

with DoD Instruction 7200.9, "Financing and Reporting Costs of Military Resources Used in Civil Disturbances," January 26, 1970,<sup>4</sup> and DoD Executive Agent implementing instructions.

(b) Military assistance (Groups One, Two, and Three military resources) provided to civil authorities, under the provisions of §215.9, will be on a reimbursable or reclaimable basis as appropriate.

## PART 216—MILITARY RECRUITING AND RESERVE OFFICER TRAINING CORPS PROGRAM ACCESS TO INSTITUTIONS OF HIGHER EDUCATION

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APPENDIX A OF PART 216—ROTC SAMPLE LETTER OF INQUIRY

APPENDIX B OF PART 216—MILITARY RECRUITING SAMPLE LETTER OF INQUIRY

AUTHORITY: 10 U.S.C. 983.

SOURCE: 62 FR 16693, Apr. 8, 1997, unless otherwise noted.

### §216.1 Purpose.

This part:

- (a) Implements the National Defense Authorization Act of 1995 (108 Stat. 2663),
- (b) Implements 10 U.S.C. 983, and
- (c) Implements the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009).
- (d) Updates policy and responsibilities relating to the management of covered schools that have a policy of either denying, or effectively preventing military recruiting personnel entry to their campuses, access to their students, or access to student directory information.
- (e) Updates policy and responsibilities relating to the management of covered schools that have an anti-ROTC policy.

<sup>4</sup>Although this resolution has been placed in the Statutes at Large as Pub. L. 90-331, 82 Stat. 170, it has not been codified; it is set out in the notes to 18 U.S.C. 3056.

### §216.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components"). The policies herein also affect the Departments of Transportation, Labor, Health and Human Services, Education, and Related Agencies. The term "Military Services," as used herein, refers to the Army, the Navy, the Marine Corps, the Air Force, and the Coast Guard. The term "Related Agencies," as used herein, refers to the Armed Forces Retirement Home, the Corporation for National and Community Service, the Corporation for Public Broadcasting, the Federal Mediation and Conciliation Service, the Federal Mine Safety and Health Review Commission, the National Commission on Libraries and Information Science, the National Council on Disability, the National Education Goals Panel, the National Labor Relations Board, the National Mediation Board, the Occupational Safety and Health Review Commission, the Physician Payment Review Commission, the Prospective Payment Assessment Commission, the Social Security Administration, the Railroad Retirement Board and the United States Institute of Peace.

### §216.3 Definitions.

*Anti-ROTC policy.* A policy or practice whereby a covered 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 at the covered school from enrolling in a Senior ROTC unit at another institution of higher education.

*Covered school.* An institution of higher education, or a subelement of an institution of higher education, subject to the following clarifications:

- (1) In the event of a determination (§216.5) affecting only a subelement of a parent institution (see §216.3(d)), the limitations on the use of funds (§216.4