

116TH CONGRESS
1ST SESSION

H. R. 4475

To amend the Higher Education Act of 1965 to determine the expenditures of an institution of higher education on instruction, student services, marketing, recruitment, advertising, and lobbying, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2019

Mr. MALINOWSKI introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Higher Education Act of 1965 to determine the expenditures of an institution of higher education on instruction, student services, marketing, recruitment, advertising, and lobbying, 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 “Higher Education Stu-
5 dent Protection Act”.

1 **SEC. 2. INSTITUTIONAL EXPENDITURES.**

2 (a) CONSUMER INFORMATION.—Section 132(i)(1) of
3 the Higher Education Act of 1965 (20 U.S.C.
4 1015a(i)(1)) is amended by adding at the end:

5 “(AA) The institution’s expenditures on in-
6 struction, student services, marketing, recruit-
7 ment, advertising, and lobbying.”.

8 (b) RESTRICTIONS ON CERTAIN EXPENDITURES.—
9 Part G of title IV of the Higher Education Act of 1965
10 is amended by adding at the end the following:

11 **“SEC. 498E. RESTRICTIONS ON CERTAIN EXPENDITURES.**

12 “(a) ESTABLISHING DEFINITIONS.—

13 “(1) IN GENERAL.—For purposes of each sur-
14 vey conducted under the Integrated Postsecondary
15 Education Data System after the date of enactment
16 of the Higher Education Student Protection Act and
17 this Act, the Secretary shall define the following
18 terms:

19 “(A) Marketing.

20 “(B) Recruitment.

21 “(C) Advertising.

22 “(D) Lobbying.

23 “(E) Student services.

24 “(2) EXCLUSION OF CERTAIN ACTIVITIES.—In
25 defining the term ‘student services’ under paragraph
26 (1)(E), the Secretary shall ensure that such term

1 does not include marketing, recruitment, advertising,
2 or lobbying.

3 “(b) LIMITATION ON EXPENDITURES.—In a case in
4 which the Secretary determines with respect to an institu-
5 tion of higher education participating in any program
6 under this title that, for any of the 3 most recent institu-
7 tional fiscal years for which the institution submits to the
8 Secretary disclosures on the expenditures of the institution
9 on instruction, the amount expended by such institution
10 on instruction for such fiscal year is less than an amount
11 equal to 1/3 of institution’s revenues derived from tuition
12 and fees—

13 “(1) for any institutional fiscal year after such
14 determination is made, the sum of the amount ex-
15 pended by the institution on marketing, recruitment,
16 advertising, and lobbying may not exceed the
17 amount of the institution’s revenues derived from
18 sources other than Federal education assistance
19 funds; and

20 “(2) in a case in which the institution fails to
21 meet the requirements of paragraph (1) for 2 con-
22 secutive institutional fiscal years, the institution
23 shall be ineligible to participate in the programs au-
24 thorized by this title for a period of not less than
25 two institutional fiscal years.

1 “(c) PUBLICATION ON WEBSITE.—The Secretary
2 shall, on an annual basis, publicly disclose on the Depart-
3 ment’s website, information with respect to any institution
4 of higher education that is subject to the requirements of
5 subsection (b)(1), including—

6 “(1) the quotient of the amount that the insti-
7 tution expends on instruction for purposes of section
8 132(i)(1)(AA) divided by the institution’s revenues
9 derived from tuition and fees, expressed as a per-
10 centage;

11 “(2) the sum of such institution’s expenditures
12 on advertising, recruiting, marketing, and lobbying;

13 “(3) the amount of such institution’s revenues
14 received from sources outside of Federal education
15 assistance funds; and

16 “(4) the difference between paragraphs (2) and
17 (3).”.

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