

1987—Pub. L. 100-180 substituted “subchapter” for “chapter” in introductory text and in par. (1).

Pub. L. 100-26 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 substituted a colon for a dash after “In this chapter” in text preceding par. (1).

DEMONSTRATION PROJECT ON SERVICE OF RETIRED NURSE CORPS OFFICERS AS FACULTY AT CIVILIAN NURSING SCHOOLS

Pub. L. 110-417, [div. A], title V, § 597, Oct. 14, 2008, 122 Stat. 4479, as amended by Pub. L. 111-383, div. A, title X, § 1075(e)(8), Jan. 7, 2011, 124 Stat. 4375, provided that:

“(a) IN GENERAL.—The Secretary of Defense may conduct a demonstration project to encourage retired military nurses to serve as faculty at civilian nursing schools.

“(b) ELIGIBILITY REQUIREMENTS.—

“(1) INDIVIDUAL.—An individual is eligible to participate in the demonstration project if the individual—

“(A) is a retired nurse corps officer of one of the Armed Forces;

“(B) has had at least 26 years of active Federal commissioned service before retiring; and

“(C) possesses a doctoral or master degree in nursing that qualifies the officer to become a full faculty member of an accredited school of nursing.

“(2) INSTITUTION.—An accredited school of nursing is eligible to participate in the demonstration project if the school or its parent institution of higher education—

“(A) is a school of nursing that is accredited to award, at a minimum, a bachelor of science in nursing and provides educational programs leading to such degree;

“(B) has a resident Reserve Officers’ Training Corps unit at the institution of higher education that fulfils the requirements of sections 2101 and 2102 of title 10, United States Code;

“(C) does not prevent Reserve Officers’ Training Corps access or military recruiting on campus, as defined in section 983 of title 10, United States Code;

“(D) provides any retired nurse corps officer participating in the demonstration project a salary and other compensation at the level to which other similarly situated faculty members of the accredited school of nursing are entitled, as determined by the Secretary of Defense; and

“(E) agrees to comply with subsection (d).

“(c) COMPENSATION.—The Secretary of Defense may authorize a Secretary of a military department to authorize qualified institutions of higher education to employ as faculty those eligible individuals (as described in subsection (b)) who are receiving retired pay, whose qualifications are approved by the Secretary and the institution of higher education concerned, and who request such employment, subject to the following:

“(1) A retired nurse corps officer so employed is entitled to receive the officer’s retired pay without reduction by reason of any additional amount paid to the officer by the institution of higher education concerned. In the case of payment of any such additional amount by the institution of higher education concerned, the Secretary of the military department concerned may pay to that institution the amount equal to one-half the amount paid to the retired officer by the institution for any period, up to a maximum of one-half of the difference between the officer’s retired pay for that period and the active duty pay and allowances that the officer would have received for that period if on active duty. Payments by the Secretary concerned under this paragraph shall be made from funds specifically appropriated for that purpose.

“(2) Notwithstanding any other provision of law contained in title 10, title 32, or title 37, United

States Code, such a retired nurse corps officer is not, while so employed, considered to be on active duty or inactive duty training for any purpose.

“(d) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—For purposes of the eligibility of an institution under subsection (b)(2)(E), the following requirements apply:

“(1) Each accredited school of nursing at which a retired nurse corps officer serves on the faculty under this section shall provide full academic scholarships to individuals undertaking an educational program at such school leading to a bachelor of science in nursing degree who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of one of the Armed Forces.

“(2) The total number of scholarships provided by an accredited school of nursing under paragraph (1) for each officer serving on the faculty of that school under this section shall be such number as the Secretary of Defense shall specify for purposes of this section.

“(3) Each accredited school of nursing shall pay to the Department of Defense an amount equal to the value of the scholarship for every nurse officer candidate who fails to be accessed as a nurse corps officer into one of the Armed Forces within one year of receiving a bachelor of science degree in nursing from that school.

“(4) The Secretary concerned is authorized to discontinue the demonstration project authorized in this section at any institution of higher education that fails to fulfill the requirements of paragraph (3).

“(e) REPORT.—

“(1) IN GENERAL.—Not later than 24 months after the commencement of any demonstration project under this section, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations] of the Senate and the House of Representatives] a report on the demonstration project. The report shall include a description of the project and a description of plans for the continuation of the project, if any.

“(2) ELEMENTS.—The report shall also include, at a minimum, the following:

“(A) The current number of retired nurse corps officers who have at least 26 years of active Federal commissioned service who would be eligible to participate in the program.

“(B) The number of retired nurse corps officers participating in the demonstration project.

“(C) The number of accredited schools of nursing participating in the demonstration project.

“(D) The number of nurse officer candidates who have accessed into the military as commissioned nurse corps officers.

“(E) The number of scholarships awarded to nurse officer candidates.

“(F) The number of nurse officer candidates who have failed to access into the military, if any.

“(G) The amount paid to the Department of Defense in the event any nurse officer candidates awarded scholarships by the accredited school of nursing fail to access into the military as commissioned nurse corps officers.

“(H) The funds expended in the operation of the demonstration project.

“(I) The recommendation of the Secretary of Defense as to whether the demonstration project should be extended.

“(f) DEFINITIONS.—In this section, the terms ‘school of nursing’ and ‘accredited’ have the meanings given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

“(g) SUNSET.—The authority in this section shall expire on June 30, 2014.”

### § 2121. Establishment

(a)(1) For the purpose of obtaining adequate numbers of commissioned officers on active duty who are qualified (A) in the various health pro-

fessions or (B) as a health professional with specific skills to assist in providing mental health care to members of the armed forces, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, may establish and maintain a health professions scholarship and financial assistance program for his department.

(2) Under the program of a military department, the Secretary of that military department shall allocate a portion of the total number of scholarships to members of the program described in paragraph (1)(B) for the purpose of assisting such members to pursue a degree at the masters and doctoral level in any of the following disciplines:

(A) Social work.

(B) Clinical psychology.

(C) Psychiatry.

(D) Other disciplines that contribute to mental health care programs in that military department.

(b) The program shall consist of courses of study and specialized training in designated health professions, with obligatory periods of military training.

(c)(1) Persons participating in the program shall be commissioned officers in reserve components of the armed forces. Members pursuing a course of study shall serve on active duty in pay grade O-1 with full pay and allowances of that grade for a period of 45 days during each year of participation in the program. Members pursuing specialized training shall serve on active duty in a pay grade commensurate with their educational level, as determined by appointment under section 12207 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. They shall be detailed as students at accredited civilian institutions, located in the United States or Puerto Rico, for the purpose of acquiring knowledge or training in a designated health profession. In addition, members of the program shall, under regulations prescribed by the Secretary of Defense, receive military and professional training and instruction.

(2) If a member of the uniformed services selected to participate in the program as a medical student has prior active service in a pay grade and with years of service credited for pay that would entitle the member, if the member remained in the former grade, to a rate of basic pay in excess of the rate of basic pay for regular officers in the grade of second lieutenant or ensign, the member shall be paid basic pay based on the former grade and years of service credited for pay. The amount of such basic pay for the member shall be increased on January 1 of each year by the percentage by which basic pay is increased on average on that date for that year, and the member shall continue to receive basic pay based on the former grade and years of service until the date, whether occurring before or after the conclusion of such participation, on which the basic pay for the member in the member's actual grade and years of service credited for pay exceeds the amount of basic pay to which the member is entitled based on the member's former grade and years of service.

(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 \$30,000 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.)

#### AMENDMENTS

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.

## 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

Section 1501(c)(22) of Pub. L. 104-106 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

Section 935(b) of Pub. L. 98-94 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1983.”

## EFFECTIVE DATE OF 1979 AMENDMENT

Section 804(c) of Pub. L. 96-107 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.)

## 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.