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Title 10 - ARMED FORCES

Subtitle A - General Military Law

PART III - TRAINING AND EDUCATION

CHAPTER 103 - SENIOR RESERVE OFFICERS' TRAINING CORPS

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CORPS**

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AMENDMENTS

- 2003**—Pub. L. 108–136, div. A, title V, §523(b)(2), Nov. 24, 2003, 117 Stat. 1464, added item 2103a.
- 1999**—Pub. L. 106–65, div. A, title V, §541(a)(2), Oct. 5, 1999, 113 Stat. 606, added item 2111b.
- 1997**—Pub. L. 105–85, div. A, title V, §544(f)(2), Nov. 18, 1997, 111 Stat. 1746, substituted “Support for” for “Detail of officers to” in item 2111a.
- 1996**—Pub. L. 104–106, div. A, title V, §545(b), Feb. 10, 1996, 110 Stat. 318, added item 2111a.
- 1991**—Pub. L. 102–190, div. A, title V, §522(b)(2), Dec. 5, 1991, 105 Stat. 1362, substituted “Army Reserve and Army National Guard” for “military junior colleges” in item 2107a.
- 1988**—Pub. L. 100–456, div. A, title VI, §633(a)(3)(B), Sept. 29, 1988, 102 Stat. 1986, substituted “Practical military training” for “Field training; practice cruises” in item 2109.
- 1980**—Pub. L. 96–357, §1(c)(2), Sept. 24, 1980, 94 Stat. 1180, added item 2107a.
- 1964**—Pub. L. 88–647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1064, added chapter heading and items 2101 to 2111.

§2101. Definitions

In this chapter:

(1) The term “program” means the Senior Reserve Officers’ Training Corps of an armed force.

(2) The term “member of the program” means a student who is enrolled in the Senior Reserve Officers’ Training Corps of an armed force.

(3) The term “advanced training” means the training and instruction offered in the Senior Reserve Officers’ Training Corps to students enrolled in an advanced education program beyond the baccalaureate degree level or to students in the third and fourth years of a four-year Senior Reserve Officers’ Training Corps course, or the equivalent period of training in an approved two-year Senior Reserve Officers’ Training Corps course (except that, 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, such term includes a fifth academic year or a combination of a part of a fifth academic year and summer sessions).

(Added Pub. L. 88–647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1064; amended Pub. L. 98–94, title X, §1003(a)(1), title XII, §1268(11), Sept. 24, 1983, 97 Stat. 656, 706; Pub. L. 100–180, div. A, title XII, §1231(17), Dec. 4, 1987, 101 Stat. 1161; Pub. L. 104–201, div. A, title V, §553(b), Sept. 23, 1996, 110 Stat. 2526.)

AMENDMENTS

1996—Par. (3). Pub. L. 104–201 inserted “students enrolled in an advanced education program beyond the baccalaureate degree level or to” after “Training Corps to”.

1987—Pub. L. 100–180, in pars. (1) to (3), inserted “The term” after each par. designation, and struck out uppercase letter of first word after first quotation marks in each par. and substituted lowercase letter.

1983—Pub. L. 98–94, §1268(11)(A), substituted a colon for a dash after “In this chapter” in provision preceding par. (1).

Par. (1). Pub. L. 98–94, §1268(11)(B), (C), substituted “Program” for “program” and a period for a semicolon after “armed force”.

Par. (2). Pub. L. 98–94, §1268(11)(D), (E), substituted “Member” for “member”, and a period for “; and” after “armed force”.

Par. (3). Pub. L. 98–94, §1268(11)(F), substituted “Advanced” for “advanced”.

Pub. L. 98–94, §1003(a)(1), inserted parenthetical provision relating to a fifth academic year or a combination of a fifth academic year and summer sessions.

PROMOTION OF FOREIGN LANGUAGE SKILLS AMONG MEMBERS OF THE RESERVE OFFICERS’ TRAINING CORPS

Pub. L. 109–163, div. A, title V, §535, Jan. 6, 2006, 119 Stat. 3249, as amended by Pub. L. 111–383, div. A, title X, §1075(h)(2), Jan. 7, 2011, 124 Stat. 4377, provided that:

“(a) In General.—The Secretary of Defense shall support the acquisition of foreign language skills among cadets and midshipmen in the Reserve Officers’ Training Corps, including through the development and implementation of—

“(1) incentives for cadets and midshipmen to participate in study of a foreign language, including special emphasis for Arabic, Chinese, and other ‘strategic languages’, as defined by the Secretary of Defense in consultation with other relevant agencies; and

“(2) a recruiting strategy to target foreign language speakers, including members of heritage communities, to participate in the Reserve Officers’ Training Corps.

“(b) Report Required.—Not later than 180 days after the date of the enactment of this Act [Jan. 6, 2006], the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the actions taken to carry out this section.”

§2102. Establishment

(a) For the purpose of preparing selected students for commissioned service in the Army, Navy, Air Force, or Marine Corps, the Secretary of each military department, under regulations prescribed by the President, may establish and maintain a Senior Reserve Officers' Training Corps program, organized into one or more units, at any accredited civilian educational institution authorized to grant baccalaureate degrees, and at any school essentially military that does not confer baccalaureate degrees, upon the request of the authorities at that institution.

(b) No unit may be established or maintained at an institution unless—

(1) the senior commissioned officer of the armed force concerned who is assigned to the program at that institution is given the academic rank of professor;

(2) the institution fulfills the terms of its agreement with the Secretary of the military department concerned; and

(3) the institution adopts, as a part of its curriculum, a four-year course of military instruction or a two-year course of advanced training of military instruction, or both, which the Secretary of the military department concerned prescribes and conducts.

(c) At those institutions where a unit of the program is established membership of students 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 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”.

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

Section 507(c) of Pub. L. 104–201 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. At least 50 percent of the cadets and midshipmen appointed under this section must qualify for in-State tuition rates at their respective institutions and will receive tuition benefits at that rate.

(2) The Secretary of the military department concerned may provide financial assistance, as described in paragraph (1), to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program. Not more than 15 percent of the total number of scholarships awarded under this section in any year may be awarded under this paragraph.

(3) In the case of a cadet or midshipman eligible to receive financial assistance under paragraph (1) or (2), the Secretary of the military department concerned may, in lieu of all or part of the financial assistance described in paragraph (1), provide financial assistance in the form of room and board expenses for the cadet or midshipman and other expenses required by the educational institution.

[(4) Repealed. Pub. L. 109-163, div. A, title V, §531(a)(1), Jan. 6, 2006, 119 Stat.

3247.]

(5)(A) The Secretary of the Army, under regulations and criteria established by the Secretary, may provide an individual who received a commission as a Reserve officer in the Army from a military junior college through a program under this chapter and who does not have a baccalaureate degree with financial assistance for pursuit of a baccalaureate degree.

(B) Such assistance is in addition to any financial assistance provided under paragraph (1) or (3).

(C) The agreement and reimbursement requirements established in section 2005 of this title are applicable to financial assistance under this paragraph.

(D) An officer receiving financial assistance under this paragraph shall be attached to a unit of the Army as determined by the Secretary and shall be considered to be a member of the Senior Reserve Officers' Training Corps on inactive duty for training, as defined in section 101(23) of title 38.

(E) A qualified officer who did not previously receive financial assistance under this section is eligible to receive educational assistance under this paragraph.

(F) A Reserve officer may not be called or ordered to active duty for a deployment while participating in the program under this paragraph.

(G) Any service obligation incurred by an officer under an agreement entered into under this paragraph shall be in addition to any service obligation incurred by that officer under any other provision of law or agreement.

(d) Upon satisfactorily completing the academic and military requirements of the four-year program, a cadet or midshipman 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.

(e) 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.

(f) A cadet or midshipman who does not complete the four-year 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 four years.

(g) In computing length of service for any purpose, an officer appointed under this section may not be credited with service either as a cadet or midshipman or concurrent enlisted service, other than concurrent enlisted service performed on or after August 1, 1979, as a member of the Selected Reserve.

(h)(1) The Secretary of Defense shall determine the number of cadets and midshipmen appointed under this section who may be in the financial assistance programs at any one time in each military department.

(2) Of the total number of cadets appointed in the financial assistance programs under this section in any year, not less than 100 shall be designated for placement in the program of the Army for service upon commissioning in the Army National Guard, of which one-half shall be for financial assistance awarded for a period of two years

and the remainder shall be for financial assistance awarded for a period of four years. A cadet designated under this paragraph who, having initially contracted for service as provided in subsection (b)(5)(A) and having received financial assistance for two years under an award providing for four years of financial assistance under this section, modifies such contract with the consent of the Secretary of the Army to provide for service as described in subsection (b)(5)(B), may be counted, for the year in which the contract is modified, toward the number of appointments required under the preceding sentence for financial assistance awarded for a period of four years. A cadet who receives financial assistance under this paragraph and is commissioned in the Army National Guard shall perform service as provided in subsection (b)(5)(B) and may not be accepted for service on full-time active duty pursuant to the member's voluntary application until the completion of the period of service prescribed in that subsection. The Secretary of the Army shall prescribe regulations to ensure a geographical distribution of the cadets who receive financial assistance under this paragraph.

(i) The Secretary of each military department shall seek to achieve an increase in the number of agreements entered into under this section so as to achieve an increase, by the 2006–2007 academic year, of not less than 400 in the number of cadets or midshipmen, as the case may be, enrolled under this section, compared to such number enrolled for the 2002–2003 academic year. In the case of the Secretary of the Navy, the Secretary shall seek to ensure that not less than one-third of such increase in agreements under this section are with students enrolled (or seeking to enroll) in programs of study leading to a baccalaureate degree in nuclear engineering or another appropriate technical, scientific, or engineering field of study.

(j)(1) Payment of financial assistance under this section for, and payment of a monthly subsistence allowance under section 209 of title 37 to, a cadet or midshipman appointed under this section may be suspended on the basis of health-related incapacity of the cadet or midshipman only in accordance with regulations prescribed under paragraph (2).

(2) The Secretary of Defense shall prescribe in regulations the policies and procedures for suspending payments under paragraph (1). The regulations shall apply uniformly to all of the military departments. The regulations shall include the following matters:

(A) The standards of health-related fitness that are to be applied.

(B) Requirements for—

(i) the health-related condition and prognosis of a cadet or midshipman to be determined, in relation to the applicable standards prescribed under subparagraph (A), by a health care professional on the basis of a medical examination of the cadet or midshipman; and

(ii) the Secretary concerned to take into consideration the determinations made under clause (i) with respect to such condition in deciding whether to suspend payment in the case of such cadet or midshipman on the basis of that condition.

(C) A requirement for the Secretary concerned to transmit to a cadet or midshipman proposed for suspension under this subsection a notification of the proposed suspension together with the determinations made under subparagraph (B)

(i) in the case of the proposed suspension.

(D) A procedure for a cadet or midshipman proposed for suspension under this subsection to submit a written response to the proposal for suspension, including any supporting information.

(E) Requirements for—

(i) one or more health-care professionals to review, in the case of such a response of a cadet or midshipman, each health-related condition and prognosis addressed in the response, taking into consideration the matters submitted in such response; and

(ii) the Secretary concerned to take into consideration the determinations made under clause (i) with respect to such condition in making a final decision regarding whether to suspend payment in the case of such cadet or midshipman on the basis of that condition, and the conditions under which such suspension may be lifted.

(Added Pub. L. 88–647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1066; amended Pub. L. 92–166, §1, Nov. 24, 1971, 85 Stat. 487; Pub. L. 96–357, §1(a), (b), Sept. 24, 1980, 94 Stat. 1178; Pub. L. 96–513, title V, §511(62), Dec. 12, 1980, 94 Stat. 2925; Pub. L. 97–60, title II, §201, Oct. 14, 1981, 95 Stat. 1005; Pub. L. 98–94, title X, §1003(a)(3), (c)(1), (2), Sept. 24, 1983, 97 Stat. 656, 657; Pub. L. 98–525, title V, §542(a), title XIV, §1405(33), Oct. 19, 1984, 98 Stat. 2529, 2624; Pub. L. 100–180, div. A, title V, §510, Dec. 4, 1987, 101 Stat. 1087; Pub. L. 102–484, div. A, title V, §§517(a)(2), 532(a), Oct. 23, 1992, 106 Stat. 2407, 2411; Pub. L. 104–106, div. A, title V, §542, Feb. 10, 1996, 110 Stat. 316; Pub. L. 104–201, div. A, title V, §§507(a)(2), 553(a), 555(a), Sept. 23, 1996, 110 Stat. 2512, 2526, 2527; Pub. L. 106–65, div. A, title V, §545, Oct. 5, 1999, 113 Stat. 608; Pub. L. 107–107, div. A, title V, §534(a), Dec. 28, 2001, 115 Stat. 1106; Pub. L. 107–314, div. A, title V, §532(d), (e), Dec. 2, 2002, 116 Stat. 2547; Pub. L. 108–136, div. A, title V, §521(a), Nov. 24, 2003, 117 Stat. 1462; Pub. L. 108–375, div. A, title V, §524(a), Oct. 28, 2004, 118 Stat. 1888; Pub. L. 109–163, div. A, title V, §§531(a), 533(a), 534(a), Jan. 6, 2006, 119 Stat. 3247, 3248.)

AMENDMENTS

2006—Subsec. (b)(1). Pub. L. 109–163, §534(a), inserted “or national” after “citizen”.

Subsec. (c)(4). Pub. L. 109–163, §531(a)(1), struck out par. (4) which read as follows: “The total amount of financial assistance, including the payment of room and board and other educational expenses, provided to a cadet or midshipman in an academic year under this subsection may not exceed an amount equal to the amount that could be provided as financial assistance for such cadet or midshipman under paragraph (1) or (2), or another amount determined by the Secretary concerned, without regard to whether room and board and other educational expenses for such cadet or midshipman are paid under paragraph (3).”

Subsec. (c)(5)(B). Pub. L. 109–163, §531(a)(2), substituted “or (3)” for “, (3), or (4)”.

Subsec. (j). Pub. L. 109–163, §533(a), added subsec. (j).

2004—Subsec. (c)(5). Pub. L. 108–375 added par. (5).

2003—Subsec. (c)(3), (4). Pub. L. 108–136 added pars. (3) and (4).

2002—Subsec. (h)(1). Pub. L. 107–314, §532(e), struck out first sentence which read as follows: “Not more than 29,500 cadets and midshipmen appointed under this section may be in the financial assistance programs at any one time.”

Subsec. (i). Pub. L. 107–314, §532(d), added subsec. (i).

2001—Subsec. (a). Pub. L. 107–107 substituted “31 years of age on December 31” for “27 years of age on June 30” and struck out “, except that the age of any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 30 years of age on such date” before period at end.

1999—Subsec. (c)(2). Pub. L. 106–65 amended par. (2) generally. Prior to amendment, par. (2) read as

follows: “The Secretary of Defense shall authorize the Secretaries of the military departments to carry out a test program to determine the desirability of enabling graduate students to participate in the financial assistance program under this section. As part of such test program, the Secretary of a military department may provide financial assistance, as described in paragraph (1), to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program. Not more than 15 percent of the total number of scholarships awarded under this section in any year may be awarded under the test program. No scholarship may be awarded under the test program after September 30, 1999.”

1996—Subsec. (a). Pub. L. 104–201, §555(a), substituted “27 years of age” for “25 years of age” and “30 years of age” for “29 years of age”.

Subsec. (c). Pub. L. 104–201, §553(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 104–201, §507(a)(2), substituted “performed on or after August 1, 1979, as a member” for “while serving on active duty other than for training after July 31, 1990, while a member”.

Subsec. (h)(2). Pub. L. 104–106 inserted “A cadet designated under this paragraph who, having initially contracted for service as provided in subsection (b)(5)(A) and having received financial assistance for two years under an award providing for four years of financial assistance under this section, modifies such contract with the consent of the Secretary of the Army to provide for service as described in subsection (b)(5)(B), may be counted, for the year in which the contract is modified, toward the number of appointments required under the preceding sentence for financial assistance awarded for a period of four years.” after first sentence and “full-time” after “for service on” in penultimate sentence.

1992—Subsec. (g). Pub. L. 102–484, §17(a)(2), inserted before period at end “, other than concurrent enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve”.

Subsec. (h). Pub. L. 102–484, §532(a), designated existing provisions as par. (1) and added par. (2).

1987—Subsec. (h). Pub. L. 100–180 amended subsec. (h) generally. Prior to amendment, subsec. (h) read as follows: “Not more than the following numbers of cadets and midshipmen appointed under this section may be in the financial assistance programs at any one time:

“Army program: 12,000.

“Navy program: 8,000.

“Air Force program: 9,500.”

1984—Subsec. (b). Pub. L. 98–525, §1405(33), aligned margin of provision following par. (5)(C)(ii) flush with left margin.

Subsec. (b)(5)(A)(i). Pub. L. 98–525, §542(a)(1), inserted “or before such other date, not beyond the eighth anniversary of the midshipman's date of rank, that the Secretary of Defense may prescribe”.

Subsec. (b)(5)(C)(ii). Pub. L. 98–525, §542(a)(2), substituted “at least the sixth anniversary and, at the discretion of the Secretary of Defense, up to the eighth anniversary” for “the sixth anniversary”.

1983—Subsec. (b)(5). Pub. L. 98–94, §1003(c)(1), struck out “either” after “he will” in provisions preceding subpar. (A)(i), and added subpar. (C).

Pub. L. 98–94, §1003(c)(2), inserted in provisions following subpar. (C) “or (5)(C)” after “(5)(B)” and “, except that performance of service under clause (5)(C) shall include not less than two years of active duty”.

Subsec. (c). Pub. L. 98–94, §1003(a)(3), inserted provision relating to a student enrolled in an approved academic program which requires more than four academic years for completion of the baccalaureate degree requirements.

1981—Subsec. (h). Pub. L. 97–60 substituted “8,000” for “6,000” in item covering the Navy program and “9,500” for “6,500” in item covering the Air Force program.

1980—Subsec. (a). Pub. L. 96–357, §1(a), authorized cadet or midshipmen appointments in the reserve of an armed force for eligible members of the program with active duty service in the armed forces beyond the age limitation equal to period of active duty service not to exceed 29 years of age by June 30 of calendar year of appointment and deleted provision for appointment as cadets or midshipmen from persons in two-year Senior Reserve Officers’ Training Corps course up to 20 percent of number of appointees.

Subsec. (b)(5). Pub. L. 96–357, §1(b)(2), provided for exercise of discretion by the Secretary concerned, incorporated existing provisions in subcl. (A)(i), incorporated in subcl. (A)(ii) provision of former cl. (6), added subcl. (B) and defined the performance of service under such subcl. (B).

Subsec. (b)(6). Pub. L. 96–357, §1(b)(2), struck out cl. (6) requiring as condition of appointment a written agreement for active duty service of four or more years. See subcl. (5)(A)(ii).

Subsec. (e). Pub. L. 96–513, §511(62)(A), substituted “Military” for “Miilitary”.

Subsec. (h). Pub. L. 96–513, §511(62)(B), substituted “this section” for “section 2107 of this title”.

Pub. L. 96–357, §1(b)(3), substituted “Army program: 12,000” for “Army program: 6,500”.

1971—Subsec. (a). Pub. L. 92–166, §1(1), substituted “Not more than 20 percent of the persons appointed

as cadets or midshipmen by the Secretary in any year may be appointed from persons in the two-year Senior Reserve Officers' Training Corps course.”, for “However, a member whose enrollment in the Senior Reserve Officers' Training Corps program contemplates less than four years of participation in the program may not be appointed a cadet or midshipman under this section, or receive any financial assistance authorized by this section.”.

Subsec. (c). Pub. L. 92–166, §1(2), provided that at least 50% of the cadets and midshipmen appointed under this section must qualify for in-State tuition rates at their respective institutions and will receive tuition benefits at the rate.

Subsec. (h). Pub. L. 92–166, §1(4), substituted “Army program: 6500” for “Army program: 5500”, “Navy program: 6000” for “Navy program: 5500” and “Air Force program: 6500” for “Air Force program: 5500”.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–136, div. A, title V, §521(c), Nov. 24, 2003, 117 Stat. 1463, provided that: “The amendments made by this section [amending this section and section 2107a of this title] shall apply to payment of expenses of cadets and midshipmen of the Senior Reserve Officers' Training Corps program that are due after the date of the enactment of this Act [Nov. 24, 2003].”

EFFECTIVE DATE OF 1992 AMENDMENT

Section 532(b) of Pub. L. 102–484 provided that: “The amendments made by subsection (a) [amending this section] shall take effect on January 1, 1993.”

EFFECTIVE DATE OF 1983 AMENDMENT

Section 1003(c)(3) of Pub. L. 98–94 provided that: “The amendments made by this subsection [amending this section] shall apply with respect to agreements entered into under section 2107(b)(5) of title 10, United States Code, after September 30, 1983.”

EFFECTIVE DATE OF 1980 AMENDMENTS

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 this title.

Amendment by Pub. L. 96–357 effective Oct. 1, 1980, see section 1(e) of Pub. L. 96–357, set out as a note under section 2107a of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 2 of Pub. L. 92–166 provided that: “This Act [amending this section] is effective July 1, 1971.”

EFFECTIVE DATE

Section 403 of Pub. L. 88–647 provided that: “Insofar as it relates to the Army program and the Air Force program, section 2107(h) of title 10, United States Code [subsec. (h) of this section], becomes effective on September 1, 1968. Until that date, not more than four thousand cadets may be in either of those programs at any one time. So far as it relates to the Navy program, section 2107(h) of title 10 becomes effective on September 1, 1965.”

REGULATIONS

Pub. L. 109–163, div. A, title V, §533(b), Jan. 6, 2006, 119 Stat. 3248, provided that: “The Secretary of Defense shall prescribe the regulations required under subsection (j) of section 2107 of title 10, United States Code (as added by subsection (a)), not later than May 1, 2006.”

SAVINGS PROVISION

Pub. L. 109–163, div. A, title V, §531(c), Jan. 6, 2006, 119 Stat. 3247, provided that: “Paragraph (4) of section 2107(c) of title 10, United States Code, and paragraph (3) of section 2107a(c) of such title, as in effect on the day before the date of the enactment of this Act [Jan. 6, 2006], shall continue to apply in the case of any individual selected before the date of the enactment of this Act for appointment as a cadet or midshipman under section 2107 or 2107a of such title.”

REVIEW REGARDING ALLOCATION OF NAVAL RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS AMONG PARTICIPATING COLLEGES AND UNIVERSITIES

Pub. L. 105–261, div. A, title V, §507, Oct. 17, 1998, 112 Stat. 2004, provided that:

“(a) Review.—The Secretary of the Navy should review the process and criteria used to determine the number of Naval Reserve Officer Training Corps (NROTC) scholarship recipients who attend each college and university participating in the NROTC program and how those scholarships are allocated to those schools.

“(b) Purpose of Review.—The review should seek to determine—

“(1) whether the method used by the Navy to allocate NROTC scholarships could be changed so as to increase the likelihood that scholarship awardees attend the school of their choice while maintaining the Navy's capability to attain the objectives of the Naval ROTC program to meet the annual requirement for newly commissioned Navy ensigns and Marine Corps second lieutenants, as well as the overall needs of the officer corps of the Department of the Navy; and

“(2) within the determination under paragraph (1), whether the likelihood of a scholarship awardee who wants to attend a school of choice in the student's State of residence can be increased.

“(c) Matters Reviewed.—The matters reviewed should include the following:

“(1) The factors and criteria considered in the process of determining the allocation of NROTC scholarships to host colleges and universities.

“(2) Historical data indicating the extent to which NROTC scholarship recipients attend colleges and universities they have indicated a preference to attend, as opposed to attending solely or mainly in order to receive an NROTC scholarship.

“(3) The extent to which the process used by the Navy to allocate NROTC scholarships to participating colleges and universities contributes to optimizing resources available for the operation of the NROTC program and improving the professional education of NROTC midshipmen.

“(4) The effects that eliminating the controlled allocation of scholarships to host colleges and universities, entirely or by State, would have on the NROTC program.

“(d) Consultation Requirement.—In carrying out a review under subsection (a), the Secretary should consult with officials of interested associations and of colleges and universities which host ROTC units and such other officials as the Secretary considers appropriate.”

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

No increase in pay or retired or retainer pay to accrue for periods before Sept. 23, 1996, by reason of amendments made by section 507 of Pub. L. 104–201, see section 507(c) of Pub. L. 104–201, set out as a note under section 2106 of this title.

REPORT TO CONGRESS ON TEST PROGRAM FOR GRADUATE STUDENT PARTICIPATION IN FINANCIAL ASSISTANCE PROGRAM

Pub. L. 104–201, div. A, title V, §553(c), Sept. 23, 1996, 110 Stat. 2526, directed the Secretary of Defense to submit to Congress a report, not later than Dec. 31, 1998, on the experience to that date under the test program authorized under the amendment to this section made by Pub. L. 104–201, §553(a)(2).

APPLICATION OF ROTC VITALIZATION ACT OF 1964 TO APPOINTEES IN NAVAL RESERVE BEFORE OCTOBER 13, 1964

Pub. L. 89–51, §1, June 28, 1965, 79 Stat. 173, provided: “That all provisions of law except sections 2107 (b)(3) and (f) of title 10, United States Code [subsecs. (b)(3) and (f) of this section], that apply to midshipmen appointed under Public Law 88–647 [see Short Title note set out under section 2031 of this title], apply to midshipmen appointed in the Naval Reserve [now Navy Reserve] before October 13, 1964.” Section 4 of Pub. L. 89–51, set out as Effective Date of 1965 Amendment note under section 2109 of this title, provided that section 1 of Pub. L. 89–51 was effective Oct. 13, 1964.

§2107a. Financial assistance program for specially selected members: Army Reserve and Army National Guard

(a)(1) The Secretary of the Army may appoint as a cadet in the Army Reserve or Army National Guard of the United States any eligible member of the program who is enrolled in the Advanced Course of the Army Reserve Officers' Training Corps at a military college, military junior college, or civilian institution and 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 a second lieutenant in the Army Reserve or Army National Guard.

(2) To be considered a military college or military junior college for the purposes of this section, a school must be a civilian postsecondary educational institution

essentially military in nature and meet such other requirements as the Secretary of the Army may prescribe. For purposes of this section, a military junior college does not confer a baccalaureate degree.

(b)(1) To be eligible for appointment as a cadet under this section, a member of the program must—

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

(B) be specially selected for the financial assistance program under this section under procedures prescribed by the Secretary of the Army;

(C) enlist in a reserve component of the Army for the period prescribed by the Secretary of the Army;

(D) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the Army to serve for the period required by the program;

(E) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army Reserve or the Army National Guard of the United States; and

(F) agree in writing that he will serve in a troop program unit of the Army Reserve or Army National Guard for not less than eight years.

(2) Performance of duty under an agreement under this subsection shall be under such terms and conditions as the Secretary of the Army may prescribe and 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.

(3)(A) Subject to subparagraph (C), in the case of a person described in subparagraph (B), the Secretary may, at any time and with the consent of the person, modify an agreement described in paragraph (1)(F) submitted by the person for the purpose of reducing or eliminating the troop program unit service obligation specified in the agreement and to establish, in lieu of that obligation, an active duty service obligation.

(B) Subparagraph (A) applies with respect to the following persons:

(i) A cadet under this section at a military junior college.

(ii) A cadet or former cadet under this section who is selected under section 2114 of this title to be a medical student at the Uniformed Services University of the Health Sciences.

(iii) A cadet or former cadet under this section who signs an agreement under section 2122 of this title for participation in the Armed Forces Health Professions Scholarship and Financial Assistance program.

(C) The modification of an agreement described in paragraph (1)(F) may be made only if the Secretary determines that it is in the best interests of the United States to do so.

(c)(1) The Secretary of the Army shall provide for the payment of all expenses of the Department of the Army in administering the financial assistance program under this section, including the cost of tuition, fees, books, and laboratory expenses which are incurred by members of the program appointed as cadets under this section while such members are students at a military junior college.

(2) In the case of a cadet eligible to receive financial assistance under paragraph (1),

the Secretary of the military department concerned may, in lieu of all or part of the financial assistance described in paragraph (1), provide financial assistance in the form of room and board expenses for such cadet and other expenses required by the educational institution.

[(3) Repealed. Pub. L. 109–163, div. A, title V, §531(b), Jan. 6, 2006, 119 Stat. 3247.]

(4)(A) The Secretary of the Army may provide an individual who received a commission as a Reserve officer in the Army from a military junior college through a program under this chapter and who does not have a baccalaureate degree with financial assistance for pursuit of a baccalaureate degree.

(B) Such assistance is in addition to any provided under paragraph (1) or (2).

(C) The agreement and reimbursement requirements established in section 2005 of this title are applicable to financial assistance under this paragraph.

(D) An officer receiving financial assistance under this paragraph shall be attached to a unit of the Army as determined by the Secretary and shall be considered to be a member of the Senior Reserve Officers' Training Corps on inactive duty for training, as defined in section 101(23) of title 38.

(E) A qualified officer who did not previously receive financial assistance under this section is eligible to receive educational assistance under this paragraph.

(F) A Reserve officer may not be called or ordered to active duty for a deployment while participating in the program under this paragraph.

(G) Any service obligation incurred by an officer under an agreement entered into under this paragraph shall be in addition to any service obligation incurred by that officer under any other provision of law or agreement.

(d) Upon satisfactorily completing the academic and military requirements of the program, a cadet may be appointed as a reserve officer in the Army in the grade of second lieutenant, even though he is under 21 years of age.

(e) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets from the United States Military Academy in that year. The Secretary of the Army shall establish the date of rank of all other officers appointed under this section.

(f) A cadet who does not complete the course of instruction, or who completes the course but declines to accept a commission when offered, or who does not complete a baccalaureate degree within five years after appointment as a cadet under this section, may be ordered to active duty by the Secretary of the Army to serve in his enlisted grade for such period of time as the Secretary prescribes but not for more than four years.

(g) In computing length of service for any purpose, an officer appointed under this section may not be credited with service as a cadet or with concurrent enlisted service, other than enlisted service performed after August 1, 1979, as a member of the Selected Reserve.

(h) The Secretary of the Army shall appoint each year under this section not less than 22 cadets at each military junior college at which there are not less than 22 members of the program eligible under subsection (b) for such an appointment. At any military junior college at which in any year there are fewer than 22 such members, the Secretary shall appoint each such member as a cadet under this section.

(i) Cadets appointed under this section are in addition to the number appointed under section 2107 of this title.

(j) Financial assistance provided under this section to a cadet appointed at a military junior college is designated as, and shall be known as, an “Ike Skelton Early Commissioning Program Scholarship”.

(Added Pub. L. 96–357, §1(c)(1), Sept. 24, 1980, 94 Stat. 1179; amended Pub. L. 102–190, div. A, title V, §522(a), (b)(1), Dec. 5, 1991, 105 Stat. 1362; Pub. L. 104–201, div. A, title V, §§507(a)(3), 555(a), Sept. 23, 1996, 110 Stat. 2512, 2527; Pub. L. 105–85, div. A, title X, §1073(a)(36), Nov. 18, 1997, 111 Stat. 1902; Pub. L. 107–107, div. A, title V, §§534(b), 536(a), (c), Dec. 28, 2001, 115 Stat. 1106, 1107; Pub. L. 108–136, div. A, title V, §§521(b), 522, Nov. 24, 2003, 117 Stat. 1463; Pub. L. 108–375, div. A, title V, §524(b), Oct. 28, 2004, 118 Stat. 1889; Pub. L. 109–163, div. A, title V, §§531(b), 532, 534(b), 536, Jan. 6, 2006, 119 Stat. 3247–3249; Pub. L. 109–364, div. A, title V, §535, Oct. 17, 2006, 120 Stat. 2207; Pub. L. 110–181, div. A, title V, §§522, 523, Jan. 28, 2008, 122 Stat. 102, 103; Pub. L. 111–84, div. A, title V, §522, Oct. 28, 2009, 123 Stat. 2285.)

AMENDMENTS

2009—Subsec. (h). Pub. L. 111–84 substituted “22 cadets” for “17 cadets”, “22 members” for “17 members”, and “22 such members” for “17 such members”.

2008—Subsec. (b)(3). Pub. L. 110–181, §522, amended par. (3) generally. Prior to amendment, par. (3) read as follows: “In the case of a cadet under this section at a military junior college, or a cadet or former cadet under this section who signs an agreement under section 2122 of this title, the Secretary may, at any time and with the consent of the cadet, or former cadet, concerned, modify an agreement described in paragraph (1)(F) submitted by the cadet, or former cadet, to reduce or eliminate the troop program unit service obligation specified in the agreement and to establish, in lieu of that obligation, an active duty service obligation. Such a modification may be made only if the Secretary determines that it is in the best interests of the United States to do so.”

Subsec. (h). Pub. L. 110–181, §523, substituted “each year under this section” for “not more than 416 cadets each year under this section, to include”.

2006—Subsec. (b)(1)(A). Pub. L. 109–163, §534(b), inserted “or national” after “citizen”.

Subsec. (b)(3). Pub. L. 109–364 inserted “or a cadet or former cadet under this section who signs an agreement under section 2122 of this title,” after “military junior college,” and “, or former cadet,” after “consent of the cadet” and after “submitted by the cadet”.

Subsec. (c)(3). Pub. L. 109–163, §531(b), struck out par. (3) which read as follows: “The total amount of financial assistance, including the payment of room and board and any other educational expenses, provided to a cadet in an academic year under this subsection may not exceed an amount equal to the amount that could be provided as financial assistance for such cadet under paragraph (1), or another amount determined by the Secretary of the Army, without regard to whether the room and board and other educational expenses for such cadet are paid under paragraph (2).”

Subsec. (h). Pub. L. 109–163, §532, substituted “416” for “208”.

Subsec. (j). Pub. L. 109–163, §536, added subsec. (j).

2004—Subsec. (c)(4). Pub. L. 108–375 added par. (4).

2003—Subsec. (c). Pub. L. 108–136, §521(b), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (h). Pub. L. 108–136, §522, substituted “17” for “10” wherever appearing.

2001—Subsec. (a)(1). Pub. L. 107–107, §534(b), substituted “31 years of age on December 31” for “27 years of age on June 30” and struck out “, except that the age of any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 30 years of age on such date” before period at end.

Subsec. (b). Pub. L. 107–107, §536(a), designated introductory provisions of subsec. (b) as introductory provisions of par. (1), redesignated former pars. (1) to (6) as subpars. (A) to (F), respectively, of par. (1), redesignated former concluding provisions as par. (2), and added par. (3).

Subsec. (h). Pub. L. 107–107, §536(c), substituted “At any military junior college” for “At any military college” in second sentence.

1997—Subsec. (g). Pub. L. 105–85 inserted “the” after “August 1, 1979, as a member of”.

1996—Subsec. (a)(1). Pub. L. 104–201, §555(a), substituted “27 years of age” for “25 years of age” and “30 years of age” for “29 years of age”.

Subsec. (g). Pub. L. 104–201, §507(a)(3), inserted “, other than enlisted service performed after August 1, 1979, as a member of Selected Reserve” before period at end.

1991—Pub. L. 102–190, §522(b)(1), substituted “Army Reserve and Army National Guard” for “military junior colleges” in section catchline.

Subsec. (a)(1). Pub. L. 102–190, §522(a)(1), substituted “enrolled in the Advanced Course of the Army Reserve Officers’ Training Corps at a military college, military junior college, or civilian institution” for “a student at a military junior college” and inserted “Reserve or Army National Guard” after “second lieutenant in the Army”.

Subsec. (a)(2). Pub. L. 102–190, §522(a)(2), inserted “military college or” after “To be considered a”, substituted “and meet” for “that does not confer baccalaureate degrees and that meets”, and inserted at end “For purposes of this section, a military junior college does not confer a baccalaureate degree.”

Subsec. (b)(6). Pub. L. 102–190, §522(a)(3), substituted “a troop program unit of the Army Reserve or Army National Guard” for “such reserve component”.

Subsec. (f). Pub. L. 102–190, §522(a)(4), inserted “or who does not complete a baccalaureate degree within five years after appointment as a cadet under this section,” after “when offered.”

Subsec. (h). Pub. L. 102–190, §522(a)(5), struck out par. (1) designation, substituted “not more than 208 cadets each year under this section, to include not less than 10 cadets” for “not less than 10 cadets under this section each year”, and struck out par. (2) which read as follows: “If the level of participation in the program at any military junior college meets criteria for such participation established by the Secretary of the Army by regulation, the Secretary shall appoint additional cadets under this section from among members of the program at such military junior college who are eligible under subsection (b) for such an appointment.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 521(b) of Pub. L. 108–136 applicable to payment of expenses of cadets and midshipmen of Senior Reserve Officers’ Training Corps Program that are due after Nov. 24, 2003, see section 521(c) of Pub. L. 108–136, set out as a note under section 2107 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–107, div. A, title V, §536(b), Dec. 28, 2001, 115 Stat. 1107, provided that: “The authority of the Secretary of Defense under paragraph (3) of section 2107a(b) of title 10, United States Code, as added by subsection (a), may be exercised with regard to any agreement described in paragraph (1)(F) of such section (including agreements related to participation in the Advanced Course of the Army Reserve Officers’ Training Corps at a military college or civilian institution) that was entered into during the period beginning on January 1, 1991, and ending on July 12, 2000 (in addition to any agreement described in that paragraph that is entered into on or after the date of the enactment of this Act [Dec. 28, 2001]).”

EFFECTIVE DATE

Section 1(e) of Pub. L. 96–357 provided that: “The amendments made by this section [enacting this section and amending sections 2107 and 2108 of this title] shall take effect on October 1, 1980.”

SAVINGS PROVISION

Paragraph (3) of subsec. (c) of this section, as in effect on the day before Jan. 6, 2006, to continue to apply in the case of any individual selected before Jan. 6, 2006, for appointment as a cadet under this section, see section 531(c) of Pub. L. 109–163, set out as a note under section 2107 of this title.

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

No increase in pay or retired or retainer pay to accrue for periods before Sept. 23, 1996, by reason of amendments made by section 507 of Pub. L. 104–201, see section 507(c) of Pub. L. 104–201, set out as a note under section 2106 of this title.

§2108. Advanced standing; interruption of training; delay in starting obligated service; release from program

(a) The Secretary of the military department concerned may give to any enlisted member of an armed force under his jurisdiction, or any person who has served on active duty in any armed force, such advanced standing in the program as may be justified by his education and training.

(b) In determining a member's eligibility for advanced training, the Secretary of the military department concerned may credit him with any military training that is substantially equivalent in kind to that prescribed for admission to advanced training and was received while he was taking a course of instruction in a program under the jurisdiction of another armed force or while he was on active duty in the armed forces.

(c) The Secretary of the military department concerned may excuse from a portion of the prescribed course of military instruction, including field training and practice cruises, any person found qualified on the basis of his previous education, military experience, or both.

(d) A person may become, remain, or be readmitted as, a member of the advanced training program after receiving a baccalaureate degree or completing pre-professional studies if he has not completed the course of military instruction or all field training or practice cruises prescribed by the Secretary of the military department concerned. If a member of the program has been accepted for resident graduate or professional study, the Secretary of the military department concerned may delay the commencement of that member's obligated period of active duty, and any obligated period of active duty for training or other service in an active or inactive status in a reserve component, until the member has completed that study. If a cadet appointed under section 2107a of this title has been accepted for a course of study at an accredited civilian educational institution authorized to grant baccalaureate degrees, the Secretary of the Army may delay the beginning of that member's obligated period of service in a reserve component until the member has completed such course of study.

(e) The Secretary of the military department concerned may, when he determines that the interest of the service so requires, release any person from the program and discharge him from his armed force.

(Added Pub. L. 88-647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1068; amended Pub. L. 96-357, §1(d), Sept. 24, 1980, 94 Stat. 1180.)

AMENDMENTS

1980—Subsec. (d). Pub. L. 96-357 authorized delay in starting obligated period of active duty for training or other service in an active or inactive status in a reserved component until completion of resident graduate or professional study or military junior college studies.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-357 effective Oct. 1, 1980, see section 1(e) of Pub. L. 96-357, set out as a note under section 2107a of this title.

§2109. Practical military training

(a) For the further practical instruction of members of, and designated applicants for membership in, the program, the Secretary of the military department concerned may prescribe and conduct practical military training, in addition to field training and practice cruises prescribed under section 2104(b)(6) of this title. The Secretary concerned may require that some or all of the training prescribed under this subsection

must be completed by a member before the member is commissioned.

(b) The Secretary of the military department concerned, with respect to practical military training prescribed under this section and field training and practice cruises prescribed under section 2104(b)(6) of this title, may—

(1) transport members of, and designated applicants for membership in, the program to and from the places designated for such training or practice cruises and furnish them subsistence while traveling to and from those places, or, instead of furnishing them transportation and subsistence, pay them a travel allowance at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies for travel by the shortest usually traveled route from the places from which they are authorized to proceed to the place designated for the training or cruise and return, and pay the allowance for the return trip in advance;

(2) furnish medical attendance and supplies to members of, and designated applicants for membership in, the program while attending such training and practice cruises, and admit them to military hospitals;

(3) furnish subsistence, uniform clothing, and equipment to members of, and designated applicants for membership in, the program while attending such training or practice cruises or, instead of furnishing uniform clothing, pay them allowances at such rates as he may prescribe; and

(4) use any member of, and designated applicants for membership in, an armed force, or any employee of the department, under his jurisdiction, and such property of the United States as he considers necessary, for the training and administration of members of, and designated applicants for membership in, the program at the places designated for training or practice cruises.

(c)(1) A person who is not qualified for, and (as determined by the Secretary concerned) will not be able to become qualified for, advanced training by reason of one or more of the requirements prescribed in paragraphs (1) through (3) of section 2104(b) of this title shall not be permitted to participate in—

- (A) field training or a practice cruise under section 2104(b)(6) of this title; or
- (B) practical military training under subsection (a).

(2) The Secretary of the military department concerned may waive the limitation in paragraph (1) under procedures prescribed by the Secretary. Such procedures shall ensure uniform application of limitations and restrictions without regard to the reason for disqualification for advanced training.

(Added Pub. L. 88–647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1068; amended Pub. L. 89–51, §2, June 28, 1965, 79 Stat. 173; Pub. L. 89–718, §17, Nov. 2, 1966, 80 Stat. 1118; Pub. L. 100–456, div. A, title VI, §633(a)(1)–(3)(A), Sept. 29, 1988, 102 Stat. 1986; Pub. L. 104–201, div. A, title V, §551(a)(2), Sept. 23, 1996, 110 Stat. 2525; Pub. L. 105–85, div. A, title X, §1073(a)(37), Nov. 18, 1997, 111 Stat. 1902.)

AMENDMENTS

1997—Subsec. (c)(1)(A). Pub. L. 105–85 substituted “section 2104(b)(6)” for “section 2106(b)(6)”.

1996—Subsec. (c). Pub. L. 104–201 added subsec. (c).

1988—Pub. L. 100–456, §633(a)(3)(A), substituted “Practical military training” for “Field training; practice cruises” in section catchline.

Subsec. (a). Pub. L. 100–456, §633(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “For the further practical instruction of members of the program, the Secretary of the military department concerned may prescribe and conduct field training and practice cruises (other than field training and practice cruises prescribed under section 2104(b)(6)(B) of this title) which members must complete before they are commissioned.”

Subsec. (b). Pub. L. 100–456, §633(a)(2), inserted “, with respect to practical military training prescribed under this section and field training and practice cruises prescribed under section 2104(b)(6) of this title,” before “may” in introductory provisions, and substituted “such training” for “field training” in pars. (1) to (3).

1966—Subsec. (b). Pub. L. 89–718 inserted “and” at end of par. (3).

1965—Subsec. (b). Pub. L. 89–51 inserted “, and designated applicants for membership in,” after “members of” in pars. (1) to (4).

EFFECTIVE DATE OF 1988 AMENDMENT

Section 633(e) of Pub. L. 100–456 provided that: “The amendments made by this section [amending this section, section 8140 of Title 5, Government Organization and Employees, section 209 of Title 37, Pay and Allowances of the Uniformed Services, and section 101 of Title 38, Veterans’ Benefits] shall apply only with respect to training performed after September 30, 1988.”

EFFECTIVE DATE OF 1965 AMENDMENT

Section 4 of Pub. L. 89–51 provided that: “The effective date of this Act [amending this section and section 209 of Title 37, Pay and Allowances of the Uniformed Services, and enacting provisions set out as a note under section 2107 of this title] is October 13, 1964.”

§2110. Logistical support

(a) The Secretary of the military department concerned may issue to institutions having units of the program, or to the officers of the armed force concerned who are designated as accountable or responsible for such property—

- (1) supplies, means of transportation including aircraft, arms and ammunition, and military textbooks and educational materials; and
- (2) uniform clothing, except that he may pay monetary allowances for uniform clothing at such rate as he may prescribe.

(b) The Secretary of the military department concerned may provide, or contract with civilian flying or aviation schools or educational institutions to provide, the personnel, aircraft, supplies, facilities, services, and instruction necessary for flight instruction and orientation for properly designated members of the program.

(c) The Secretary of the military department concerned may transport members of, and designated applicants for membership in, the program to and from installations when it is necessary for them to undergo medical or other examinations or for the purposes of making visits of observation. He may also furnish them subsistence, quarters, and necessary medical care, including hospitalization, while they are at, or traveling to or from, such an installation.

(d) The Secretary of the military department concerned may authorize members of, and designated applicants for membership in, the program to participate in aerial flights in military aircraft and in indoctrination cruises in naval vessels.

(e) The Secretary of the military department concerned may authorize such expenditures as he considers necessary for the efficient maintenance of the program.

(f) The Secretary of the military department concerned shall require, from each institution to which property is issued under subsection (a), a bond or other indemnity in such amount as he considers adequate, but not less than \$5,000, for the care and

safekeeping of all property so issued except uniforms, expendable articles, and supplies expended in operation, maintenance, and instruction. The Secretary may accept a bond without surety if the institution to which the property is issued furnishes to him satisfactory evidence of its financial responsibility.

(Added Pub. L. 88–647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1069; amended Pub. L. 89–718, §18, Nov. 2, 1966, 80 Stat. 1118; Pub. L. 94–273, §11(2), Apr. 21, 1976, 90 Stat. 378; Pub. L. 97–375, title I, §104(c), Dec. 21, 1982, 96 Stat. 1819.)

AMENDMENTS

1982—Subsec. (b). Pub. L. 97–375 struck out requirement that the Secretary of each military department report annually to Congress in April on the progress of the flight instruction program.

1976—Subsec. (b). Pub. L. 94–273 substituted “April” for “January”.

1966—Subsec. (a)(1). Pub. L. 89–718 substituted “educational” for “education”.

§2111. Personnel: administrators and instructors

The Secretary of the military department concerned may detail regular or reserve members of an armed force under his jurisdiction (including retired members and members of the Fleet Reserve and Fleet Marine Corps Reserve recalled to active duty with their consent) for instructional and administrative duties at educational institutions where units of the program are maintained.

(Added Pub. L. 88–647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1069.)

DEMONSTRATION PROJECT FOR INSTRUCTION AND SUPPORT OF ARMY ROTC UNITS BY ARMY RESERVE AND NATIONAL GUARD

Pub. L. 104–201, div. A, title V, §554, Sept. 23, 1996, 110 Stat. 2527, directed the Secretary of the Army to carry out a demonstration project in order to assess the feasibility and advisability of providing instruction and similar support to units of the Senior Reserve Officers’ Training Corps of the Army through members of the Army Reserve, including members of the Individual Ready Reserve, and members of the Army National Guard, at at least one institution of higher education, and to submit to Congress a report assessing the activities under the project not later than Feb. 1 in each of 1998 and 1999, and provided that the Secretary’s authority to carry out the project would expire three years after Sept. 23, 1996.

§2111a. Support for senior military colleges

(a) Detail of Officers To Serve as Commandant or Assistant Commandant of Cadets.—(1) Upon the request of a senior military college, the Secretary of Defense may detail an officer on the active-duty list to serve as Commandant of Cadets at that college or (in the case of a college with an Assistant Commandant of Cadets) detail an officer on the active-duty list to serve as Assistant Commandant of Cadets at that college (but not both).

(2) In the case of an officer detailed as Commandant of Cadets, the officer may, upon the request of the college, be assigned from among the Professor of Military Science, the Professor of Naval Science (if any), and the Professor of Aerospace Science (if any) at that college or may be in addition to any other officer detailed to that college in support of the program.

(3) In the case of an officer detailed as Assistant Commandant of Cadets, the officer may, upon the request of the college, be assigned from among officers otherwise detailed to duty at that college in support of the program or may be in addition to any

other officer detailed to that college in support of the program.

(b) Designation of Officers as Tactical Officers.—Upon the request of a senior military college, the Secretary of Defense may authorize officers (other than officers covered by subsection (a)) who are detailed to duty as instructors at that college to act simultaneously as tactical officers (with or without compensation) for the Corps of Cadets at that college.

(c) Detail of Officers.—The Secretary of a military department shall designate officers for detail to the program at a senior military college in accordance with criteria provided by the college. An officer may not be detailed to a senior military college without the approval of that college.

(d) Termination or Reduction of Program Prohibited.—The Secretary of Defense and the Secretaries of the military departments may not take or authorize any action to terminate or reduce a unit of the Senior Reserve Officers' Training Corps at a senior military college unless the termination or reduction is specifically requested by the college.

(e) Assignment to Active Duty.—(1) The Secretary of the Army shall ensure that a graduate of a senior military college who desires to serve as a commissioned officer on active duty upon graduation from the college, who is medically and physically qualified for active duty, and who is recommended for such duty by the professor of military science at the college, shall be assigned to active duty.

(2) Nothing in this section shall be construed to prohibit the Secretary of the Army from requiring a member of the program who graduates from a senior military college to serve on active duty.

(f) Senior Military Colleges.—The senior military colleges are the following:

- (1) Texas A&M University.
- (2) Norwich University.
- (3) The Virginia Military Institute.
- (4) The Citadel.
- (5) Virginia Polytechnic Institute and State University.
- (6) North Georgia College and State University.**

(Added Pub. L. 104–106, div. A, title V, §545(a), Feb. 10, 1996, 110 Stat. 317; amended Pub. L. 105–85, div. A, title V, §544(d)–(f)(1), Nov. 18, 1997, 111 Stat. 1745, 1746; Pub. L. 106–65, div. A, title V, §541(c), Oct. 5, 1999, 113 Stat. 607.)

AMENDMENTS

1999—Subsec. (e)(1). Pub. L. 106–65 struck out at end “This paragraph shall apply to a member of the program at a senior military college who graduates from the college after March 31, 1997.”

1997—Pub. L. 105–85, §544(f)(1), substituted “Support for” for “Detail of officers to” in section catchline. Subsecs. (d), (e). Pub. L. 105–85, §544(d)(2), added subsecs. (d) and (e). Former subsec. (d) redesignated (f).

Subsec. (f). Pub. L. 105–85, §544(e), substituted “University” for “College” in par. (2) and inserted “and State University” before period at end of par. (6).

Pub. L. 105–85, §544(d)(1), redesignated subsec. (d) as (f).

CONTINUATION OF SUPPORT TO SENIOR MILITARY COLLEGES

Section 544(a)–(c) of Pub. L. 105–85 provided that:

“(a) Definition of Senior Military Colleges.—For purposes of this section, the term ‘senior military colleges’ means the following:

- “(1) Texas A&M University.
- “(2) Norwich University.

- “(3) The Virginia Military Institute.
- “(4) The Citadel.
- “(5) Virginia Polytechnic Institute and State University.
- “(6) North Georgia College and State University.
- “(b) Findings.—Congress finds the following:
- “(1) The senior military colleges consistently have provided substantial numbers of highly qualified, long-serving leaders to the Armed Forces.
- “(2) The quality of the military leaders produced by the senior military colleges is, in part, the result of the rigorous military environment imposed on students attending the senior military colleges by the colleges, as well as the result of the long-standing close support relationship between the Corps of Cadets at each college and the Reserve Officer Training Corps personnel at the colleges who serve as effective leadership role models and mentors.
- “(3) In recognition of the quality of the young leaders produced by the senior military colleges, the Department of Defense and the military services have traditionally maintained special relationships with the colleges, including the policy to grant active duty service in the Army to graduates of the colleges who desire such service and who are recommended for such service by their ROTC professors of military science.
- “(4) Each of the senior military colleges has demonstrated an ability to adapt its systems and operations to changing conditions in, and requirements of, the Armed Forces without compromising the quality of leaders produced and without interruption of the close relationship between the colleges and the Department of Defense.
- “(c) Sense of Congress.—In light of the findings in subsection (b), it is the sense of Congress that—
- “(1) the proposed initiative of the Secretary of the Army to end the commitment to active duty service for all graduates of senior military colleges who desire such service and who are recommended for such service by their ROTC professors of military science is short-sighted and contrary to the long-term interests of the Army;
- “(2) as they have in the past, the senior military colleges can and will continue to accommodate to changing military requirements to ensure that future graduates entering military service continue to be officers of superb quality who are quickly assimilated by the Armed Forces and fully prepared to make significant contributions to the Armed Forces through extended military careers; and
- “(3) decisions of the Secretary of Defense or the Secretary of a military department that fundamentally and unilaterally change the long-standing relationship of the Armed Forces with the senior military colleges are not in the best interests of the Department of Defense or the Armed Forces and are patently unfair to students who made decisions to enroll in the senior military colleges on the basis of existing Department and Armed Forces policy.”

§2111b. Senior military colleges: Department of Defense international student program

- (a) Program Requirement.—The Secretary of Defense shall establish a program to facilitate the enrollment and instruction of persons from foreign countries as international students at the senior military colleges.
- (b) Purposes.—The purposes of the program shall be—
- (1) to provide a high-quality, cost-effective military-based educational experience for international students in furtherance of the military-to-military program objectives of the Department of Defense; and
- (2) to enhance the educational experience and preparation of future United States military leaders through increased, extended interaction with highly qualified potential foreign military leaders.
- (c) Coordination With the Senior Military Colleges.—Guidelines for implementation of the program shall be developed in coordination with the senior military colleges.

(d) Recommendations for Admission of Students Under the Program.—The Secretary of Defense shall annually identify to the senior military colleges the international students who, based on criteria established by the Secretary, the Secretary recommends be considered for admission under the program. The Secretary shall identify the recommended international students to the senior military colleges as early as possible each year to enable those colleges to consider them in a timely manner in their respective admissions processes.

(e) DOD Financial Support.—An international student who is admitted to a senior military college under the program under this section is responsible for the cost of instruction at that college. The Secretary of Defense may, from funds available to the Department of Defense other than funds available for financial assistance under section 2107a of this title, provide some or all of the costs of instruction for any such student.

(Added Pub. L. 106–65, div. A, title V, §541(a)(1), Oct. 5, 1999, 113 Stat. 606.)

EFFECTIVE DATE

Pub. L. 106–65, div. A, title V, §541(b), Oct. 5, 1999, 113 Stat. 607, provided that: “The Secretary of Defense shall implement the program under section 2111b of title 10, United States Code, as added by subsection (a), with students entering the senior military colleges after May 1, 2000.”