

in the program shall be elective or compulsory as provided by State law or the authorities of the institution concerned.

(d) The President shall cause to be established and maintained in each State at least one unit of the program if—

(1) a unit is requested by an educational institution in the State;

(2) such request is approved by the Governor of the State in which the institution requesting the unit is located; and

(3) the Secretary of the military department concerned determines that there will be not less than 40 students enrolled in such unit and that the provisions of this section are otherwise satisfied.

(Added Pub. L. 88-647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1065; amended Pub. L. 95-79, title VI, §602, July 30, 1977, 91 Stat. 332.)

AMENDMENTS

1977—Subsec. (d), Pub. L. 95-79 added subsec. (d).

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) of this section delegated to Secretary of Defense, see section 1(10) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

MILITARY TRAINING FOR FEMALE UNDERGRADUATES AT MILITARY COLLEGES; REGULATIONS

Pub. L. 95-485, title VIII, §809, Oct. 20, 1978, 92 Stat. 1623, directed the Secretary of Defense to require that any college or university designated as a military college provide that qualified female undergraduate students be eligible to participate in military training at such college or university, and prohibited the Secretary from requiring such college or university to require female undergraduate students enrolled in such college or university to participate in military training, prior to repeal by Pub. L. 98-525, title XIV, §§1403(b), 1404, Oct. 19, 1984, 98 Stat. 2621, eff. Oct. 1, 1985. See section 2009 of this title.

§ 2103. Eligibility for membership

(a) To be eligible for membership in the program a person must be a student at an institution where a unit of the Senior Reserve Officers' Training Corps is established. However, a student at an institution that does not have a unit of the Corps is eligible, if otherwise qualified, to be a member of a unit at another institution.

(b) Persons from foreign countries may be enrolled as members of the program when their enrollment is approved by the Secretary of the military department concerned under criteria approved by the Secretary of State.

(c) A medical, dental, pharmacy, veterinary, or sciences allied to medicine, student may be admitted to a unit of the program for a course of training consisting of 90 hours of instruction a year for four academic years.

(d) Under such conditions as the Secretary of the military department concerned may prescribe, a medical, dental, pharmacy, veterinary, or sciences allied to medicine, student who is a commissioned officer of a reserve component of an armed force may be admitted to and trained in a unit of the program.

(e) An educational institution at which a unit of the program has been established shall give priority for enrollment in the program to stu-

dents 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 insti-

tution 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

Pub. L. 98-525, title V, §543(b), Oct. 19, 1984, 98 Stat. 2530, 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