

Union Calendar No. 464

112TH CONGRESS
2D SESSION

H. R. 4057

[Report No. 112-646]

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

FEBRUARY 16, 2012

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

SEPTEMBER 10, 2012

Additional sponsors: Ms. HANABUSA, Ms. MCCOLLUM, Mr. MICHAUD, Mr. OWENS, Mr. GENE GREEN of Texas, Ms. PINGREE of Maine, Mr. HIGGINS, Mr. CASSIDY, Mr. LIPINSKI, Mr. CULBERSON, Mr. JACKSON of Illinois, Mr. CARTER, Mr. SHERMAN, Mr. FILNER, Mrs. MCCARTHY of New York, Ms. BORDALLO, Mr. RYAN of Ohio, Mr. RUSH, Mr. CALVERT, Mr. MCKINLEY, Mr. HOLT, Mr. HANNA, Ms. HIRONO, Mr. CICILLINE, and Mr. RANGEL

SEPTEMBER 10, 2012

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 16, 2012]

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,*

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, United*
 7 *States Code, is amended by adding at the end the fol-*
 8 *lowing new section:*

9 **“§ 3698. Comprehensive policy on providing education**
 10 **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 pro-*
 21 *vided under section 3697A of this title.*

22 *“(2) A centralized way to track and publish feed-*
 23 *back from students and State approving agencies re-*
 24 *garding the quality of instruction and accreditation,*

1 *recruiting practices, and post-graduation employment*
2 *placement of institutions of higher learning.*

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.—(1)*
20 *The Secretary shall ensure that the information provided*
21 *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 institution,
10 including the contact information used by the
11 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 Education
18 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 seq.)
23 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 to
20 the institution, including credits awarded by a
21 proprietary for-profit institution.

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

1 *is comprehensive and easily understood by veterans, mem-*
 2 *bers, and other individuals.*

3 “(d) *DEFINITIONS.—In this section:*

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

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

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

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

17 (b) *PROHIBITION ON INDUCEMENTS.—Section 3696 of*
 18 *title 38, United States Code, is amended by adding at the*
 19 *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 financial*
 24 *aid to any persons or entities engaged in any student re-*

1 *cruting or admission activities or in making decisions re-*
2 *garding the award of student financial assistance.”.*

3 (c) *SURVEY.*—*In developing the policy required by sec-*
4 *tion 3698(a) of title 38, United States Code, as added by*
5 *subsection (a), the Secretary shall conduct a market survey*
6 *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 aca-*
10 *demically ready to engage in postsecondary education*
11 *and training opportunities and whether the veteran*
12 *or member would need any remedial preparation be-*
13 *fore 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 to*
21 *the Committees on Veterans’ Affairs of the House of Rep-*
22 *resentatives and the Senate, the Committee on Education*
23 *and the Workforce of the House of Representatives, and the*
24 *Committee on Health, Education, Labor, and Pensions of*
25 *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 sub-*
 7 *section (b), including whether the Secretary plans to*
 8 *implement the tools described in such subsection.*

9 (e) *DEFINITIONS.—In this section:*

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

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

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

24 (a) *IN GENERAL.—Section 4102A(c) of title 38, United*
 25 *States Code, is amended by adding at the end the 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 the*
5 *Secretary in writing the following:*

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

9 “(ii) *A description of the standard practices of*
10 *the State for evaluating training received by veterans*
11 *while serving on active duty in the Armed Forces and*
12 *evaluating the documented work experience of such*
13 *veterans during such service for purposes of approv-*
14 *ing or denying a certification or license described in*
15 *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 pro-*
22 *fessional.*

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 Sec-*
 3 *retary of Defense to help the Secretary of Defense improve*
 4 *training for military occupational specialties so that indi-*
 5 *viduals who receive such training are able to receive a cer-*
 6 *tification or license described in subparagraph (B) from a*
 7 *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 sec-*
 12 *tion; and*

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

15 (b) *EFFECTIVE DATE.—The amendment made by sub-*
 16 *section (a) shall apply with respect to a program year be-*
 17 *ginning on or after October 1, 2013.*

18 **SEC. 3. CONDITIONS ON THE AWARD OF PER DIEM PAY-**
 19 **MENTS BY THE SECRETARY OF VETERANS AF-**
 20 **FAIRS FOR THE PROVISION OF HOUSING OR**
 21 **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 to*
 25 *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 by*
15 *paragraph (1) shall apply with respect to an applica-*
16 *tion for a per diem payment under section 2012 of*
17 *title 38, United States Code, submitted on or after the*
18 *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 and*
2 *accessibility of facilities used to provide programs es-*
3 *tablished by grant recipients or eligible entities under*
4 *section 2011 and 2012 of this title, including the*
5 *number of such grant recipients or eligible entities*
6 *who have submitted a certification under section*
7 *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 a*
11 *payment during the year in which this Act is enacted, the*
12 *Secretary of Veterans Affairs shall require the recipient to*
13 *submit the certification required under section 2012(c)(1)*
14 *of such title, as amended by subsection (a)(1), by not later*
15 *than two years after the date of the enactment of this Act.*
16 *If the recipient fails to submit such certification by such*
17 *date, the Secretary may not make any additional per diem*
18 *payments to the recipient under such section 2012 until the*
19 *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 reg-*
25 *istry for eligible individuals who may have been ex-*

1 *posed 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 nec-*
5 *essary to ascertain and monitor the health effects of*
6 *the exposure of members of the Armed Forces to toxic*
7 *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 of*
11 *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 chemicals*
15 *and fumes caused by open burn pits.*

16 *(b) REPORT TO CONGRESS.—*

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

22 *(A) An assessment of the effectiveness of ac-*
23 *tions taken by the Secretaries to collect and*
24 *maintain information on the health effects of ex-*

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

3 *(B) Recommendations to improve the collec-*
4 *tion 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 under*
13 *subsection (a) is established, the Secretary of Veterans*
14 *Affairs shall submit to Congress the report developed*
15 *under paragraph (1).*

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

17 *(1) The term “open burn pit” means an area of*
18 *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 burning*
25 *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 EXECUTIVE**
10 **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.*

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H. R. 4057

[Report No. 112-646]

A BILL

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