

(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

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”.

1992—Subsec. (c). Pub. L. 102-484 inserted before period at end “, other than any period of enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve”.

BENEFITS NOT TO ACCRUE FOR PERIODS PRIOR TO SEPTEMBER 23, 1996

Pub. L. 104-201, div. A, title V, §507(c), Sept. 23, 1996, 110 Stat. 2512, provided that: “No increase in pay or retired or retainer pay shall accrue for periods before the date of the enactment of this Act [Sept. 23, 1996] by reason of the amendments made by this section [amending this section, sections 2107 and 2107a of this title, and section 205 of Title 37, Pay and Allowances of the Uniformed Services].”

§ 2107. Financial assistance program for specially selected members

(a) The Secretary of the military department concerned may appoint as a cadet or midshipman, as appropriate, in the reserve of an armed force under his jurisdiction any eligible member of the program who will be under 31 years of age on December 31 of the calendar year in which he is eligible under this section for appointment as an ensign in the Navy or as a second lieutenant in the Army, Air Force, or Marine Corps, as the case may be.

(b) To be eligible for appointment as a cadet or midshipman under this section a member must—

(1) be a citizen or national of the United States;

(2) be specially selected for the financial assistance program under procedures prescribed by the Secretary of the military department concerned;

(3) enlist in the reserve component of the armed force in which he is appointed as a cadet or midshipman for the period prescribed by the Secretary of the military department concerned;

(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; and

(5) agree in writing that, at the discretion of the Secretary of the military department concerned, he will—

(A)(i) 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, if he is commissioned as a regular officer and his regular commission is terminated before the sixth anniversary of his date of rank, he will accept an appointment, if offered, in the reserve component of that armed force and not resign before that anniversary or before such other date, not beyond the eighth anniversary of the midshipman's date of rank, that the Secretary of Defense may prescribe; and

(ii) serve on active duty for four or more years;

(B)(i) accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be; and

(ii) serve in a reserve component of that armed force until the eighth anniversary of the receipt of such appointment, unless otherwise extended by subsection (d) of section 2108 of this title, under such terms and conditions as shall be prescribed by the Secretary of the military department concerned; or

(C)(i) accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be; and

(ii) serve in a reserve component of that armed force until at least the sixth anniversary and, at the discretion of the Secretary of Defense, up to the eighth anniversary of the receipt of such appointment, unless such appointment is otherwise extended by subsection (d) of section 2108 of this title, under such terms and conditions as may be prescribed by the Secretary of the military department concerned.

The performance of service under clause (5)(B) or (5)(C) may include periods of active duty, active duty for training, and other service in an active or inactive status in the reserve component in which appointed, except that performance of service under clause (5)(C) shall include not less than two years of active duty.

(c)(1) The Secretary of the military department concerned may provide for the payment of all expenses in his department of administering the financial assistance program under this section, including tuition, fees, books, and laboratory expenses. In the case of a student enrolled in an academic program which has been approved by the Secretary of the military department concerned and which requires more than four academic years for completion of baccalaureate degree requirements, including elective requirements of the Senior Reserve Officers' Training Corps course, financial assistance under this section may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

(2) The Secretary of the military department concerned may provide financial assistance, as described in paragraph (1), to a student enrolled