

10 U.S.C.

United States Code, 2010 Edition

Title 10 - ARMED FORCES

Subtitle A - General Military Law

PART III - TRAINING AND EDUCATION

CHAPTER 104 - UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Sec. 2114 - Students: selection; status; obligation

From the U.S. Government Printing Office, www.gpo.gov**§2114. Students: selection; status; obligation**

(a) Medical students at the University shall be selected under procedures prescribed by the Secretary of Defense. In so prescribing, the Secretary shall consider the recommendations of the Board. However, selection procedures prescribed by the Secretary of Defense shall emphasize the basic requirement that students demonstrate sincere motivation and dedication to a career in the uniformed services (as defined in section 1072(1) of this title).

(b)(1) Medical students shall be commissioned officers of a uniformed service as determined under regulations prescribed by the Secretary of Defense after consulting with the Secretary of Health and Human Services. They shall be appointed as regular officers in the grade of second lieutenant or ensign and shall serve on active duty in that grade.

(2) If a member of the uniformed services selected to be a 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 graduation, 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.

(c) Medical students who graduate shall be required to serve on active duty unless they are covered by section 2115 of this title. Medical students who graduate shall be required, except as provided in section 2115 of this title, to serve thereafter on active duty under such regulations as the Secretary of Defense or the Secretary of Health and Human Services, as appropriate, may prescribe for not less than seven years, unless sooner released. Upon completion of, or release from, the active-duty service obligation, a member of the program who served on active-duty for less than 10 years shall serve in the Ready Reserve for the period specified in the following table:

| Period of Service on Active Duty | Ready Reserve Obligation |
|---|-------------------------------------|
| Less than 8 years | 6 years |
| 8 years or more, but less than 9 | 4 years |
| 9 years or more, but less than 10 | 2 years |

The service credit exclusions specified in section 2126 of this title shall apply to students covered by this section.

(d) A period of time spent in military intern or residency training shall not be creditable in satisfying a commissioned service obligation imposed by this section.

(e) A medical student 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. In no case shall any such student be required to serve on active duty for any period in excess of a period equal to the period he participated in the program, except that in no case may any such student be required to serve on active duty less than one year.

(f)(1) The Secretary of Defense may enter into agreements with foreign military medical schools for reciprocal education programs under which students at the University receive specialized military medical instruction at the foreign military medical school and military medical personnel of the country of such medical school receive specialized military medical instruction at the University. Any such agreement may be made on a reimbursable basis or a nonreimbursable basis.

(2) Not more than 40 persons at any one time may receive instruction at the University under this subsection. Attendance of such persons at the University may not result in a decrease in the number of students enrolled in the University. Subsection (b) does not apply to students receiving instruction under this subsection.

(3) The President of the University, with the approval of the Secretary of Defense, shall determine the countries from which persons may be selected to receive instruction under this subsection and the number of persons that may be selected from each country. The President may establish qualifications and methods of selection and shall select those persons who will be permitted to receive instruction at the University. The qualifications established shall be comparable to those required of United States citizens.

(4) Each foreign country from which a student is permitted to receive instruction at the University under this subsection shall reimburse the United States for the cost of providing such instruction, unless such reimbursement is waived by the Secretary of Defense. The Secretary of Defense shall prescribe the rates for reimbursement under this paragraph.

(5) Except as the President determines, a person receiving instruction at the University under this subsection is subject to the same regulations governing attendance, discipline, discharge, and dismissal as a student enrolled in the University. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this subsection that differ from the regulations that apply to a student enrolled in the University.

(g) In this section, the term "commissioned service obligation" means, with respect to an officer who is a graduate of the University, the period beginning on the date of the appointment of the officer in a regular component after graduation and ending on the tenth anniversary of that appointment.

(h) The Secretary of Defense shall establish such selection procedures, service obligations, and other requirements as the Secretary considers appropriate for graduate students (other than medical students) in a postdoctoral, postgraduate, or technological institute established pursuant to section 2113(e) of this title.

(i) A graduate of the University who is relieved of the graduate's active-duty service obligation under subsection (c) before the completion of that active-duty service obligation may be given, with or without the consent of the graduate, an alternative obligation in the same manner as provided in subparagraphs (A) and (B) of paragraph (1) of section 2123(e) of this title or paragraph (2) of such section for members of the Armed Forces Health Professions Scholarship and Financial Assistance program.

(Added Pub. L. 92-426, §2(a), Sept. 21, 1972, 86 Stat. 715; amended Pub. L. 96-107, title VIII, §803(b), Nov. 9, 1979, 93 Stat. 812; Pub. L. 96-513, title I, §114, title V, §511(65), Dec. 12, 1980, 94 Stat. 2877, 2926; Pub. L. 98-525, title XV, §1535, Oct. 19, 1984, 98 Stat. 2633; Pub. L. 101-189, div. A, title V, §511(a), Nov. 29, 1989, 103 Stat. 1439; Pub. L. 101-510, div. A, title V, §533(a), (b), Nov. 5, 1990, 104 Stat. 1564; Pub. L. 103-160, div. A, title VII, §732(a), Nov. 30, 1993, 107 Stat. 1696; Pub. L. 104-106, div. A, title X, §1072(b)(3), Feb. 10, 1996, 110 Stat. 446; Pub. L. 104-201, div. A, title VII, §741(b), Sept. 23, 1996, 110 Stat. 2599; Pub. L. 105-85, div. A, title X, §1073(a) (38), Nov. 18, 1997, 111 Stat. 1902; Pub. L. 108-375, div. A, title V, §501(e), Oct. 28, 2004, 118

Stat. 1874; Pub. L. 110–181, div. A, title V, §524(a), title IX, §954(a)(3)(B), (b)(2), Jan. 28, 2008, 122 Stat. 103, 294; Pub. L. 110–417, [div. A], title X, §1061(b)(8), (9), Oct. 14, 2008, 122 Stat. 4613.)

AMENDMENTS

2008—Subsecs. (b), (c). Pub. L. 110–181, §524(a)(1)(B), (2)(A), designated first 3 sentences of subsec. (b) as subsec. (b)(1), added subsec. (b)(2), designated last 3 sentences of subsec. (b) as subsec. (c), and substituted “Medical students who graduate” for “Upon graduation they”. Former subsec. (c) redesignated (d).

Subsecs. (d) to (f). Pub. L. 110–181, §524(a)(1)(A), redesignated subsecs. (c) to (e) as (d) to (f), respectively. Former subsec. (f) redesignated (g).

Subsec. (f)(3), (5). Pub. L. 110–181, §954(b)(2), as amended by Pub. L. 110–417, §1061(b)(9), substituted “President” for “Dean” wherever appearing.

Subsec. (g). Pub. L. 110–181, §524(a)(1)(A), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 110–181, §954(a)(3)(B), as amended by Pub. L. 110–417, §1061(b)(8), substituted “2113(e)” for “2113(h)”.

Pub. L. 110–181, §524(a)(1)(A), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 110–181, §524(a)(2)(B), substituted “subsection (c)” for “subsection (b)”.

Pub. L. 110–181, §524(a)(1)(A), redesignated subsec. (h) as (i).

2004—Subsec. (b). Pub. L. 108–375, in introductory provisions, substituted “They shall be appointed as regular officers in the grade of second lieutenant or ensign and shall serve on active duty in that grade. Upon graduation they shall be required to serve on active duty” for “Notwithstanding any other provision of law, they shall serve on active duty in pay grade O–1 with full pay and allowances of that grade. Upon graduation they shall be appointed in a regular component, if qualified.”.

1997—Subsec. (h). Pub. L. 105–85 substituted “section 2123(e)” for “section 2123(e)(1)”.

1996—Subsec. (e)(1). Pub. L. 104–106 substituted “The Secretary of Defense” for “The Board, upon approval of the Secretary of Defense.”.

Subsec. (h). Pub. L. 104–201 added subsec. (h).

1993—Subsec. (a). Pub. L. 103–160, §732(a)(1), substituted “Medical students” for “Students” in first sentence.

Subsec. (b). Pub. L. 103–160, §732(a)(2), substituted “Medical students” for “Students” in two places.

Subsec. (d). Pub. L. 103–160, §732(a)(3), substituted “medical student” for “member of the program” in first sentence and “any such student” for “any such member” in two places in second sentence.

Subsec. (g). Pub. L. 103–160, §732(a)(4), added subsec. (g).

1990—Subsec. (b). Pub. L. 101–510, §533(b)(1), after fourth sentence inserted provisions relating to the time obligation to be served in the Ready Reserve upon completion of, or release from, the active-duty service obligation for members of the program who served on active duty for less than 10 years.

Pub. L. 101–510, §533(a), substituted “seven years” for “10 years” in fourth sentence.

Subsec. (c). Pub. L. 101–510, §533(b)(2), substituted “a commissioned service obligation” for “an active duty obligation”.

Subsec. (f). Pub. L. 101–510, §533(b)(3), added subsec. (f).

1989—Subsec. (b). Pub. L. 101–189 substituted “10 years” for “seven years” in fourth sentence.

1984—Subsec. (e). Pub. L. 98–525 added subsec. (e).

1980—Subsec. (b). Pub. L. 96–513, §511(65), substituted “Secretary of Health and Human Services” for “Secretary of Health, Education, and Welfare” wherever appearing.

Pub. L. 96–513, §114, struck out provision under which officers attending the Uniformed Services University of Health Sciences were not counted against authorized military strengths.

1979—Subsec. (b). Pub. L. 96–107 substituted “uniformed” for “uniform”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–417 effective Jan. 28, 2008, and as if included in Pub. L. 110–181 as enacted, see section 1061(b) of Pub. L. 110–417, set out as a note under section 6382 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–375 effective on the first day of the first month beginning more than 180 days after Oct. 28, 2004, see section 501(g) of Pub. L. 108–375, set out as a note under section 531 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 741(c) of Pub. L. 104–201 provided that: “The amendments made by this section [amending this section and section 2123 of this title] shall apply with respect to individuals who first become members of the Armed Forces Health Professions Scholarship and Financial Assistance program or students of the Uniformed Services University of the Health Sciences on or after October 1, 1996.”

EFFECTIVE DATE OF 1993 AMENDMENT

Section 732(b) of Pub. L. 103–160 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to students attending the Uniformed Services University of the Health Sciences on or after the date of the enactment of this Act [Nov. 30, 1993].”

EFFECTIVE DATE OF 1990 AMENDMENT

Section 533(d) of Pub. L. 101–510 provided that: “The amendment made by subsection (b) [amending this section] shall take effect on December 31, 1991, and shall apply to persons who are first admitted to the Uniformed Services University of the Health Sciences after that date.”

EFFECTIVE DATE OF 1989 AMENDMENT

Section 511(e) of Pub. L. 101–189, as amended by Pub. L. 101–510, div. A, title V, §533(c), Nov. 5, 1990, 104 Stat. 1564, provided that: “The amendments made by this section [amending this section and sections 4348, 6959, and 9348 of this title] shall apply to persons who are first admitted to one of the military service academies after December 31, 1991.”

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 114 of Pub. L. 96–513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96–513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

Amendment by section 511(65) of Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513.

TRANSFER OF FUNCTIONS

For transfer of authority of Board of Regents of Uniformed Services University of the Health Sciences to Secretary of Defense, see section 8091 of Pub. L. 101–511, set out as a note under section 2113 of this title.

TRANSITION PROVISIONS

Section 741(d)(2) of Pub. L. 104–201 provided that: “In the case of any person who, as of October 1, 1996, is serving an active-duty service obligation as a graduate of the Uniformed Services University of the Health Sciences or is incurring an active-duty service obligation as a student of the University, and who is subsequently relieved of the active-duty service obligation before the completion of the obligation, the alternative obligations authorized by the amendment made by subsection (b) [amending this section] may be implemented by the Secretary of Defense with the agreement of the person.”