

Servicemembers Legal Defense Network



The Solomon Amendment **(32 CFR §216)**

- The Solomon Amendment prohibits schools receiving federal funds from denying the military entry to campuses, access to students on campus, and access to student recruiting information. This law, passed as a part of the Department of Defense Appropriation Bills in 1995 and 1996, is targeted at punishing colleges and universities who prevent the military recruiting on campus or the participation of ROTC by the institution or its students.
 - An anti-ROTC policy is defined as: *A policy or practice whereby a school prohibits or in effect prevents the Secretary of Defense from maintaining, establishing, or efficiently operating a unit of the Senior ROTC at the covered school, or prohibits or in effect prevents a student from a covered school from enrolling in a Senior ROTC unit at another institution of higher education.*
 - A denial of recruiting access policy is defined as: *When a school denies the military requested access to campus or to students on the campus and the covered school is not able to certify that all employers are similarly excluded from recruiting on campus on the premises of the covered school, or cannot present evidence that the degree of access by military recruiters is at least equal in quality and scope to that afforded to other employers.*
- If an institution of higher learning is found by the Department of Defense to not be in compliance with this law, they may lose funding from the Department of Defense, the Department of Transportation, and the Departments of Labor, Health and Human Services, Education, and related agencies.
- These funds include contracts or grants, including a grant of funds to be available for student aid, from the agencies funded through their appropriation bills.
- If the Department of Defense makes a finding that an institute of higher learning is not in compliance with this law they must publish their finding in the Federal Registry and inform the affected institution that its eligibility may be restored if the school provides new information to establish that the basis for the determination no longer exists.
- The two exceptions to the application of the Solomon Amendment are:
 - *The covered school has ceased the policy or practice in question that would give rise to a violation.*
 - *The covered school has a long-standing history of pacifism based on historical religious affiliation.*

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Interim Rule re: “subunits” or “subelements” (65 FR 2056 - effective January 2000)

- This interim rule, interprets the Solomon Amendment as prohibiting federal funds, by contract or grant, from being given to an institution of higher learning (including any subelement of the institution) if the Secretary of Defense determines that the institution (or any subelement of the institution) has a policy or practice that prohibits, or in effect prevents, Senior Reserve Officer Training Corps (ROTC) units or military recruiting on campus. In other words, if a part of the school prohibits ROTC or military recruiting (such as a law school) the entire school may lose its federal funding. Thus, eliminating the perceived “subunit” or “subelement” loop-hole.