

ROTC and JROTC—What Is the Difference?

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9.0--Miscellaneous

Please see <http://www.bestcolleges.com/resources/rotc-programs/>. You will find a detailed summary of military opportunities for college undergraduates through the Reserve Officers Training Corps (ROTC) and for high school students under the Junior Reserve Officers Training Corps (JROTC). These two separate programs have in common that they were both established under the National Defense Act of 1916, but today (a century later) they are very different and should not be confused.

ROTC is a great opportunity for some college undergraduates to train for careers, or at least significant periods, of active military service and to obtain significant financial assistance from the Federal Government while doing so. The Army has ROTC programs at 1,100 campuses, the Air Force at 1,100 campuses, and the Navy-Marine Corps at 153 campuses.³ If there is no ROTC program at your college or university, you may be able to participate in ROTC through a program at another university in the vicinity.

When you join ROTC and sign the contract, you are binding yourself to serve on active duty for three to twelve years, depending upon your military specialty and the amount of financial assistance that you receive. Please understand that this is a binding legal and moral obligation and there are serious repercussions if you break your commitment.

¹We invite the reader's attention to www.servicemembers-lawcenter.org. You will find almost 1,400 "Law Review" articles about laws that are especially pertinent to those who serve our country in uniform, along with a detailed Subject Index and a search function, to facilitate finding articles about very specific topics. The Reserve Officers Association (ROA) initiated this column in 1997.

² Captain Wright received his BA from Northwestern University in 1973, his JD (law degree) from the University of Houston in 1976, and his LLM (advanced law degree) from Georgetown University in 1980. He is the author or co-author of more than 1,200 of ROA's published "Law Review" articles. He is retired from the Navy Reserve Judge Advocate General's Corps. From June 2009 through May 2015, he was the Director of ROA's Service Members Law Center (SMLC), as a full-time employee of ROA. During that six-year period, he received and responded to more than 35,000 e-mail and telephone inquiries about military-legal topics. It is no longer feasible for him to respond to telephone inquiries, but he will continue to respond to e-mail inquiries to the extent possible. You can reach him by e-mail at SWright@roa.org. After leaving the employ of ROA on 31 May 2015, he returned to Tully Rinckey PLLC, the law firm where he had been employed prior to the establishment of the SMLC in June 2009. At the firm, Wright specializes in representing service members in cases arising under the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), and other military-relevant laws.

³ The Coast Guard, part of the Department of Homeland Security, does not have a ROTC program but it does have a small program for college undergraduates who are interested in serving in the Coast Guard after graduation.

You should expect to observe the physical fitness, grooming, and behavior standards of the military while you are attending college with ROTC assistance. ROTC programs are serious about the *drug-free policy, and this includes random urinalysis*. Even if you are attending college in a jurisdiction like Colorado or the District of Columbia where recreational marijuana use has been legalized under local law, you must not use marijuana or any other controlled substance while you are a member of ROTC.

It should be emphasized that JROTC programs *are not a “farm team” for ROTC*. High school students who participate in JROTC have no commitment to serve in the military after graduation, and JROTC participation in high school is not a prerequisite to participation in ROTC in college. At any given time, there are about 274,000 high school students enrolled in JROTC high school programs, and only a small number of those students ever serve in the armed forces and most of them as enlisted regulars.⁴

JROTC programs receive substantial financial support from the United States Department of Defense (DOD), but JROTC contributes little to the defense of our country, at least in any direct, tangible way. JROTC is a citizenship program, not a military recruiting program or commissioning program. The relevant section of title 10 of the United States Code states the purpose of JROTC as follows:

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 sense of accomplishment.⁵

Section 2031 provides for each military department⁶ to assign active duty officers and noncommissioned officers as administrators and instructors of JROTC units, but it has been many decades since this happened. Under section 2031(d), retired officers and noncommissioned officers of the four DOD armed forces are assigned to JROTC units as instructors and they are compensated partly by DOD and partly by the school or school district. Only officers and noncommissioned officers who are *retired with pay* are eligible for this compensation under section 2031(d).

Under section 2031(e) (enacted later), “gray area retirees” of the Reserve Components (RC) can be appointed as JROTC instructors. These are RC members who have completed all of the requirements for the RC retirement *except having attained the 60th birthday*. Under section 2031(e) as currently enacted, RC gray area retirees who serve as JROTC instructors receive only half of the compensation of JROTC instructors who are military retirees with pay. If the gray area retiree is serving as an instructor “in an educationally and economically deprived area” and

⁴ I have not found any definitive statistics on the number or percentage of high school JROTC students who later enlist in the military.

⁵ 10 U.S.C. 2031(a)(2) (emphasis supplied). For the reader’s convenience, the entire text of section 2031 is set forth at the end of this article.

⁶ Department of the Army, Department of the Air Force, Department of the Navy (which includes the Marine Corps).

if the Service Secretary⁷ determines the payment of additional compensation to be in the national interest, additional compensation (beyond the one-half limitation) can be paid to the gray area retiree serving as a JROTC instructor.⁸ This authority is sometimes used to pay additional compensation to gray area retirees serving as JROTC instructors in inner-city high schools that are perceived as dangerous and undesirable and for which it has been difficult to recruit JROTC instructors who are retired with pay from the armed forces.

I have heard from several ROA members who are gray area retirees and JROTC instructors and who (not surprisingly) complain about the unfairness of receiving only half of the compensation of regular military retirees who serve as JROTC instructors. This provision may be construed as unfair, but it is what the statute explicitly provides; and changing this result will require a statutory amendment. The idea that RC retirees under the age of 60 are only worth half as much as regular military retirees is a relic of the “strategic reserve” days when it was possible to earn an RC retirement at age 60 based on 20-29 years of “one weekend per month and two weeks in the summer.” Those days are gone, and probably gone forever. More than 900,000 RC members have been called to the colors since the terrorist attacks of September 11, 2001, and more than 350,000 of them have been called up more than once. Congress should amend section 2031 of title 10 and eliminate the rule that RC retirees are only eligible for half of the compensation received by regular retirees when serving as JROTC instructors.

I am aware that many ROA chapters and departments invest a great deal of time and money on support of ROTC and JROTC units, by attending their meetings and distributing ROTC medals. ROA really needs the chapters and departments to help us recruit and retain members of the upcoming generation, because only 11 per cent of current ROA members are under the age of 50. Historically, ROTC cadets and midshipmen have not been a strong source of recruiting ROA members, and JROTC students obviously even less so. Some ROTC college undergraduates will become commissioned officers or noncommissioned officers in the Reserve Components. While supporting these fine young people in ROTC and JROTC can help produce better citizens – a worthy undertaking in and of itself – if your goal is to help ROA recruit a new generation of members, you might consider spending your time *servicing RC junior officers and noncommissioned officers*.⁹

§ 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

⁷ Secretary of the Army, Secretary of the Navy, Secretary of the Air Force, as the case may be.

⁸ 10 U.S.C. 2031(e)(2).

⁹ In 2013, ROA members amended the ROA Constitution and made noncommissioned officers eligible for full membership in ROA, and the newly elected President of ROA's Department of Florida is a noncommissioned officer in the Air Force Reserve. More than 85 per cent of RC members are enlisted, and we cannot afford to concentrate on only 15 per cent of our target audience.

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 institution 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 [10 USCS § 12731] 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 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.¹⁰

¹⁰ 10 U.S.C. 2031 (emphasis supplied).