

110TH CONGRESS
2D SESSION

H. R. 5462

To amend title 10, United States Code, to deny Federal funds for any State or city, county, or other political subdivision of a State that prohibits or unduly restricts the establishment or operation of a military recruiting office.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2008

Mr. GOHMERT (for himself, Mr. KLINE of Minnesota, Mr. CAMPBELL of California, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. SALI, Mr. LAMBORN, Mr. CONAWAY, Mr. SHADEGG, Mr. CHABOT, Mr. PRICE of Georgia, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. SAM JOHNSON of Texas, Mr. MANZULLO, Mr. GOODE, Mr. PITTS, Mr. WAMP, Mr. FEENEY, Mr. WALBERG, Mr. GINGREY, Mr. MARCHANT, Mr. HERGER, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. AKIN, Mr. BROUN of Georgia, Mr. BILBRAY, Mr. BROWN of South Carolina, Mr. ISSA, Mr. NEUGEBAUER, Mr. HUNTER, Mr. POE, Mr. HALL of Texas, Mr. EHLERS, Mr. BURTON of Indiana, Mr. BARTON of Texas, Mr. MCHENRY, Mr. SESSIONS, Mr. HAYES, Mr. LATTA, Mr. PENCE, Mr. KING of New York, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Education and Labor, 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

A BILL

To amend title 10, United States Code, to deny Federal funds for any State or city, county, or other political subdivision of a State that prohibits or unduly restricts the establishment or operation of a military recruiting office.

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. DENIAL OF FEDERAL FUNDS FOR STATES AND**
 4 **POLITICAL SUBDIVISIONS OF STATES PRO-**
 5 **HIBITING OR UNDULY RESTRICTING MILI-**
 6 **TARY RECRUITING OFFICES.**

7 Section 503 of title 10, United States Code, is
 8 amended—

9 (1) by redesignating subsection (d) as sub-
 10 section (e); and

11 (2) by inserting after subsection (c) the fol-
 12 lowing new subsection (d):

13 “(d) RESPONSE TO PROHIBITIONS OR RESTRICTIONS
 14 ON MILITARY RECRUITING OFFICES.—

15 “(1) CUT-OFF OF CERTAIN FEDERAL FUND-
 16 ING.—No funds described in paragraph (3) of this
 17 subsection may be provided by appropriation, grant,
 18 award, contract or any other means to a State or a
 19 city, county, or other political subdivision of a State
 20 if the Secretary of Defense determines that the
 21 State or political subdivision prohibits or unreason-
 22 ably restricts, through the imposition of zoning re-
 23 quirements more restrictive than the requirements
 24 imposed on most small businesses within the juris-
 25 diction involved, the ability of the armed forces to

1 establish and operate a military recruiting office.
2 The prohibition on a State receiving Federal funds
3 applies only if the State acts to prohibit or unrea-
4 sonably restrict military recruiting offices, and the
5 State is not held responsible for the actions of polit-
6 ical subdivisions of the State.

7 “(2) NOTIFICATION.—The Secretary of Defense
8 shall notify the President and the Congress of each
9 determination made under paragraph (1) of this
10 subsection regarding a State or political subdivision
11 and the basis for the determination.

12 “(3) COVERED FUNDS.—The limitations estab-
13 lished in paragraph (1) of this subsection apply to
14 the following:

15 “(A) Any funds made available by the De-
16 partment of Defense.

17 “(B) Any funds made available by any de-
18 partment or agency for which regular appro-
19 priations are made in a Departments of Labor,
20 Health and Human Services, and Education,
21 and Related Agencies Appropriations Act.

22 “(C) Any funds made available by the De-
23 partment of Homeland Security.

1 “(D) Any funds made available by the Na-
2 tional Nuclear Security Administration of the
3 Department of Energy.

4 “(E) Any funds made available by the De-
5 partment of Transportation.

6 “(F) Any funds made available by the De-
7 partment of Agriculture.

8 “(G) Any funds made available by the
9 Central Intelligence Agency.

10 “(H) Any other Federal funds, whether
11 made available by appropriation, grant, award,
12 contract or any other means to a State or a po-
13 litical subdivision of a State.

14 “(4) TERMINATION OF FUNDING CUT-OFF.—
15 The limitation imposed by paragraph (1) of this sub-
16 section shall not apply to a State or political subdivi-
17 sion if the Secretary of Defense determines that the
18 State or political subdivision has terminated or oth-
19 erwise ceased to enforce the prohibition or restric-
20 tions described in such paragraph.

21 “(5) DEFINITIONS.—In this subsection:

22 “(A) The term ‘military recruiting office’
23 means any permanent structure used by the
24 armed forces as a location to recruit persons to
25 enlist in the armed forces.

1 “(B) The term ‘State’ means any of the
2 several States, the District of Columbia, the
3 Commonwealth of Puerto Rico, Guam, the
4 United States Virgin Islands, the Common-
5 wealth of the Northern Mariana Islands, Amer-
6 ican Samoa, and any other territory or posses-
7 sion of the United States.”.

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