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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R. _____

To amend the procedures regarding military recruiter access to secondary school student recruiting information.

IN THE HOUSE OF REPRESENTATIVES

Mr. HUNTER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the procedures regarding military recruiter access to secondary school student recruiting information.

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 “Fairness for Military
5 Recruiters Act”.

6 **SEC. 2. ACCESS TO STUDENT RECRUITING INFORMATION.**

7 (a) CHANGES TO THE ELEMENTARY AND SEC-
8 ONDARY EDUCATION ACT OF 1965.—Section 9528(a) of

1 the Elementary and Secondary Education Act of 1965 (20
2 U.S.C. 7908(a)) is amended—

3 (1) by striking paragraphs (1) and (2) and in-
4 serting the following:

5 “(1) ACCESS TO STUDENT RECRUITING INFOR-
6 MATION.—Notwithstanding section 444(a)(5)(B) of
7 the General Education Provisions Act, each local
8 educational agency receiving assistance under this
9 Act shall provide, upon a request made by a military
10 recruiter or an institution of higher education, ac-
11 cess to the name, address, and telephone listing of
12 each secondary school student served by the local
13 educational agency, unless the parent of such stu-
14 dent has submitted the prior consent request under
15 paragraph (2).

16 “(2) CONSENT.—

17 “(A) OPT-OUT PROCESS.—A parent of a
18 secondary school student may submit a written
19 request, to the local educational agency, that
20 the student’s name, address, and telephone list-
21 ing not be released for purposes of paragraph
22 (1) without prior written consent of the parent.
23 Upon receiving such request, the local edu-
24 cational agency may not release the student’s
25 name, address, and telephone listing for such

1 purposes without the prior written consent of
2 the parent.

3 “(B) NOTIFICATION OF OPT-OUT PROC-
4 ESS.—Each local educational agency shall no-
5 tify the parents of the students served by the
6 agency of the option to make a request de-
7 scribed in subparagraph (A).”; and

8 (2) by adding at the end the following:

9 “(4) RULE OF CONSTRUCTION PROHIBITING
10 OPT-IN PROCESSES.—Nothing in this subsection
11 shall be construed to allow a local educational agen-
12 cy to withhold access to a student’s name, address,
13 and telephone listing from a military recruiter or in-
14 stitution of higher education by implementing an
15 opt-in process or any other process other than the
16 written consent request process under paragraph
17 (2)(A).

18 “(5) PARENTAL CONSENT.—For purposes of
19 this subsection, whenever a student has attained
20 eighteen years of age, the permission or consent re-
21 quired of and the rights accorded to the parents of
22 the student shall only be required of and accorded
23 to the student.”.

1 (b) CHANGES TO TITLE 10 OF THE UNITED STATES
2 CODE.—Section 503(c) of title 10, United States Code,
3 is amended—

4 (1) by striking paragraph (1) and inserting the
5 following: “(1)(A) Each local educational agency re-
6 ceiving assistance under the Elementary and Sec-
7 ondary Education Act of 1965—

8 “(i) shall provide to military recruiters the
9 same access to secondary school students as is pro-
10 vided generally to postsecondary educational institu-
11 tions or to prospective employers of those students;
12 and

13 “(ii) shall provide, upon a request made by a
14 military recruiter for military recruiting purposes,
15 access to the name, address, and telephone listing of
16 each secondary school student served by the local
17 educational agency, notwithstanding section
18 444(a)(5)(B) of the General Education Provisions
19 Act (20 U.S.C. 1232g(a)(5)(B)), unless the parent
20 of such student has submitted the prior consent re-
21 quest under subparagraph (B).

22 “(B)(i) The parent of a secondary school student may
23 submit a written request, to the local educational agency,
24 that the student’s name, address, and telephone listing not
25 be released for purposes of subparagraph (A) without

1 prior written parental consent. Upon receiving a request,
2 the local educational agency may not release the student's
3 name, address, and telephone listing for such purposes
4 without the prior written consent of the parent.

5 “(ii) Each local educational agency shall notify par-
6 ents of the option to make a request described in clause
7 (i).

8 “(C) Nothing in this paragraph shall be construed to
9 allow a local educational agency to withhold access to a
10 student's name, address, and telephone listing from a mili-
11 tary recruiter or institution of higher education by imple-
12 menting an opt-in process or any other process other than
13 the written consent request process under subparagraph
14 (B)(i).

15 “(D) PARENTAL CONSENT.—For purposes of this
16 paragraph, whenever a student has attained eighteen
17 years of age, the permission or consent required of and
18 the rights accorded to the parents of the student shall only
19 be required of and accorded to the student.”;

20 (2) by striking paragraphs (2), (3), and (4) and
21 inserting the following:

22 “(2)(A) If a local educational agency denies recruit-
23 ing access to a military recruiter under this section, the
24 Secretary shall notify—

1 “(i) the Governor of the State in which the
2 local educational agency is located; and

3 “(ii) the Secretary of Education.

4 “(B) Upon receiving a notification under subpara-
5 graph (A), the Secretary of Education—

6 “(i) shall, consistent with the provisions of part
7 D of title IV of the General Education Provisions
8 Act (20 U.S.C. 1234 et seq.), determine whether the
9 local educational agency is failing to comply substan-
10 tially with the requirements of this subsection; and

11 “(ii) upon determining that the local edu-
12 cational agency has failed to comply substantially
13 with such requirements, may impose a penalty, or
14 enforce a remedy, available for a violation of section
15 9528(a) of the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C. 7908(a)) in the same
17 manner as such penalty or remedy would apply to a
18 local educational agency that violated such section.”;

19 (3) by redesignating paragraphs (5) and (6) as
20 paragraphs (3) and (4), respectively; and

21 (4) in paragraph (4) (as redesignated by para-
22 graph (3) of this section)—

23 (A) by striking subparagraphs (C), (E),
24 and (F); and

- 1 (B) by redesignating subparagraph (D) as
- 2 subparagraph (C).