

112TH CONGRESS
1ST SESSION

H. R. 3764

To revise the 90–10 rule under the Higher Education Act of 1965 to count veterans’ education benefits under such rule, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2011

Ms. WATERS introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Armed Services and Veterans’ Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To revise the 90–10 rule under the Higher Education Act of 1965 to count veterans’ education benefits under such rule, 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. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Quality Edu-
5 cation for Veterans Act”.

1 **SEC. 2. REVISION OF 90-10 RULE.**

2 (a) REVISION OF 90-10 RULE.—Section 487 of the
3 Higher Education Act of 1965 (20 U.S.C. 1094) is
4 amended—

5 (1) in subsection (a)(24), by inserting after
6 “other than” the following: “veterans’ education
7 benefits (as defined in subsection (d)(5)) or”;

8 (2) in subsection (d)—

9 (A) in paragraph (2)(A), by inserting at
10 the end the following: “The Secretary of Edu-
11 cation shall notify the Secretary of Defense and
12 the Secretary of Veterans Affairs when, by rea-
13 son of failing to meet a requirement of sub-
14 section (a)(24), a proprietary institution of
15 higher education becomes ineligible to partici-
16 pate in the programs authorized by this title,
17 and when the institution regains such eligi-
18 bility.”; and

19 (B) by inserting at the end the following
20 new paragraph:

21 “(5) VETERANS’ EDUCATION BENEFITS DE-
22 FINED.—For the purpose of this subsection, the
23 term ‘veterans’ education benefits’ includes the vet-
24 erans’ education benefits listed in subparagraphs (A)
25 through (L) of section 480(c)(2) and any other edu-
26 cational assistance benefits provided by the Sec-

(b) CONFORMING AMENDMENT.—The heading for subsection (d) of section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094(d)) is amended by inserting after “NON-TITLE IV” the following: “AND NON-VETERANS’ EDUCATION BENEFITS”.

8 SEC. 3. INELIGIBILITY OF CERTAIN PROPRIETARY INSTITU-
9 TIONS OF HIGHER EDUCATION TO PARTICI-
10 PATE IN DEPARTMENT OF DEFENSE OR DE-
11 PARTMENT OF VETERANS AFFAIRS PRO-
12 GRAMS OF EDUCATIONAL ASSISTANCE.

13 (a) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2008 the following new section:

17 **“§ 2008a. Ineligibility of certain proprietary institu-**
18 **tions of higher education to participate**
19 **in Department of Defense programs of**
20 **educational assistance**

“Upon notice from the Secretary of Education under section 487(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that a proprietary institution of higher education is ineligible to participate in the programs authorized by title IV of such Act (20 U.S.C. 1070

1 et seq.), the Secretary of Defense shall ensure that no edu-
 2 cational assistance provided by the Secretary under this
 3 title or any other provision of law is available or used for
 4 education at the institution for the period of institutional
 5 fiscal years during which the institution remains ineligible
 6 to participate in the programs authorized by title IV of
 7 the Higher Education Act of 1965 (20 U.S.C. 1070 et
 8 seq.).”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
 10 tions at the beginning of chapter 101 of such title
 11 is amended by inserting after the item relating to
 12 section 2008 the following new item:

“2008a. Ineligibility of certain proprietary institutions of higher education to
 participate in Department of Defense programs of educational
 assistance.”.

13 (b) DEPARTMENT OF VETERANS AFFAIRS.—

14 (1) IN GENERAL.—Subchapter II of chapter 36
 15 of title 38, United States Code, is amended by in-
 16 serting after section 3681 the following new section:

17 **“§ 3681A. Ineligibility of certain proprietary institu-**
 18 **tions of higher education to participate**
 19 **in Department of Veterans Affairs pro-**
 20 **grams of educational assistance**

21 “(a) IN GENERAL.—Upon notice from the Secretary
 22 of Education under section 487(d)(2)(A) of the Higher
 23 Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that
 24 a proprietary institution of higher education is ineligible

1 to participate in the programs authorized by title IV of
 2 such Act (20 U.S.C. 1070 et seq.), the Secretary of Vet-
 3 erans Affairs shall ensure that no educational assistance
 4 provided by the Secretary under this title or any other
 5 provision of law is available or used for education at the
 6 institution for the period of institutional fiscal years dur-
 7 ing which the institution remains ineligible to participate
 8 in the programs authorized by title IV of the Higher Edu-
 9 cation Act of 1965 (20 U.S.C. 1070 et seq.).”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
 11 tions at the beginning of chapter 36 of such title is
 12 amended by inserting after the item relating to sec-
 13 tion 3681 the following new item:

“3681A. Ineligibility of certain proprietary institutions of higher education to
 participate in Department of Veterans Affairs programs of
 educational assistance.”.

14 **SEC. 4. EFFECTIVE DATE.**

15 The amendments made by this Act shall be effective
 16 July 1, 2012.

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