

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4660

To amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny military recruiters access to secondary school students, or directory information about secondary school students, on the same basis as other potential employers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2000

Mr. HEFLEY introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny military recruiters access to secondary school students, or directory information about secondary school students, on the same basis as other potential employers, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Military Recruiter Sec-  
3 ondary Schools Access Act of 2000”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The combined effects of the strongest econ-  
7 omy in 40 years, the lowest unemployment rate since  
8 the establishment of an all-volunteer force for the  
9 Armed Forces, and a declining propensity on the  
10 part of America’s youth to serve in the military  
11 make the recruitment of persons for the Armed  
12 Forces unusually challenging.

13 (2) For the recruitment of high quality per-  
14 sonnel, each of the Armed Forces faces intense com-  
15 petition from the other branches of the Armed  
16 Forces, the private sector, and postsecondary edu-  
17 cational institutions.

18 (3) It is becoming increasingly difficult for the  
19 Armed Forces to meet their respective recruiting  
20 goals. Despite a variety of innovative approaches  
21 taken by recruiters and the extensive programs of  
22 benefits that are available for recruits, recruiters  
23 have to devote extraordinary time and effort to fill  
24 monthly requirements for immediate accessions.

25 (4) A number of local educational agencies have  
26 denied recruiters for the Armed Forces access to

1 secondary school students, or to student directory  
2 information about secondary school students, of  
3 those agencies. In 1999, there were 4,515 instances  
4 of denial of access in the case of the Army, 4,364  
5 instances in the case of the Navy, 4,884 instances  
6 in the case of the Marine Corps, and 5,465 instances  
7 in the case of the Air Force.

8 (5) As of the beginning of 2000, local edu-  
9 cational agencies operating nearly one-fourth of all  
10 secondary schools nationwide did not release student  
11 directory information to the Armed Forces for re-  
12 cruiting purposes.

13 (6) In testimony presented to the Committee on  
14 Armed Services of the Senate, military recruiters  
15 have stated that the single biggest obstacle to car-  
16 rying out their recruiting mission for new enlisted  
17 accessions is the denial of access to directory infor-  
18 mation about secondary school students.

19 (7) The denial to military recruiters of direct  
20 access to secondary school students and the denial  
21 of access to directory information about those stu-  
22 dents unfairly harms the students themselves, since  
23 students are thereby prevented from receiving full  
24 information on the educational and training incen-  
25 tives offered by the Armed Forces, thus impairing

1 the career decisionmaking process for the students  
2 by limiting the availability of complete information  
3 on their options.

4 (8) The denial of access for Armed Forces re-  
5 cruiters to secondary school students or to student  
6 directory information ultimately undermines the na-  
7 tional defense by making it more difficult for the  
8 Armed Forces to recruit young Americans in the  
9 quantity and of the quality necessary for maintain-  
10 ing the readiness of the Armed Forces to provide for  
11 the national defense.

12 **SEC. 3. LOCAL EDUCATIONAL AGENCIES DENYING EQUAL**  
13 **ACCESS TO SECONDARY SCHOOLS FOR MILI-**  
14 **TARY RECRUITING PURPOSES.**

15 (a) DENIAL OF EDUCATIONAL ASSISTANCE  
16 FUNDS.—Section 503 of title 10, United States Code, is  
17 amended by adding at the end the following new sub-  
18 section:

19 “(d) DENIAL OF FEDERAL EDUCATIONAL ASSIST-  
20 ANCE FUNDS TO LOCAL EDUCATIONAL AGENCIES DENY-  
21 ING EQUAL ACCESS TO RECRUITERS.—(1) Section 983 of  
22 this title (other than subsection (a) of that section) shall  
23 apply to each local educational agency included on the list  
24 maintained under paragraph (2) as if the local educational

1 agency were an institution of higher education described  
2 in subsection (b) of that section.

3 “(2) The Secretary of Defense shall maintain a list  
4 of local educational agencies that are required under para-  
5 graph (3) to be listed as local educational agencies that  
6 deny recruiting access to the armed forces.

7 “(3)(A) If a local educational agency denies a request  
8 by a representative of an armed force for recruiting access  
9 to secondary school students, the Secretary concerned  
10 shall provide for an officer of that armed force to meet  
11 with representatives of that local educational agency in  
12 person, at the offices of that agency, for the purpose of  
13 attempting to arrange for recruiting access. The Secretary  
14 shall seek to have such meeting occur not later than 120  
15 days after the date of the denial of the request.

16 “(B) If, after a meeting under subparagraph (A) with  
17 representatives of a local educational agency that has de-  
18 nied a request by a representative of an armed force for  
19 recruiting access to secondary school students or (if such  
20 a meeting cannot be arranged within 120 days of such  
21 denial) after the end of such 120-day period, the Secretary  
22 of Defense determines that the agency continues to deny  
23 recruiting access, the Secretary shall transmit to the Chief  
24 Executive of the State in which the local educational agen-  
25 cy is located a notification of the denial of recruiting ac-

1 cess and a request for assistance in obtaining such access.  
2 The notification shall be transmitted within 60 days after  
3 the date of the determination. The Secretary shall provide  
4 to the Secretary of Education a copy of such notification  
5 and any other communication between the Secretary and  
6 a Chief Executive with respect to such access.

7 “(C) If a local educational agency continues to deny  
8 recruiting access one year after the date of the transmittal  
9 of a notification regarding that agency under subpara-  
10 graph (B), the Secretary—

11 “(i) shall determine whether the agency denies  
12 recruiting access to at least two of the armed forces  
13 (other than the Coast Guard when it is not oper-  
14 ating as a service in the Navy); and

15 “(ii) upon making an affirmative determination,  
16 shall include the agency on the list maintained under  
17 paragraph (2).

18 “(4) In this subsection:

19 “(A) The term ‘local educational agency’ in-  
20 cludes the governing body of a person or entity own-  
21 ing a private secondary educational institution.

22 “(B) The term ‘recruiting access’ means access  
23 requested by the Department of Defense, as de-  
24 scribed in subsection (c), that the Department be  
25 provided the same access to secondary school stu-

1 dents, and to directory information concerning such  
2 students, for military recruiting purposes as is pro-  
3 vided generally to post-secondary educational institu-  
4 tions or to prospective employers of those students.

5 “(C) The term ‘State’ includes the District of  
6 Columbia, American Samoa, the Federated States of  
7 Micronesia, Guam, the Republic of the Marshall Is-  
8 lands, the Commonwealth of the Northern Mariana  
9 Islands, the Commonwealth of Puerto Rico, the Re-  
10 public of Palau, and the United States Virgin Is-  
11 lands.”.

12 (b) TRANSITION PROVISIONS.—(1) In the case of a  
13 local educational agency that, as of the date of the enact-  
14 ment of this Act, is included on a list maintained by the  
15 Department of Defense as an educational agency that de-  
16 nies recruiting access—

17 (A) the local educational agency shall be  
18 deemed to have first denied recruiting access on that  
19 date;

20 (B) the meeting required under paragraph  
21 (3)(A) of section 503(d) of title 10, United States  
22 Code (as added by subsection (a)), shall be made by  
23 an officer of any armed force that is appropriate  
24 under that paragraph, as determined by the Sec-  
25 retary of Defense;

1 (C) any notification required under paragraph  
2 (3)(B) of such section shall be transmitted within 90  
3 days (instead of 60 days) after the Secretary of De-  
4 fense makes a determination under that paragraph;  
5 and

6 (D) paragraph (1) of such section shall not  
7 apply to the agency unless and until the date on  
8 which the Secretary of Defense is required under  
9 paragraph (3)(C) of that section to include the agen-  
10 cy on the list of local educational agencies that deny  
11 recruiting access to the Armed Forces.

12 (2) For purposes of this subsection, the terms “local  
13 educational agency” and “recruiting access” have the  
14 meanings given those terms in section 503(d)(4) of title  
15 10, United States Code (as added by subsection (a)).

16 (c) TECHNICAL AMENDMENTS.—Section 503 of title  
17 10, United States Code, as amended by subsection (a),  
18 is further amended—

19 (1) in subsection (a), by inserting “RECRUITING  
20 CAMPAIGNS.—” after “(a)”;

21 (2) in subsection (b), by inserting “COMPILA-  
22 TION OF DIRECTORY INFORMATION.—” after “(b)”;  
23 and

24 (3) in subsection (c), by inserting “RECRUITING  
25 ACCESS TO SECONDARY SCHOOLS.—” after “(c)”;

1 **SEC. 4. REPEAL OF EXCEPTION FOR STUDENT FINANCIAL**  
2 **ASSISTANCE FROM BAN ON FEDERAL**  
3 **GRANTS AND CONTRACTS TO INSTITUTIONS**  
4 **OF HIGHER EDUCATION DENYING ACCESS TO**  
5 **ROTC OR MILITARY RECRUITERS.**

6 Section 8120 of the Department of Defense Appro-  
7 priations Act, 2000 (Public Law 106–79; 113 Stat. 1260;  
8 10 U.S.C. 983 note), is repealed.

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