

(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 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) or 373 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; Pub. L. 115-91, div. A, title VI, §618(a)(1)(D), Dec. 12, 2017, 131 Stat. 1426.)

AMENDMENTS

2017—Pub. L. 115-91 inserted “or 373” before “of title 37”.

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