

**STRATEGY  
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**RECRUITING: THE NEW PRIMARY MARKET AND  
CONGRESSIONAL LEGISLATION AFFECTING IT**

**BY**

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United States Army**

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## ABSTRACT

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Our National Security Strategy demands that we consistently man our armed forces with quality people. Today's uncertain economy, emerging technologies, increased government and private sector college assistance programs, and a questionable budget, pose many challenges for the armed services' recruiting commands. This paper reviews four congressional legislations (the Family Education Rights and Privacy Act, the Solomon Amendment, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001: Access to Secondary Schools for Military Recruiting, and the Student Right to Know Act) that were intended to provide the means to the strategic objective of a quality force. The recommended changes are firmly grounded in the view that services must be entrenched in their primary market. With these legislative changes, services' recruiting programs will be augmented with lucrative and competitive enlistment incentives, and Congress will ensure full cooperation of secondary and post-secondary schools, facilitating the development of viable partnerships with the private sector and educational institutions.



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## RECRUITING: THE NEW PRIMARY MARKET AND CONGRESSIONAL LEGISLATION AFFECTING IT

The core of the joint force of 2020 will continue to be an All Volunteer Force composed of individuals of exceptional dedication and ability. Their quality will matter as never before as our Service members confront a diversity of missions and technological demands that call for adaptability, innovation, precise judgment, forward thinking, and multicultural understanding. The nation must continue to depend on talented individuals of outstanding character, committed to an ethic of selfless service.<sup>1</sup>

The complexity of the world with its growing numbers of rogue nations, regional instability and human suffering dictates that the armed services transform into a more responsive, technologically advanced and lethal force. When necessary, this force must be able to project decisive power across the conflict spectrum in order to support our national interests. In support of our National Security Strategy into the 21<sup>st</sup> Century, we must consistently man our armed services with quality people. In the advent of an uncertain economy, emerging technologies, increased state and federal government college tuition programs, and a questionable federal budget, many challenges face our armed services' recruiting commands. The recruiting commands' primary mission is to provide (the strength to) their respective service with *quality people* who are capable of meeting the rigors associated with continuing transformation of America's armed services. In order to meet the challenging manpower requirements of the future, services must be entrenched in their primary markets (as described below), augmented by a trained recruiting force with lucrative and competitive enlistment incentives, and be supported by legislation that ensures full cooperation of educational institutions and the private sector.

This research paper will define recruiting commands' "quality recruit," primary market, key enlistment incentives, and private sector competition for the purpose of analyzing legislation and its effectiveness supporting the recruiting needs of armed services. This paper will frequently refer to the Army due to its largest recruiting mission and its familiarity to the author. Recruiting needs, policies, and procedures are not precisely identical for all four military services; however, legislation applies to all.

### QUALITY FORCE

Our people will require a multitude of skills. The Services will play a critical role in perfecting their individual specialties and core competencies of each organization. In addition, every member of the Total Force must be prepared to apply that expertise to a wide range of missions as a member of the joint team. Our service members must have the mental agility to transition from preparing for war to enforcing peace to actual combat, when necessary.<sup>2</sup>

All recruits wishing to enlist in any of the armed services are administered the Armed Services Vocational Aptitude Battery (ASVAB). The ASVAB is developed by the Department of Defense and is offered through the student-testing program at high schools and other educational institutions. The program serves as a means of sharing extensive knowledge and experience in aptitude testing, career planning and occupational information with students and their counselors, in order to stimulate interest in military jobs and training opportunities in the armed services.<sup>3</sup> The ASVAB is a multi-aptitude test battery that consists of ten short individual tests covering Word Knowledge, Paragraph Comprehension, Arithmetic Reasoning, Mathematics Knowledge, General Science, Auto and Shop Information, Mechanical Comprehension, Electronics Information, Numerical Operations and Coding Speed. The results are combined to yield three academic composite scores: Verbal, Math and Academic ability.<sup>4</sup> The primary purpose of the ASVAB is to qualify a person for entrance into the military. In an attempt to ensure a “quality force,” the Department of Defense directed that 90 percent of all accessions possess a high school diploma and 62.5 percent of all accessions earn a mental aptitude category classification of Category I – IIIA (quality recruit) as measured by the ASVAB. The Armed Services Vocational Aptitude Battery bell curve is depicted at Figure 1.

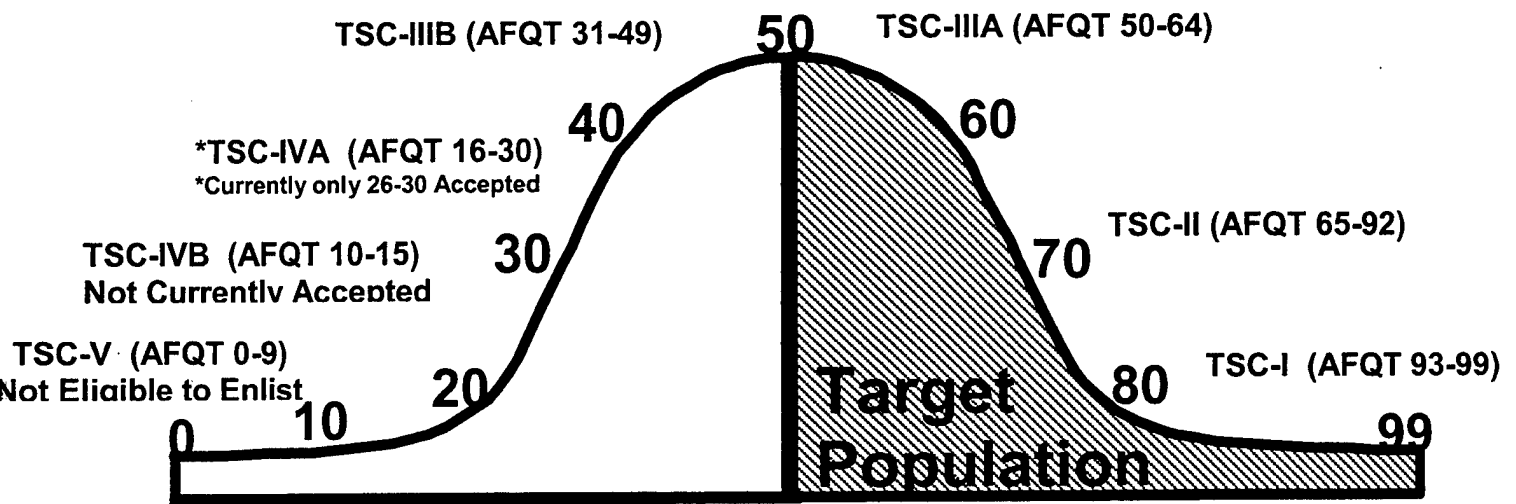


FIGURE 1

### PRIMARY MARKET

The Department of Defense (DoD) recruiting parameters resulted in the armed services defining their primary market as 17-25 year old high school diploma graduates who have earned a mental aptitude category classification of Category I-III A.

The largest concentrations of the primary market are attending secondary and post secondary schools. Prior to FY 99, the armed services' recruiting effort primarily focused on the high school senior. Military recruiters were granted access to most high schools and felt comfortable in that environment. However, lucrative state and federal college assistance programs have increased the percentage of high school seniors going to college.

Benjamin Buckley, Concurrent Admission Project Director for Servicemember's Opportunity Colleges, stated that during Academic Year 2000, 63 percent of high school graduates were attending college (42 percent attend four-year colleges and 21 percent attend two-year colleges).<sup>5</sup> However, as depicted in the United States Army Recruiting Command chart (Figure 2), four-year colleges are suffering a 24.4 percent dropout while two-year colleges are suffering an astounding 48.6 percent dropout rate. These dropouts are now the Army's main effort.<sup>6</sup>

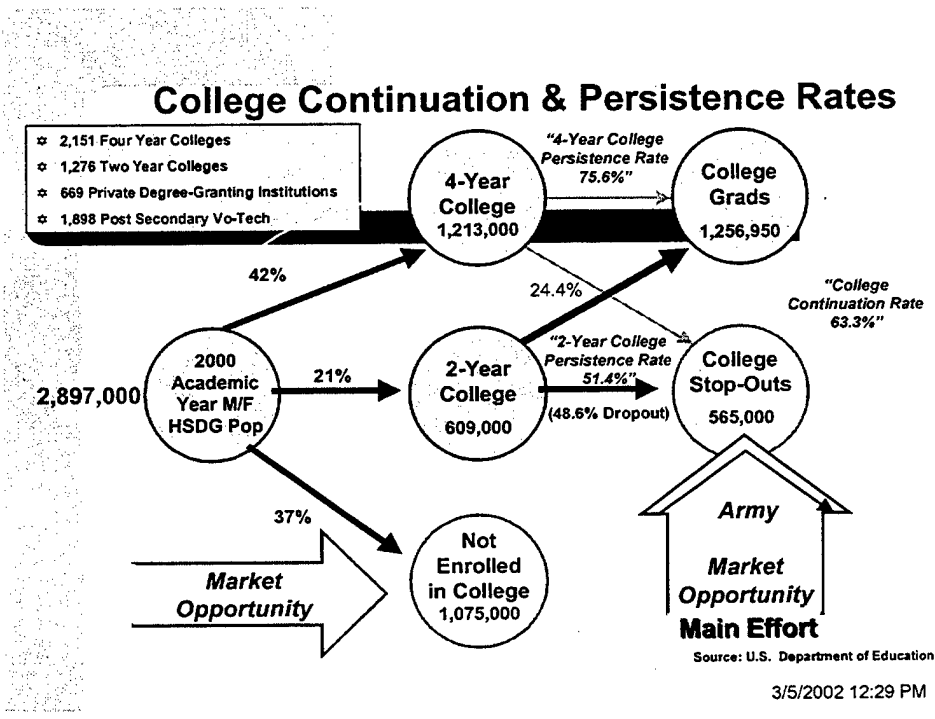


FIGURE 2

Additionally, a recent study by the National Institute of Independent Colleges and Universities found that only 43 percent of students attending four-year public colleges and universities and 54 percent of students entering private institutions graduated within 6 years of

enrolling.<sup>7</sup> Remaining students, most likely, have not graduated and are seeking employment in the marketplace, many with unpaid college loans.

In FY 99, the Army directed its recruiting force into the college market. Army recruiters were unprepared for this transition. They were intimidated by large campuses, confused by college bureaucracies, and unprepared to negotiate with unreceptive college staff. This can be exemplified by the abysmal High Grad (high school diploma graduate with a mental aptitude category classification of I-III A, non-prior service, with 13 or more years of education) FY 99 production statistics. In FY 99 only 218 High Grads were accessed into the military but in FY 00 the number increased to 4583. The Army's transition into the college market played an important role in FY 00 when it achieved its volumetric and quality missions.

### **ARMED SERVICES' ENLISTMENT INCENTIVES**

In order for the services to achieve DoD directed manpower requirements, they must focus their recruiting efforts on the primary market in secondary and post secondary institutions. These recruiting efforts are bolstered by lucrative and tailored enlistment incentives. The most productive enlistment incentives are:

#### **MONTGOMERY GI BILL**

The Montgomery GI Bill (MGIB) assists in the recruitment of quality personnel by providing financial assistance for higher education. The MGIB offers \$16,164 – \$19,872 depending upon the terms of enlistment (1-4 years).<sup>8</sup> The MGIB is offered by all services; however, each service has a supplemental college fund that increases the amount of financial assistance. For example, the Army's supplemental college fund is called the Army College Fund (ACF). The ACF, when combined with the MGIB, offers up to \$50,000. Services' supplementary college funds are becoming increasingly inadequate. From inception, the ACF covered 126 percent of college costs. Based on increasing "go to college" costs, the current maximum level of the ACF (\$50,000) only covers 79.9 percent of college costs and is projected to decline to 54.6% by 2005 (See Figure 3).<sup>9</sup> USAREC Program Analysis and Evaluation Directorate has determined the maximum level must be increased to 75,000.

ACF: Historical Amounts; Cost of 4 yr College,  
% of College Costs covered by ACF

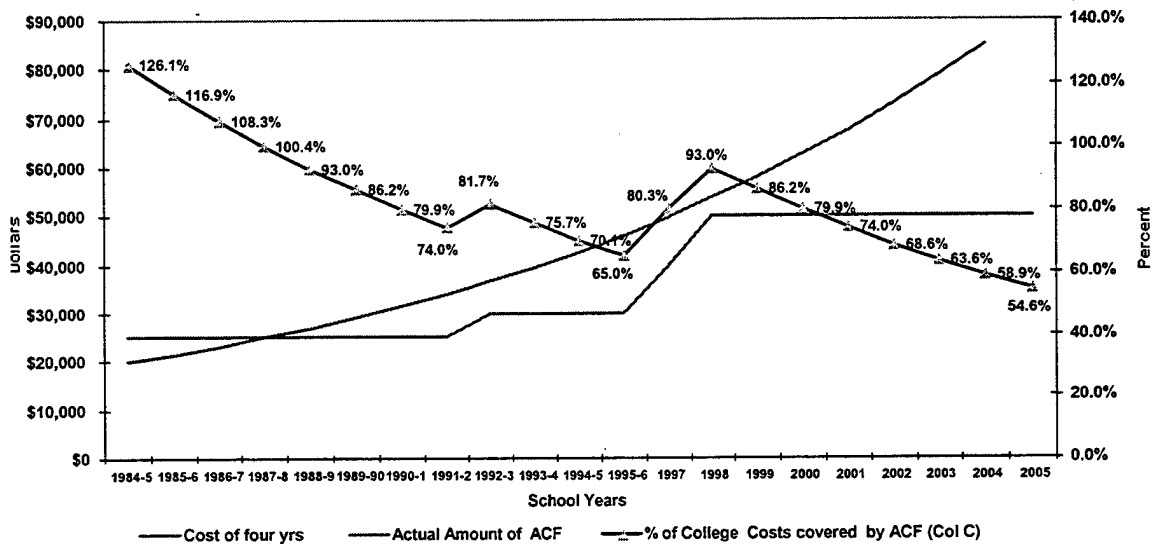


FIGURE 3

### RESERVE MONTGOMERY GI BILL

The Reserves offer the "Reserve Montgomery GI Bill" (\$9,468) and depending upon the criticality of the military occupational skill or unit, a "Kicker" (Army only) may also apply. The Reserve Montgomery GI Bill with "Kicker" increases the incentive up to \$22,068 for financial assistance.<sup>10</sup> Enlisting in the Reserves allows students to earn money (military pay), acquire government financial assistance and continue their education while serving our nation. The added value of these financial assistance programs is that they allow students who are working at jobs that compete with school activities (working weekdays) the opportunity to eliminate/reduce time at work and spend more time in the classroom.

### ARMY LOAN REPAYMENT PROGRAM (LRP)

The LRP is an incentive designed to increase enlistments of recruits with college education. This program provides qualified personnel up to \$65,000 student loan repayment.<sup>11</sup> This LRP is offered to qualifying recruits upon signing a contractual agreement for a specified time of service.

### ARMY PARTNERSHIP FOR YOUTH SUCCESS PROGRAM

In response to the growing private sector competition, Army has established an Army Partnership for Youth Success Program (PaYS). The program provides America's youth an

opportunity to serve their country while they prepare for their future.<sup>12</sup> Soldiers learn technical skills required by industry along with work ethics, teamwork, communication, and leadership during an enlistment in the United States Army. After completing their active duty tour, the soldier transitions to the company selected during the recruiting process. A database that matches the job needs of a company with the 95 job skills offered by the Army enables the young person to choose a particular company and job skill.<sup>13</sup> An agreement with a specific company that reflects the military skill, civilian job, and terms for service is prepared when the young person enlists. Individuals participating in the PaYS program are also eligible for other monetary and non-monetary incentives offered to enlist in the Army. There are 14 Partnership Companies in PaYS at this time. They are BellSouth, Caterpillar, DynCorp, Electronic Data Systems, General Dynamics Land Systems, Goodyear, Halliburton, Lockheed Martin, John Deere, Rush Enterprises, Schneider National, Sears Logistic Services Inc., State Farm Insurance, and the Pepsi Bottling Group.<sup>14</sup>

Enlistment incentives are critical components to service recruiters' sales presentations. These incentives enable the armed services to compete with the highly competitive private sector for the primary market. Services must be entrenched in the primary market and be bolstered by lucrative marketing incentives that can compete with our primary market competition.

### **PRIMARY MARKET COMPETITION**

There are many state and federal college tuition assistance programs that rival those offered by the armed forces. At the same time, low-cost education and job training opportunities offered by community colleges are providing an attractive alternative option to joining the military to learn a trade. Sociologist Charles Moskos has written:<sup>15</sup>

One major obstacle to recruitment is beyond the military's control, namely the substantive federal aid given to college students who do not serve their country. We now spend more than \$10 billion annually on grants and loan subsidies to college students, in effect creating a G.I. Bill without the G.I.<sup>16</sup>

The competition for the primary market does not stop at federal, state or local level college tuition programs; corporate America (private sector) has equally lucrative programs. The private sector offers educational assistance, paid training, 401k plans, stock purchase plans, paid vacation, personal/family life insurance, medical/dental plans, and flexible hours (See Figure 4).<sup>17</sup> Clearly, these incentives at least match those offered by the armed services. For those potential recruits who wish to stay at home, fear basic training, don't want to "go to war," or who are in "love," the private sector incentives are even more enticing.

The growing private sector competition for the primary market offering these lucrative incentives is having adverse affect on military recruiting. These private sector incentives, coupled with the reluctance of some secondary and post secondary institutions to allow military recruiters on campus, has generated congressional legislation.

### Private Sector Competition

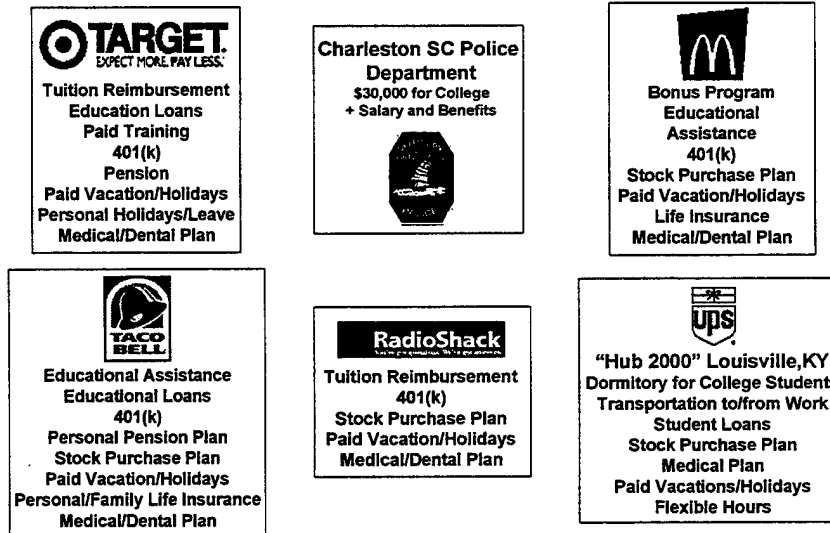


FIGURE 4

### CONGRESSIONAL LEGISLATION

USA Today reported that the Afghanistan war has launched a surge in patriotism and trust in the government.<sup>18</sup> The article says, "Three quarters of college students now say they trust the military to 'do the right thing,' according to an annual Harvard University poll. Yet, from high school to graduate school, education leaders thwart campus-recruiting efforts."<sup>19</sup> And military recruiters say few schools are agreeing to adjust their policies in the months after 11 September 2001. Among the policies common on campus:<sup>20</sup>

- During the Vietnam Era, several elite schools booted the military's Reserve Officer Training (ROTC) Program off campus and have not invited ROTC back. This remains the case for Harvard, Yale, Columbia, and Stanford, though Harvard has shown signs of reconsidering since 11 September 2001.
- Recruiters have been denied access to about 3,000 U.S. high schools, according to a preliminary report to Congress in July 2000.

- Since 1990, some schools have tried to keep military recruiters out as a protest against military policy on homosexuals. Congress responded by enacting legal sanctions, but the law schools' accrediting group fought back by requiring schools that allow recruiters to "balance" them with counter-measures like warning signs and funding for lesbian and gay activist groups.

It is critically important that a recruiter has physical access to secondary and post secondary school buildings and receives the information and privileges necessary to effectively communicate with students. The release of directory information (student names, addresses, and phone numbers) by the school is an important component of school access. A recruiter's basic prospecting tool is a list of secondary and post secondary students and college lists provide recruiters with a source to work the High Grad market. Access to this information remains problematic and complex as list release issues exist at every level (local, state, and federal).

Congress enacted four forms of legislation that impact this significant recruiting issue: the Family Education Rights and Privacy Act, the Solomon Amendment, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001: Access to Secondary Schools for Military Recruiting, and the Student Right to Know Act.

#### FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974

Some states have implemented laws that require schools to release directory information with limitations. These limitations stem from the interpretation of the Family Education Rights and Privacy Act of 1974 (FERPA).<sup>21</sup> FERPA applies to each educational agency (entities that are authorized to direct and control public K-12 or higher education institutions) or institution (schools or other entities that provide educational services and are attended by students), which receives funds under any program administered by the Secretary of Education. The FERPA (also known as the Buckley Amendment) deals with the release of student education records, and affords students certain rights regarding those records. It states that institutions may not disclose information in education records without a student's written consent. The primary rights of students under FERPA are:<sup>22</sup>

- To inspect and review their education records (records that contain information that is directly related to a student and are maintained by an educational agency or institution or by a party acting on the behalf of the agency or institution).
- To seek to amend their education records.

- To have some control over the disclosure of information derived from their education records .

This policy is the basis for some institutions not releasing directory information; however, recruiting commands focus on a pertinent FERPA exception that allows institutions to release student directory information from records without prior consent (Citation: 99.31 (a)(11)).<sup>23</sup> The American Association of Collegiate Registrars and Admissions Officers' (AACRAO) interpretation of this exception (as it deals with directory information release) focuses on institutional policy. Either the institution has a policy for directory release or it does not. However, once determined, the institution must adhere to the policy. AACRAO defines directory information as information, which would not generally be considered harmful or an invasion of privacy if disclosed. FERPA states that institutions can designate the following as directory information:<sup>24</sup>

- Name, address, telephone, email
- Field of study
- Dates of attendance
- Date and place of birth
- Photographs
- Enrollment status (full or part time; undergraduate or graduate)
- Weight and height of athletes
- Degrees and awards received
- Most recent previous school attended
- Participation in officially recognized activities and sports
- Grade level

As written, FERPA does not mandate that secondary or post secondary institutions provide recruiters with the information and privileges necessary to effectively communicate with students.

#### SOLOMON AMENDMENT

“The Solomon Amendment refers to legislation that was introduced by Representative Gerald Solomon (R-NY) and passed in several different pieces of legislation, including the Omnibus Consolidated Appropriations Act, 1997 and the National Defense Authorization Act of 1995.”<sup>25</sup> To implement the legislation, interim rules were published on 8 April 1998 and on 13 January 2000 in the Federal Register. “This act denies certain federal funds provided by contract or grant to covered schools that either prohibit, or in effect prevent the Secretary of

Defense from obtaining, for military recruiting purposes: entry to campuses, access to students on campuses, or access to directory information (name, address, telephone number, age, class level, academic major).”<sup>26</sup>

The Solomon Amendment established a policy whereby the military services are provided the same opportunities to inform post secondary school students of military career options, as are available to other employers. This policy also identifies actions that may be taken against any institution that has a policy of denying or effectively preventing for purposes of military recruiting, entry to campuses, access to students on campus, or access to students’ recruiting information (list).<sup>27</sup>

Students may, under FERPA, deny (military recruiters) access to school-designated directory information by “opting out” (request to withhold directory information to all prospective employers).<sup>28</sup> The Department of the Defense must accept student wishes as long as the school certifies that no prospective employers are allowed access to student’s directory information. Under the Solomon Amendment, it is very clear that institutions must provide directory information to military recruiters. “If ‘opting out’ is applied only to the military, the school may be in violation of the Solomon Amendment; the law states that it is not ‘necessary or appropriate’ for students/schools to refuse directory information specifically to military representatives and ROTC.”<sup>29</sup> The Solomon Amendment provides institutions the following rights:<sup>30</sup>

- Institutions can charge and set a “reasonable and customary” fee to the military for reporting.
- Pacifist institutions (based on a historical religious affiliation) are exempt from the Solomon Amendment.
- If the school does not collect the information requested by the military, the school is not in violation of the Solomon Amendment (but the institution must provide written explanation and directory information it does collect).

The provisions of the Solomon Amendment drew criticisms from the American Association of Law Schools (AALS) and the American Civil Liberties Union (ACLU).

The AALS House of Representatives voted unanimously to amend By Law 6-4, adding sexual orientation to the list of protected categories under its nondiscrimination provisions.<sup>31</sup> Subsequently, the AALS Executive Committee enacted Regulation 6.19, which mandates that law schools receive from employers written assurances of nondiscrimination based upon the protected categories, including sexual orientation. Under the AALS policy, newly provided

military access is excusable only if the accompanying duty to ameliorate is also satisfied.<sup>32</sup> The following are examples of activities that can be planned and implemented by schools, faculty, students, staff and alumnae:<sup>33</sup>

- Notices explaining the government's coercion and disclaiming the law schools' complicity in the discriminatory practices;
- Sponsorship of on-campus extracurricular programs on sexual orientation and gender discrimination;
- Identification and provision of employment opportunities for sexual minority students;
- Support for governmental anti-discriminatory initiatives, like hate crimes statutes, domestic partner benefits, etc.;
- Advance cooperation that arranges for all military branches to recruit on the same day each semester. On that day, law schools can conduct on-campus actions to educate their various constituencies and provide alternative employment opportunities for affected students. These simultaneous activities can range from "teach-ins" to alternative job fairs.

"The American Civil Liberties Union drafted a letter to its Representative strongly urging him to cosponsor H.R. 1123, which Congressmen Barney Frank (D-MA) and Tom Campbell (R-CA) introduced to restore fairness for our nation's students."<sup>34</sup> It (H.R. 1123) would repeal the Solomon Amendment, which it claims makes financial aid and students' civil rights "pawns" in a dispute between the federal government, states and universities. Many state and local governments have laws that prohibit discrimination based on sexual orientation in public accommodations, including universities. Many universities comply with these state and local laws by prohibiting from campus any job recruiter or any curriculum that denies students employment or educational opportunities based on sexual orientation.<sup>35</sup> Other universities have imposed similar policies to ensure that students learn in an environment free of discrimination. As a result, many schools have banned military recruiters and ROTC programs on campus until they treat all students equally. If passed, the ACLU states that the "H.R. 1123 will stop the federal government from undermining university policies and state laws that ban discrimination based on sexual orientation by threatening to cut off student financial aid."<sup>36</sup>

#### FLOYD D. SPENCE NATIONAL DEFENSE ACT FOR FISCAL YEAR 2001: ACCESS TO SECONDARY SCHOOLS FOR MILITARY RECRUITING

The updated law requires high schools to provide "the same access" to military recruiters as is generally given to recruiters for colleges and prospective

employers. This legislation, part of the 2002 Defense Authorization Act signed by President Bush on 28 Dec 01, builds on a previous law that will, beginning July 1, require senior defense officials, state governors and even Congress to step in if a school district stonewalls recruiters.<sup>37</sup>

The Floyd D. Spence National Defense Act is the latest congressional legislation that impacts recruiting. This Act mandates that each local educational agency provide the Department of Defense, upon a request made for military recruiting purposes, the same access to secondary school students, and to directory information concerning such students, as is provided generally to post secondary educational institutions or to prospective employers of those students.<sup>38</sup> The Army Times (preceding quote) accurately addresses the potential involvement of senior defense officials, state governors and even Congress who (upon request) would step in if a school district stonewalls recruiters. Let's review the process of this provision which is effective on 1 July 2002. The Defense Act states:<sup>39</sup>

If a local educational agency denies a request by the Department of Defense for recruiting access, the Secretary of Defense, in cooperation with the Secretary of the military department concerned, shall designate an officer in a grade not below the grade of colonel or, in the case of the Navy, captain, or a senior executive of that military department to meet with representatives of that local educational agency in person, at the offices of that agency, for the purpose of arranging for recruiting access. The designated officer or senior executive shall seek to have that meeting within 120 days of the date of the denial of the request for recruiting access.

If, after meeting with representatives of a local educational agency that has denied a request for recruiting access or (if the educational agency declines a request for the meeting) after the end of such 120-day period, the Secretary of Defense determines that the agency continues to deny recruiting access, the Secretary shall transmit to the chief executive of the State in which the agency is located a notification of the denial of recruiting access and a request for assistance in obtaining that access. The notification shall be transmitted within 60 days after the date of the determination. The Secretary shall provide to the Secretary of Education a copy of such notification and other communication between the Secretary and that chief executive with respect to such access.

If a local educational agency continues to deny recruiting access one year after the date of the transmittal of notification, the Secretary:

- Shall determine whether the agency denies recruiting access to at least two of the armed services (other than the Coast Guard when it is not operating as a service in the Navy); and
- Upon making an affirmative determination under subparagraph (A), shall transmit a notification of the denial of recruiting access to: the specified congressional committees, the Senators of the State in which the local educational agency is located and; the member of the House of

Representatives who represents the district in which the local educational agency is located.

The requirements of this subsection do not apply to:

- A local educational agency with respect to access to secondary school students or access to directory information concerning such students for any period during which there is in effect a policy of that agency, established by majority vote of the governing body of the agency, to deny recruiting access to those students or that directory information, respectively.
- A private secondary school which maintains a religious objection to service in the armed forces and which objection is verifiable through the corporate or other organizational documents or material of that school.<sup>40</sup>

According to Dan Francis, Educational Specialist for the Syracuse Recruiting Battalion, this provision above (in essence) is the "Solomon Amendment with a loop hole" for secondary schools (high schools, vocational schools, etc.).<sup>41</sup> He further states, "Schools that do not release directory information, are now creating a governing body to establish a policy that denies directory release, and they have been afforded the time (July 2002) to do so!"<sup>42</sup>

#### STUDENTS RIGHT TO KNOW ACT OF 1990

"Under the provisions of the Students Right to Know Act of 1990, colleges must provide the federal government, all current students, and any prospective student with specific college information. This information must be produced and made readily available, through appropriate publications and/or mailings upon request. The required information must accurately describe:"<sup>43</sup>

- Academic program of the institution
- Cost of attending the institution (to include refund policy)
- Financial programs and application procedures
- Academic standards
- Number of students (broken down by race)
- Crime statistics
- Facilities available (to include handicap)
- College associations, agencies and government bodies
- Graduation rate, stop-out rate and transfer-out rate

At first glance, it is hard to determine the recruiting applicability of the Act reviewed above; however, it is evident that when such pertinent data is gathered and published by each college,

comparisons will soon follow. As directed by the Student Right to Know Act, student consumer information is made readily available to college-seeking students and their parents, who will use the information to compare and contrast universities (available through the internet; search "Students Right to Know"). They consider tuition (cost), financial programs (loans and grants available), crime statistics (safety), and graduation and transfer out rates (probability of graduation). Clearly, the consumer (student or parent) wants to attend the best college and colleges want to be the best. The recruiting applicability revolves around the Student Right to Know Act's requirement that directs colleges to compile and report their college graduation rates, stop-out rates and transfer-out rates. The Students Right to Know Act states that for the purpose of calculating completion or graduation rates and transfer-out rates, an institution may exclude from the calculation of its completion or graduation rate and its transfer-out rate students who have left school to serve in the Armed Forces.<sup>44</sup>

For various reasons (economic, academic, etc.), it is inevitable that colleges will have students who do not graduate. As stated earlier in this paper, four-year colleges are suffering a 24.4 percent dropout rate and two-year colleges are suffering a 48.6 percent dropout rate. Based on the Students Right to Know Act's provision specifying rate calculation, if these dropouts enlist into the military they will not be counted against their college rates. This act has established a mutually lucrative link between the armed forces (recruiters) and colleges. It is now in the interest of colleges to allow recruiting activities on campus, in that colleges will enjoy lower transfer-out rates and higher graduation rates, when students enlist in the armed forces.

### **AMERICAN ASSOCIATION OF COLLEGIATE REGISTRARS AND ADMISSIONS OFFICERS (AACRAO) SURVEY**

The American Association of Collegiate Registrars and Admissions Officers (AACRAO) is a nonprofit, voluntary, higher education association of more than 9,000 admissions and registrar professionals representing approximately 2,300 institutions in more than 35 countries.<sup>45</sup> AACRAO's goal is to foster the professional development of its individual members by providing guidelines and voluntary standards for best practices in record management, admissions, enrollment management, administrative information technology, and student services. AACRAO also provides a forum for discussion on policy initiation, development, interpretation, and implementation at the institutional level and within the global education community.<sup>46</sup>

AACRAO released a survey to campus administrators and military recruiters that measured the effectiveness of congressional legislation, specifically the Solomon Amendment. A total of 643 campus administrators responded to the survey. "Respondents were asked to

submit a single survey from each institution, branch campus or institution sub-element."<sup>47</sup> A total of 99 Army recruiters submitted surveys. The majority of respondents were station commanders or company commanders. The AACRAO's survey reported that 80 percent of the institutional respondents indicated that they "Always" released directory information to Army recruiting personnel.<sup>48</sup> However, there was a significant discrepancy between the institutional respondents' and Army recruiters' indications of how often student recruiting information was requested and provided. Army recruiter responses indicated that only 27 percent of them had 100 percent compliance from institutions.<sup>49</sup> The survey showed a lack of full familiarity with the law in both populations.

Most significantly, information prohibited for release under the Family Educational Rights and Privacy Act of 1974 (FERPA) is sometimes requested by the military recruiters and released by campuses. Recruiters and institutions also request and release student veteran or enrollment status, both constituting personally identifiable information that is prohibited for release by the Solomon Amendment final regulations with which recruiters and campuses must comply. Such misdirected military recruiter requests result in campuses unknowingly putting institutional funding at risk as a result of fulfilling the requests.<sup>50</sup>

The survey suggests that compliance with the Solomon Amendment is a significant burden to higher education institutions and to military recruiters. Campus administrators are saying that they are not compensated (by the federal government) for providing lists containing student-recruiting information, which means that the Solomon Amendment represents yet another unfunded mandate reporting requirement.<sup>51</sup> While campuses have the option of charging a fee to military recruiters for student lists, anecdotally most say they do not have the time or resources to implement a payment mechanism to do so. "The administrative and financial burden of complying with the standard Solomon Amendment on campuses is significant enough to prevent, as the survey findings show, most institutions from fulfilling customized requests for sub-groups of student recruiting information."<sup>52</sup>

## **RECOMMENDATIONS**

While the intent of Congress was to support the recruiting effort, it failed to consider all the nuances, implications or consequences of enacted legislation. These have rendered recruiting commands incapable of fully exploiting the legislations, thereby diminishing their utility. Congressional leaders must strengthen legislation that will ensure the full cooperation of secondary and post secondary schools and compliance with the law. Recommendations follow:

## FAMILY EDUCATION RIGHTS AND PRIVACY ACT

Currently, this Act is neither definitive nor consistent and promotes many interpretations. Specifically, the Act:

- states that institutions can release directory information; however, it is not mandated (Citation 34 CFR 99.3).
- states information about a student maintained by an educational institution on a computer database is part of the student's education record and thus protected by FERPA (Citation: 99.31 (a)(1)).
- cites an exception, where student directory information can be provided without prior consent but does not clearly define the parameters (Citation: 99.31 (a) (11)).

Recommend that the Family Education Rights and Privacy Act be rewritten in a more definitive manner leaving no room for interpretation. It should stipulate directory information as defined in Citation 34 CFR 99.3, must be released to employers seeking recruits among college student populations.

## SOLOMON AMENDMENT

As written, the Solomon Amendment would deny certain federal funds provided by contract or grant to covered schools that either prohibit, or in effect prevent the Secretary of Defense from obtaining, for military recruiting purposes: entry to campuses, access to students on campuses, or access to directory information. While the Solomon Amendment stipulates that actions "can" or "may" be taken, the procedures for such government withdrawal of funds are undefined and to the extent of research, no such action has ever been taken. Congress should include in legislation specific and quantifiable timelines identifying how long a college has to respond to a request for directory information and define the procedures for the withdrawal of federally-provided funds. As an even better alternative, Congress should work to merge the provisions of the Solomon Amendment into a revision of the Floyd D. Spence Act, as further outlined below.

## FLOYD D. SPENCE NATIONAL DEFENSE ACT

This Act should be rewritten to remedy two current issues. First, the Act does not apply to a local educational agency when there is in effect a policy (of that agency), established by majority vote of the governing body of the agency, to deny recruiting access to those students or that directory information, respectively. In essence, it merely directs institutions to formalize their reluctance in the form of policy by a governing body. This subsection negates the Act's most significant recruiting utility. Secondly, while the Act directs the involvement of defense

officials, state governors and congress when school districts "stonewall" recruiters, it is tedious and can take up to two years to determine if federal funds should be withdrawn. And, if it is determined that the college will lose federal funding, it is probable that court appeals will be filed (by the affected colleges) adding an undeterminable amount of time. This Act should be rewritten to deny policy exceptions, shorten determination timelines, and merge the provisions of the Solomon Amendment; thereby, cutting through bureaucracy and providing a single source of congressional legislation that pertains to secondary and post secondary institution access.

#### STUDENTS RIGHT TO KNOW ACT

While the Act has merit, it too should be strengthened. Congress should require colleges to compile and report to the federal government the number of college students who enter the military from their institution (including graduates and non graduates). Congress should provide monetary incentives making it financially attractive for colleges to promote service to nation. This should be in the form of additional federal funding (grants and work study programs) and tax relief.

#### FUNDING

There are many state, federal and private sector college tuition assistance programs that rival those offered by the armed forces. Based on the increasing "go to college" costs, the United States Army Recruiting Command's Program Analysis and Evaluation Directorate has determined the maximum level of college funds of \$50,000 should be increased to \$75,000. In order for the armed services to remain competitive in its primary market, Congress must provide the services additional funding for more lucrative and competitive enlistment incentives.

#### MILITARY POSITION ON "GAYS IN THE MILITARY"

Based on research, it is increasingly evident that Congress and the military must be prepared to confront this contentious legal issue in the Legislative and Judicial branches of our government. While it is not the intent of this paper to alter the current position on "gays in the military," the issue has an undeniable impact on recruiting for the armed services in that it has caused access to some schools and universities to remain contentious.

The provisions of the Solomon Amendment have drawn criticisms from the American Association of Law Schools (AALS) and the American Civil Liberties Union (ACLU), each organization questioning, "Should the military be given the same latitude (campus access and directory information) as other employers who do not and cannot discriminate based on sexual orientation?" Many state and local governments have laws that prohibit discrimination based on

sexual orientation in public accommodations, including universities. Many universities comply with these laws by prohibiting from campus any job recruiter or any curriculum that denies students employment or educational opportunities based on sexual orientation. As post-secondary schools unite under the auspices of sexual persuasion discrimination and prohibit military recruiter access on campuses, recruiting commands' ability to provide manpower proportionally diminishes. Recommend Congress and the Services prepare to consider this issue in the near future as it is not expected to disappear.

## RECRUITING COMMANDS

Recruiting commands must have physical access to post secondary school buildings and receive directory information and privileges necessary to effectively communicate with students. While strong legislation and adequate funding are the cornerstones of a viable recruiting program, recruiting commands must exploit the congressional provisions and establish a viable partnership (founded by mutual interests and benefits) with secondary and post secondary schools that accentuates student, college and recruiting interests. Furthermore, recruiting commands must continue to reduce corporate competition for our primary market and prepare America's youth for their future with programs like the Army's Partnership for Youth Success (PaYS) program. Like programs should be expanded to include more Fortune 500 corporations. These types of programs will promote the economy by providing soldiers to industry who have learned technical skills, ethics, teamwork, communication and leadership during their enlistment.

## CONCLUSION

Our National Security Strategy demands that we consistently man our armed forces with quality people.

[Joint Vision 2020] recognizes the importance of technology and technical innovation to the US military and its operations. At the same time, it emphasizes that technological innovation must be accompanied by intellectual innovation leading to changes in organization and doctrine. Only then can we reach the full potential of the joint force – decisive capabilities across the full spectrum of military operations. Such a vision depends upon the skill, experience, and training of the people comprising the Total Force and their leaders. The major innovations necessary to operate in the environment depicted herein can only be achieved through the recruitment, development and retention of men and women with courage, determination, and strength to ensure we are persuasive in peace, decisive in war, and preeminent in any form of conflict.<sup>53</sup>

Today's uncertain economy, emerging technologies, increased government and private sector college assistance programs, and a questionable budget, pose many challenges for the

armed services' recruiting commands. A recent Army Times reporter who interviewed LTG Van Alstyne, Deputy Assistant Secretary of Defense for Military Personnel Policy, attributed to LTG Van Alstyne the following comments which summarize the challenges:

We have met our recruiting goals only by brute force. Recruiting has gotten harder, not easier, and recruiters are busting their tails to make their mission. The fact that service-aged youths say they are more favorable to the idea of military service is a sign of increased patriotism, but the attitude change has not resulted in actually getting more recruits into the ranks. The basic problem is that the military is competing with colleges or top-quality high school graduates, and colleges are winning – two-thirds of high school graduates are going on to two-year or four-year colleges or universities. To keep filling the all-volunteer ranks, the military must change its target market. Instead of focusing on youths just out of high school, the services need to think about how to attract people who start college but drop out.<sup>54</sup>

The recommended legislative changes outlined in this paper support the strategic objective of recruiting a quality force. With enactment, services' recruiting programs will be further augmented with lucrative and competitive enlistment incentives, and supported by legislation that ensures full cooperation of secondary and post secondary schools and facilitates the development of viable partnerships with educational institutions and the private sector.

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## ENDNOTES

<sup>1</sup> Henry H. Shelton, "Joint Vision 2020," (Washington, D.C.: The Pentagon, June 2000), 13.

<sup>2</sup> Ibid.

<sup>3</sup> Department of the Army, "School Recruiting Program Handbook," USAREC Pamphlet 350-13 (Fort Knox, Kentucky: U.S. Department of the Army, 2 March 1998), 6.

<sup>4</sup> Department of the Army, "Armed Services Vocational Aptitude Battery Sample Test;" available from <<http://www.goarmy.com/util/asvab1.htm>>; Internet; accessed 31 January 2002.

<sup>5</sup> Benjamin C. Buckley, "Concurrent Admission Program," public presentation to State University of New York Registrars (Fort Drum, New York, 2000).

<sup>6</sup> Department of the Army, "College Continuation & Persistence Rates," USAREC Program Analysis and Evaluation Directorate slide presentation (Fort Knox, Kentucky: USAREC, undated), 4.

<sup>7</sup> One Hundred First Congress of the United States of America, "Title 1—Student Right-to-Know," Sec. 102. Findings. P.2, 23 January 1990; available from <<http://www.soconline.org/publicpolicy/cleryact/pl101542.html>>; Internet; accessed 2 October 2001.

<sup>8</sup> Department of the Army, "2001 Recruiter Pocket Guide," USAREC Pamphlet (Fort Knox, Kentucky: US Army Recruiting Command, undated), 17.

<sup>9</sup> Department of the Army, "ACF: Historical Amounts," USAREC (Fort Knox, Kentucky: US Army Recruiting Command, undated).

<sup>10</sup> Ibid.

<sup>11</sup> Ibid., 18.

<sup>12</sup> Mike Benver, "Army Partnership for Youth Success (PaYS) Program," information paper for United States Recruiting Command, Fort Knox, KY., 18 December 2001.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Center for Strategic and International Studies, "American Military Culture in the Twenty-First Century," (Washington D.C: Center for Strategic and International Studies, 2000), 18.

<sup>16</sup> Charles Moskos, "Short Term Soldiers," (Washington Post, March 8, 1999, p. A19); quoted in Center for Strategic and International Studies, American Military Culture in the Twenty-First Century (Washington D.C: Center for Strategic and International Studies, 2000), 18.

<sup>17</sup> Department of the Army, "Private Sector Competition," USAREC (Fort Knox, Kentucky: US Army Recruiting Command, undated).

<sup>18</sup> USA Today (Our View), "ROTC Ban Lacks Balance," USA Today, December 4, 2000, 12A.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Department of the Army, "Recruiter Battalion Education Services Specialist Handbook," USAREC Pamphlet 601-30 (Fort Knox, Kentucky: US Army Recruiting Command, 9 September 1997), 4.

<sup>22</sup> American Association of Collegiate Registrars and Admission Officers, "FERPA," April 2001; available from <[www.aacrao.org](http://www.aacrao.org)>; Internet; assessed 7 October 2001.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Solomon Amendment "Overview," undated; available from <<http://www.clhe.org/s-over.htm>>; Internet; accessed 7 October 2001.

<sup>26</sup> Ibid.

<sup>27</sup> Department of the Army, "Postsecondary Schools Recruiting Program," USAREC Regulation 601-104 (Fort Knox, Kentucky: US Army Recruiting Command, 31 July 2001), 16.

<sup>28</sup> American Association of Collegiate Registrars and Admission Officers, "The Solomon Amendment," April 2001; available from <[www.aacrao.org](http://www.aacrao.org)>; Internet; assessed 8 October 2001.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Repeal Solomon "Justice Under Solomon," undated; available from <[http://infoeagle.bc.edu/bc\\_org/avp/law/solomon/justice.html](http://infoeagle.bc.edu/bc_org/avp/law/solomon/justice.html)>; Internet; accessed on 7 October 2001.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> 03-025-99:ACLU "Solomon Letter," 25 March 2001; available from <<http://www.aclu.org/congress/1032599a.html>>; Internet; accessed on 7 October 2001.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Vince Crawley, "Laws grants recruiters more access to high schools," Army Times, 4 February 2002, p.16.

<sup>38</sup> The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, "H.R. 5408, SEC 563."

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Dan Francis, Educational Specialist for the Syracuse Recruiting battalion, interview by author, 3 October 2001.

<sup>42</sup> Ibid.

<sup>43</sup> SRTK "Legislation," 6 January 1997; available from < [http://www. clhe.org/3e2-1.htm](http://www.clhe.org/3e2-1.htm)>; Internet; accessed 29 December 2001.

<sup>44</sup> Ibid., Appendix E – 17.

<sup>45</sup> American Association of Collegiate Registrars and Admission Officers, "The Solomon Amendment: A Guide for Recruiters and Student Records Managers," (Washington D.C: American Association of Collegiate Registrars and Admission Officers, 2001), iii.

<sup>46</sup> Ibid.

<sup>47</sup> The Solomon Amendment: "A Survey of Campuses and Military Recruiters," 30 June 00; available from <<http://www.aacrao.org>>; Internet; accessed on 7 October 2001, 1.

<sup>48</sup> Ibid.,4.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.,7.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Henry H. Shelton, "Joint Vision 2020," (Washington, D.C.: The Pentagon, June 2000), 13.

<sup>54</sup> Rich Maze, "Recruit levels good, but services want more," Army Times, 4 March 2002, 15.



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