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:

SEC. 17. PROHIBITION ON USE OF REVENUES FROM DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE FOR ADVERTISING, MARKETING, OR RECRUITING.

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

(b) COVERED ACTIVITIES.—Except as provided in subsection (c), the advertising, recruiting, and marketing activities subject to subsection (a) shall include the following:

(1) Advertising and promotion activities, including paid announcements in newspapers, magazines, radio, television, billboards, electronic media, naming
rights, or any other public medium of communication, including paying for displays or promotions at job fairs, military installations, or college recruiting events.

(2) Efforts to identify and attract prospective students, either directly or through a contractor or other third party, including contact concerning a prospective student’s potential enrollment or application for grant, loan, or work assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or participation in preadmission or advising activities, including—

(A) paying employees responsible for overseeing enrollment and for contacting potential students in-person, by phone, by email, or by other internet communications regarding enrollment; and

(B) soliciting an individual to provide contact information to an institution of higher education, including Internet websites established for such purpose and funds paid to third parties for such purpose.

(3) Such other activities as the Secretary of Defense may prescribe, including paying for promotion
or sponsorship of education or military-related associations.

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

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the use by an institution of revenues derived from sources other than Department of Defense educational assistance funds. As a condition on the receipt of Department of Defense educational assistance funds, each institution of higher education, or other postsecondary educational institution, that derives 65 percent or more of revenues from Federal educational assistance funds shall submit to the Secretary of Defense and to Congress each year a report that includes the following:

(1) The institution’s expenditures on advertising, marketing, and recruiting.

(2) A verification from an independent auditor that the institution is in compliance with the requirements of this subsection.
(3) A certification from the institution that the institution is in compliance with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term “Department of Defense educational assistance funds” means funds provided directly to an institution or to a student attending such institution under any of the following provisions of law:

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

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

(2) The term “Federal education assistance funds” means any Federal financial assistance authorized under Federal law and provided through a grant, contract, subsidy, loan, guarantee, insurance, or other means to an institution of higher education, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such term shall not include any monthly housing stipend provided under the
Post-9/11 Veterans Educational Assistance Program under chapter 33 of title 38, United States Code.