SEC. 549. REDUCTION IN REQUIREMENTS FOR PUBLICATION IN FEDERAL REGISTER UNDER SOLOMON AMENDMENT.

Section 983 of title 10, United States Code, is amended by striking subsection (f).

Section-by-Section Analysis

This proposal would adjust the reporting requirement specified in section 983(f) of title 10, United States Code, for the Secretary of Defense to publish a list of institutions of higher education that, as determined by the Secretary, are ineligible for contracts or grants due to non-compliance with section 983 (popularly known as the "Solomon Amendment") in the Federal Register every 6 months. The proposal requests the reporting frequency to be adjusted from once every 6 months to whenever a change occurs.

When section 983 of title 10 was enacted, the number of schools not compliant with its mandate fluctuated considerably and in order to ensure the accuracy of schools determined to be eligible or ineligible for government contracts and grants, the list needed to be published every six months. Over the last five years, the number of schools that have been determined to be ineligible for government contracts and grants for non-compliance with section 983 has decreased considerably to the point that there is currently no school in non-compliance. This change will continue to ensure all updates are made, but will negate the need to staff and publish new Federal Register notices when no changes have occurred.

The requirement to publish new determinations is already codified in section 983(e)(2) and, therefore, there is no longer a need to keep 983(f) to restate the requirement already listed in section 983(e)(2). This proposal will not remove the requirement to announce in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education (and any sub-element of that institution) for contracts and grants. It merely removes the requirement to publish the list every 6 months.

Budget Implications: While there is no monetary benefit to adjusting this requirement, the change would save the man-hours it currently takes to staff packages every six months that contain no changes to previous staffing packages.

RESOURCE REQUIREMENTS ($ MILLIONS) REFLECTED IN PRESIDENT'S BUDGET								
	FY 2013	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
Army	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0
Navy	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0
Marine Corps	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0
Air Force	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0
Total	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0

NUMBER OF PERSONNEL AFFECTED								
	FY 2013	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
Army	0	0	0	0	0	0	0	0
Navy	0	0	0	0	0	0	0	0
Marine Corps	0	0	0	0	0	0	0	0
Air Force	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Changes to Existing Law: This section would make the following change to 10 U.S.C. 983:

§ **983**. **Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies**

(a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—No funds described in subsection (d)(1) may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) the Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of this title and other applicable Federal laws) at that institution (or any subelement of that institution); or

(2) a student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) DENIAL OF FUNDS FOR PREVENTING MILITARY RECRUITING ON CAMPUS.—No funds described in subsection (d)(1) may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

(1) the Secretary of a military department or Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or

(2) access by military recruiters for purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at that institution (or any subelement of that institution):

(A) Names, addresses, and telephone listings.

(B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

(c) EXCEPTIONS.—The limitation established in subsection (a) or (b) shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that—

(1) the institution (and each subelement of that institution) has ceased the policy or practice described in that subsection; or

(2) the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

(d) COVERED FUNDS.—(1) Except as provided in paragraph (2), the limitations established in subsections (a) and (b) apply to the following:

(A) Any funds made available for the Department of Defense.

(B) Any funds made available for any department or agency for which regular appropriations are made in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

(C) Any funds made available for the Department of Homeland Security.

(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

(E) Any funds made available for the Department of Transportation.

(F) Any funds made available for the Central Intelligence Agency.

(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.

(e) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary—

(1) shall transmit a notice of the determination to the Secretary of Education, to the head of each other department and agency the funds of which are subject to the determination, and to Congress; and

(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education (and any subelement of that institution) for contracts and grants.

~~(f) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a) or (b).~~