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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

Sec. 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 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) 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).

(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), (3), or (4).

(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.

(Added Pub. L. 88-647, title II, Sec. 201(1), Oct. 13, 1964, 78 Stat. 1066; amended Pub. L. 92-166, Sec. 1, Nov. 24, 1971, 85 Stat. 487; Pub. L. 96-357, Sec. 1(a), (b), Sept. 24, 1980, 94 Stat. 1178; Pub. L. 96-513, title V, Sec. 511(62), Dec. 12, 1980, 94 Stat. 2925; Pub. L. 97-60,

title II, Sec. 201, Oct. 14, 1981, 95 Stat. 1005; Pub. L. 98-94, title X, Sec. 1003(a) (3), (c) (1), (2), Sept. 24, 1983, 97 Stat. 656, 657; Pub.

L. 98-525, title V, Sec. 542(a), title XIV, Sec. 1405(33), Oct. 19,

1984, 98 Stat. 2529, 2624; Pub. L. 100-180, div. A, title V, Sec. 510, Dec. 4, 1987, 101 Stat. 1087; Pub. L. 102-484, div. A, title V, Secs. 517(a)(2), 532(a), Oct. 23, 1992, 106 Stat. 2407, 2411; Pub. L. 104-106, div. A, title V, Sec. 542, Feb. 10, 1996, 110 Stat. 316; Pub. L. 104-201, div. A, title V, Secs. 507(a)(2), 553(a), 555(a), Sept. 23, 1996, 110 Stat. 2512, 2526, 2527; Pub. L. 106-65, div. A, title V, Sec. 545, Oct. 5, 1999, 113 Stat. 608; Pub. L. 107-107, div. A, title V, Sec. 534(a), Dec. 28, 2001, 115 Stat. 1106; Pub. L. 107-314, div. A, title V, Sec. 532(d), (e), Dec. 2, 2002, 116 Stat. 2547; Pub. L. 108-136, div. A, title V, Sec. 521(a), Nov. 24, 2003, 117 Stat. 1462; Pub. L. 108-375, div. A, title V, Sec. 524(a), Oct. 28, 2004, 118 Stat. 1888.)

Amendments

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, Sec. 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, Sec. 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, Sec. 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, Sec. 553(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 104-201, Sec. 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, Sec. 517(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, Sec. 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, Sec. 1405(33), aligned margin of provision following par. (5) (C) (ii) flush with left margin.

Subsec. (b) (5) (A) (i). Pub. L. 98-525, Sec. 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, Sec. 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, Sec. 1003(c) (1), struck out ``either'' after ``he will'' in provisions preceding subpar. (A) (i), and added subpar. (C).

Pub. L. 98-94, Sec. 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, Sec. 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, Sec. 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, Sec. 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, Sec. 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, Sec. 511(62)(A), substituted ``Military'' for ``Miilitary''.

Subsec. (h). Pub. L. 96-513, Sec. 511(62)(B), substituted ``this section'' for ``section 2107 of this title''.

Pub. L. 96-357, Sec. 1(b)(3), substituted ``Army program: 12,000'' for ``Army program: 6,500''.

1971--Subsec. (a). Pub. L. 92-166, Sec. 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, Sec. 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. (c). Pub. L. 92-166, Sec. 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, Sec. 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, Sec. 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.''

Review Regarding Allocation of Naval Reserve Officers' Training Corps Scholarships Among Participating Colleges and Universities

Pub. L. 105-261, div. A, title V, Sec. 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

Section 553(c) of Pub. L. 104-201 provided that: ``Not later than December 31, 1998, the Secretary of Defense shall submit to Congress a report on the experience to that date under the test program authorized under the amendment made by subsection (a) (2) [amending this section]. The report shall include the Secretary's assessment of the effect of the test program on the Senior ROTC program and the Secretary's recommendation as to whether the authority under the test program should be made permanent.''

Application of ROTC Vitalization Act of 1964 to Appointees in Naval Reserve Before October 13, 1964

Section 1 of Pub. L. 89-51, 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 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.