

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To prohibit educational institutions from using revenues derived from educational assistance furnished under laws administered by Secretary of Defense for advertising, marketing, or recruiting.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**S. 4049**

To authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BROWN

Viz:

1       At the end of subtitle E of title X, add the following:

2   **SEC. 1052. PROHIBITION ON USE BY EDUCATIONAL INSTI-**  
3                   **TUTIONS OF REVENUES DERIVED FROM EDU-**  
4                   **CATIONAL ASSISTANCE FURNISHED UNDER**  
5                   **LAWS ADMINISTERED BY SECRETARY OF DE-**  
6                   **FENSE FOR ADVERTISING, MARKETING, OR**  
7                   **RECRUITING.**

8       (a) IN GENERAL.—As a condition on the receipt of  
9 Department of Defense educational assistance funds, an

1 institution of higher education, or other postsecondary  
2 educational institution, may not use revenues derived from  
3 Department of Defense educational assistance funds for  
4 advertising, recruiting, or marketing activities described in  
5 subsection (b).

6 (b) COVERED ACTIVITIES.—Except as provided in  
7 subsection (c), the advertising, recruiting, and marketing  
8 activities subject to subsection (a) shall include the fol-  
9 lowing:

10 (1) Advertising and promotion activities, includ-  
11 ing paid announcements in newspapers, magazines,  
12 radio, television, billboards, electronic media, naming  
13 rights, or any other public medium of communica-  
14 tion, including paying for displays or promotions at  
15 job fairs, military installations, or college recruiting  
16 events.

17 (2) Efforts to identify and attract prospective  
18 students, either directly or through a contractor or  
19 other third party, including contact concerning a  
20 prospective student's potential enrollment or applica-  
21 tion for grant, loan, or work assistance under title  
22 IV of the Higher Education Act of 1965 (20 U.S.C.  
23 1070 et seq.) or participation in preadmission or ad-  
24 vising activities, including—

1 (A) paying employees responsible for over-  
2 seeing enrollment and for contacting potential  
3 students in-person, by phone, by email, or by  
4 other internet communications regarding enroll-  
5 ment; and

6 (B) soliciting an individual to provide con-  
7 tact information to an institution of higher edu-  
8 cation, including Internet websites established  
9 for such purpose and funds paid to third par-  
10 ties for such purpose.

11 (3) Such other activities as the Secretary of De-  
12 fense may prescribe, including paying for promotion  
13 or sponsorship of education or military-related asso-  
14 ciations.

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

22 (d) DEPARTMENT OF DEFENSE EDUCATIONAL AS-  
23 SISTANCE FUNDS DEFINED.—In this section, the term  
24 “Department of Defense educational assistance funds”  
25 means funds provided directly to an institution or to a

1 student attending such institution under any of the fol-  
2 lowing provisions of law:

3 (1) Chapter 101, 105, 106A, 1606, 1607, or  
4 1608 of title 10, United States Code.

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

6 (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
7 tion shall be construed as a limitation on the use by an  
8 institution of revenues derived from sources other than  
9 Department of Defense educational assistance funds. As  
10 a condition on the receipt of Department of Defense edu-  
11 cational assistance funds, each institution of higher edu-  
12 cation, or other postsecondary educational institution, that  
13 derives revenues from Department of Defense educational  
14 assistance funds shall submit to the Secretary of Defense  
15 and to Congress each year a report that includes the fol-  
16 lowing:

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

19 (2) A verification from an independent auditor  
20 that the institution is in compliance with the re-  
21 quirements of this subsection.

22 (3) A certification from the institution that the  
23 institution is in compliance with the requirements of  
24 this section.