



U.S. House of Representatives
Washington, DC 20515-0552

A handwritten signature in black ink that reads "Duncan Hunter".

Duncan Hunter, M.C.

February 12, 2009

Rep Hunter Introductory Remarks for the Fairness for Military Recruiters Act

Madam Speaker. Today I am introducing *the Fairness for Military Recruiters Act*, legislation that supports the efforts of our armed forces to recruit talented young Americans from our nation's high schools. This legislation reaffirms and strengthens existing federal law, enacted in 2001 under the No Child Left Behind Act, that provides military recruiters the same access to high school campuses and basic student contact information that is given to institutions of higher education.

Before the enactment of No Child Left Behind, it was reported that nearly 2,000 high schools across the country either banned military recruiters from their campuses or restricted access to student directories. Since then, despite some early opposition from several school boards and administrators, military recruiters have maintained regular and unrestricted access to high schools nationwide.

Under current law, any high school that receives federal education funding must provide military recruiters access to its campus and student directories – the same access that is provided to colleges and universities. At the same time, schools are required to notify parents and students of their right to “opt-out” of the program. A request from a parent is all it takes for a student not be contacted or approached directly by a military recruiter.

This is a straight-forward, balanced approach to ensuring that students are familiar with the education and career opportunities offered by any one of our military service branches. Military service promotes discipline, self-esteem and a strong work-ethic, and young Americans should not be discouraged from serving their country or simply exploring the benefits of serving in the armed forces.

Of course, there are some school administrators and activist groups that oppose the idea of military recruiters contacting high-school students. There are even reported cases of these groups, known as “counter-recruiters,” attending parent-teacher conferences and loitering outside schools with opt-out forms in hand. Likewise, administrators have creatively interpreted notification and consent requirements in the interest of denying recruiters access to student contact information.

Students and parents should make the decision to opt-out on their own, without influence from activists and administrators with anti-military bias. Families that recognize and honor the commitment of our military to defending the freedom of the American people should not be represented by the small minority of those who actively seek to denigrate our armed forces.

The legislation I am introducing today simply reaffirms current law by protecting the right of parents and students to opt-out while also maintaining military recruiter access to high school campuses and directories. Schools would still be obligated to notify parents and students of their options, ensuring there is a mechanism in place that prevents the contact information of those who wish not to be contacted from being released.

The alternative suggested by some of my colleagues, particularly in anticipation of the upcoming reauthorization of the Elementary and Secondary Education Act, is to create an opt-in process. In other words, military recruiters would be denied access to student information unless parents send in a release authorization form. They question whether the recruitment provision violates a student's right to privacy, even though it is consistent with federal law and court-tested privacy rights. An analysis by the Congressional Research Services also acknowledges this fact, noting that, unlike medical records, the basic information available to recruiters is no different than the information "typically found in a phone book."

The legislation specifically prohibits the implementation of an opt-in process and clarifies the notification and consent requirement by placing the personal information and career interests of students firmly in the control of parents. Only parents, legal guardians or students 18 years of age, could make a written request that contact information not be released.

Madam Speaker, our national security continues to hinge on patriotic and talented Americans coming forward and volunteering military service. Restricting recruiter access to high schools would serve to reduce the quality of our armed forces and undoubtedly constrain the ability of students to consider military education and career opportunities.

I urge my colleagues to support this effort as we continue working to strengthen our national security and raise awareness about the education and career benefits provided through military service.