

such installments as the Secretary concerned may determine.

(4) If a participant who is placed under this program leaves the employment of the health care provider before the end of the five years of required employment service, the provider shall reimburse the Secretary concerned in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

(5) The Secretary concerned may not make a grant under this subsection to a health care provider if the Secretary concerned determines that the provider terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard, may enter into an agreement directly with a State to allow the State to arrange the placement of participants in the program with health care providers. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

(2) The Secretary concerned may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

(f) DEFINITIONS.—In this section, the term “State” includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

(Added Pub. L. 103-160, div. A, title XIII, §1332(b), Nov. 30, 1993, 107 Stat. 1795; amended Pub. L. 103-337, div. A, title V, §543(e), Oct. 5, 1994, 108 Stat. 2771; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

AMENDMENTS

2002—Subsecs. (a), (c)(1), (2), (d)(1), (e)(1). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1994—Subsec. (a). Pub. L. 103-337, §543(e)(1), inserted “, and the Secretary of Transportation with respect to the Coast Guard,” after “Secretary of Defense”.

Subsec. (b)(1). Pub. L. 103-337, §543(e)(2), struck out “by the Secretary of Defense” after “selection” in introductory provisions and inserted “concerned” after “Secretary” in two places in subpar. (C).

Subsec. (c)(1). Pub. L. 103-337, §543(e)(3), inserted “, and the Secretary of Transportation with respect to the Coast Guard,” after “Secretary of Defense” and “concerned” after “to the Secretary” and substituted “Secretaries may” for “Secretary may”.

Subsec. (c)(2). Pub. L. 103-337, §543(e)(4), inserted “of Defense, and the Secretary of Transportation with respect to the Coast Guard,” after “The Secretary” and “concerned” after “unless the Secretary”.

Subsec. (c)(3). Pub. L. 103-337, §543(e)(5), substituted “Secretaries” for “Secretary” in subpars. (A) and (B).

Subsec. (d)(1). Pub. L. 103-337, §543(e)(6)(A), inserted “and the Secretary of Transportation” after “Secretary of Defense”.

Subsec. (d)(2) to (5). Pub. L. 103-337, §543(e)(6)(B), inserted “concerned” after “Secretary” wherever appearing.

Subsec. (e)(1). Pub. L. 103-337, §543(e)(7)(A), inserted “, and the Secretary of Transportation with respect to the Coast Guard,” after “the Secretary of Defense”.

Subsec. (e)(2). Pub. L. 103-337, §543(e)(7)(B), inserted “concerned” after “The Secretary”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

CHAPTER 59—SEPARATION

Sec.	
1161.	Commissioned officers: limitations on dismissal.
[1162, 1163. Repealed.]	
1164.	Warrant officers: separation for age.
1165.	Regular warrant officers: separation during three-year probationary period.
1166.	Regular warrant officers: elimination for unfitness or unsatisfactory performance.
1167.	Members under confinement by sentence of court-martial: separation after six months confinement.
1168.	Discharge or release from active duty: limitations.
1169.	Regular enlisted members: limitations on discharge.
1170.	Regular enlisted members: minority discharge.
1171.	Regular enlisted members: early discharge.
1172.	Enlisted members: during war or emergency; discharge.
1173.	Enlisted members: discharge for hardship.
1174.	Separation pay upon involuntary discharge or release from active duty.
1174a.	Special separation benefits programs.
1175.	Voluntary separation incentive.
1175a.	Voluntary separation pay and benefits.
1176.	Enlisted members: retention after completion of 18 or more, but less than 20, years of service.
1177.	Members diagnosed with or reasonably ascertaining post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation.
1178.	System and procedures for tracking separations resulting from refusal to participate in anthrax vaccine immunization program.

AMENDMENTS

2009—Pub. L. 111-84, div. A, title V, §512(a)(2), Oct. 28, 2009, 123 Stat. 2281, added item 1177.

2006—Pub. L. 109-163, div. A, title VI, §643(a)(2), Jan. 6, 2006, 119 Stat. 3309, added item 1175a.

2000—Pub. L. 106-398, §1 [[div. A], title VII, §751(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-193, added item 1178.

1996—Pub. L. 104-134, title II, §2707(a)(2), Apr. 26, 1996, 110 Stat. 1321-330, struck out item 1177 “Members infected with HIV-1 virus: mandatory discharge or retirement”.

Pub. L. 104-106, div. A, title V, §§563(a)(1)(B), 567(a)(2), Feb. 10, 1996, 110 Stat. 325, 329, added item 1167 and substituted “Members infected with HIV-1 virus: mandatory discharge or retirement” for “Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling” in item 1177.

1994—Pub. L. 103-337, div. A, title V, §560(a)(2), title XVI, §1671(b)(10), Oct. 5, 1994, 108 Stat. 2778, 3013, struck out items 1162 “Reserves: discharge” and 1163 “Reserve components: members; limitations on separation” and added item 1177.

1992—Pub. L. 102-484, div. A, title V, §541(b), Oct. 23, 1992, 106 Stat. 2413, added item 1176.

1991—Pub. L. 102-190, div. A, title VI, §§661(a)(2), 662(a)(2), Dec. 5, 1991, 105 Stat. 1395, 1398, added items 1174a and 1175.