

July 25, 2016

The Honorable Mac Thornberry  
Chairman  
House Armed Services Committee  
Washington, D.C. 20515

The Honorable Adam Smith  
Ranking Member  
House Armed Services Committee  
Washington, D.C. 20515

The Honorable Joseph Heck  
Chairman, Military Personnel Subcommittee  
House Armed Services Committee  
Washington, D.C. 20515

The Honorable Susan Davis  
Ranking Member, Military Personnel Subcommittee  
House Armed Services Committee  
Washington, D.C. 20515

Dear Chairman Thornberry, Ranking Member Smith, Chairman Heck, and Ranking Member Davis:

The undersigned military, veteran, family, and survivors' organizations, joined by other organizations that share our concern, write to urge you to oppose section 563, "Access to Department of Defense Installations [by] Institutions of Higher Education," recently passed by the Senate as part of the FY 2017 National Defense Authorization Bill.

First, this section is not necessary for its stated purpose, as the Defense Department (DOD) already provides educational institutions with significant and adequate access to military installations, especially for educational counseling. Access to military installations is controlled by DOD and the services, and the requirements are spelled out in the DOD Voluntary Education Partnership Memorandum of Understanding (MOU), which all schools wishing to participate in Tuition Assistance must sign. Attached please find the DOD MOU section regarding access to installations, which clearly provides school access and recognizes educational counseling as a legitimate reason for such access. According to DOD, military students report that they currently have sufficient opportunity on base to consult with schools about their educational plans and needs.

Second, although the section is not necessary, it is harmful. The section at hand would undermine the Defense Department's legitimate goal of ensuring service members on installations are able to perform their military duties without being subjected to harassment by unscrupulous salesmen.

The section would change existing DOD policy in concerning ways:

- Although the section is purportedly designed to ensure schools can provide counseling to their enrolled students, the section's language does not limit a school's contact to its current students, but, instead, would explicitly require DOD to allow schools to have access to all members of the Armed Forces as well as anyone else eligible for military education programs. The section would thereby force DOD to allow salesmen recruiting on base, as well as in military hospitals, where [abusive school recruiting of brain-injured wounded warriors](#) took place, which was one reason DOD established its MOU in the first place. This is unacceptable.
- The section would open up overseas bases to salesmen for schools that are not contracted to serve the base, even by schools currently under law enforcement action for consumer fraud. This could compromise national security and the military mission. DOD should not be forced to open up overseas bases to school salesmen.
- The section would require DOD to give schools access in proportion to the number of students enrolled. As Sen. Martin Heinrich (D-NM) wrote in the Senate Armed Services Committee Report, "This would result in an outcome where public universities teaching on base will be required to have less access to base than those conducting online courses with high enrollment numbers. Current DOD regulations treat all schools the same; this unprecedented change . . . has the potential to incentivize predatory conduct."
- The section directs the Secretary to be guided by the goal of providing access to schools, rather than the goal of acting in the military's best interest. This runs contrary to America's interests.

Support for the DOD MOU remains strong. [Public comment](#) submitted by leading military and veterans service organizations requested strong rules to prevent aggressive and deceptive recruiting on base, including in military hospitals, by unscrupulous school salesmen – a demand also made in the [Military & Veteran Students Educational Bill of Rights](#), which prompted [Executive Order 13607](#), requiring the DOD MOU. Military and veterans leaders also [wrote](#) DOD this past October, requesting strong enforcement of the MOU, in light of reports that schools were surreptitiously recruiting on military installations. Despite the existing DOD regulations, DOD and news media report that some educational institutions are still engaged in misleading and aggressive recruiting on military installations. Weakening the existing DOD regulations is the opposite of what servicemembers need right now.

Please know that the DOD MOU is not overly restrictive. Not only does the DOD MOU provide schools with ample on-base counseling of enrolled students, but it also actually allows schools to engage in some recruiting on bases – but only at DOD-sanctioned "education fairs" and only if the schools agree not to be deceptive. Surely, all schools can agree to abide by these reasonable limitations if they wish to engage in on-base recruiting. What DOD does not allow is salesmen having unrestricted access to bases and military hospitals.

Please oppose section 563 during your upcoming conference negotiations.

If you believe a compromise position is needed, we would urge you to direct DOD to analyze and report back to Congress whether any problems exist with schools' access to bases.

Thank you for your consideration.

Sincerely,

Air Force Women Officers Associated  
American Federation of Teachers, AFL-CIO  
Association of the U.S. Navy  
Blue Star Families  
Center for Public Interest Law  
Children's Advocacy Institute  
Commissioned Officers Association of the U.S. Public Health Service  
Consumer Action  
Generation Progress  
Higher Ed, Not Debt  
Iraq & Afghanistan Veterans of America  
Military Child Education Coalition  
Military Officers Association of America  
Military Order of the Purple Heart  
National Association for Black Veterans  
National Association for College Admission Counseling  
National Education Association  
National Military Family Association  
Student Veterans of America  
The Institute for College Access & Success  
The Retired Enlisted Association  
Tragedy Assistance Program for Survivors  
U.S. Coast Guard Chief Petty Officers Association & Enlisted Association  
Veterans Education Success  
Veterans for Common Sense  
Veterans Legal Clinic, University of San Diego School of Law  
Veterans Student Loan Relief Fund  
VetJobs  
VetsFirst, a program of United Spinal Association  
Vietnam Veterans of America  
Young Invincibles

## 5. REQUIREMENTS AND RESPONSIBILITIES FOR THE DELIVERY OF ON-INSTALLATION VOLUNTARY EDUCATION PROGRAMS AND SERVICES

a. The requirements in this section pertain to educational institutions operating on a DoD installation. An installation MOU:

(1) Is required if an educational institution is operating on a DoD installation. (2) Contains only the installation-unique requirements coordinated by the responsible education advisor, with concurrence from the appropriate Service voluntary education representative, and approved by the installation commander. (3) Cannot conflict with the DoD Voluntary Education Partnership MOU and governing regulations.

b. Educational institutions will:

- (1) Agree to have a separate installation MOU if they have a Service agreement to provide on-installation courses or degree programs.
- (2) Comply with the installation-unique requirements in the installation MOU.
- (3) Agree to coordinate degree programs offered on the DoD installation with the responsible education advisor, who will receive approval from the installation commander, prior to the opening of classes for registration.
- (4) Admit candidates to the educational institution's on-installation programs at their discretion; however, priority for registration in DoD installation classes will be given in the following order:
  - (a) Service members.
  - (b) Federally funded DoD civilian employees.
  - (c) Eligible adult family members of Service members and DoD civilian employees.
  - (d) Military retirees.
  - (e) Non-DoD personnel.
- (5) Provide the responsible education advisor, as appropriate, a tentative annual schedule of course offerings to ensure that the educational needs of the military population on the DoD installation are met and to ensure no course or scheduling conflicts with other on-installation programs.
- (6) Provide instructors for their DoD installation courses who meet the criteria established by the educational institution to qualify for employment as a faculty member on the main administrative and academic center.
- (7) Inform the responsible education advisor about cancellations for classroom-based classes on DoD installations per the guidelines set forth in the separate installation MOU.

c. The Services' designated installation representative (usually the responsible education advisor) will be responsible for determining the local voluntary education program needs for the serviced military population and for selecting the off-duty educational programs to be provided on the DoD installation, in accordance with the Services' policies. The Service, in conjunction with the educational institution, will provide support services essential to operating effective educational programs. All services provided will be

commensurate with the availability of resources (personnel, funds, and equipment). This support includes:

- (1) Classroom and office space, as available. The Service will determine the adequacy of provided space.
- (2) Repairs as required to maintain office and classroom space in “good condition” as determined by the Service, and utility services for the offices and classrooms of the educational institution located on the DoD installation (e.g., electricity, water, and heat).
- (3) Standard office and classroom furnishings within available resources. No specialized equipment will be provided.
- (4) Janitorial services in accordance with DoD installation facility management policies and contracts.

d. The Service reserves the right to disapprove DoD installation access to any employee or agent of the educational institution employed to carry out any part of this MOU.

e. Operation of a privately owned vehicle by educational institution employees or agents on the installation will be governed by the DoD installation’s policies.

f. The responsible education advisor will check with his or her Service’s responsible office for voluntary education before allowing an educational institution to enter into an MOU with the DoD installation.