43

AMENDMENT TO H.R. 4137, AS REPORTED

OFFERED BY MR. KLINE OF MINNESOTA

After section 112 of the bill, add the following new section (and redesignate the succeeding section accordingly:

SEC. 112. DISCRIMINATION AGAINST THE MILITARY.

Title I (20 U.S.C. 1001 et seq.) is further amended by adding at the end the following new part:

"PART F—DISCRIMINATION AGAINST THE MILITARY

"SEC. 161. DICRIMINATION PROHIBITED.

"(a) PROHIBITION.—No funds described in subsection (c)(1) may be provided by contract or by grant to an institution of higher education (including any sub-element of such institution) if the Secretary of Education determines that that institution (or any sub-element of that institution) has an agreement, contract, or otherwise partners with (regardless of when implemented) any entity that takes action to discriminate or condones discrimination against the military or military recruitment centers by denying or restricting equal access by the public to such centers or by denying equal treatment under the law.

1 "(b) EXCEPTIONS.—The limitation established in
2 subsection (a) shall not apply to an institution of higher
3 education (or any sub-element of that institution) if the
4 Secretary of Education determines that—
5 "(1) the institution (and each sub-element of
6 that institution) has terminated the agreement or
7 contract described in that subsection; or
8 "(2) the institution of higher education involved
9 has a longstanding policy of pacifism based on his-
10 torical religious affiliation.
11 "(c) COVERED FUNDS.—
12 "(1) Except as provided in paragraph (2), the
13 limitations established in subsection (a) apply to any
14 funds authorized under the Higher Education Act of
15 1965 (20 U.S.C. 1001 et seq.).
16 "(2) Any Federal funding specified in para-
17 graph (1) that is provided to an institution of higher
18 education, or to an individual, to be available solely
19 for student financial assistance, related administra-
20 tive costs, or costs associated with attendance, may
21 be used for the purpose for which the funding is pro-
22 vided.
23 "(d) NOTICE OF DETERMINATIONS.—Whenever the
24 Secretary of Education makes a determination under sub-
25 section (a), the Secretary—

1 "(1) shall transmit a notice of the determina-
2 tion to the Secretary of Education, to the head of
3 each other department and agency the funds of
4 which are subject to the determination, and to Con-
5 gress; and
6 "(2) shall publish in the Federal Register a no-
7 tice of the determination and the effect of the deter-
8 mination on the eligibility of the institution of higher
9 education (and any sub-element of that institution)
10 for contracts and grants.
11 "(e) SEMIANNUAL NOTICE IN FEDERAL REG-
12 ISTER.—The Secretary of Education shall publish in the
13 Federal Register once every six months a list of each insti-
14 tution of higher education that is currently ineligible for
15 contracts and grants by reason of a determination of the
16 Secretary under subsection (a).".