

10 U.S.C. § 983 (As amended by the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (October 28, 2004), (Amendments shaded in yellow)).

§ 983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies.

(a) Denial of funds for preventing ROTC access to campus. No funds described in subsection (d)(1) may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of such institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents –

(1) the Secretary of a military department from maintaining, establishing or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of this **title** and other applicable Federal laws) at that institution (or any subelement of that institution); or

(2) a student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) Denial of funds for preventing military recruiting on campus. No funds described in subsection (d)(1) may be provided by contract or by grant to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents –

(1) the Secretary of a military department or Secretary of Homeland Security from gaining **access to campuses**, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting **in**

a manner that is at least equal to quality and scope to the access to campuses and to students that is provided to any other employer; or

(2) access by military recruiters for purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at that institution (or any subelement of that institution):

(A) Names, addresses, and telephone listings.

(B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

(c) Exceptions. The limitation established in subsection (a) or (b) shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that –

(1) the institution (and each subelement of that institution) has ceased the policy or practice described in that subsection; or

(2) the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

(d) Covered funds.

(1) Except as provided in (2), the limitations established in subsections (a) and (b) apply to the following:

(A) Any funds made available for the Department of Defense.

(B) Any funds made available for any department or agency in which regular appropriations are made in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

(C) Any funds made available for the Department of Homeland Security.

(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

(E) Any funds made available for the Department of Transportation.

(F) Any funds made available for the Central Intelligence Agency.

(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be made available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.

(e) Notice of determinations. Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary –

(1) shall transmit a notice of the determination to the Secretary of Education, to the head of each other department and agency the funds of which are subject to the determination, and to Congress; and

(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education (and any subelement of that institution) for contracts and grants.

(f) Semiannual notice in Federal Register. The Secretary of Defense shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a) or (b).

NDAA '05 NOTE:

“(e) CONFORMING REPEAL OF CODIFIED PROVISION. – Section 8120 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 10 USC 983 note), is repealed.

(f) EFFECTIVE DATE. – The amendments made by this section [Section 552, NDAA '05] shall apply with respect to funds appropriated for fiscal year 2005 and thereafter.”