

# 52.209-14 Reserve Officer Training Corps and Military Recruiting on Campus.

As prescribed in 9.110-5 , insert the following clause:

Reserve Officer Training Corps and Military Recruiting on Campus (Nov 2021)

(a) Definitions. As used in this clause—

*Covered agency* means—

(1)The Department of Defense;

(2)Any department or agency for which regular appropriations are made in a Department of Labor, Health and Human Services; and Education, and Related Agencies Appropriations Act;

(3)The Department of Homeland Security;

(4)The National Nuclear Security Administration of the Department of Energy;

(5)The Department of Transportation; or

(6)The Central Intelligence Agency.

*Institution of higher education* means an institution that meets the requirements of 20 U.S.C. 1001 and includes all sub-elements of such an institution.

(b) *Limitation on contract award*. Except as provided in paragraph (c) of this clause, an *institution of higher education* is *ineligible* for contract award if the Secretary of Defense determines that the institution has a policy or practice (regardless of when implemented) that 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 (ROTC) at that institution (or any sub-element of that institution);

(2) A student at that institution (or any sub-element of that institution) from enrolling in a unit of the Senior ROTC at another *institution of higher education*;

(3) The Secretary of a military department or the 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; or

(4) Military recruiters from accessing, for purposes of military recruiting, the following information pertaining to students (who are 17 years of age or older) enrolled at that institution:

(i) Name, address, and telephone listings.

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

(c) *Exception.* The limitation in paragraph (b) of this clause does not apply to an *institution of higher education* if the Secretary of Defense determines that—

- (1) The institution has ceased the policy or practice described in paragraph (b) of this clause; or
- (2) The institution has a long-standing policy of pacifism based on historical religious affiliation.

(d) Notwithstanding any other clause of this contract, if the Secretary of Defense determines that the institution has violated the contract in paragraph (b) of this clause—

- (1) The institution will be *ineligible* for further payments under this and any other contracts with this agency and any other *covered agency*, except for contracts at or below the *simplified acquisition threshold* or contracts for the *acquisition of commercial products or commercial services*; and
- (2) The Government will terminate this contract for default for the institution's material failure to comply with the terms and conditions of award.

(End of clause)

**Parent topic:** [52.209 \[Reserved\]](#)