

(Added Pub. L. 111-84, div. A, title V, § 525(b)(1), Oct. 28, 2009, 123 Stat. 2286; amended Pub. L. 111-383, div. A, title V, § 551(a)-(c), Jan. 7, 2011, 124 Stat. 4219.)

#### AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 111-383, § 551(a), substituted “a bachelor of science degree in nursing” for “a nursing degree”.

Subsec. (b). Pub. L. 111-383, § 551(b), inserted “in nursing” after “bachelor of science degree”.

Subsec. (d). Pub. L. 111-383, § 551(c), amended subsec. (d) generally. Prior to amendment, text read as follows: “An academic institution selected to operate an undergraduate nurse training program shall establish the program at or near a military installation. A military installation at or near which an undergraduate nurse training program is established must—

“(1) be one of the ten largest military installations in the United States, in terms of the number of active duty personnel assigned to the installation and family members residing on or in the vicinity of the installations; and

“(2) have a military treatment facility with inpatient capability designated as a medical center located on the installation or within 10 miles of the installation.”

#### PLAN AND PILOT PROGRAM TO ESTABLISH UNDERGRADUATE NURSE TRAINING PROGRAM

Pub. L. 111-84, div. A, title V, § 525(c)-(f), Oct. 28, 2009, 123 Stat. 2287, 2288, as amended by Pub. L. 111-383, div. A, title V, § 551(d), Jan. 7, 2011, 124 Stat. 4219, provided that:

“(c) UNDERGRADUATE NURSE TRAINING PROGRAM PLAN.—Not later than 180 days after the date of the enactment of this Act [Oct. 28, 2009], the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan to establish an undergraduate nurse training program in the Department of Defense in accordance with the authority provided by section 2169 of title 10, United States Code, as added by subsection (a), section 2016 of such title, as added by subsection (b), or any other authority available to the Secretary.

“(d) PILOT PROGRAM.—

“(1) PILOT PROGRAM REQUIRED.—The plan required by subsection (c) shall provide for the establishment of a pilot program to increase the number of nurses serving in the Armed Forces.

“(2) IMPLEMENTATION AND DURATION.—The pilot program shall begin not later than December 31, 2011, and be of not less than five years in duration.

“(3) GRADUATION RATES.—The goal of the pilot program is to achieve graduation rates at least equal to the rates required for the undergraduate nurse training programs authorized by section 2016 of title 10, United States Code, as added by subsection (b).

“(4) IMPLEMENTATION REPORT.—Not later than 270 days after the date of the enactment of this Act [Oct. 28, 2009], the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the pilot program, including a description of the program selected to be undertaken, the program’s goals, and any additional legal authorities that may be needed to undertake the program.

“(5) PROGRESS REPORTS.—Not later than 90 days after the end of each academic year of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report specifying the number of nurses accessed into the Armed Forces through the program and the number of students accepted for the upcoming academic year.

“(6) FINAL REPORT.—Not later than one year before the end of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a re-

port specifying the number of nurses accessed through the program, evaluating the overall effectiveness of the program, and containing the Secretary’s recommendations regarding whether the program should be extended.

“(e) EFFECT ON OTHER NURSING PROGRAMS.—Notwithstanding the development of undergraduate nurse training programs under the amendments made by this section [enacting this section and section 2169 of this title and repealing section 2117 of this title] and subsection (d), the Secretary of Defense shall ensure that graduate degree programs in nursing, including advanced practice nursing, continue.

“(f) EFFECT ON OTHER RECRUITMENT EFFORTS.—Nothing in this section shall be construed as limiting or terminating any current or future program of the Department of Defense related to the recruitment, accession, training, or retention of nurses.”

#### CHAPTER 102—JUNIOR RESERVE OFFICERS’ TRAINING CORPS

Sec.

2031. Junior Reserve Officers’ Training Corps.

2032. Responsibility of the Secretaries of the military departments to maximize enrollment and enhance efficiency.

2033. Instructor qualifications.

#### AMENDMENTS

2006—Pub. L. 109-364, div. A, title V, § 539(b), Oct. 17, 2006, 120 Stat. 2211, added item 2033.

2001—Pub. L. 107-107, div. A, title V, § 596(c)(2), Dec. 28, 2001, 115 Stat. 1127, struck out item 2033 “Contingent funding increase”.

1999—Pub. L. 106-65, div. A, title V, § 547(a)(2), Oct. 5, 1999, 113 Stat. 609, added item 2033.

1997—Pub. L. 105-85, div. A, title V, § 546(b), Nov. 18, 1997, 111 Stat. 1747, added item 2032.

1964—Pub. L. 88-647, title I, § 101(1), Oct. 13, 1964, 78 Stat. 1063, added item 2031 and chapter heading.

#### § 2031. Junior Reserve Officers’ Training Corps

(a)(1) The Secretary of each military department shall establish and maintain a Junior Reserve Officers’ Training Corps, organized into units, at public and private secondary educational institutions which apply for a unit and meet the standards and criteria prescribed pursuant to this section. The President shall promulgate regulations prescribing the standards and criteria to be followed by the military departments in selecting the institutions at which units are to be established and maintained and shall provide for the fair and equitable distribution of such units throughout the Nation, except that more than one such unit may be established and maintained at any military institute.

(2) It is a purpose of the Junior Reserve Officers’ Training Corps to instill in students in United States secondary educational institutions the values of citizenship, service to the United States, and personal responsibility and a sense of accomplishment.

(b) No unit may be established or maintained at an institution unless—

(1) the number of physically fit students in such unit who are in a grade above the 8th grade and are citizens or nationals of the United States, or aliens lawfully admitted to the United States for permanent residence, is not less than (A) 10 percent of the number of students enrolled in the institution who are in a grade above the 8th grade, or (B) 100, whichever is less;

(2) the institution has adequate facilities for classroom instruction, storage of arms and other equipment which may be furnished in support of the unit, and adequate drill areas at or in the immediate vicinity of the institution, as determined by the Secretary of the military department concerned;

(3) the institution provides a course of military instruction of not less than three academic years' duration, as prescribed by the Secretary of the military department concerned;

(4) the institution agrees to limit membership in the unit to students who maintain acceptable standards of academic achievement and conduct, as prescribed by the Secretary of the military department concerned; and

(5) the unit meets such other requirements as may be established by the Secretary of the military department concerned.

(c) The Secretary of the military department concerned shall, to support the Junior Reserve Officers' Training Corps program—

(1) detail officers and noncommissioned officers of an armed force under his jurisdiction to institutions having units of the Corps as administrators and instructors;

(2) provide necessary text materials, equipment, and uniforms and, to the extent considered appropriate by the Secretary concerned, such additional resources (including transportation and billeting) as may be available to support activities of the program; and

(3) establish minimum acceptable standards for performance and achievement for qualified units.

(d) Instead of, or in addition to, detailing officers and noncommissioned officers on active duty under subsection (c)(1), the Secretary of the military department concerned may authorize qualified institutions to employ, as administrators and instructors in the program, retired officers and noncommissioned officers who are in receipt of retired pay, and members of the Fleet Reserve and Fleet Marine Corps Reserve, whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following:

(1) A retired member so employed is entitled to receive the member's retired or retainer pay without reduction by reason of any additional amount paid to the member by the institution concerned. In the case of payment of any such additional amount by the institution concerned, the Secretary of the military department concerned shall pay to that institution the amount equal to one-half of the amount paid to the retired member by the institution for any period, up to a maximum of one-half of the difference between the member's retired or retainer pay for that period and the active duty pay and allowances which the member would have received for that period if on active duty. Notwithstanding the limitation in the preceding sentence, the Secretary concerned may pay to the institution more than one-half of the additional amount paid to the retired member by the institution if (as determined by the Secretary) the insti-

tion is in an educationally and economically deprived area and the Secretary determines that such action is in the national interest. Payments by the Secretary concerned under this paragraph shall be made from funds appropriated for that purpose.

(2) Notwithstanding any other provision of law, such a retired member is not, while so employed, considered to be on active duty or inactive duty training for any purpose.

(e) Instead of, or in addition to, detailing officers and noncommissioned officers on active duty under subsection (c)(1) and authorizing the employment of retired officers and noncommissioned officers who are in receipt of retired pay and members of the Fleet Reserve and Fleet Marine Corps Reserve under subsection (d), the Secretary of the military department concerned may authorize qualified institutions to employ as administrators and instructors in the program officers and noncommissioned officers who are under 60 years of age and who, but for age, would be eligible for retired pay for non-regular service under section 12731 of this title and whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following:

(1) The Secretary concerned shall pay to the institution an amount equal to one-half of the amount paid to the member by the institution for any period, up to a maximum of one-half of the difference between—

(A) the retired or retainer pay for an active duty officer or noncommissioned officer of the same grade and years of service for such period; and

(B) the active duty pay and allowances which the member would have received for that period if on active duty.

(2) Notwithstanding the limitation in paragraph (1), the Secretary concerned may pay to the institution more than one-half of the amount paid to the member by the institution if (as determined by the Secretary)—

(A) the institution is in an educationally and economically deprived area; and

(B) the Secretary determines that such action is in the national interest.

(3) Payments by the Secretary concerned under this subsection shall be made from funds appropriated for that purpose.

(4) Amounts may be paid under this subsection with respect to a member after the member reaches the age of 60.

(5) Notwithstanding any other provision of law, a member employed by a qualified institution pursuant to an authorization under this subsection is not, while so employed, considered to be on active duty or inactive duty training for any purpose.

(f)(1) When determined by the Secretary of the military department concerned to be in the national interest and agreed upon by the institution concerned, the institution may reimburse a Junior Reserve Officers' Training Corps instructor for moving expenses incurred by the instructor to accept employment at the institution in a position that the Secretary concerned deter-

mines is hard-to-fill for geographic or economic reasons.

(2) As a condition on providing reimbursement under paragraph (1), the institution shall require the instructor to execute a written agreement to serve a minimum of two years of employment at the institution in the hard-to-fill position.

(3) Any reimbursement provided to an instructor under paragraph (1) is in addition to the minimum instructor pay otherwise payable to the instructor.

(4) The Secretary concerned shall reimburse an institution providing reimbursement to an instructor under paragraph (1) in an amount equal to the amount of the reimbursement paid by the institution under that paragraph. Any reimbursement provided by the Secretary concerned shall be provided from funds appropriated for that purpose.

(5) The provision of reimbursement under paragraph (1) or (4) shall be subject to regulations prescribed by the Secretary of Defense for purposes of this subsection.

(Added Pub. L. 88-647, title I, §101(1), Oct. 13, 1964, 78 Stat. 1063; amended Pub. L. 89-718, §16, Nov. 2, 1966, 80 Stat. 1117; Pub. L. 90-83, §3(4), Sept. 11, 1967, 81 Stat. 220; Pub. L. 93-165, Nov. 29, 1973, 87 Stat. 660; Pub. L. 94-361, title VIII, §807, July 14, 1976, 90 Stat. 933; Pub. L. 95-358, Sept. 8, 1978, 92 Stat. 592; Pub. L. 98-525, title IV, §422, title XIV, §1405(32), Oct. 19, 1984, 98 Stat. 2520, 2624; Pub. L. 100-26, §7(i)(3), Apr. 21, 1987, 101 Stat. 282; Pub. L. 102-484, div. A, title V, §533(a)-(e)(1), Oct. 23, 1992, 106 Stat. 2411, 2412; Pub. L. 103-160, div. A, title XI, §1182(g)(1), Nov. 30, 1993, 107 Stat. 1774; Pub. L. 107-107, div. A, title V, §537, Dec. 28, 2001, 115 Stat. 1107; Pub. L. 109-364, div. A, title V, §540, Oct. 17, 2006, 120 Stat. 2211; Pub. L. 110-181, div. A, title VI, §635, Jan. 28, 2008, 122 Stat. 155.)

#### AMENDMENTS

2008—Subsec. (f). Pub. L. 110-181 added subsec. (f).

2006—Subsec. (d). Pub. L. 109-364, §540(b), inserted “who are in receipt of retired pay” after “retired officers and noncommissioned officers” in introductory provisions.

Subsec. (e). Pub. L. 109-364, §540(a), added subsec. (e).

2001—Subsec. (a)(1). Pub. L. 107-107 struck out after first sentence “The total number of units which may be established and maintained by all of the military departments under authority of this section, including those units already established on October 13, 1964, may not exceed 3,500.”

1993—Subsec. (a)(1). Pub. L. 103-160 substituted “The” for “Not more than 200 units may be established by all of the military departments each year, and the” in second sentence.

1992—Subsec. (a). Pub. L. 102-484, §533(a), (b), designated existing provisions as par. (1), substituted “3,500” for “1,600”, and added par. (2).

Subsec. (b)(1). Pub. L. 102-484, §533(c), substituted “in a grade above the 8th grade” for “at least 14 years of age” in two places and inserted “, or aliens lawfully admitted to the United States for permanent residence,” after “of the United States”.

Subsec. (c)(2). Pub. L. 102-484, §533(d), inserted before semicolon “and, to the extent considered appropriate by the Secretary concerned, such additional resources (including transportation and billeting) as may be available to support activities of the program”.

Subsec. (d)(1). Pub. L. 102-484, §533(e)(1), amended par. (1) generally. Prior to amendment, par. (1) read as fol-

lows: “Retired members so employed are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between their retired pay and the active duty pay and allowances which they would receive if ordered to active duty, and one-half of that additional amount shall be paid to the institution concerned by the Secretary of the military department concerned from funds appropriated for that purpose.”

1987—Subsec. (a). Pub. L. 100-26 struck out “beginning with the calendar year 1966” after “each year” in second sentence.

1984—Subsec. (a). Pub. L. 98-525, §1405(32), substituted “October 13, 1964” for “the date of enactment of this section”.

Subsec. (b)(1). Pub. L. 98-525, §422(1), substituted “the number of physically fit students in such unit who are at least 14 years of age and are citizens or nationals of the United States is not less than (A) 10 percent of the number of students enrolled in the institution who are at least 14 years of age, or (B) 100, whichever is less” for “the unit contains at least 100 physically fit students who are at least 14 years of age and are citizens or nationals of the United States”.

Subsec. (b)(5). Pub. L. 98-525, §422(2)-(4), added par. (5).

1978—Subsec. (b)(1). Pub. L. 95-358 inserted “or nationals” after “citizens”.

1976—Subsec. (a). Pub. L. 94-361 increased total number of units authorized to be established to 1,600 from 1,200 and limited the military institutes to establishment and maintenance of only one unit.

1973—Subsec. (b)(1). Pub. L. 93-165 substituted “physically fit students” for “physically fit male students”.

1967—Subsecs. (c), (d). Pub. L. 90-83 substituted “officers and noncommissioned officers” for “noncommissioned and commissioned officers” wherever appearing.

1966—Subsec. (d). Pub. L. 89-718 capitalized first letter of first word in cls. (1) and (2).

#### EFFECTIVE DATE OF 1992 AMENDMENT

Section 533(e)(2) of Pub. L. 102-484 provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to payments for periods of instructor service performed after September 30, 1992.”

#### SHORT TITLE

Section 1 of Pub. L. 88-647 provided: “That the Act [enacting this chapter, and chapter 103 of this title, amending section 802 of former Title 5, sections 1475, 1478, 1481, 3201, 4348, 5404, 5504, 5652b, 6023, 6387, 6959, 8201, and 9348 of this title, and sections 205, 209, 415, 416 and 422 of Title 37, Pay and Allowances of the Uniformed Services, repealing sections 3355, 3540, 4381 to 4387, 6901 to 6906, 6908, 6910, 8355, 8540, and 9381 to 9387 of this title, and enacting provisions set out as notes under this section and section 2107 and former section 9385 of this title, may be cited as the ‘Reserve Officers’ Training Corps Vitalization Act of 1964’.”

#### ISSUANCE OF REGULATIONS

Section 102 of Pub. L. 88-647 directed that regulations implementing subsec. (a) of this section be issued by President and by Secretary of each military department not later than Jan. 1, 1966.

#### SAVINGS CLAUSE

Section 402 of Pub. L. 88-647 provided that: “If a part of this Act [see Short Title note above] is invalid, all valid parts that are severable from the invalid part remains in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.”

#### INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS’ TRAINING CORPS

Pub. L. 110-417, [div. A], title V, §548, Oct. 14, 2008, 122 Stat. 4466, provided that:

“(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support, not later than September 30, 2020, not less than 3,700 units of the Junior Reserve Officers’ Training Corps.

“(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

“(1) if the Secretary fails to receive an adequate number or requests for Junior Reserve Officers’ Training Corps units by public and private secondary educational institutions; or

“(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

“(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers’ Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers’ Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

“(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] containing, at a minimum, the following:

“(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers’ Training Corps specified in subsection (a), including how many units will be established per year by each service.

“(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

“(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers’ Training Corps unit that are on a waiting list.

“(4) Efforts to improve the increased distribution of units geographically across the United States.

“(5) Efforts to increase distribution of units in educationally and economically deprived areas.

“(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

“(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] not later than March 31, 2009. The Secretary of Defense shall submit an up-dated [sic] report annually thereafter until the minimum number of units of the Junior Reserve Officers’ Training Corps specified in subsection (a) is achieved.”

#### EXPANSION OF JUNIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAM

Pub. L. 109-364, div. A, title V, §541, Oct. 17, 2006, 120 Stat. 2212, provided that:

“(a) IN GENERAL.—The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers’ Training Corps is organized under chapter 102 of title 10, United States Code.

“(b) EXPANSION TARGETS.—In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers’ Training Corps is organized, the Secretaries of the military departments shall seek to organize units at an additional number of institutions as follows:

“(1) In the case of Army units, 15 institutions.

“(2) In the case of Navy units, 10 institutions.

“(3) In the case of Marine Corps units, 15 institutions.

“(4) In the case of Air Force units, 10 institutions.”

#### REDUCTION IN NUMBER OF STUDENTS REQUIRED TO BE IN JUNIOR RESERVE OFFICERS’ TRAINING CORPS UNITS FOR PERIOD OF SEPTEMBER 1, 1980, TO AUGUST 31, 1984

Pub. L. 96-342, title VI, §602, Sept. 8, 1980, 94 Stat. 1087, as amended by Pub. L. 97-86, title VII, §702(a), Dec. 1, 1981, 95 Stat. 1111; Pub. L. 97-252, title VII, §702, Sept. 8, 1982, 96 Stat. 728; Pub. L. 98-94, title VII, §702, Sept. 24, 1983, 97 Stat. 634, authorized the Secretary of any military department, during the period beginning on Sept. 1, 1980, and ending on Aug. 31, 1984, to maintain a unit of the Junior Reserve Officers’ Training Corps at any public or private secondary educational institution.

#### § 2032. Responsibility of the Secretaries of the military departments to maximize enrollment and enhance efficiency

(a) COORDINATION.—The Secretary of each military department, in establishing, maintaining, transferring, and terminating Junior Reserve Officers’ Training Corps units under section 2031 of this title, shall do so in a coordinated manner that is designed to maximize enrollment in the Corps and to enhance administrative efficiency in the management of the Corps.

(b) CONSIDERATION OF NEW SCHOOL OPENINGS AND CONSOLIDATIONS.—In carrying out subsection (a), the Secretary of a military department shall take into consideration—

(1) openings of new schools;

(2) consolidations of schools; and

(3) the desirability of continuing the opportunity for participation in the Corps by participants whose continued participation would otherwise be adversely affected by new school openings and consolidations of schools.

(Added Pub. L. 105-85, div. A, title V, §546(a), Nov. 18, 1997, 111 Stat. 1746.)

#### § 2033. Instructor qualifications

(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

(b) SENIOR MILITARY INSTRUCTORS.—

(1) ROLE.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

(2) QUALIFICATIONS.—A senior military instructor shall have the following qualifications:

(A) Professional military qualification, as determined by the Secretary of the military department concerned.

(B) Award of a baccalaureate degree from an institution of higher learning.

(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—