

(1) if the member is receiving financial assistance under section 2107 of this title as a member of the Senior Reserve Officers' Training Corps program; or

(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.

(b) EXCEPTION.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this chapter to a member of the Selected Reserve of the Ready Reserve who incurs a break in service in the Selected Reserve if the member continues to serve in the Ready Reserve during and after such break in service.

(Added Pub. L. 108–375, div. A, title V, §527(a), Oct. 28, 2004, 118 Stat. 1893; amended Pub. L. 109–163, div. A, title V, §540(b), Jan. 6, 2006, 119 Stat. 3251; Pub. L. 110–181, div. A, title V, §530(a)(2), (b), Jan. 28, 2008, 122 Stat. 110.)

AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110–181, §530(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “when the member separates from the Ready Reserve, as provided for under section 16164(a)(1) or section 16164(a)(2), as applicable, of this title.”

Subsec. (b). Pub. L. 110–181, §530(b), struck out “of not more than 90 days” after “in the Selected Reserve”.

2006—Pub. L. 109–163 designated existing provisions as subsec. (a), inserted heading, substituted “Except as provided in subsection (b), educational assistance” for “Educational assistance”, and added subsec. (b).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–181 effective as of Oct. 28, 2004, as if included in the enactment of Pub. L. 108–375 to which such amendment related, see section 530(c) of Pub. L. 110–181, set out as a note under section 16164 of this title.

§ 16166. Administration of program

(a) ADMINISTRATION.—Educational assistance under this chapter shall be provided through the Department of Veterans Affairs, under agreements to be entered into by the Secretary of Defense, and by the Secretary of Homeland Security, with the Secretary of Veterans Affairs. Such agreements shall include administrative procedures to ensure the prompt and timely transfer of funds from the Secretary concerned to the Department of Veterans Affairs for the making of payments under this chapter.

(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this chapter, the provisions of sections 503, 511, 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 3686(a), 3687, and 3692) shall be applicable to the provision of educational assistance under this chapter. The term “eligible veteran” and the term “person”, as used in those provisions, shall be deemed for the purpose of the application of those provisions to this chapter to refer to a person eligible for educational assistance under this chapter.

(c) FLIGHT TRAINING.—The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b)

of title 38) by an individual entitled to educational assistance under this chapter if—

(1) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

(2) the individual possesses a valid private pilot certificate and meets, on the day the member begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

(3) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

(d) TRUST FUND.—Amounts for payments for benefits under this chapter shall be derived from the Department of Defense Education Benefits Fund under section 2006 of this title.

(Added Pub. L. 108–375, div. A, title V, §527(a), Oct. 28, 2004, 118 Stat. 1893.)

§ 16167. Sunset

(a) SUNSET.—The authority to provide educational assistance under this chapter shall terminate on the date that is four years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.

(b) LIMITATION ON PROVISION OF ASSISTANCE PENDING SUNSET.—Notwithstanding any other provision of this chapter, during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016 and ending on the date that is four years after the date of the enactment of that Act, educational assistance may be provided under this chapter only to a member otherwise eligible for educational assistance under this chapter who received educational assistance under this chapter for a course of study at an educational institution for the enrollment period at the educational institution that immediately preceded the date of the enactment of that Act.

(Added Pub. L. 114–92, div. A, title V, §555(a), Nov. 25, 2015, 129 Stat. 824.)

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, referred to in text, is the date of enactment of Pub. L. 114–92, which was approved Nov. 25, 2015.

CHAPTER 1608—HEALTH PROFESSIONS STIPEND PROGRAM

Sec.	
16201.	Financial assistance: health-care professionals in reserve components.
16202.	Reserve service: required active duty for training.
16203.	Penalties and limitations.
16204.	Regulations.

§ 16201. Financial assistance: health-care professionals in reserve components

(a) ESTABLISHMENT OF PROGRAM.—For the purpose of obtaining adequate numbers of commissioned officers in the reserve components who are qualified in health professions, the Secretary of each military department may estab-

lish and maintain a program to provide financial assistance under this chapter to persons engaged in training that leads to a degree in medicine or dentistry or training in a health professions specialty that is critically needed in wartime. Under such a program, the Secretary concerned may agree to pay a financial stipend to persons engaged in health care education and training in return for a commitment to subsequent service in the Selected Reserve of the Ready Reserve.

(b) MEDICAL AND DENTAL SCHOOL STUDENTS.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

(A) is eligible to be appointed as an officer in a reserve component;

(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in medicine or dentistry;

(C) signs an agreement that, unless sooner separated, the person will—

(i) complete the educational phase of the program;

(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

(iii) participate in a residency program; and

(D) if required by regulations prescribed by the Secretary of Defense, agrees to apply for, if eligible, and accept, if offered, residency training in a health profession skill which has been designated by the Secretary of Defense as a critically needed wartime skill.

(2) Under the agreement—

(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (g), for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in medicine or dentistry while enrolled in an accredited medical or dental school;

(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

(D) the participant shall agree to serve in the Selected Reserve, upon successful completion of the program, for the period of service applicable under paragraph (3).

(3)(A) Subject to subparagraph (B), the period for which a participant is required to serve in the Selected Reserve under the agreement pursuant to paragraph (2)(D) shall be one year for each period of six months, or part thereof, for which the participant is provided a stipend pursuant to the agreement.

(B) In the case of a participant who enters into a subsequent agreement under subsection (c)

and successfully completes residency training in a specialty designated by the Secretary of Defense as a specialty critically needed by the military department in wartime, the requirement to serve in the Selected Reserve may be reduced to one year for each year, or part thereof, for which the stipend was provided while enrolled in medical or dental school.

(c) PHYSICIANS AND DENTISTS IN CRITICAL WARTIME SPECIALTIES.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

(A) is a graduate of a medical school or dental school;

(B) is eligible for appointment, designation, or assignment as a medical officer or dental officer in the Reserve of the armed force concerned or has been appointed as a medical or dental officer in the Reserve of the armed force concerned; and

(C) is enrolled or has been accepted for enrollment in a residency program for physicians or dentists in a medical or dental specialty designated by the Secretary concerned as a specialty critically needed by that military department in wartime.

(2) Under the agreement—

(A) the Secretary shall agree to pay the participant a stipend, in an amount determined under subsection (g), for the period or the remainder of the period of the residency program in which the participant enrolls or is enrolled;

(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as a medical officer or dental officer for service in the Ready Reserve;

(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

(D) the participant shall agree to serve, upon successful completion of the program, one year in the Selected Reserve for each six months, or part thereof, for which the stipend is provided.

(d) REGISTERED NURSES IN CRITICAL SPECIALTIES.—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

(A) is a registered nurse;

(B) is eligible for appointment as a Reserve officer for service in a reserve component in a Nurse Corps or as a nurse; and

(C) is enrolled or has been accepted for enrollment in an accredited program in nursing in a specialty designated by the Secretary concerned as a specialty critically needed by that military department in wartime.

(2) Under the agreement—

(A) the Secretary shall agree to pay the participant a stipend, in an amount determined under subsection (g), for the period or the remainder of the period of the nursing program in which the participant enrolls or is enrolled;

(B) the participant shall not be eligible to receive such stipend before being appointed as

a Reserve officer for service in the Ready Reserve in a Nurse Corps or as a nurse;

(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

(D) the participant shall agree to serve, upon successful completion of the program, one year in the Selected Reserve for each six months, or part thereof, for which the stipend is provided.

(e) **BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS.**—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

(A) will, upon completion of the program, be eligible to be appointed, designated, or assigned as a Reserve officer for duty as a nurse or other health professional; and

(B) is enrolled, or has been accepted for enrollment in the third or fourth year of—

(i) an accredited baccalaureate nursing program; or

(ii) any other accredited baccalaureate program leading to a degree in a health-care profession designated by the Secretary concerned as a profession critically needed by that military department in wartime.

(2) Under the agreement—

(A) the Secretary shall agree to pay the participant a monthly stipend in an amount not to exceed the stipend rate in effect under section 2121(d) of this title for the period or the remainder of the period of the baccalaureate program in which the participant enrolls or is enrolled;

(B) the participant shall not be eligible to receive such stipend before enlistment in the Ready Reserve;

(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

(D) the participant shall agree to serve, upon graduation from the baccalaureate program, one year in the Selected Reserve for each year, or part thereof, for which the stipend is paid.

(f) **MENTAL HEALTH PROFESSIONALS IN CRITICAL WARTIME SPECIALTIES.**—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

(A) is eligible to be appointed as an officer in a reserve component;

(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in clinical psychology or social work;

(C) signs an agreement that, unless sooner separated, the person will—

(i) complete the educational phase of the program;

(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

(iii) participate in a residency program if required for clinical licensure in a mental health profession skill; and

(D) if required by regulations prescribed by the Secretary of Defense, agrees to apply for, if eligible, and accept, if offered, residency training in a mental health profession skill that has been designated by the Secretary as a critically needed wartime skill.

(2) Under the agreement—

(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (g), for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in clinical psychology or social work while enrolled in a school accredited in the designated mental health discipline;

(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Selected Reserve;

(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Selected Reserve; and

(D) the participant shall agree to serve, upon successful completion of the program, one year in the Selected Reserve for each six months, or part thereof, for which the stipend is provided.

(g) **AMOUNT OF STIPEND.**—The amount of a stipend under an agreement under subsection (b), (c), (d), or (f) shall be the stipend rate in effect for participants in the Armed Forces Health Professions Scholarship Program under section 2121(d) of this title.

(Added Pub. L. 100-180, div. A, title VII, §711(a)(3), Dec. 4, 1987, 101 Stat. 1108, §2128; renumbered §16201 and amended Pub. L. 103-337, div. A, title XVI, §1663(c)(2), (5), Oct. 5, 1994, 108 Stat. 3007, 3008; Pub. L. 104-106, div. A, title VII, §736, Feb. 10, 1996, 110 Stat. 383; Pub. L. 107-107, div. A, title V, §539, Dec. 28, 2001, 115 Stat. 1108; Pub. L. 109-163, div. A, title V, §515(b)(1)(WW), Jan. 6, 2006, 119 Stat. 3234; Pub. L. 110-417, [div. A], title VI, §616(c), Oct. 14, 2008, 122 Stat. 4486; Pub. L. 111-84, div. A, title X, §1073(c)(3), Oct. 28, 2009, 123 Stat. 2474; Pub. L. 112-81, div. A, title V, §556, Dec. 31, 2011, 125 Stat. 1416; Pub. L. 113-66, div. A, title VI, §618, Dec. 26, 2013, 127 Stat. 782.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-66, §618(b)(1), substituted “the Selected Reserve of the Ready Reserve” for “the Ready Reserve”.

Subsec. (c)(2)(D). Pub. L. 113-66, §618(b)(2), added subpar. (D) and struck out former subpar. (D) which read as follows: “the participant shall agree to serve, upon successful completion of the program, one year in the Ready Reserve for each six months, or part thereof, for which the stipend is provided, to be served in the Selected Reserve or in the Individual Ready Reserve as specified in the agreement.”

Subsec. (d)(1)(B). Pub. L. 113-66, §618(a)(1), added subpar. (B) and struck out former subpar. (B) which read as follows: “is eligible for appointment as—

“(i) a Reserve officer for service in the Army Reserve in the Army Nurse Corps;

“(ii) a Reserve officer for service in the Navy Reserve in the Navy Nurse Corps; or

“(iii) a Reserve officer for service in the Air Force Reserve with a view to designation as an Air Force nurse under section 8067(e) of this title; and”.

Subsec. (d)(2)(B). Pub. L. 113–66, § 618(a)(2), added subpar. (B) and struck out former subpar. (B) which read as follows: “the participant shall not be eligible to receive such stipend before being appointed as a Reserve officer for service in the Ready Reserve—

“(i) in the Nurse Corps of the Army or Navy; or

“(ii) as an Air Force nurse of the Air Force;”.

Subsec. (d)(2)(D). Pub. L. 113–66, § 618(b)(3), added subpar. (D) and struck out former subpar. (D) which read as follows: “the participant shall agree to serve, upon successful completion of the program, one year in the Ready Reserve for each six months, or part thereof, for which the stipend is provided, to be served in the Selected Reserve or in the Individual Ready Reserve as specified in the agreement.”

Subsec. (e)(2)(D). Pub. L. 113–66, § 618(b)(4), substituted “the Selected Reserve” for “the Ready Reserve”.

Subsec. (g). Pub. L. 113–66, § 618(c), amended subsec. (g) generally. Prior to amendment, text read as follows: “The amount of a stipend under an agreement under subsection (b), (c), or (f) shall be—

“(1) the stipend rate in effect for participants in the Armed Forces Health Professions Scholarship Program under section 2121(d) of this title, if the participant has agreed to serve in the Selected Reserve; or

“(2) one-half of that rate, if the participant has agreed to serve in the Individual Ready Reserve.”

2011—Subsecs. (b)(2)(A), (c)(2)(A), (d)(2)(A). Pub. L. 112–81, § 556(b)(1), substituted “subsection (g)” for “subsection (f)”.

Subsec. (f). Pub. L. 112–81, § 556(a)(2), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 112–81, § 556(a)(1), (b)(2), redesignated subsec. (f) as (g) and substituted “subsection (b), (c), or (f)” for “subsection (b) or (c)” in introductory provisions.

2009—Subsec. (e)(2)(A). Pub. L. 111–84 made technical amendment to directory language of Pub. L. 110–417, § 616(c). See 2008 Amendment note below.

2008—Subsec. (e)(2)(A). Pub. L. 110–417, § 616(c), as amended by Pub. L. 111–84, substituted “monthly stipend in an amount not to exceed the stipend rate in effect under section 2121(d) of this title” for “stipend of \$100 per month”.

2006—Subsec. (d)(1)(B)(ii). Pub. L. 109–163 substituted “Navy Reserve” for “Naval Reserve”.

2001—Subsec. (a). Pub. L. 107–107, § 539(a), struck out “specialties critically needed in wartime” after “qualified in health professions” and substituted “training that leads to a degree in medicine or dentistry or training in a health professions specialty that is critically needed in wartime” for “training in such specialties” and “health care education and training” for “training in certain health care specialties”.

Subsec. (b). Pub. L. 107–107, § 539(b)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 107–107, § 539(b)(1), (c)(1), redesignated subsec. (b) as (c) and inserted “Wartime” after “Critical” in heading. Former subsec. (c) redesignated (d).

Subsec. (c)(1)(B). Pub. L. 107–107, § 539(c)(2), inserted “or has been appointed as a medical or dental officer in the Reserve of the armed force concerned” before semicolon at end.

Subsec. (c)(2)(A). Pub. L. 107–107, § 539(e), substituted “subsection (f)” for “subsection (e)”.

Subsec. (c)(2)(D). Pub. L. 107–107, § 539(d), substituted “one year in the Ready Reserve for each six months” for “two years in the Ready Reserve for each year”.

Subsec. (d). Pub. L. 107–107, § 539(b)(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(2)(A). Pub. L. 107–107, § 539(e), substituted “subsection (f)” for “subsection (e)”.

Subsec. (d)(2)(D). Pub. L. 107–107, § 539(d), substituted “one year in the Ready Reserve for each six months” for “two years in the Ready Reserve for each year”.

Subsecs. (e), (f). Pub. L. 107–107, § 539(b)(1), redesignated subsecs. (d) and (e) as (e) and (f), respectively.

1996—Subsec. (b). Pub. L. 104–106, § 736(1), inserted “and Dentists” in heading.

Subsec. (b)(1)(A). Pub. L. 104–106, § 736(2), inserted “or dental school” after “medical school”.

Subsec. (b)(1)(B). Pub. L. 104–106, § 736(3), inserted “or dental officer” after “medical officer”.

Subsec. (b)(1)(C). Pub. L. 104–106, § 736(4), substituted “physicians or dentists in a medical or dental specialty” for “physicians in a medical specialty”.

Subsec. (b)(2)(B). Pub. L. 104–106, § 736(3), inserted “or dental officer” after “medical officer”.

1994—Pub. L. 103–337, § 1663(c)(2), renumbered section 2128 of this title as this section.

Subsecs. (a), (b)(1), (c)(1), (d)(1). Pub. L. 103–337, § 1663(c)(5), substituted “chapter” for “subchapter”.

Subsec. (f). Pub. L. 103–337, § 1663(c)(2), struck out subsec. (f) which defined “Individual Ready Reserve”.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title X, § 1073(c), Oct. 28, 2009, 123 Stat. 2474, provided that the amendment made by section 1073(c)(3) is effective as of Oct. 14, 2008, and as if included in Pub. L. 110–417 as enacted.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

PAYMENTS FOR PERIOD PRIOR TO DECEMBER 4, 1987

Pub. L. 100–180, div. A, title VII, § 711(e)(2), Dec. 4, 1987, 101 Stat. 1111, provided that: “An agreement entered into by the Secretary of a military department under section 2128 [now 16201] of title 10, United States Code, as added by subsection (a), may not obligate the United States to make a payment for any period before the date of the enactment of this Act [Dec. 4, 1987].”

§ 16202. Reserve service: required active duty for training

(a) **SELECTED RESERVE.**—A person who is required under an agreement under section 16201 of this title to serve in the Selected Reserve shall serve not less than 12 days of active duty for training each year during the period of service required by the agreement.

(b) **IRR SERVICE.**—A person who is required under an agreement under section 16201 of this title to serve in the Individual Ready Reserve shall serve—

(1) not less than 30 days of initial active duty for training; and

(2) not less than five days of active duty for training each year during the period of service required by the agreement.

(Added Pub. L. 100–180, div. A, title VII, § 711(a)(3), Dec. 4, 1987, 101 Stat. 1111, § 2129; renumbered § 16202 and amended Pub. L. 103–337, div. A, title XVI, § 1663(c)(3), (6), Oct. 5, 1994, 108 Stat. 3007, 3008.)

AMENDMENTS

1994—Pub. L. 103–337, § 1663(c)(3), renumbered section 2129 of this title as this section.

Subsecs. (a), (b). Pub. L. 103–337, § 1663(c)(6), substituted “16201” for “2128”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.