

112TH CONGRESS  
2D SESSION

# S. 2206

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide educational counseling to individuals eligible for educational assistance under laws administered by the Secretary before such individuals receive such assistance, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 20, 2012

Mr. LAUTENBERG (for himself, Mr. RUBIO, Mr. BROWN of Massachusetts, Mr. MERKLEY, Ms. MIKULSKI, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide educational counseling to individuals eligible for educational assistance under laws administered by the Secretary before such individuals receive such assistance, 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 “GI Educational Free-  
5       dom Act of 2012”.

1 **SEC. 2. REQUIREMENT FOR PROVISION OF EDUCATIONAL**  
2 **COUNSELING TO INDIVIDUALS BEFORE SUCH**  
3 **INDIVIDUALS RECEIVE EDUCATIONAL AS-**  
4 **SISTANCE PROVIDED UNDER LAWS ADMINIS-**  
5 **TERED BY SECRETARY OF VETERANS AF-**  
6 **FAIRS.**

7 (a) IN GENERAL.—Section 3697A of title 38, United  
8 States Code, is amended—

9 (1) by redesignating subsections (c) through (e)  
10 as subsections (d) through (f), respectively; and

11 (2) by inserting after subsection (b) the fol-  
12 lowing new subsection (c):

13 “(c)(1) Except as provided in paragraph (2), in the  
14 case of an individual described in subsection (b)(1), the  
15 counseling services described in subsection (a) shall be re-  
16 quired to be provided to the individual before the indi-  
17 vidual receives the educational assistance described in  
18 such subsection.

19 “(2) The requirement to provide counseling services  
20 under paragraph (1) shall not apply with respect to an  
21 individual described in such paragraph who communicates  
22 to the Secretary, before receiving educational assistance  
23 described in such paragraph, that the individual declines  
24 the counseling services provided under such paragraph.

25 “(3) For each individual to whom the Secretary pro-  
26 vides counseling services under paragraph (1), the Sec-

1   retary shall provide to the individual, as part of such serv-  
2   ices and to the degree that information necessary to carry  
3   out this paragraph is available to the Secretary, the fol-  
4   lowing:

5           “(A) An explanation of the different types of  
6           accreditation and State certification and licensure  
7           available to educational institutions and programs of  
8           education and a discussion of how such accredita-  
9           tion, certification, and licensure can be important for  
10          meeting preconditions of employment.

11          “(B) A discussion of how the various policies of  
12          educational institutions regarding the transfer of  
13          academic credit can affect the individual and what  
14          kinds of issues are commonly encountered by stu-  
15          dents trying to transfer academic credit.

16          “(C) An overview of Federal student aid pro-  
17          grams, the implications of incurring student loan  
18          debt, and discussion of how receipt of Federal stu-  
19          dent aid can enable a student to complete a program  
20          of education without incurring significant edu-  
21          cational debt.

22          “(D) A comprehensive assessment of the type  
23          and amount of educational assistance available to  
24          the individual under Federal law and under the laws

1 of the State in which the individual resides and of  
2 any other State of the individual's choosing.

3 “(E) If the individual has not developed an aca-  
4 demic plan, a discussion about the importance of de-  
5 veloping an academic plan.

6 “(F) A comprehensive list of educational insti-  
7 tutions located in the State in which the individual  
8 resides and in any other State of the individual's  
9 choosing.

10 “(G) For each educational institution listed  
11 under subparagraph (F), the following information,  
12 if available, in a format that allows for easy com-  
13 parison of educational institutions:

14 “(i) Whether financial assistance is avail-  
15 able to a student enrolled in a program of edu-  
16 cation at the educational institution under title  
17 IV of the Higher Education Act of 1965 (20  
18 U.S.C. 1070 et seq.).

19 “(ii) The number of veterans enrolled in a  
20 program of education at the educational institu-  
21 tion who received educational assistance under  
22 a law administered by the Secretary in the most  
23 recently completed academic year.

24 “(iii) A list of—

1                   “(I) academic and student support  
2                   services provided by the educational insti-  
3                   tution to students enrolled in programs of  
4                   education at the educational institution, in-  
5                   cluding job placement and career coun-  
6                   seling services; and

7                   “(II) special services or benefits cur-  
8                   rently provided by the educational institu-  
9                   tion that address the unique needs of vet-  
10                  erans.

11                  “(iv) With respect to the three-year period  
12                  ending at the end of the most recently com-  
13                  pleted academic year, the median amount of  
14                  student loan debt held upon completion of a  
15                  program of education at the educational institu-  
16                  tion by veterans described in clause (ii).

17                  “(v) The cohort default rate, as defined in  
18                  section 435(m) of the Higher Education Act of  
19                  1965 (20 U.S.C. 1085(m)), of the educational  
20                  institution.

21                  “(vi) With respect to the three-year period  
22                  ending at the end of the most recently com-  
23                  pleted academic year—

24                         “(I) the average number of veterans  
25                         who received a degree from the educational

1 institution for completing a program of  
2 education;

3 “(II) the average number of people  
4 who received a degree from the educational  
5 institution for completing a program of  
6 education;

7 “(III) the average number of veterans  
8 enrolled in programs of education at the  
9 educational institution; and

10 “(IV) the average number of people  
11 enrolled in programs of education at the  
12 educational institution.

13 “(vii) In the case of an educational institu-  
14 tion that offers a program of education de-  
15 signed to prepare people for a State licensure  
16 exam, the percentage of such students who take  
17 and pass such exam.

18 “(viii) For each program of education at  
19 the educational institution, the average amount  
20 of tuition and fees the educational institution  
21 charges a student for completing the program  
22 of education within normal time (as defined in  
23 section 668.41(a) of title 34, Code of Federal  
24 Regulations (or any corresponding similar regu-  
25 lation or ruling)), the typical costs for books

1 and supplies (unless those costs are included as  
2 part of tuition and fees), and the cost of room  
3 and board, if applicable, and a calculation of  
4 how much of such costs can be covered by edu-  
5 cational assistance available to the individual  
6 under laws administered by the Secretary.

7 “(ix) A description of the status of the ac-  
8 creditation of the educational institution and  
9 each program of education offered by the edu-  
10 cational institution and a discussion of the sig-  
11 nificance of such status.

12 “(x) The median, for all veterans described  
13 in subsection (b)(1) who complete a program of  
14 education at the education institution that is an  
15 eligible program of training to prepare students  
16 for gainful employment in a recognized occupa-  
17 tion (as described in section 102(b)(1)(A)(i) of  
18 the Higher Education Act of 1965 (20 U.S.C.  
19 1002(b)(1)(A)(i))), of the duration of each pe-  
20 riod beginning on the date on which a veteran  
21 completes a program of education at the edu-  
22 cational institution and the date on which the  
23 veteran first obtains employment after com-  
24 pleting such program.

“(xi) The median, for all people who complete a program of education at the education institution that is an eligible program of training to prepare students for gainful employment in a recognized occupation (as described in section 102(b)(1)(A)(i) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)(1)(A)(i))), of the duration of each period beginning on the date on which a person completes a program of education at the educational institution and the date on which the person first obtains employment after completing such program.

“(xii) The percentages of veterans and the percentages of people enrolled in programs of education at the educational institution who obtain a degree or certificate within—

“(I) the normal time for completion of, or graduate from, the veteran’s or person’s program, as the case may be;

“(II) 150 percent of the normal time for completion of, or graduation from, the veteran’s or person’s program, as the case may be; and

“(III) 200 percent of the normal time for completion of, or graduation from, the



1           veteran’s or person’s program, as the case  
2           may be.

3           “(xiii) The number of students enrolled in  
4           a program of education at the educational insti-  
5           tution and the number of such students who  
6           submit a complaint to the Secretary under sec-  
7           tion 3693A(a) of this title.

8           “(xiv) Whether the educational institution  
9           has been reported by a Federal or State agency  
10          or a nationally or regionally recognized accred-  
11          iting agency or association as failing to comply  
12          with, or has a significant risk of failing to com-  
13          ply with, a provision of title IV of the Higher  
14          Education Act of 1965 (20 U.S.C. 1070 et  
15          seq.).

16          “(xv) A description of the topics or sub-  
17          jects of the most numerous complaints filed  
18          during the most recent three-year period under  
19          section 3693A of this title with respect to the  
20          educational institution.

21          “(xvi) With respect to each of clauses (i)  
22          through (xiv), how the educational institution  
23          compares with other educational institutions as  
24          follows:

1                   “(I) If the educational institution is a  
2                   four-year educational institution, how the  
3                   educational institution compares with the  
4                   average of all four-year educational institu-  
5                   tions.

6                   “(II) If the educational institution is  
7                   a two-year educational institution, how the  
8                   educational institution compares with the  
9                   average of all two-year educational institu-  
10                  tions.

11                  “(III) If the educational institution is  
12                  a less than two-year educational institu-  
13                  tion, how the educational institution com-  
14                  pares with the average of all less than two-  
15                  year educational institutions.

16                  “(xvii) Such other information as the Sec-  
17                  retary considers appropriate to assist the indi-  
18                  vidual in selecting an educational institution or  
19                  training establishment as described in sub-  
20                  section (a)(1).

21                  “(4) The Secretary may obtain such information as  
22                  the Secretary requires to carry paragraph (3) from the  
23                  Secretary of Education, the Secretary of Defense, and the  
24                  heads of such other Federal agencies as the Secretary con-  
25                  siders appropriate.

1       “(5) The Secretary shall make available to the public  
 2 on an Internet website such information provided under  
 3 paragraph (3) as the Secretary considers appropriate.

4       “(6) Making information available under paragraphs  
 5 (3) and (5) shall not be required in a case in which the  
 6 number of students in a category is insufficient to yield  
 7 statistically reliable information or the results would reveal  
 8 personally identifiable information about a student.”.

9       (b) EFFECTIVE DATE.—Subsection (a) shall take ef-  
 10 fect on the date that is one year after the date of the en-  
 11 actment of this Act and subsection (c) of section 3697A  
 12 of such title, as added by such subsection, shall apply with  
 13 respect to individuals who apply for educational assistance  
 14 described in subsection (b)(1) of such section on or after  
 15 such date.

16 **SEC. 3. REPEAL OF LIMITATION ON PAYMENTS FOR CON-**  
 17 **TRACT EDUCATIONAL AND VOCATIONAL**  
 18 **COUNSELING PROVIDED BY SECRETARY OF**  
 19 **VETERANS AFFAIRS.**

20       Section 3697 of title 38, United States Code, is  
 21 amended—

22           (1) by striking subsection (b); and

23           (2) in subsection (a), by striking “(a) Subject  
 24 to subsection (b) of this section, educational” and  
 25 inserting “Educational”.

1 **SEC. 4. VETERANS' EDUCATION CONSUMER COMPLAINT**  
2 **TRACKING SYSTEM.**

3 (a) IN GENERAL.—Chapter 36 of title 38, United  
4 States Code, is amended by inserting after section 3693  
5 the following new section:

6 **“§ 3693A. Complaint tracking system**

7 “(a) ESTABLISHMENT.—Not later than 180 days  
8 after the date of the enactment of this section, the Sec-  
9 retary shall establish a system to collect, process, and  
10 track complaints submitted to the Secretary by individuals  
11 who are enrolled in programs of education at educational  
12 institutions to report instances of fraud, waste, and abuse  
13 by such institutions with respect to the benefits and serv-  
14 ices provided by such institutions to such individuals.

15 “(b) REQUIREMENTS.—This system established  
16 under subsection (a) shall meet the following require-  
17 ments:

18 “(1) The system shall create an individual case  
19 number for each complaint processed and tracked in  
20 the system.

21 “(2) The system shall allow for the reporting of  
22 complaints, disaggregated by educational institution.

23 “(3) The system shall allow for the reporting of  
24 complaints, disaggregated by topic or subject matter.

25 “(4) The system shall allow for the submittal of  
26 complaints by—

1 “(A) Internet website; and

2 “(B) telephone via a toll-free number that  
3 is available every day at all hours.

4 “(5) The system shall allow for the sharing of  
5 complaints with the following:

6 “(A) The educational institutions that are  
7 the subjects of the complaints.

8 “(B) The Secretary of Education.

9 “(C) The Secretary of Defense.

10 “(D) State approving agencies.

11 “(E) Nationally or regionally recognized  
12 accrediting agencies and associations.

13 “(F) Such other Federal agencies as the  
14 Secretary of Veterans Affairs considers appro-  
15 priate.

16 “(c) OUTREACH.—The Secretary shall conduct such  
17 outreach as may be necessary to inform individuals de-  
18 scribed in subsection (a) of the system and process estab-  
19 lished under such subsection.

20 “(d) CONSIDERATION BY STATE APPROVING AGEN-  
21 CIES.—Whenever a State approving agency considers  
22 whether to approve a course of education of an educational  
23 institution under this chapter, the State approving agency  
24 shall review and take into consideration the complaints

1 processed and tracked by the system established under  
 2 subsection (a) regarding the educational institution.

3 “(e) PRIVACY.—(1) Whenever a complaint is shared  
 4 under subsection (b)(5), the complaint shall be  
 5 anonymized, unless the complainant gives permission to  
 6 the Secretary to share the complainant’s identity.

7 “(2) The Secretary may not share a complaint under  
 8 subsection (b)(5) with an educational institution if the  
 9 complainant requests that such complaint not be shared  
 10 with an educational institution.”.

11 (b) CLERICAL AMENDMENT.—The table of sections  
 12 at the beginning of chapter 36 of such title is amended  
 13 by inserting after the item relating to section 3693 the  
 14 following new item:

“3693A. Complaint tracking system.”.

○