

AMENDMENT TO RULES COMMITTEE PRINT 116–**57****OFFERED BY MRS. LEE OF NEVADA**

At the end of subtitle E of title XVII, add the following new section:

1 **SEC. 17____. PROHIBITION ON USE OF REVENUES FROM DE-**
2 **PARTMENT OF DEFENSE EDUCATIONAL AS-**
3 **SISTANCE FOR ADVERTISING, MARKETING,**
4 **OR RECRUITING.**

5 (a) IN GENERAL.—As a condition on the receipt of
6 Department of Defense educational assistance funds, an
7 institution of higher education, or other postsecondary
8 educational institution, may not use revenues derived from
9 Department of Defense educational assistance funds for
10 advertising, recruiting, or marketing activities described in
11 subsection (b).

12 (b) COVERED ACTIVITIES.—Except as provided in
13 subsection (c), the advertising, recruiting, and marketing
14 activities subject to subsection (a) shall include the fol-
15 lowing:

16 (1) Advertising and promotion activities, includ-
17 ing paid announcements in newspapers, magazines,
18 radio, television, billboards, electronic media, naming

1 rights, or any other public medium of communica-
2 tion, including paying for displays or promotions at
3 job fairs, military installations, or college recruiting
4 events.

5 (2) Efforts to identify and attract prospective
6 students, either directly or through a contractor or
7 other third party, including contact concerning a
8 prospective student's potential enrollment or applica-
9 tion for grant, loan, or work assistance under title
10 IV of the Higher Education Act of 1965 (20 U.S.C.
11 1070 et seq.) or participation in preadmission or ad-
12 vising activities, including—

13 (A) paying employees responsible for over-
14 seeing enrollment and for contacting potential
15 students in-person, by phone, by email, or by
16 other internet communications regarding enroll-
17 ment; and

18 (B) soliciting an individual to provide con-
19 tact information to an institution of higher edu-
20 cation, including Internet websites established
21 for such purpose and funds paid to third par-
22 ties for such purpose.

23 (3) Such other activities as the Secretary of De-
24 fense may prescribe, including paying for promotion

1 or sponsorship of education or military-related asso-
2 ciations.

3 (c) EXCEPTIONS.—Any activity that is required as a
4 condition of receipt of funds by an institution under title
5 IV of the Higher Education Act of 1965 (20 U.S.C. 1070
6 et seq.), is specifically authorized under such title, or is
7 otherwise specified by the Secretary of Education, shall
8 not be considered to be a covered activity under subsection
9 (b).

10 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be construed as a limitation on the use by an
12 institution of revenues derived from sources other than
13 Department of Defense educational assistance funds. As
14 a condition on the receipt of Department of Defense edu-
15 cational assistance funds, each institution of higher edu-
16 cation, or other postsecondary educational institution, that
17 derives 65 percent or more of revenues from Federal edu-
18 cational assistance funds shall submit to the Secretary of
19 Defense and to Congress each year a report that includes
20 the following:

21 (1) The institution's expenditures on adver-
22 tising, marketing, and recruiting.

23 (2) A verification from an independent auditor
24 that the institution is in compliance with the re-
25 quirements of this subsection.

1 (3) A certification from the institution that the
2 institution is in compliance with the requirements of
3 this section.

4 (e) DEFINITIONS.—In this section:

5 (1) The term “Department of Defense edu-
6 cational assistance funds” means funds provided di-
7 rectly to an institution or to a student attending
8 such institution under any of the following provi-
9 sions of law:

10 (A) Chapter 101, 105, 106A, 1606, 1607,
11 or 1608 of title 10, United States Code.

12 (B) Section 1784a, 2005, or 2007 of such
13 title.

14 (2) The term “Federal education assistance
15 funds” means any Federal financial assistance au-
16 thorized under Federal law and provided through a
17 grant, contract, subsidy, loan, guarantee, insurance,
18 or other means to an institution of higher education,
19 including Federal financial assistance that is dis-
20 bursed or delivered to an institution or on behalf of
21 a student or to a student to be used to attend the
22 institution, except that such term shall not include
23 any monthly housing stipend provided under the

- 1 Post-9/11 Veterans Educational Assistance Program
- 2 under chapter 33 of title 38, United States Code.

