

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 applicable with respect to individuals who first become members of Armed Forces Health Professions Scholarship and Financial Assistance program or students of Uniformed Services University of the Health Sciences on or after Oct. 1, 1996, see section 741(c) of Pub. L. 104-201, set out as a note under section 2114 of this title.

## EFFECTIVE DATE OF 1980 AMENDMENT

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.

## 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.

## TRANSITION PROVISIONS

Pub. L. 104-201, div. A, title VII, §741(d)(1), Sept. 23, 1996, 110 Stat. 2600, provided that: "In the case of any member of the Armed Forces Health Professions Scholarship and Financial Assistance program who, as of October 1, 1996, is serving an active duty obligation under the program or is incurring an active duty obligation as a participant in the program, and who is subsequently relieved of the active duty obligation before the completion of the obligation, the alternative obligations authorized by the amendment made by subsection (a) [amending this section] may be used by the Secretary of the military department concerned with the agreement of the member."

**§ 2124. Members of the program: numbers appointed**

(a) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—The number of persons who may be designated as members of the program for training in each health profession shall be as prescribed by the Secretary of Defense, except that the total number of persons so designated may not, at any time, exceed 6,300.

(b) MENTAL HEALTH PROFESSIONALS.—Of the number of persons designated as members of the program at any time, 300 may be members of the program described in section 2121(a)(1)(B) of this title.

(Added Pub. L. 92-426, §2(a), Sept. 21, 1972, 86 Stat. 718; amended Pub. L. 99-145, title VI, §672(i), Nov. 8, 1985, 99 Stat. 664; Pub. L. 100-180, div. A, title VII, §§711(a)(2), 712(b)(1), Dec. 4, 1987, 101 Stat. 1108, 1112; Pub. L. 101-189, div. A, title VII, §725(g), Nov. 29, 1989, 103 Stat. 1480; Pub. L. 102-190, div. A, title VII, §717, Dec. 5, 1991, 105 Stat. 1404; Pub. L. 111-84, div. A, title V, §524(b), Oct. 28, 2009, 123 Stat. 2285.)

**Editorial Notes**

## AMENDMENTS

2009—Pub. L. 111-84 designated existing provisions as subsec. (a), inserted heading, substituted "6,300" for "6,000", and added subsec. (b).

1991—Pub. L. 102-190 substituted "except that the total number of persons so designated may not, at any time, exceed 6,000." for "except that—

"(1) the total number of persons so designated in all of the programs authorized by this subchapter shall not, at any time, exceed 6,000; and

"(2) after September 30, 1991, of the total number of persons so designated, at least 2,500 shall be persons—

"(A) who are in the final two years of their course of study; and

"(B) who have agreed to accept, if offered, residency training in a health profession skill which has been designated by the Secretary as a critically needed wartime skill."

1989—Par. (2), Pub. L. 101-189 inserted "after September 30, 1991," after "(2)".

1987—Pub. L. 100-180, §712(b)(1), substituted "except that—" and pars. (1) and (2) for "except that the total number of persons so designated in all of the programs authorized by this subchapter shall not, at any time, exceed 6,000."

Pub. L. 100-180, §711(a)(2), substituted "subchapter" for "chapter".

1985—Pub. L. 99-145 substituted "6,000" for "5,000".

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-180, div. A, title VII, §712(b)(2), Dec. 4, 1987, 101 Stat. 1112, provided that: "The amendment made by paragraph (1) [amending this section] shall take effect on October 1, 1989."

## EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-145, title VI, §672(j), Nov. 8, 1985, 99 Stat. 664, which provided that amendment made by that section was to take effect on Oct. 1, 1985, was repealed by Pub. L. 100-180, §711(c)(1), (e)(1), eff. Dec. 4, 1987.

## REPEALS

The directory language of, but not the amendment made by, Pub. L. 99-145, title VI, §672(i), Nov. 8, 1985, 99 Stat. 664, cited as a credit to this section, was repealed by Pub. L. 100-180, §711(c)(1), (e)(1), eff. Dec. 4, 1987.

**§ 2125. Members of the program: exclusion from authorized strengths**

Notwithstanding any other provision of law, members of the program shall not be counted against any prescribed military strengths.

(Added Pub. L. 92-426, §2(a), Sept. 21, 1972, 86 Stat. 718.)

**§ 2126. Members of the program: service credit**

(a) SERVICE NOT CREDITABLE.—Except as provided in subsection (b), service performed while a member of the program shall not be counted—

(1) in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program; or

(2) in computing years of service creditable under section 205 of title 37.

(b) SERVICE CREDITABLE FOR CERTAIN PURPOSES.—(1) The Secretary concerned may authorize service performed by a member of the program in pursuit of a course of study under this subchapter to be counted in accordance with this subsection if the member—

(A) completes the course of study;

(B) completes the active duty obligation imposed under section 2123(a) of this title; and

(C) possesses a specialty designated by the Secretary concerned as critically needed in wartime.

(2) Service credited under paragraph (1) counts only for the award of retirement points for computation of years of service under section 12732

of this title and for computation of retired pay under section 12733 of this title.

(3) The number of points credited to a member under paragraph (1) for a year of participation in a course of study is 50. The points shall be credited to the member for one of the years of that participation at the end of each year after the completion of the course of study that the member serves in the Selected Reserve and is credited under section 12732(a)(2) of this title with at least 50 points. The points credited for the participation shall be recorded in the member's records as having been earned in the year of the participation in the course of study.

(4) Service may not be counted under paragraph (1) for more than four years of participation in a course of study as a member of the program.

(5) A member of the Selected Reserve may be considered to be in an active status while pursuing a course of study under this subchapter only for purposes of sections 12732(a) and 12733(3) of this title.

(6) A member is not entitled to any retroactive award of, or increase in, pay or allowances under title 37 by reason of an award of service credit under paragraph (1).

(Added Pub. L. 92-426, §2(a), Sept. 21, 1972, 86 Stat. 718; amended Pub. L. 96-513, title V, §501(22), Dec. 12, 1980, 94 Stat. 2908; Pub. L. 104-201, div. A, title V, §543(a), Sept. 23, 1996, 110 Stat. 2521; Pub. L. 106-65, div. A, title V, §544, Oct. 5, 1999, 113 Stat. 608.)

#### Editorial Notes

##### AMENDMENTS

1999—Subsec. (b)(2). Pub. L. 106-65, §544(1), added par. (2) and struck out former par. (2) which read as follows: "Service credited under paragraph (1) counts only for the following purposes:

"(A) Award of retirement points for computation of years of service under section 12732 of this title and for computation of retired pay under section 12733 of this title.

"(B) Computation of years of service creditable under section 205 of title 37."

Subsec. (b)(3). Pub. L. 106-65, §544(1), added par. (3) and struck out former par. (3) which read as follows: "For purposes of paragraph (2)(A), a member may be credited in accordance with paragraph (1) with not more than 50 points for each year of participation in a course of study that the member satisfactorily completes as a member of the program."

Subsec. (b)(5), (6). Pub. L. 106-65, §544(2), (3), added par. (5) and redesignated former par. (5) as (6).

1996—Pub. L. 104-201 designated existing provisions as subsec. (a), inserted heading, substituted "Except as provided in subsection (b), service performed" for "Service performed", and added subsec. (b).

1980—Cl. (2). Pub. L. 96-513 struck out " , other than subsection (a)(7) and (8)," after "section 205".

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

#### § 2127. Scholarships and financial assistance: payments

(a) The Secretary of Defense may provide for the payment of all educational expenses in-

curred by a member of the program, including tuition, fees, books, and laboratory expenses. Such payments, however, shall be limited to those educational expenses normally incurred by students at the institution and in the health profession concerned who are not members of the program.

(b) The Secretary of Defense may contract with an accredited civilian educational institution for the payment of tuition and other educational expenses of members of the program authorized by this subchapter. Payment to such institutions may be made without regard to subsections (a) and (b) of section 3324 of title 31.

(c) Payments made under subsection (b) shall not cover any expenses other than those covered by subsection (a).

(d) When the Secretary of Defense determines, under regulations prescribed by the Secretary of Health and Human Services, that an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the program covered by this subchapter, he may provide under a contract with such an institution for additional payments to cover the portion of the increased costs of the additional enrollment which are not covered by the institution's normal tuition and fees.

(e) A person participating as a member of the program in specialized training shall be paid an annual grant in an amount not to exceed \$45,000 in addition to the stipend under section 2121(d) of this title. The maximum amount of the grant shall be increased annually by the Secretary of Defense, effective July 1 of each year, in the same manner as provided for stipends.

(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. 97-258, §3(b)(3), Sept. 13, 1982, 96 Stat. 1063; Pub. L. 98-525, title XIV, §1405(56)(A), Oct. 19, 1984, 98 Stat. 2626; Pub. L. 100-180, div. A, title VII, §711(a)(2), Dec. 4, 1987, 101 Stat. 1108; Pub. L. 101-189, div. A, title VII, §725(d)(1), (2), Nov. 29, 1989, 103 Stat. 1479; Pub. L. 109-364, div. A, title V, §538(b), Oct. 17, 2006, 120 Stat. 2209; Pub. L. 111-84, div. A, title X, §1073(a)(19), Oct. 28, 2009, 123 Stat. 2473.)

#### Editorial Notes

##### AMENDMENTS

2009—Subsec. (e). Pub. L. 111-84 struck out "of" after "an annual grant".

2006—Subsec. (e). Pub. L. 109-364 substituted "in an amount not to exceed \$45,000" for "\$15,000" and "The maximum amount" for "The amount".

1989—Pub. L. 101-189, §725(d)(2), substituted "Scholarships and financial assistance" for "Contracts for scholarships" in section catchline.

Subsec. (e). Pub. L. 101-189, §725(d)(1), added subsec. (e).

1987—Subsecs. (b), (d). Pub. L. 100-180 substituted "subchapter" for "chapter".

1984—Subsec. (b). Pub. L. 98-525 substituted "subsections (a) and (b) of section 3324" for "section 3324(a) and (b)".

1982—Subsec. (b). Pub. L. 97-258 substituted "section 3324(a) and (b) of title 31" for "section 3648 of the Revised Statutes (31 U.S.C. 529)".

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