

of one-half of the basic pay to which he was entitled at the time of being furloughed.

§ 209. Members of precommissioning programs

(a) SENIOR ROTC MEMBERS IN ADVANCED TRAINING.—(1) Except when on active duty, a member of the Senior Reserve Officers' Training Corps who is selected for advance training under section 2104 of title 10 is entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) beginning on the day he starts advanced training and ending upon the completion of his instruction under that section, but in no event shall any member receive such pay for more than 30 months.

(2) The Secretary of Defense shall prescribe by regulation the monthly rates for subsistence allowances provided under this section. The rate may not be less than \$250 per month, but may not exceed \$674 per month.

(3) A subsistence allowance under this section may not be considered financial assistance requiring additional service within the meaning of the third sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)).

(b) SENIOR ROTC MEMBERS APPOINTED IN RESERVES.—Except when on active duty, a cadet or midshipman appointed under section 2107 of title 10 is entitled to a monthly subsistence allowance at a rate prescribed under subsection (a). A member enrolled in the first two years of a four-year program is entitled to receive subsistence for a maximum of twenty months. A member enrolled in the advanced course is entitled to subsistence as prescribed for a member enrolled under section 2104 of title 10 as prescribed in subsection (a).

(c) NONSCHOLARSHIP SENIOR ROTC MEMBERS NOT IN ADVANCED TRAINING.—A member of the Selected Reserve Officers' Training Corps who has entered into an agreement under section 2103a of title 10 is entitled to a monthly subsistence allowance at a rate prescribed under subsection (a). That allowance may be paid to the member by reason of such agreement for a maximum of 20 months.

(d) PAY WHILE ATTENDING TRAINING OR PRACTICE CRUISE.—Each cadet or midshipman in the Senior Reserve Officers' Training Corps, while he is attending training or practice cruises under chapter 103 of title 10 if the training or cruise is of at least four weeks duration and must be completed before the cadet or midshipman is commissioned, and each applicant for membership in the Senior Reserve Officers' Training Corps, while he is attending field training or practice cruises to satisfy the requirements of section 2104(b)(6)(B) of title 10 for admission to advanced training, is entitled, while so attending, to pay at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies under section 203(c) of this title, except that the rate for a cadet or midshipman who is a member of the regular component of an armed force shall be the rate of basic pay applicable to the member under section 203 of this title.

(e) MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAM.—Except when serving on ac-

tive duty, a member who is enrolled in a Marine Corps officer candidate program which requires a baccalaureate degree as a prerequisite to being commissioned as an officer and who is not enrolled in a program established under chapter 103 of title 10 or an academy established under chapter 403, 603, or 903 of title 10 may be paid a subsistence allowance at a monthly rate prescribed under subsection (a) for a member of the Senior Reserve Officers' Training Corps who is selected for advanced training under section 2104 of title 10.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 461; Pub. L. 88-647, title II, § 202(2), Oct. 13, 1964, 78 Stat. 1070; Pub. L. 89-51, § 3, June 28, 1965, 79 Stat. 173; Pub. L. 89-718, § 51, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 92-171, § 1, Nov. 24, 1971, 85 Stat. 490; Pub. L. 95-79, title III, § 302(a)(3), July 30, 1977, 91 Stat. 326; Pub. L. 96-342, title VIII, § 811(a), Sept. 8, 1980, 94 Stat. 1098; Pub. L. 96-513, title V, § 516(4), Dec. 12, 1980, 94 Stat. 2938; Pub. L. 96-579, § 8, Dec. 23, 1980, 94 Stat. 3368; Pub. L. 98-94, title X, § 1003(a)(4), Sept. 24, 1983, 97 Stat. 656; Pub. L. 100-456, div. A, title VI, § 633(d), Sept. 29, 1988, 102 Stat. 1987; Pub. L. 101-189, div. A, title VI, § 653(d), Nov. 29, 1989, 103 Stat. 1462; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103-337, div. A, title VI, § 603(a), Oct. 5, 1994, 108 Stat. 2782; Pub. L. 106-65, div. A, title V, § 546(a), Oct. 5, 1999, 113 Stat. 608; Pub. L. 106-398, § 1 [[div. A], title VI, § 612(b), (c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-150; Pub. L. 107-107, div. A, title V, § 535(b), Dec. 28, 2001, 115 Stat. 1107; Pub. L. 107-314, div. A, title X, § 1062(g)(2), Dec. 2, 2002, 116 Stat. 2651; Pub. L. 108-136, div. A, title V, § 523(a), Nov. 24, 2003, 117 Stat. 1463.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
209(a)	10:6904(b).	[None.]
209(b)	10:6905(b).	[None.]
209(c)	10:6906(c) (1st sentence, as applicable to pay).	[None.]

AMENDMENTS

2003—Subsecs. (c) to (e). Pub. L. 108-136 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

2002—Subsec. (d). Pub. L. 107-314 amended Pub. L. 106-398, § 1 [[div. A], title VI, § 612(c)(4)(B)]. See 2000 Amendment note below.

2001—Subsec. (c). Pub. L. 107-107 inserted before period at end “, except that the rate for a cadet or midshipman who is a member of the regular component of an armed force shall be the rate of basic pay applicable to the member under section 203 of this title”.

2000—Subsec. (a). Pub. L. 106-398, § 1 [[div. A], title VI, § 612(b), (c)(1)], inserted heading, designated first sentence as par. (1), substituted “monthly subsistence allowance at a rate prescribed under paragraph (2)” for “subsistence allowance of \$200 a month”, added par. (2), designated last sentence as par. (3), and substituted “A subsistence” for “Subsistence”.

Subsec. (b). Pub. L. 106-398, § 1 [[div. A], title VI, § 612(c)(2)], inserted heading and substituted “at a rate prescribed under subsection (a)” for “in the amount provided in subsection (a)” in text.

Subsec. (c). Pub. L. 106-398, § 1 [[div. A], title VI, § 612(c)(3)], inserted heading.

Subsec. (d). Pub. L. 106-398, § 1 [[div. A], title VI, § 612(c)(4)(B)], as amended by Pub. L. 107-314, substituted “a monthly rate prescribed under subsection

(a)” for “the same rate as that prescribed by subsection (a)”.

Pub. L. 106-398, § 1 [[div. A], title VI, § 612(c)(4)(A)], inserted heading.

1999—Subsec. (a). Pub. L. 106-65 substituted “\$200 a month” for “\$150 a month”.

1994—Subsec. (a). Pub. L. 103-337 substituted “\$150 a month” for “\$100 a month”.

1991—Subsecs. (b) and (d). Pub. L. 102-25 struck out “of this section” after “subsection (a)” wherever appearing.

1989—Subsec. (c). Pub. L. 101-189 which directed striking out the period after “title 10” the first place it appears, was executed by striking the period after “the cadet or midshipman is commissioned” to reflect the probable intent of Congress.

1988—Subsec. (c). Pub. L. 100-456 substituted “training or practice cruises under chapter 103 of title 10 if the training or cruise is of at least four weeks duration and must be completed before the cadet or midshipman is commissioned.” for “field training or practice cruises under section 2109 of title 10”.

1983—Subsec. (a). Pub. L. 98-94 substituted “30 months” for “20 months”.

1980—Subsec. (a). Pub. L. 96-513 substituted “section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1))” for “section 456(d)(1) of title 50, appendix”.

Subsec. (d). Pub. L. 96-579 struck out par. (1) designation and par. (2) prohibiting payment of subsistence allowance for any period after Sept. 30, 1982.

Pub. L. 96-342 added subsec. (d).

1977—Pub. L. 95-79, § 302(a)(3)(B), substituted “Members of precommissioning programs” for “Members of Senior Reserve Officers’ Training Corps” in section catchline.

Subsec. (c). Pub. L. 95-79, § 302(a)(3)(A), substituted provisions authorizing rates of pay for cadets and midshipmen in the Senior Reserve Officers’ Training Corps and applicants for membership in the Corps to be computed under section 203(c) of this title, for provisions authorizing rates of pay for members of the Senior Reserve Officers’ Training Corps to be computed under section 201(c) of this title and for applicants for membership in the Corps to be computed under section 203 of this title for enlisted members in pay grade E-1.

1971—Subsec. (a). Pub. L. 92-171, § 1(1), substituted “a subsistence allowance of \$100 a month” for “subsistence allowance at the rate of not less than \$40 per month or more than \$50 per month”.

Subsec. (b). Pub. L. 92-171, § 1(2), substituted “a monthly subsistence allowance in the amount provided in subsection (a) of this section. A member enrolled in the first two years of a four-year program is entitled to receive subsistence for a maximum of twenty months. A member enrolled in the advanced course is entitled to subsistence as prescribed for a member enrolled under section 2104 of title 10 as prescribed in subsection (a) of this section.” for “subsistence allowance at the rate of \$50 a month beginning on the day that he starts his first term of college work under that section and ending upon the completion of his instruction under that section, but not for more than four years.”

1966—Subsec. (a). Pub. L. 89-718, § 51(1), struck out “, United States Code,” after “section 2104 of title 10”, and substituted “20” for “twenty” and “section 456(d)(1) of title 50, appendix” for “section 6(d)(1) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456(d)(1))”.

Subsec. (c). Pub. L. 89-718, § 51(2), struck out “, United States Code,” after “section 2104(b)(6)(B) of title 10”.

1965—Subsec. (a). Pub. L. 89-51 substituted “subsistence allowance” and “Subsistence allowance” for “retainer pay” and “Retainer pay”, respectively.

Subsec. (b). Pub. L. 89-51 substituted “subsistence allowance” for “retainer pay”.

1964—Pub. L. 88-647 substituted provisions which grant a trainee under section 2104 of title 10, retainer

pay of from \$40 to \$50 monthly for his instruction period under said section 2104, limited to not more than 20 months, provide that such assistance does not fall within section 456(d)(1) of title 50 App., grant cadets or midshipmen under section 2107 of title 10 retainer pay, limited to not more than 4 years, authorize pay for trainees attending field training or practice cruises under section 2109 of title 10 at the rate prescribed for cadets and midshipmen at the military academies under section 201(c) of this title, and pay for applicants attending field training or practice cruises to satisfy section 2104(b)(6)(B) of title 10, as in section 203 of this title for enlisted men grade E-1, for provisions entitling midshipmen appointed under section 6904 of title 10 to \$50 a month for his instruction period up to 4 academic years, seamen recruits under section 6905 of title 10 to \$50 monthly for his instruction period under said section 6905, and midshipmen in flight training or on flight duty under section 6906 of title 10 to pay as for midshipmen at the Naval Academy plus an amount equal to 50 percent of his pay for flight duty.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-136 effective Jan. 1, 2004, see section 523(c) of Pub. L. 108-136, set out as an Effective Date note under section 2103a of Title 10, Armed Forces.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title X, § 1062(g), Dec. 2, 2002, 116 Stat. 2651, provided that the amendment made by section 1062(g)(2) is effective as of Oct. 30, 2000, and as if included in Pub. L. 106-398 as enacted.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 1 [[div. A], title VI, § 612(b)] of Pub. L. 106-398 effective Oct. 1, 2001, see section 1 [[div. A], title VI, § 612(d)] of Pub. L. 106-398, set out as a note under section 203 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title V, § 546(b), Oct. 5, 1999, 113 Stat. 608, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1999.”

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-337, div. A, title VI, § 603(b), Oct. 5, 1994, 108 Stat. 2782, provided that:

“(1) Except as provided in paragraph (2), the amendments made by subsection (a) [amending this section] shall apply with respect to months beginning after August 31, 1995.

“(2) Upon the approval of the Secretary of Defense, the Secretary of a military department may implement such amendments at an earlier date with respect to members of the Senior Reserve Officers’ Training Corps under the jurisdiction of the Secretary if funds are available for the monthly subsistence allowances authorized by such amendments.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 applicable with respect to training performed after Sept. 30, 1988, see section 633(e) of Pub. L. 100-456, set out as a note under section 2109 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1971 AMENDMENT

Pub. L. 92-171, § 2, Nov. 24, 1971, 85 Stat. 490, provided that: “The amendments made by this Act [amending this section] shall become effective on July 1, 1971.”

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-51 effective Oct. 13, 1964, see section 4 of Pub. L. 89-51, set out as a note under section 2109 of Title 10, Armed Forces.

SUBSISTENCE ALLOWANCES FOR MEMBERS OF THE MARINE CORPS OFFICER CANDIDATE PROGRAMS

Pub. L. 92-172, Nov. 24, 1971, 85 Stat. 491, as amended by Pub. L. 94-361, title VI, § 604, July 14, 1976, 90 Stat. 929; Pub. L. 95-79, title VIII, § 806, July 30, 1977, 91 Stat. 334; Pub. L. 95-485, title VIII, § 803, Oct. 20, 1978, 92 Stat. 1620, which provided that until Sept. 30, 1980, except when on active duty, a member enrolled in a Marine Corps officer candidate program which required a baccalaureate degree as a prerequisite to being commissioned as a regular or reserve officer, and who was not enrolled in a program or an academy established under chapter 103, 403, 603, or 903 of Title 10, Armed Forces, could be paid a subsistence allowance at the same rate as that prescribed by subsec. (a) of this section, was repealed by Pub. L. 96-342, title VIII, § 811(b), Sept. 8, 1980, 94 Stat. 1098. See subsec. (d) of this section.

§ 210. Pay of senior enlisted members during terminal leave and while hospitalized

(a) A noncommissioned officer of an armed force who, immediately following the completion of service as the senior enlisted member of that armed force, is placed on terminal leave pending retirement shall be entitled, for not more than 60 days while in such status, to the rate of basic pay authorized for the senior enlisted member of that armed force.

(b) A noncommissioned officer of an armed force who is hospitalized and who, during or immediately before such hospitalization, completed service as the senior enlisted member of that armed force, shall continue to be entitled, for not more than 180 days while so hospitalized, to the rate of basic pay authorized for the senior enlisted member of that armed force.

(c) In this section, the term "senior enlisted member" means the following:

- (1) The Sergeant Major of the Army.
- (2) The Master Chief Petty Officer of the Navy.
- (3) The Chief Master Sergeant of the Air Force.
- (4) The Sergeant Major of the Marine Corps.
- (5) The Master Chief Petty Officer of the Coast Guard.
- (6) The Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff.

(Added Pub. L. 102-190, div. A, title VI, § 606(a), Dec. 5, 1991, 105 Stat. 1374; amended Pub. L. 104-201, div. A, title VI, § 603(a), (b)(1), Sept. 23, 1996, 110 Stat. 2540; Pub. L. 109-163, div. A, title VI, § 685(b), Jan. 6, 2006, 119 Stat. 3325; Pub. L. 109-364, div. A, title X, § 1071(c)(1), Oct. 17, 2006, 120 Stat. 2400.)

AMENDMENTS

2006—Subsec. (c)(6). Pub. L. 109-364 substituted "Advisor to" for "Advisor for".

Pub. L. 109-163 added par. (6).

1996—Pub. L. 104-201, § 603(b)(1), substituted "Pay of senior enlisted members during terminal leave and while hospitalized" for "Pay of the senior noncommissioned officer of an armed force during terminal leave" in section catchline.

Subsecs. (b), (c). Pub. L. 104-201, § 603(a), added subsec. (b) and redesignated former subsec. (b) as (c).

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 211. Participation in Thrift Savings Plan

(a) DEFINITION.—In this section, the term "member" means—

- (1) a member of the uniformed services serving on active duty; and
- (2) a member of the Ready Reserve in any pay status.

(b) AUTHORITY.—Any member may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

(c) RULE OF CONSTRUCTION REGARDING SEPARATION.—For purposes of subchapters III and VII of chapter 84 of title 5, each of the following actions shall, in the case of a member participating in the Thrift Savings Plan in accordance with section 8440e of such title, be considered a separation from Government employment:

- (1) Release of the member from active duty, not followed, before the end of the 31-day period beginning on the day following the effective date of the release, by—

- (A) a resumption of active duty; or
- (B) an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director (appointed by the Federal Retirement Thrift Investment Board) in regulations.

- (2) Transfer of the member to inactive status, or to a retired list pursuant to any provision of title 10.

(d) AGENCY CONTRIBUTIONS FOR RETENTION IN CRITICAL SPECIALTIES AND FIRST-TIME ENLISTEES.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

- (A)(i) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

(ii) commits in such agreement to continue to serve on active duty in that specialty for a period of 6 years; or

- (B) is enlisting in the armed forces for the first time and the period of the member's enlistment is not less than two years.

(2) Under any agreement entered into with a member under paragraph (1)(A), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof).

(3) In the case of a member described by paragraph (1)(B), the Secretary shall make contribu-