

Oct. 1, 1985, was repealed by Pub.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 L. 99-145, title VI, §672(i), Nov. 8, 1985, 99 Stat. 664, cited as a credit to this section, was repealed by Pub.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.)

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”.

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 incurred 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.)

PRIOR PROVISIONS

Prior sections 2128 to 2130 were renumbered sections 16201 to 16203 of this title, respectively.

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”.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-364 effective Oct. 1, 2006, except that adjustments required by the second sentence of subsec. (e) of this section to be made in 2007 shall not be made, see section 538(d) of Pub. L. 109-364, set out as a note under section 2121 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.

REPORTS ON IMPLEMENTATION AND ON SUCCESS OF FINANCIAL ASSISTANCE PROGRAM

Section 725(e) of Pub. L. 101-189 directed Secretary of Defense, not later than Mar. 1, 1990, to submit to Congress a report describing the manner in which the new authority provided by such section 725 (amending 10 U.S.C. 2120 to 2122, 2124, and 2127) was implemented.

Section 725(f) of Pub. L. 101-189 directed Secretary of Defense, not later than Mar. 1, 1991, to submit to Congress a report evaluating the success of the financial assistance program established by such section 725 and describing the number of participants in the program receiving specialized training payments under 10 U.S.C. 2127(e) and the projected number of officers to be gained, by specialty, as a result of the program for each military department.

§ 2128. Accession bonus for members of the program

(a) AVAILABILITY OF BONUS.—The Secretary of Defense may offer a person who enters into an

agreement under section 2122(a)(2) of this title an accession bonus of not more than \$20,000 as part of the agreement.

(b) RELATION TO OTHER PAYMENTS.—An accession bonus paid a person under this section is in addition to any other amounts payable to the person under this subchapter.

(c) REPAYMENT.—A person who receives an accession bonus under this section, but fails to comply with the agreement under section 2122(a)(2) of this title or to commence or complete the active duty obligation imposed by section 2123 of this title, shall be subject to the repayment provisions of section 303a(e) of title 37. (Added Pub. L. 110-181, div. A, title VI, §623(a), Jan. 28, 2008, 122 Stat. 152.)

EFFECTIVE DATE

Pub. L. 110-181, div. A, title VI, §623(c), Jan. 28, 2008, 122 Stat. 152, provided that: “The amendment made by subsection (a) [enacting this section] shall apply with respect to agreements entered into under section 2122(a)(2) of title 10, United States Code, on or after the date of the enactment of this Act [Jan. 28, 2008].”

SUBCHAPTER II—NURSE OFFICER CANDIDATE ACCESSION PROGRAM

Sec.

2130a. Financial assistance: nurse officer candidates.

PRIOR PROVISIONS

A prior subchapter II heading and analysis consisting of items 2128 to 2130 was repealed and sections 2128 to 2130 of this title were renumbered sections 16201 to 16203 of this title, respectively, by Pub. L. 103-337, div. A, title XVI, §1663(c)(2)-(4)(A), (7)(B), Oct. 5, 1994, 108 Stat. 3007, 3008.

AMENDMENTS

1994—Pub. L. 103-337, div. A, title XVI, §1663(c)(7)(C), Oct. 5, 1994, 108 Stat. 3008, redesignated subchapter III of this chapter as this subchapter.

1991—Pub. L. 101-189, div. A, title VII, §707(a), Nov. 29, 1989, 103 Stat. 1474, added subchapter heading and item 2130a.

§ 2130a. Financial assistance: nurse officer candidates

(a) BONUS AUTHORIZED.—(1) A person described in subsection (b) who, during the period beginning on November 29, 1989, and ending on December 31, 2012, executes a written agreement in accordance with subsection (c) to accept an appointment as a nurse officer may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus of not more than \$20,000. The bonus shall be paid in periodic installments, as determined by the Secretary concerned at the time the agreement is accepted, except that the first installment may not exceed \$10,000.

(2) In addition to the accession bonus payable under paragraph (1), a person selected under such paragraph shall be entitled to a monthly stipend in an amount not to exceed the stipend rate in effect under section 2121(d) of this title for each month the individual is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution by the Secretary selecting the person. The continuation bonus may be paid for not more than 24 months.