

priority for enrollment in the program to students who are eligible for advanced training under section 2104 of this title.

(Added Pub. L. 88-647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1065; amended Pub. L. 104-201, div. A, title V, §551(a)(1), Sept. 23, 1996, 110 Stat. 2525.)

#### AMENDMENTS

1996—Subsec. (e). Pub. L. 104-201 added subsec. (e).

### § 2103a. Students not eligible for advanced training; commitment to military service

(a) **AUTHORITY.**—A member of the program who has completed successfully the first year of a four-year Senior Reserve Officers' Training Corps course and who is not eligible for advanced training under section 2104 of this title and is not a cadet or midshipman appointed under section 2107 of this title may—

(1) contract with the Secretary of the military department concerned, or the Secretary's designated representative, to serve for the period required by the program; and

(2) agree in writing to accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and to serve in the armed forces for the period prescribed by the Secretary.

(b) **ELIGIBILITY REQUIREMENTS.**—A member of the program may enter into a contract and agreement under this section (and receive a subsistence allowance under section 209(c) of title 37) only if the person—

(1) is a citizen of the United States;

(2) enlists in an armed force under the jurisdiction of the Secretary of the military department concerned for the period prescribed by the Secretary; and

(3) executes a certificate of loyalty in such form as the Secretary of Defense prescribes or take a loyalty oath as prescribed by the Secretary.

(c) **PARENTAL CONSENT FOR MINORS.**—A member of the program who is a minor may enter into a contract under subsection (a)(1) only with the consent of the member's parent or guardian.

(Added Pub. L. 108-136, div. A, title V, §523(b)(1), Nov. 24, 2003, 117 Stat. 1464; amended Pub. L. 108-375, div. A, title V, §525, Oct. 28, 2004, 118 Stat. 1889; Pub. L. 109-364, div. A, title X, §1071(a)(10), Oct. 17, 2006, 120 Stat. 2398.)

#### AMENDMENTS

2006—Subsec. (b). Pub. L. 109-364 substituted "Eligibility" for "Eligibility" in heading.

2004—Subsec. (d). Pub. L. 108-375 struck out heading and text of subsec. (d). Text read as follows: "No contract may be entered into under subsection (a)(1) after December 31, 2006."

#### EFFECTIVE DATE

Pub. L. 108-136, div. A, title V, §523(c), Nov. 24, 2003, 117 Stat. 1464, provided that: "The amendments made by subsections (a) and (b) [enacting this section and amending section 209 of Title 37, Pay and Allowances of the Uniformed Services] shall take effect on January 1, 2004."

### § 2104. Advanced training; eligibility for

(a) Advanced training shall be provided to eligible members of the program and, if the institution concerned so requests, to eligible applicants for membership in the program.

(b) To be eligible for continuation, or initial enrollment, in the program for advanced training, a person must—

(1) be a citizen of the United States;

(2) be selected for advanced training under procedures prescribed by the Secretary of the military department concerned;

(3) enlist in an armed force under the jurisdiction of the Secretary of the military department concerned for the period prescribed by the Secretary;

(4) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

(5) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that he will serve in the armed forces for the period prescribed by the Secretary;

(6) either—

(A) complete successfully—

(i) the first two years of a four-year Senior Reserve Officers' Training Corps course; or

(ii) field training or a practice cruise of a duration which is prescribed by the Secretary concerned as a preliminary requirement for admission to the advanced course; or

(B) at the discretion of the Secretary concerned, agree in writing to complete field training or a practice cruise, as prescribed by the Secretary concerned, within two years after admission to the advanced course; and

(7) execute a certificate of loyalty in such form as the Secretary of Defense prescribes or take a loyalty oath as prescribed by the Secretary.

(c) A member of the program who is ineligible under subsection (b) for advanced training shall be released from the program.

(d) This section does not apply to cadets and midshipmen appointed under section 2107, or foreign students enrolled under section 2103(b), of this title.

(Added Pub. L. 88-647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1065; amended Pub. L. 98-94, title X, §1003(a)(2), Sept. 24, 1983, 97 Stat. 656; Pub. L. 98-525, title V, §543(a), title XIV, §1401(h), Oct. 19, 1984, 98 Stat. 2530, 2619; Pub. L. 104-106, div. A, title V, §544, Feb. 10, 1996, 110 Stat. 317; Pub. L. 107-107, div. A, title V, §535(a), Dec. 28, 2001, 115 Stat. 1106.)

#### PRIOR PROVISIONS

Provisions similar to those in subsec. (b)(7) of this section were contained in the following appropriation acts:

Pub. L. 98-473, title I, §101(h) [title VIII, §8018], Oct. 12, 1984, 98 Stat. 1904, 1926.

Pub. L. 98-212, title VII, § 722, Dec. 8, 1983, 97 Stat. 1442.  
 Pub. L. 97-377, title I, § 101(c) [title VII, § 722], Dec. 21, 1982, 96 Stat. 1833, 1854.  
 Pub. L. 97-114, title VII, § 722, Dec. 29, 1981, 95 Stat. 1582.  
 Pub. L. 96-527, title VII, § 723, Dec. 15, 1980, 94 Stat. 3085.  
 Pub. L. 96-154, title VII, § 723, Dec. 21, 1979, 93 Stat. 1156.  
 Pub. L. 95-457, title VIII, § 823, Oct. 13, 1978, 92 Stat. 1248.  
 Pub. L. 95-111, title VIII, § 822, Sept. 21, 1977, 91 Stat. 903.  
 Pub. L. 94-419, title VII, § 722, Sept. 22, 1976, 90 Stat. 1295.  
 Pub. L. 94-212, title VII, § 722, Feb. 9, 1976, 90 Stat. 172.  
 Pub. L. 93-437, title VIII, § 822, Oct. 8, 1974, 88 Stat. 1228.  
 Pub. L. 93-238, title VII, § 723, Jan. 2, 1974, 87 Stat. 1042.  
 Pub. L. 92-570, title VII, § 723, Oct. 26, 1972, 86 Stat. 1200.  
 Pub. L. 92-204, title VII, § 723, Dec. 18, 1971, 85 Stat. 731.  
 Pub. L. 91-668, title VIII, § 823, Jan. 11, 1971, 84 Stat. 2034.  
 Pub. L. 91-171, title VI, § 623, Dec. 29, 1969, 83 Stat. 484.  
 Pub. L. 90-580, title V, § 522, Oct. 17, 1968, 82 Stat. 1133.  
 Pub. L. 90-96, title VI, § 622, Sept. 29, 1967, 81 Stat. 246.  
 Pub. L. 89-687, title VI, § 622, Oct. 15, 1966, 80 Stat. 995.  
 Pub. L. 89-213, title VI, § 622, Sept. 29, 1965, 79 Stat. 877.  
 Pub. L. 88-446, title VI, § 522, Aug. 19, 1964, 78 Stat. 478.  
 Pub. L. 88-149, title V, § 522, Oct. 17, 1963, 77 Stat. 267.  
 Pub. L. 87-577, title V, § 522, Aug. 9, 1962, 76 Stat. 332.  
 Pub. L. 87-144, title VI, § 622, Aug. 17, 1961, 75 Stat. 379.  
 Pub. L. 86-601, title V, § 522, July 7, 1960, 74 Stat. 353.  
 Pub. L. 86-166, title V, § 622, Aug. 18, 1959, 73 Stat. 382.  
 Pub. L. 85-724, title VI, § 624, Aug. 22, 1958, 72 Stat. 728.  
 Pub. L. 85-117, title VI, § 625, Aug. 2, 1957, 71 Stat. 327.  
 July 2, 1956, ch. 488, title VI, § 625, 70 Stat. 471.  
 July 13, 1955, ch. 358, title VI, § 629, 69 Stat. 320.  
 June 30, 1954, ch. 432, title VII, § 731, 68 Stat. 356.

## AMENDMENTS

2001—Subsec. (b)(3). Pub. L. 107-107 struck out “a reserve component of” before “an armed force”.  
 1996—Subsec. (b)(6)(A)(ii). Pub. L. 104-106 substituted “a duration” for “not less than six weeks’ duration”.  
 1984—Subsec. (a). Pub. L. 98-525, § 543(a)(1), struck out “, who have at least two academic years remaining at such educational institution” after “in the program”.  
 Subsec. (b)(6). Pub. L. 98-525, § 543(a)(2), inserted initial word “either”, redesignated existing subpars. (A) and (B) as cls. (i) and (ii) of subpar. (A), and added subpar. (B).  
 Subsec. (b)(7). Pub. L. 98-525, § 1401(h), added par. (7).  
 1983—Subsec. (a). Pub. L. 98-94 substituted “who have at least two academic years” for “who have two academic years”.

## EFFECTIVE DATE OF 1984 AMENDMENT

Section 543(b) of Pub. L. 98-525 provided that: “The amendments made by subsection (a) [amending this section] do not constitute authority for the enactment of new budget authority for a fiscal year beginning before October 1, 1984.”

Amendment by section 1401(h) of Pub. L. 98-525 effective Oct. 1, 1985, see section 1404 of Pub. L. 98-525, set out as an Effective Date note under section 520b of this title.

**§ 2105. Advanced training; failure to complete or to accept commission**

A member of the program who is selected for advanced training under section 2104 of this title, and who does not complete the course of

instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary of the military department concerned to serve in his enlisted grade or rating for such period of time as the Secretary prescribes but not for more than two years. If the member does not complete the period of active duty prescribed by the Secretary concerned, the member shall be subject to the repayment provisions of section 303a(e) of title 37.

(Added Pub. L. 88-647, title II, § 201(1), Oct. 13, 1964, 78 Stat. 1066; amended Pub. L. 109-163, div. A, title VI, § 687(c)(4), Jan. 6, 2006, 119 Stat. 3334; Pub. L. 109-364, div. A, title X, § 1071(a)(11), Oct. 17, 2006, 120 Stat. 2398.)

## AMENDMENTS

2006—Pub. L. 109-364 inserted period at end.

Pub. L. 109-163 inserted at end “If the member does not complete the period of active duty prescribed by the Secretary concerned, the member shall be subject to the repayment provisions of section 303a(e) of title 37”.

## SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(c) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of this title.

**§ 2106. Advanced training; commission on completion**

(a) Upon satisfactorily completing the academic and military requirements of the program of advanced training, a member of the program who was selected for advanced training under section 2104 of this title may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age.

(b) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets or midshipmen from the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, as the case may be, in that year. The Secretary of the military department concerned shall establish the date of rank of all other officers appointed under this section.

(c) In computing length of service for any purpose, an officer appointed under this section may not be credited with enlisted service for the period covered by his advanced training, other than any period of enlisted service performed on or after August 1, 1979, as a member of the Selected Reserve.

(Added Pub. L. 88-647, title II, § 201(1), Oct. 13, 1964, 78 Stat. 1066; amended Pub. L. 102-484, div. A, title V, § 517(a)(1), Oct. 23, 1992, 106 Stat. 2407; Pub. L. 104-201, div. A, title V, § 507(a)(1), Sept. 23, 1996, 110 Stat. 2512.)

## AMENDMENTS

1996—Subsec. (c). Pub. L. 104-201 substituted “performed on or after August 1, 1979, as a member of the Selected Reserve” for “while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve”.