

Regulations to carry out this section, see section 280 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 280 of this title.

### § 2002. Dependents of members of armed forces: language training.

(a) Notwithstanding section 1041 of title 22 or any other provision of law, and under regulations to be prescribed by the Secretary of Defense or, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation, language training may be provided in—

(1) a facility of the Department of Defense;

(2) a facility of the Foreign Service Institute established under section 1041 of title 22; or

(3) a civilian educational institution;

to a dependent of a member of the armed forces in anticipation of the member's assignment to permanent duty outside the United States.

(b) For the purposes of this section, the word "dependent" has the same meaning that it has under section 401 of title 37. (Added Pub. L. 89-160, § 1(1), Sept. 1, 1965, 79 Stat. 615, and amended Pub. L. 91-278, § 2, June 12, 1970, 84 Stat. 306.)

#### AMENDMENTS

1970—Pub. L. 91-278, § 2(1), substituted "armed forces" for "Army, Navy, Air Force, or Marine Corps" in the catchline.

Subsec. (a). Pub. L. 91-278, § 2(2)(A), authorized Secretary of Transportation to prescribe regulations for Coast Guard when not operating as a service in the Navy.

Subsec. (a)(3). Pub. L. 91-278, § 2(2)(B), substituted "armed forces" for "Army, Navy, Air Force, or Marine Corps".

### Chapter 102.—JUNIOR RESERVE OFFICERS' TRAINING CORPS

Sec.

2031. Junior Reserve Officers' Training Corps.

#### AMENDMENTS

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

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

(a) 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. Not more than 200 units may be established by all of the military departments each year beginning with the calendar year 1966, and 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 the date of enactment of this section, may not exceed 1,200. 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.

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

(1) the unit contains at least 100 physically fit male students who are at least 14 years of age and are citizens of the United States;

(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; and

(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.

(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

(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, 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) 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.

(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.

(Added Pub. L. 88-647, title I, § 101(1), Oct. 13, 1964, 78 Stat. 1063, and amended Pub. L. 89-718, § 16, Nov. 2, 1966, 80 Stat. 1117; Pub. L. 90-83, § 3(4), Sept. 11, 1967, 81 Stat. 220.)

#### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), means Oct. 13, 1964, the date of approval of Pub. L. 88-647.

#### AMENDMENTS

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 the first letter of the first word in clauses (1) and (2).

## SHORT TITLE

Section 1 of Pub. L. 88-647 provided that Pub. L. 88-647, which enacted this chapter, and chapter 103 of this title, amended from section 802 of 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, repealed sections 3355, 3540, 4381-4387, 6901-6906, 6908, 6910, 8355, 8540, and 9381-9387 of this title, and enacted provisions set out as notes under sections 2031, 2107 and former section 9385 of this title, may be cited as the "Reserve Officers' Training Corps Vitalization Act of 1964."

## SAVINGS CLAUSE

Section 402 of Pub. L. 88-647 provided that: "If a part of this Act [see Short Title note under this section] is invalid, all valid parts that are severable from the invalid part remain 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."

## ISSUANCE OF REGULATIONS

Section 102 of Pub. L. 88-647 provided that: "Regulations implementing section 2031(a) of title 10, United States Code [subsec. (a) of this section], shall be issued by the President and by the Secretary of each military department not later than January 1, 1966."

## Chapter 103.—SENIOR RESERVE OFFICERS' TRAINING CORPS

- Sec.  
 2101. Definitions.  
 2102. Establishment.  
 2103. Eligibility for membership.  
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 2110. Logistical support.  
 2111. Personnel: administrators and instructors.

## AMENDMENTS

1964—Pub. L. 88-647, title II, § 201(1), Oct. 13, 1964, 78 Stat. 1064, added the chapter heading and items 2101-2111.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 5 section 8140; title 26 sections 72, 101, 122, 2039, 2517, 6334.

## § 2101. Definitions.

In this chapter—

- (1) "program" means the Senior Reserve Officers' Training Corps of an armed force;
  - (2) "member of the program" means a student who is enrolled in the Senior Reserve Officers' Training Corps of an armed force; and
  - (3) "advanced training" means the training and instruction offered in the Senior Reserve Officers' Training Corps to students in the third and fourth years of a four-year Senior Reserve Officers' Training Corps course, or the equivalent period of training in an approved two-year Senior Reserve Officers' Training Corps course.
- (Added Pub. L. 88-647, title II, § 201(1), Oct. 13, 1964, 78 Stat. 1064.)

## § 2102. Establishment.

(a) For the purpose of preparing selected students for commissioned service in the Army, Navy, Air Force, or Marine Corps, the Secretary of each mili-

tary department, under regulations prescribed by the President, may establish and maintain a Senior Reserve Officers' Training Corps program, organized into one or more units, at any accredited civilian educational institution authorized to grant baccalaureate degrees, and at any school essentially military that does not confer baccalaureate degrees, upon the request of the authorities at that institution.

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

- (1) the senior commissioned officer of the armed force concerned who is assigned to the program at that institution is given the academic rank of professor;
- (2) the institution fulfills the terms of its agreement with the Secretary of the military department concerned; and
- (3) the institution adopts, as a part of its curriculum, a four-year course of military instruction or a two-year course of advanced training of military instruction, or both, which the Secretary of the military department concerned prescribes and conducts.

(c) At those institutions where a unit of the program is established membership of students in the program shall be elective or compulsory as provided by State law or the authorities of the institution concerned. (Added Pub. L. 88-647, title II, § 201(1), Oct. 13, 1964, 78 Stat. 1065.)

## DELEGATION OF FUNCTIONS

Functions of the President under subsec. (a) of this section delegated to the Secretary of Defense, see section 1(10) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

## § 2103. Eligibility for membership.

(a) To be eligible for membership in the program a person must be a student at an institution where a unit of the Senior Reserve Officers' Training Corps is established. However, a student at an institution that does not have a unit of the Corps is eligible, if otherwise qualified, to be a member of a unit at another institution.

(b) Persons from foreign countries may be enrolled as members of the program when their enrollment is approved by the Secretary of the military department concerned under criteria approved by the Secretary of State.

(c) A medical, dental, pharmacy, veterinary, or sciences allied to medicine, student may be admitted to a unit of the program for a course of training consisting of 90 hours of instruction a year for four academic years.

(d) Under such conditions as the Secretary of the military department concerned may prescribe, a medical, dental, pharmacy, veterinary, or sciences allied to medicine, student who is a commissioned officer of a reserve component of an armed force may be admitted to and trained in a unit of the program. (Added Pub. L. 88-647, title II, § 201(1), Oct. 13, 1964, 78 Stat. 1065.)

## LOYALTY OATH BY STUDENTS IN BASIC COURSES OF SENIOR DIVISION

Pub. L. 91-368, title VIII, § 823, Jan. 11, 1971, 84 Stat. 2034, provided that: "No part of the funds appropriated