

§ 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.

(C) Repayment to the Secretary of Defense of a percentage of the total cost incurred by the Secretary under this subchapter on behalf of the member pursuant to the repayment provisions of section 303a(e) or 373 of title 37.

(2) In addition to the alternative obligations specified in paragraph (1), if the member is relieved of an active duty obligation by reason of the separation of the member because of a physical disability, the Secretary of the military department concerned may give the member a service obligation as a civilian employee employed as a health care professional in a facility of the uniformed services for a period of time equal to the member's remaining active duty service obligation.

(3) The Secretary of Defense shall prescribe regulations describing the manner in which an alternative obligation may be given under this subsection.

(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. 100-180, div. A, title VII, §711(a)(2), Dec. 4, 1987, 101 Stat. 1108; Pub. L. 101-597, title IV, §401(b), Nov. 16, 1990, 104 Stat. 3035; Pub. L. 104-201, div.

A, title VII, §741(a), Sept. 23, 1996, 110 Stat. 2599; Pub. L. 109-163, div. A, title VI, §687(c)(5), Jan. 6, 2006, 119 Stat. 3334; Pub. L. 115-91, div. A, title VI, §618(a)(1)(E), Dec. 12, 2017, 131 Stat. 1426.)

Editorial Notes

AMENDMENTS

2017—Subsec. (e)(1)(C). Pub. L. 115-91 inserted “or 373” before “of title 37”.

2006—Subsec. (e)(1)(C). Pub. L. 109-163 substituted “pursuant to the repayment provisions of section 303a(e) of title 37.” for “equal to the percentage of the member's total active duty service obligation being relieved, plus interest.”

1996—Subsec. (e). Pub. L. 104-201 amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Any member of the program relieved of his active duty obligation under this subchapter before the completion of such obligation may, under regulations prescribed by the Secretary of Defense, be assigned to a health professional shortage area designated by the Secretary of Health and Human Services for a period equal to the period of obligation from which he was relieved.”

1990—Subsec. (e). Pub. L. 101-597 substituted “a health professional shortage area” for “an area of health manpower shortage”.

1987—Subsec. (e). Pub. L. 100-180 substituted “subchapter” for “chapter”.

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

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