

113TH CONGRESS
2D SESSION

S. 2863

To require the Secretary of Education to complete a data analysis on the impact of the proposed rule on gainful employment prior to issuing a final rule on gainful employment.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2014

Mr. FLAKE (for himself, Mr. McCAIN, Mr. HATCH, Mr. ISAKSON, and Mr. SCOTT) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require the Secretary of Education to complete a data analysis on the impact of the proposed rule on gainful employment prior to issuing a final rule on gainful employment.

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. SHORT TITLE.**

4 This Act may be cited as the “Transparency in Edu-
5 cation Act”.

1 **SEC. 2. DATA ANALYSIS REQUIREMENT FOR FINAL RULE**
2 **ON GAINFUL EMPLOYMENT.**

3 (a) IN GENERAL.—The Secretary of Education shall
4 not issue a final rule or otherwise implement the proposed
5 rule published by the Department of Education in the no-
6 tice of proposed rulemaking in the Federal Register on
7 March 25, 2014 (79 Fed. Reg. 16426 et seq.), or any
8 other proposed rule that amends parts 600 or 668 of title
9 34, Code of Federal Regulations, with respect to gainful
10 employment programs, until 90 days after—

11 (1) the Secretary of Education publishes a com-
12 plete data analysis—

13 (A) on the impact of such proposed rule
14 (including the debt-to-earnings and pro-
15 grammatic cohort default rate measures) on all
16 postsecondary education programs and students
17 at all categories of institutions of higher edu-
18 cation that participate in a program under title
19 IV of the Higher Education Act of 1965 (20
20 U.S.C. 1070 et seq.), including the impact on—

21 (i) students who receive Federal Pell
22 Grants under section 401 of the Higher
23 Education Act of 1965 (20 U.S.C. 1070a);

24 (ii) minority students;

25 (iii) students over age 24;

26 (iv) students who are veterans;

1 (v) independent students; and

2 (vi) dependent students; and

3 (B) in a format similar to the Gainful Em-
4 ployment 2012 Informational Rate Calculations
5 published by the Department of Education; and

6 (2) the Comptroller General of the United
7 States issues a report that reviews such data anal-
8 ysis for data accuracy and completeness.

9 (b) DEFINITIONS.—For purposes of this section:

10 (1) INDEPENDENT STUDENT.—The term “inde-
11 pendent student” has the meaning given the term in
12 section 480(d) of the Higher Education Act of 1965
13 (20 U.S.C. 1087vv(d)).

14 (2) INSTITUTION OF HIGHER EDUCATION.—The
15 term “institution of higher education” has the
16 meaning given the term in section 102 of the Higher
17 Education Act of 1965 (20 U.S.C. 1002), except
18 that the term does not include institutions described
19 in subparagraph (C) of such section 102(a)(1).

20 (3) VETERAN.—The term “veteran” has the
21 meaning given the term in section 480(c) of the
22 Higher Education Act of 1965 (20 U.S.C.
23 1087vv(e)).

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