

(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at a monthly rate established by the Secretary of Defense, but not to exceed a total of \$50,000 per year. The maximum annual amount of the stipend shall be increased annually by the Secretary of Defense effective on July 1 of each year by an amount (rounded to the next highest multiple of \$1) equal to—

(1) the amount of such stipend (as previously adjusted (if at all)), multiplied by

(2) the overall percentage of the adjustment (if such adjustment is an increase) in the rates of basic pay for members of the uniformed services made effective for the fiscal year in which the school year ends.

(Added Pub. L. 92-426, §2(a), Sept. 21, 1972, 86 Stat. 717; amended Pub. L. 96-107, title VIII, §804(a), Nov. 9, 1979, 93 Stat. 812; Pub. L. 98-94, title IX, §935(a), Sept. 24, 1983, 97 Stat. 652; Pub. L. 101-189, div. A, title VII, §725(b), Nov. 29, 1989, 103 Stat. 1479; Pub. L. 101-510, div. A, title XIV, §1484(k)(7), Nov. 5, 1990, 104 Stat. 1719; Pub. L. 104-106, div. A, title XV, §1501(c)(22), Feb. 10, 1996, 110 Stat. 499; Pub. L. 109-364, div. A, title V, §538(a), Oct. 17, 2006, 120 Stat. 2209; Pub. L. 110-181, div. A, title V, §524(b), Jan. 28, 2008, 122 Stat. 103; Pub. L. 111-84, div. A, title V, §524(a), Oct. 28, 2009, 123 Stat. 2285; Pub. L. 118-31, div. A, title VII, §712, Dec. 22, 2023, 137 Stat. 302.)

Editorial Notes

AMENDMENTS

2023—Subsec. (d). Pub. L. 118-31 substituted “\$50,000” for “\$30,000” in introductory provisions.

2009—Subsec. (a). Pub. L. 111-84 designated existing provisions as par. (1), substituted “(A) in the various health professions or (B) as a health professional with specific skills to assist in providing mental health care to members of the armed forces” for “in the various health professions”, and added par. (2).

2008—Subsec. (c). Pub. L. 110-181 designated existing provisions as par. (1) and added par. (2).

2006—Subsec. (d). Pub. L. 109-364, in introductory provisions, substituted “at a monthly rate established by the Secretary of Defense, but not to exceed a total of \$30,000 per year” for “at the rate of \$579 per month” and “The maximum annual amount of the stipend” for “That rate”.

1996—Subsec. (c). Pub. L. 104-106 substituted “section 12207” for “section 3353, 5600, or 8353”.

1990—Subsec. (c). Pub. L. 101-510 substituted “section” for “sections” in third sentence.

1989—Subsec. (a). Pub. L. 101-189, §725(b)(1), substituted “scholarship and financial assistance program” for “scholarship program”.

Subsec. (b). Pub. L. 101-189, §725(b)(2), substituted “study and specialized training” for “study”.

Subsec. (c). Pub. L. 101-189, §725(b)(3), substituted “pursuing a course of study” for “of the program” and inserted after second sentence “Members pursuing specialized training shall serve on active duty in a pay grade commensurate with their educational level, as determined by appointment under sections 3353, 5600, or 8353 of this title, with full pay and allowances of that grade for a period of 14 days during each year of participation in the program.”

1983—Subsec. (d). Pub. L. 98-94 amended subsec. (d) generally, substituting “a stipend at the rate of \$579 per month” for “a stipend at the rate in effect under paragraph (1)(B) of section 751(g) of the Public Health Service Act (42 U.S.C. 294t(g)) for students in the National Health Service Corps Scholarship program” and

inserting provision relating to an annual increase in the rate by the Secretary of Defense effective on July 1 of each year.

1979—Subsec. (d). Pub. L. 96-107 substituted provisions relating to entitlement to a stipend at the rate in effect for students in the National Health Services Corps Scholarship program, for provisions authorizing a stipend at the rate of \$400 per month.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title V, §538(d), Oct. 17, 2006, 120 Stat. 2210, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending this section and section 2127 of this title] shall take effect on October 1, 2006.

“(2) PROHIBITION ON ADJUSTMENTS.—The adjustments required by the second sentence of subsection (d) of section 2121 of title 10, United States Code, and the second sentence of subsection (e) of section 2127 of such title to be made in 2007 shall not be made.”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title XV, §1501(c)(22), Feb. 10, 1996, 110 Stat. 499, provided that the amendment made by that section is effective on the effective date specified in section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-94, title IX, §935(b), Sept. 24, 1983, 97 Stat. 652, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1983.”

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-107, title VIII, §804(c), Nov. 9, 1979, 93 Stat. 812, provided that: “The amendments made by this section [amending this section and section 313 of Title 37, Pay and Allowances of the Uniformed Services] shall take effect on October 1, 1979.”

MEMBERS OF RESERVE COMPONENTS; SPECIALIZED TRAINING ASSISTANCE IN THE HEALTH PROFESSIONS

Pub. L. 99-145, title VI, §672(a)-(h), (j), Nov. 8, 1985, 99 Stat. 663, 664, effective Oct. 1, 1985, related to establishment and maintenance of program to provide financial assistance to persons engaged in specialized training in health professions who agree to incur Selective Reserve obligation of 3 years for each year for which financial assistance is provided, prior to repeal by Pub. L. 100-180, div. A, title VII, §711(c)(1), (e)(1), Dec. 4, 1987, 101 Stat. 1111, effective Dec. 4, 1987, subject to a savings provision, see below.

Pub. L. 100-180, div. A, title VII, §711(c)(2), Dec. 4, 1987, 101 Stat. 1111, provided that: “The repeal of section 672 of the Department of Defense Authorization Act, 1986 [section 672 of Pub. L. 99-145, see above], by paragraph (1) does not affect an agreement entered into under that section before such repeal, and the provisions of such section as in effect before such repeal shall continue to apply with respect to such agreement.”

§ 2122. Eligibility for participation

(a) To be eligible for participation as a member of the program, a person must be a citizen of the United States and must—

(1) be accepted for admission to, or enrolled in, an institution in a course of study or selected to receive specialized training;

(2) sign an agreement that unless sooner separated he will—

(A) complete the educational phase of the program;

(B) accept an appropriate reappointment or designation within his military service, if tendered, based upon his health profession, following satisfactory completion of the program;

(C) participate in the intern program of his service if selected for such participation;

(D) participate in the residency program of his service, if selected, or be released from active duty for the period required to undergo civilian residency if selected for such training; and

(E) because of his sincere motivation and dedication to a career in the uniformed services, participate in military training while he is in the program, under regulations prescribed by the Secretary of Defense; and

(3) meet the requirements for appointment as a commissioned officer.

(b) The Secretary of Defense may require, as part of the agreement under subsection (a)(2), that a person must agree to accept, if offered, residency training in a health profession skill which has been designated by the Secretary as a critically needed wartime skill.

(Added Pub. L. 92-426, §2(a), Sept. 21, 1972, 86 Stat. 717; amended Pub. L. 100-180, div. A, title VII, §712(a), Dec. 4, 1987, 101 Stat. 1112; Pub. L. 101-189, div. A, title VII, §725(c), Nov. 29, 1989, 103 Stat. 1479.)

Editorial Notes

AMENDMENTS

1989—Subsec. (a)(1). Pub. L. 101-189 substituted “study or selected to receive specialized training” for “study, as that term is defined in section 2120(3) of this title”.

1987—Pub. L. 100-180 designated existing provisions as subsec. (a) and added subsec. (b).

§ 2123. Members of the program: active duty obligation; failure to complete training; release from program

(a) A member of the program incurs an active duty obligation. The amount of his obligation shall be determined under regulations prescribed by the Secretary of Defense, but those regulations may not provide for a period of obligation of less than one year for each year of participation in the program.

(b) A period of time spent in military intern or residency training shall not be creditable in satisfying an active duty obligation imposed by this section.

(c) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by this section.

(d) The Secretary of a military department, under regulations prescribed by the Secretary of Defense, may relieve a member of the program who is dropped from the program from an active duty obligation imposed by this section, but such relief shall not relieve him from any military obligation imposed by any other law.

(e)(1) A member of the program who is relieved of the member's active duty obligation under

this subchapter before the completion of that active duty obligation may be given, with or without the consent of the member, any of the following alternative obligations, as determined by the Secretary of the military department concerned:

(A) A service obligation in another armed force for a period of time not less than the member's remaining active duty service obligation.

(B) A service obligation in a component of the Selected Reserve for a period not less than twice as long as the member's remaining active duty service obligation.

(C) Repayment to the Secretary of Defense of a percentage of the total cost incurred by the Secretary under this subchapter on behalf of the member pursuant to the repayment provisions of section 303a(e) or 373 of title 37.

(2) In addition to the alternative obligations specified in paragraph (1), if the member is relieved of an active duty obligation by reason of the separation of the member because of a physical disability, the Secretary of the military department concerned may give the member a service obligation as a civilian employee employed as a health care professional in a facility of the uniformed services for a period of time equal to the member's remaining active duty service obligation.

(3) The Secretary of Defense shall prescribe regulations describing the manner in which an alternative obligation may be given under this subsection.

(Added Pub. L. 92-426, §2(a), Sept. 21, 1972, 86 Stat. 718; amended Pub. L. 96-513, title V, §511(67), Dec. 12, 1980, 94 Stat. 2926; Pub. L. 100-180, div. A, title VII, §711(a)(2), Dec. 4, 1987, 101 Stat. 1108; Pub. L. 101-597, title IV, §401(b), Nov. 16, 1990, 104 Stat. 3035; Pub. L. 104-201, div. A, title VII, §741(a), Sept. 23, 1996, 110 Stat. 2599; Pub. L. 109-163, div. A, title VI, §687(c)(5), Jan. 6, 2006, 119 Stat. 3334; Pub. L. 115-91, div. A, title VI, §618(a)(1)(E), Dec. 12, 2017, 131 Stat. 1426.)

Editorial Notes

AMENDMENTS

2017—Subsec. (e)(1)(C). Pub. L. 115-91 inserted “or 373” before “of title 37”.

2006—Subsec. (e)(1)(C). Pub. L. 109-163 substituted “pursuant to the repayment provisions of section 303a(e) of title 37.” for “equal to the percentage of the member's total active duty service obligation being relieved, plus interest.”

1996—Subsec. (e). Pub. L. 104-201 amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Any member of the program relieved of his active duty obligation under this subchapter before the completion of such obligation may, under regulations prescribed by the Secretary of Defense, be assigned to a health professional shortage area designated by the Secretary of Health and Human Services for a period equal to the period of obligation from which he was relieved.”

1990—Subsec. (e). Pub. L. 101-597 substituted “a health professional shortage area” for “an area of health manpower shortage”.

1987—Subsec. (e). Pub. L. 100-180 substituted “subchapter” for “chapter”.

1980—Subsec. (e). Pub. L. 96-513 substituted “Secretary of Health and Human Services” for “Secretary of Health, Education, and Welfare”.