused by open  
8 burn pits;

9 (2) include any information in such registry  
10 that the Secretary of Veterans Affairs determines  
11 necessary to ascertain and monitor the health effects  
12 of the exposure of members of the Armed Forces to  
13 toxic chemicals and fumes caused by open burn pits;

14 (3) develop a public information campaign to  
15 inform eligible individuals about the open burn pit  
16 registry, including how to register and the benefits  
17 of registering; and

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

22 (b) REPORT TO CONGRESS.—

23 (1) REPORT BY INDEPENDENT SCIENTIFIC OR-  
24 GANIZATION.—The Secretary of Veterans Affairs  
25 shall enter into an agreement with an independent

1 scientific organization to develop a report containing  
2 the following:

3 (A) An assessment of the effectiveness of  
4 actions taken by the Secretaries to collect and  
5 maintain information on the health effects of  
6 exposure to toxic chemicals and fumes caused  
7 by open burn pits.

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

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

16 (2) SUBMITTAL TO CONGRESS.—Not later than  
17 18 months after the date on which the registry  
18 under subsection (a) is established, the Secretary of  
19 Veterans Affairs shall submit to Congress the report  
20 developed under paragraph (1).

21 (c) DEFINITIONS.—In this section:

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

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

4 (B) does not contain a commercially manu-  
5 factured incinerator or other equipment specifi-  
6 cally designed and manufactured for the burn-  
7 ing of solid waste.

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

10 (A) was deployed in support of a contin-  
11 gency operation while serving in the Armed  
12 Forces; and

13 (B) during such deployment, was based or  
14 stationed at a location where an open burn pit  
15 was used.

16 **SEC. 5. PERFORMANCE AWARDS IN THE SENIOR EXECU-**  
17 **TIVE SERVICE.**

18 For each of fiscal years 2013 through 2017, the Sec-  
19 retary of Veterans Affairs may not pay more than

1 \$1,000,000 in performance awards under section 5384 of  
2 title 5, United States Code.

Passed the House of Representatives September 11,  
2012.

Attest:

KAREN L. HAAS,

*Clerk.*