

Log 301

AMENDMENT TO H.R. 4909 OFFERED BY MR. SMITH OF WASHINGTON

At the end of subtitle E of title V, add the following
new section:

1 **SEC. 5** ____. **PROHIBITION ON ESTABLISHMENT, MAINTENANCE, OR SUPPORT OF SENIOR RESERVE**
2 **OFFICERS' TRAINING CORPS UNITS AT EDUCATIONAL INSTITUTIONS THAT DISPLAY**
3 **CONFEDERATE BATTLE FLAG.**
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6 (a) **PROHIBITION.**—Section 2102 of title 10, United
7 States Code, is amended by adding at the end the fol-
8 lowing new subsection:

9 “(e) **PROHIBITION RELATED TO DISPLAY OF CON-**
10 **FEDERATE BATTLE FLAG.**—(1) The Secretary of a mili-
11 tary department may not establish, maintain, or support
12 a unit of the program at any educational institution, in-
13 cluding any senior military college specified in section
14 2111a of this title, that displays, in a location other than
15 in a museum exhibit, the Confederate battle flag.

16 “(2)(A) Upon making a determination under para-
17 graph (1) that an educational institution displays, in a lo-
18 cation other than in a museum exhibit, the Confederate
19 battle flag, the Secretary of the military department con-

1 cerned shall terminate, in accordance with subparagraph
2 (B), any unit of the program at that educational institu-
3 tion in existence as of the date of the determination.

4 “(B) The termination of a unit of the program at
5 an educational institution pursuant to this paragraph shall
6 take effect on the date on which—

7 “(i) each member of the program who, as of the
8 date of the determination, is enrolled in the edu-
9 cational institution is no longer so enrolled; and

10 “(ii) each student who, as of the date of the de-
11 termination, is enrolled in the educational institution
12 but not yet a member of the program, is no longer
13 so enrolled.

14 “(3) Not later than January 31, 2017, and each Jan-
15 uary 31 thereafter through January 31, 2021, the Sec-
16 retary of Defense shall submit to the congressional defense
17 committees a report—

18 “(A) identifying each unit of the program lo-
19 cated at an educational institution that displays, in
20 a location other than in a museum exhibit, the Con-
21 federate battle flag; and

22 “(B) describing the implementation of this sub-
23 section with respect to that educational institution.

24 “(4) In this subsection, the term ‘Confederate battle
25 flag’ means the battle flag of the Army of Northern Vir-

1 ginia, the battle flag of the Army of Tennessee, the battle
2 flag of Forrest's Cavalry Corps, the Second Confederate
3 Navy Jack, the Second Confederate Navy Ensign, or other
4 flag with a like design.”.

5 (b) CONFORMING AMENDMENTS.—(1) Section
6 2102(d) of title 10, United States Code, is amended by
7 striking “The President” and inserting “Subject to sub-
8 section (e), the President”.

9 (2) Section 2111a of title 10, United States Code,
10 is amended—

11 (A) in subsection (d), by striking “The Sec-
12 retary” and inserting “Except as provided in section
13 2102(e) of this title, the Secretary”.

14 (B) in subsection (e)(1), by striking “The Sec-
15 retary” and inserting “Except in the case of a senior
16 military college at which a unit of the program is ter-
17 minated pursuant to section 2102(e) of this title, the
18 Secretary”; and

