

In the Senate of the United States,

December 19, 2012.

Resolved, That the bill from the House of Representatives (H.R. 4057) entitled “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.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

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

1 **“§ 3698. Comprehensive policy on providing education**
 2 **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 in-*
 12 *dividuals of the educational and vocational counseling*
 13 *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 students;*
 24 *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. 1099b)
9 information regarding the State approving agency’s
10 evaluation of an institution of higher learning.

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

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

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

23 “(A) an explanation of the different types of ac-
24 creditation available to educational institutions and
25 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 any 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 seq.)
23 held by individuals upon completion of programs
24 of education at the institution of higher learning

1 *(as determined from information collected by the*
2 *Secretary of Education);*

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

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

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

23 *“(2) To the extent practicable, the Secretary shall pro-*
24 *vide the information described in paragraph (1) by includ-*
25 *ing hyperlinks on the Internet website of the Department*

1 *to other Internet websites that contain such information,*
2 *including the Internet website of the Department of Edu-*
3 *cation, in a form that is comprehensive and easily under-*
4 *stood by veterans, members of the Armed Forces, and other*
5 *individuals.*

6 “(3)(A) *If the Secretary of Veterans Affairs requires,*
7 *for purposes of providing information pursuant to sub-*
8 *section (b)(5), information that has been reported, or infor-*
9 *mation that is similar to information that has been re-*
10 *ported, by an institution of higher learning to the Secretary*
11 *of Education, the Secretary of Defense, the Secretary of*
12 *Labor, or the heads of other Federal agencies under a provi-*
13 *sion of law other than under this section, the Secretary of*
14 *Veterans Affairs shall obtain the information the Secretary*
15 *of Veterans Affairs requires from the Secretary or head with*
16 *the information rather than the institution of higher learn-*
17 *ing.*

18 “(B) *If the Secretary of Veterans Affairs requires, for*
19 *purposes of providing information pursuant to subsection*
20 *(b)(5), information from an institution of higher learning*
21 *that has not been reported to another Federal agency, the*
22 *Secretary shall, to the degree practicable, obtain such infor-*
23 *mation through the Secretary of Education.*

1 “(d) *CONSISTENCY WITH EXISTING EDUCATION POL-*
 2 *ICY.—In carrying out this section, the Secretary shall en-*
 3 *sure that—*

4 “(1) *the comprehensive policy is consistent with*
 5 *any requirements and initiatives resulting from Exec-*
 6 *utive Order No. 13607; and*

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

10 “(e) *COMMUNICATION WITH INSTITUTIONS OF HIGHER*
 11 *LEARNING.—To the extent practicable, if the Secretary con-*
 12 *siders it necessary to communicate with an institution of*
 13 *higher learning to carry out the comprehensive policy re-*
 14 *quired by subsection (a), the Secretary shall carry out such*
 15 *communication through the use of a communication system*
 16 *of the Department of Education.*

17 “(f) *DEFINITIONS.—In this section:*

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

21 “(2) *The term ‘postsecondary education and*
 22 *training opportunities’ means any postsecondary pro-*
 23 *gram of education, including apprenticeships and on-*
 24 *job training, for which the Secretary of Veterans Af-*

1 *fairs provides assistance to a veteran or member of*
 2 *the Armed Forces.”.*

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

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

7 (b) *SURVEY.*—*In developing the policy required by sec-*
 8 *tion 3698(a) of title 38, United States Code, as added by*
 9 *subsection (a), the Secretary of Veterans Affairs shall con-*
 10 *duct a market survey to determine the availability of the*
 11 *following:*

12 (1) *A commercially available off-the-shelf online*
 13 *tool that allows a veteran or member of the Armed*
 14 *Forces to assess whether the veteran or member is aca-*
 15 *demically ready to engage in postsecondary education*
 16 *and training opportunities and whether the veteran*
 17 *or member would need any remedial preparation be-*
 18 *fore beginning such opportunities.*

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

24 (c) *REPORT.*—*Not later than 90 days after the date*
 25 *of the enactment of this Act, the Secretary of Veterans Af-*

1 *fairs shall submit to the appropriate committees of Congress*
 2 *a report that includes—*

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

6 (2) *a plan of the Secretary to implement such*
 7 *policy; and*

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

11 *(d) DEFINITIONS.—In this section:*

12 (1) *APPROPRIATE COMMITTEES OF CONGRESS.—*
 13 *The term “appropriate committees of Congress”*
 14 *means—*

15 (A) *the Committee on Veterans’ Affairs and*
 16 *the Committee on Health, Education, Labor, and*
 17 *Pensions of the Senate; and*

18 (B) *the Committee on Veterans’ Affairs and*
 19 *the Committee on Education and the Workforce*
 20 *of the House of Representatives.*

21 (2) *COMMERCIALLY AVAILABLE OFF-THE-*
 22 *SHELF.—The term “commercially available off-the-*
 23 *shelf” has the meaning given that term in section 104*
 24 *of title 41, United States Code.*

1 (3) *POSTSECONDARY EDUCATION AND TRAINING*
 2 *OPPORTUNITIES.*—*The term “postsecondary education*
 3 *and training opportunities” means any postsec-*
 4 *ondary program of education, including apprentice-*
 5 *ships and on-job training, for which the Secretary of*
 6 *Veterans Affairs provides assistance to a veteran or*
 7 *member of the Armed Forces.*

8 **SEC. 2. PROHIBITION ON CERTAIN USES OF INDUCEMENTS**
 9 **BY EDUCATIONAL INSTITUTIONS.**

10 *Section 3696 of title 38, United States Code, is amend-*
 11 *ed by adding at the end the following new subsection:*

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

20 *“(2) To the degree practicable, the Secretary shall*
 21 *carry out paragraph (1) in a manner that is consistent*
 22 *with the Secretary of Education’s enforcement of section*
 23 *487(a)(20) of the Higher Education Act of 1965 (20 U.S.C.*
 24 *1094(a)(20)).”.*

1 **SEC. 3. DEDICATED POINTS OF CONTACT FOR SCHOOL CER-**
 2 **TIFYING OFFICIALS.**

3 *Section 3684 of title 38, United States Code, is amend-*
 4 *ed by adding at the end the following new subsection:*

5 *“(d) Not later than 90 days after the date of the enact-*
 6 *ment of this subsection, the Secretary shall ensure that the*
 7 *Department provides personnel of educational institutions*
 8 *who are charged with submitting reports or certifications*
 9 *to the Secretary under this section with assistance in pre-*
 10 *paring and submitting such reports or certifications.”.*

11 **SEC. 4. LIMITATION ON AWARDS AND BONUSES TO EM-**
 12 **PLOYEES OF DEPARTMENT OF VETERANS AF-**
 13 **FAIRS.**

14 *For fiscal year 2013, the Secretary of Veterans Affairs*
 15 *may not pay more than \$395,000,000 in awards or bonuses*
 16 *under chapter 45 or 53 of title 5, United States Code, or*
 17 *any other awards or bonuses authorized under such title.*

Attest:

Secretary.

112TH CONGRESS
2^D SESSION

H.R. 4057

AMENDMENT