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August 15, 2012

The Honorable Leon Panetta
Secretary
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Secretary Panetta:

The *FY 2012 National Defense Authorization Act* (P.L. 112-81) includes a provision (Section 532) to ensure "covered graduates" are given the same opportunity to enlist in the U.S. Armed Forces as traditional high school graduates, commonly called Tier I recruits. The law clearly defines covered graduates as any student who receives a diploma from a secondary school legally operating or otherwise completes a program of secondary education in compliance with the education laws of the state in which the person resides, including graduates of online charter schools and home schools. The intent of the provision is to provide qualified nontraditional graduates in the Tier II category with the same eligibility status as traditional Tier I graduates. The provision clearly states that the covered recruits shall be treated equal to Tier I recruits, and the department shall make no distinction between these graduates.

We recognize the department believes it has properly interpreted and implemented the law, as illustrated in its recent responses to Chairman John Kline's and Rep. Duncan Hunter's letters on this topic. However, we disagree with the department's interpretation and believe the new policy continues to put nontraditional students at a disadvantage. The department continues to look at attrition as the first criteria in setting the policy for covered graduates. We understand the need to use tools and assessments to find quality recruits committed to military service, but current law as specified in Section 532 does not allow the department to have different standards for Tier I recruits and covered graduates.

Our primary concern is with the department's decision to require nontraditional students, identified as Tier II, to score higher on the Armed Forces Qualification Test (AFQT) to be eligible for military service. Tier II graduates who score 50 or higher are folded into the Tier I category,

The Honorable Leon Panetta

August 15, 2012

Page 2

while traditional Tier I graduates are eligible to serve with score as low as 31 to 36, depending on the service branch.

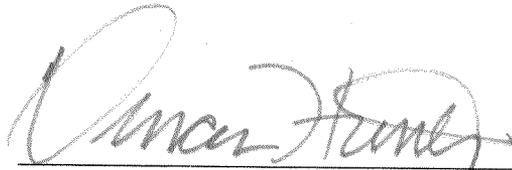
While this is an improvement from previous standards, the new policy continues to promote the very disparity P.L. 112-81 intends to eliminate. Accordingly, we urge the department to adjust its policy to mirror current law, so traditional and nontraditional students are held to the same educational standards. By turning qualified graduates away, the Armed Forces are denying themselves talented and patriotic young Americans, some of whom are more qualified than traditional high school graduates, who are willing to serve in today's all-volunteer force. We urge you to take the necessary action to reverse this harmful decision and immediately implement a policy that reflects the clear intent of the law.

Thank you for your attention to this matter. We look forward to your timely response.

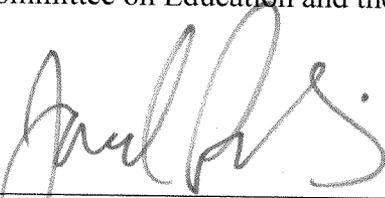
Sincerely,



JOHN KLINE
Chairman
Committee on Education and the Workforce



DUNCAN HUNTER
Member of Congress



JARED POLIS
Member of Congress