

United States Code, as added by paragraph (1), shall apply with respect to postsecondary educational institutions intended to be established by the Secretary of Defense on or after the date of the enactment of this Act [Dec. 20, 2019].”

## 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.
2034.	Educational institutions not maintaining units of Junior Reserve Officers’ Training Corps: issuance of arms, tentage, and equipment.
2035.	Flexibility in authorities for management of programs and units.
2036.	Grants to support science, technology, engineering, and mathematics education.

### Editorial Notes

#### AMENDMENTS

2021—Pub. L. 116–283, div. A, title V, § 513(a)(2), Jan. 1, 2021, 134 Stat. 3588, added item 2036.

2018—Pub. L. 115–232, div. A, title V, § 557(a)(2), Aug. 13, 2018, 132 Stat. 1774, added item 2035.

2013—Pub. L. 112–239, div. A, title V, § 552(c)(1), Jan. 2, 2013, 126 Stat. 1741, added item 2034.

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 Secretary of Defense 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.

(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 (including an introduction to service opportunities in military, national, and public service), and personal responsibility and a sense of accomplishment.

(b)(1) No unit may be established or maintained at an institution unless—

(A) the number of physically fit students in such unit who are in a grade above the 7th grade and physically co-located with the 9th grade participating unit and are citizens or nationals of the United States, or aliens lawfully admitted to the United States for permanent residence, is not less than (i) 10 percent of

the number of students enrolled in the institution who are in a grade above the 7th grade and physically co-located with the 9th grade participating unit, or (ii) 100, whichever is less;

(B) 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;

(C) the institution provides a course of military instruction of not less than three academic years’ duration and which may include instruction or activities in the fields of science, technology, engineering, and mathematics, as prescribed by the Secretary of the military department concerned;

(D) 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

(E) the unit meets such other requirements as the Secretary of the military department concerned prescribes in the memorandum of understanding required under paragraph (2)..<sup>1</sup>

(2) The Secretary of Defense shall prescribe in regulations a memorandum of understanding to be signed by the Secretary of the military department concerned and each institution operating a unit under this section. The memorandum shall be standardized to the extent practicable and include the following elements:

(A) A requirement that an institution notify the Secretary of the military department concerned of allegations of misconduct (including sexual misconduct and harassment) against an instructor who is receiving retired or other pay, not later than 48 hours after such institution learns of such allegations.

(B) A process by which the Secretary of the military department concerned certifies an instructor, including the conduct of appropriate background checks by such Secretary and the institution concerned.

(C) A process by which the Secretary of the military department concerned shall conduct oversight of instructors certified by such Secretary, including a requirement that such certification shall expire after not more than five years.

(D) Processes by which such institution’s program will be inspected by the military department concerned prior to establishment of a new unit, or not less often than once every four years in the case of units existing as of January 1, 2024, staggered as the Secretary determines appropriate.

(E) A requirement that each institution certifies it—

(i) has created a process for students to report violations of their rights under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as applicable, and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), including the rights of stu-

<sup>1</sup> So in original.

dents to not be subject to discrimination or subject to retaliation for reporting a violation of those laws, if such laws apply to the public or private institution;

(ii) has implemented policies ensuring students and instructors are notified of those rights, as well as the process for reporting violations of those rights, including information on available mandatory reporters, if such laws apply to the institution;

(iii) has implemented annual training to inform students of methods to prevent, respond to, and report sexual assault and harassment;

(iv) agrees to report all allegations of violations described in this subparagraph to the military department concerned and, if subject to the jurisdiction of the Department of Education, the Office of Civil Rights of the Department of Education not less often than annually;

(v) has developed processes to ensure that each student enrolled in a unit under this section has done so voluntarily; and

(vi) agrees to provide the data necessary to compile the report required under subsection (i).

(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)(1) 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—

(A) retired officers and noncommissioned officers whose qualifications are approved by the Secretary and the institution concerned and who request such employment;

(B) officers and noncommissioned officers who are separated with an honorable discharge within the past 5 years with at least 8 years of service and are approved by the Secretary and the institution concerned and who request such employment; or

(C) officers and noncommissioned officers who are active participating members of the selected reserve at the time of application, for purposes of section 101(d) of this title, and have not yet reached retirement eligibility and are approved by the Secretary and the institution concerned and who request such employment.

(2) Employment under this subsection shall be subject to the following conditions:

(A) The Secretary concerned shall pay to the institution an amount equal to one-half of the

Department's prescribed JROTC Standardized Instructor Pay Scale amount paid to the member by the institution for any period.

(B) 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)—

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

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

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

(D) The Secretary concerned may require successful applicants to transfer to the Individual Ready Reserve.

(e)(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 determines 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.

(f)(1) Each public secondary educational institution that maintains a unit under this section shall permit membership in the unit to homeschooled students residing in the area served by the institution who are qualified for membership in the unit (but for lack of enrollment in the institution).

(2) A student who is a member of a unit pursuant to this subsection shall count toward the satisfaction by the institution concerned of the requirement in subsection (b)(1) relating to the minimum number of student members in the unit necessary for the continuing maintenance of the unit.

(g) No unit may be established or maintained at an educational institution that is owned, operated, or controlled by a person that—

(1) is the People's Republic of China;

(2) is a member of the Chinese Communist Party;

(3) is a member of the People's Liberation Army;

(4) is identified by the Secretary of Defense under section 1260H(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note) as a Chinese military company;

(5) is included in the Non-SDN Chinese Military-Industrial Complex Companies List published by the Department of the Treasury; or

(6) is owned by or controlled by or is an agency or instrumentality of any person described in paragraphs (1) through (5).

(h)(1) The Secretary of Defense may suspend or place on probation a unit of the Junior Reserve Officers' Training Corps that fails to comply with the provisions of the memorandum of understanding required pursuant to subsection (b) or any other requirement of this section.

(2) A unit may be placed on probation under paragraph (1) for a period of up to three years.

(3) A unit may be suspended under paragraph (1) if, after the three-year probationary period, such unit remains out of compliance with the requirements of this section and the Secretary of the military department concerned determines that such suspension is necessary to mitigate program deficiencies or to protect the safety of program participants.

(i)(1)<sup>2</sup> The Secretary of Defense shall establish and support not fewer than 3,400, and not more than 4,000, units of the Junior Reserve Officers' Training Corps.

(2) The requirement under paragraph (1) shall not apply—

(A) if the Secretary fails to receive an adequate number of requests for Junior Reserve Officer's Training Corps units by public and private secondary educational institutions; and

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

(i)(1)<sup>2</sup> Not later than March 31, 2024, and annually thereafter through March 31, 2029, the Secretary of Defense shall submit to Committees on Armed Services of the Senate and the House of Representatives a report on allegations of sexual misconduct, sexual harassment, and sex discrimination in Junior Reserve Officers' Training Corps programs during the preceding year.

(2) Each report required under paragraph (1) shall set forth the following:

(A) The number of reported allegations of violations under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) in school-affiliated Junior Reserve Officers' Training Corps programs, including—

(i) the number of such reported allegations that were investigated;

(ii) the outcome of those investigations; and

(iii) the number of such reported allegations by State, the District of Columbia, or overseas location where these reports occurred.

(B) The number of reports that the Department of Defense or armed forces have received during the reporting period involving allega-

tions of acts of violence, including sexual abuse or harassment, by instructors against students in Junior Reserve Officers' Training Corps programs, including—

(i) the offense involved;

(ii) the armed force involved;

(iii) the number of instructors and number of allegations each instructor received;

(iv) the number of reports of sexual misconduct and harassment that have been investigated;

(v) the number of reports or investigations that have led to the removal of an instructor from a Junior Reserve Officers' Training Corps program; and

(vi) the number of such reported allegations by State, the District of Columbia, or overseas location where these reports occurred.

(C) Any steps the Department of Defense has taken to mitigate sexual misconduct and harassment in Junior Reserve Officers' Training Corps programs during the preceding year.

(3) Each report required under paragraph (1) shall be submitted in unclassified form and may not be designated as controlled unclassified information.

(4) The Secretary shall annually report to the Committees on Armed Services of the Senate and the House of Representatives regarding compliance with this subsection by the Junior Reserve Officers' Training Corps programs, including an up-to-date report on the Secretary's monitoring of such compliance.

(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; Pub. L. 116-92, div. A, title V, §§511, 512(a), 513, Dec. 20, 2019, 133 Stat. 1348; Pub. L. 116-283, div. A, title V, §512, Jan. 1, 2021, 134 Stat. 3587; Pub. L. 117-263, div. A, title V, §512(a), Dec. 23, 2022, 136 Stat. 2564; Pub. L. 118-31, div. A, title V, §§551-553(a), 554, 555(a), 556, Dec. 22, 2023, 137 Stat. 269-272.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Education Amendments of 1972, referred to in subsecs. (b)(2)(E)(i) and (i)(2)(A), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§1681 et seq.) of Title 20, Education. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of Title 20 and Tables.

The Civil Rights Act of 1964, referred to in subsec. (b)(2)(E)(i), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241.

<sup>2</sup> So in original. Two subsecs. (i) have been enacted.

Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Section 1260H(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, referred to in subsec. (g)(4), is section 1260H(a) of Pub. L. 116-283, which is set out as a note under section 113 of this title.

#### AMENDMENTS

2023—Subsec. (a)(1). Pub. L. 118-31, §551(1)(B), which directed substitution of “maintained.” for “‘maintained, and shall provide’ and all that follows through the period at the end”, was executed by making the substitution for “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.”, to reflect the probable intent of Congress.

Pub. L. 118-31, §551(1)(A), substituted “The Secretary of Defense shall promulgate” for “The President shall promulgate”.

Subsec. (b). Pub. L. 118-31, §552, designated existing provisions as par. (1), redesignated former pars. (1) to (5) as subpars. (A) to (E), respectively, of par. (1), redesignated subpars. (A) and (B) of former par. (1) as cls. (i) and (ii) respectively, of subpar. (A), in subpar. (E), substituted “as the Secretary of the military department concerned prescribes in the memorandum of understanding required under paragraph (2).” for “as may be established by the Secretary of the military department concerned”, and added par. (2).

Subsec. (d). Pub. L. 118-31, §553(a)(1), amended subsec. (d) generally. Prior to amendment, subsec. (d) authorized 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 as administrators and instructors.

Subsecs. (e), (f). Pub. L. 118-31, §553(a)(2), (3), redesignated subsecs. (g) and (h) as (e) and (f), respectively, and struck out former subsecs. (e) and (f) which authorized employment as administrators and instructors of officers or noncommissioned officers who are under 60 years of age and who, but for age, would be eligible for retired pay for non-regular service and officers or noncommissioned officers who receive certain honorable discharges and are in active status.

Subsec. (g). Pub. L. 118-31, §554, which directed the addition of subsec. (g) at the end of this section, was executed by adding subsec. (g) after subsec. (f) to reflect the probable intent of Congress and the addition of subsec. (i), relating to number of units of the Junior Reserve Officers' Training Corps required to be established and supported, by section 551(2) of Pub. L. 118-31. Former subsec. (g) redesignated (e).

Subsec. (h). Pub. L. 118-31, §555(a), which directed the addition of subsec. (h) at the end of this section, was executed by adding subsec. (h) after subsec. (g) to reflect the probable intent of Congress and the addition of subsec. (i), relating to number of units of the Junior Reserve Officers' Training Corps required to be established and supported, by section 551(2) of Pub. L. 118-31. Former subsec. (h) redesignated (f).

Subsec. (i). Pub. L. 118-31, §556, added subsec. (i) relating to annual report on allegations of sexual misconduct, sexual harassment, and sex discrimination in Junior Reserve Officers' Training Corps programs.

Pub. L. 118-31, §551(2), added subsec. (i) relating to number of units of the Junior Reserve Officers' Training Corps required to be established and supported.

2022—Subsecs. (f) to (h). Pub. L. 117-263 added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

2021—Subsec. (a)(2). Pub. L. 116-283 inserted “(including an introduction to service opportunities in military, national, and public service)” after “service to the United States”.

2019—Subsec. (b)(1). Pub. L. 116-92, §511, substituted “above the 7th grade and physically co-located with the

9th grade participating unit” for “above the 8th grade” in two places.

Subsec. (b)(3). Pub. L. 116-92, §512(a), inserted “and which may include instruction or activities in the fields of science, technology, engineering, and mathematics” after “duration”.

Subsec. (g). Pub. L. 116-92, §513, added subsec. (g).

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 follows: “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).

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 2019 AMENDMENT**

Pub. L. 116-92, div. A, title V, § 512(b), Dec. 20, 2019, 133 Stat. 1348, provided that: “The amendment made by subsection (a) [amending this section] shall take effect 180 days after the date of the enactment of this Act [Dec. 20, 2019].”

**EFFECTIVE DATE OF 1992 AMENDMENT**

Pub. L. 102-484, div. A, title V, § 533(e)(2), Oct. 23, 1992, 106 Stat. 2412, 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**

Pub. L. 88-647, § 1, Oct. 13, 1964, 78 Stat. 1063, 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**

Pub. L. 88-647, title I, § 102, Oct. 13, 1964, 78 Stat. 1064, 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**

Pub. L. 88-647, title IV, § 402, Oct. 13, 1964, 78 Stat. 1074, 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.”

**TREATMENT OF CURRENT ADMINISTRATORS AND INSTRUCTORS**

Pub. L. 118-31, div. A, title V, § 553(b), Dec. 22, 2023, 137 Stat. 271, provided that: “An administrator or instructor employed under section 2031 of title 10, United States Code, on the date of enactment of this section [Dec. 22, 2023] shall not be subject to a reduction in total compensation as a result of such enactment.”

**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, as amended by Pub. L. 112-239, div. A, title V, § 553, Jan. 2, 2013, 126 Stat. 1742; Pub. L. 114-92, div. A, title X, § 1072(c), Nov. 25, 2015, 129 Stat. 995, 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 3,000, and not more 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;

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

“(3) if the Secretaries of the military departments determine that the level of support of all kinds (in-

cluding appropriated funds) provided to youth development programs within the Armed Forces is consistent with funding limitations and the achievement of the objectives of such programs.

“(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.”

**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—

- (i) accumulated points for professional activities, services to the profession, awards, and recognitions;
- (ii) professional development to meet content knowledge and instructional skills; and
- (iii) performance evaluation of competencies and standards within the program through site visits and inspections.

(c) **NON-SENIOR MILITARY INSTRUCTORS.**—

(1) **ROLE.**—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instruc-

tional leaders and teach independently of, but share program responsibilities with, senior military instructors.

(2) **QUALIFICATIONS.**—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

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

(B) Award of an associates degree from an institution of higher learning within five years of employment.

(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—

- (i) accumulated points for professional activities, services to the profession, awards, and recognitions;
- (ii) professional development to meet content knowledge and instructional skills; and
- (iii) performance evaluation of competencies and standards within the program through site visits and inspections.

(Added Pub. L. 109-364, div. A, title V, §539(a), Oct. 17, 2006, 120 Stat. 2210.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 2033, added Pub. L. 106-65, div. A, title V, §547(a)(1), Oct. 5, 1999, 113 Stat. 608; amended Pub. L. 106-398, §1 [[div. A], title V, §577(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-140, provided that certain excess amounts appropriated for the National Guard Challenge Program were to be made available for the Junior Reserve Officers' Training Corps program, prior to repeal by Pub. L. 107-107, div. A, title V, §596(c)(1), (3), Dec. 28, 2001, 115 Stat. 1127, effective Oct. 1, 2002.

**§ 2034. Educational institutions not maintaining units of Junior Reserve Officers' Training Corps: issuance of arms, tentage, and equipment**

The Secretary of a military department may issue arms, tentage, and equipment to an educational institution at which no unit of the Junior Reserve Officers' Training Corps is maintained if the educational institution—

- (1) offers a course in military training prescribed by that Secretary; and
- (2) has a student body of at least 50 students who are in a grade above the eighth grade.

(Added Pub. L. 112-239, div. A, title V, §552(a), Jan. 2, 2013, 126 Stat. 1741.)

**§ 2035. Flexibility in authorities for management of programs and units**

(a) **AUTHORITY TO CONVERT OTHERWISE CLOSING UNITS TO NATIONAL DEFENSE CADET CORPS PROGRAM UNITS.**—If the Secretary of a military department is notified by a local educational agency of the intent of the agency to close its Junior