

110TH CONGRESS
2^D SESSION

H. R. 5821

To amend title 10, United States Code, to close loopholes in the prohibition on the sale or rental of sexually explicit material on military installations.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2008

Mr. BROUN of Georgia (for himself, Mr. AKIN, Mr. CHABOT, Mr. FORBES, Mr. FORTENBERRY, Mr. GOODE, Mrs. MUSGRAVE, Mr. PITTS, Mr. SALL, Mr. SOUDER, Mr. BARTLETT of Maryland, Mr. ROSKAM, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. PENCE, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to close loopholes in the prohibition on the sale or rental of sexually explicit material on military installations.

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 “Military Honor and
5 Decency Act”.

1 **SEC. 2. CLARIFICATION OF PROHIBITION ON SALE OR**
2 **RENTAL OF SEXUALLY EXPLICIT MATERIAL**
3 **ON MILITARY INSTALLATIONS.**

4 Section 2495b of title 10, United States Code, is
5 amended—

6 (1) by redesignating subsections (c) and (d) as
7 (d) and (e), respectively;

8 (2) by inserting after subsection (b) the fol-
9 lowing new subsection:

10 “(c) ANNUAL REVIEW OF MATERIALS.—At least an-
11 nually, the Secretary of Defense shall review material that
12 is not deemed to be sexually explicit to determine if such
13 material should be deemed sexually explicit and thus pro-
14 hibited by this section.”;

15 (3) in subsection (e) (as redesignated)—

16 (A) by amending paragraph (1) to read as
17 follows:

18 “(1) The term ‘sexually explicit material’
19 means—

20 “(A) an audio recording, a film or video
21 recording, or a print publication with visual de-
22 pictions, produced in any medium, the principal
23 theme of which depicts or describes nudity or
24 sexual or excretory activities in a lascivious
25 way; or

1 “(B) if the print publication is a periodical,
2 it regularly features or gives prominence to nu-
3 dity or sexual or excretory activities.”; and

4 (B) by adding at the end the following new
5 paragraphs:

6 “(3) The term ‘principal theme’ means a theme
7 that is primary in importance, influence, attraction,
8 or degree but not necessarily dominant relative to
9 other themes in the material.

10 “(4) The term ‘lascivious’ means lewd or inde-
11 cent and intended, designed, or given to elicit a sex-
12 ual response.

13 “(5) The term ‘nudity’ means human genitals,
14 pubic area, anus, anal cleft, or any part of the fe-
15 male breast below a horizontal line across the top of
16 the areola with less than an opaque covering but
17 does not include the exposure of the cleavage of the
18 female breast exhibited by a dress, blouse, bathing
19 suit, or other apparel.”.

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