

who is a member of the faculty from the restrictions in subsections (a), (b), and (c) of section 5532 of title 5, if the Secretary determines that such exemption is necessary to recruit or retain well-qualified physicians for the faculty of the University. An exemption granted under this paragraph shall terminate upon any break in employment with the University by a physician of three days or more. An exemption granted under this paragraph to a person shall apply to the retired pay of such person beginning with the first month after the month in which the exemption is granted. Not more than five exemptions may be in effect under this paragraph at any time."

1999—Subsec. (f)(3). Pub. L. 106-65 added par. (3).

1996—Pub. L. 104-106, §1072(c)(1), substituted "Administration of University" for "Board of Regents" as section catchline.

Subsec. (a). Pub. L. 104-106, §1072(b)(2)(A), substituted "conducted by the Secretary of Defense" for "conducted by a Board of Regents (hereinafter in this chapter referred to as the 'Board')" and inserted after first sentence "To assist the Secretary in an advisory capacity, there is a Board of Regents for the University."

Subsec. (d). Pub. L. 104-106, §1072(b)(2)(B), substituted "The Secretary shall appoint" for "The Board shall appoint".

Subsec. (e). Pub. L. 104-106, §1072(b)(2)(C), struck out "of Defense" after "Secretary".

Subsec. (f). Pub. L. 104-106, §1072(b)(2)(D), (F), in par. (1), substituted "Secretary, after" for "Board, after", "Secretary so" for "Secretary of Defense so", and "Secretary may" for "Board may" in two places, and in par. (2), substituted "Secretary" for "Board" in two places.

Subsec. (g). Pub. L. 104-106, §1072(b)(2)(E), substituted "Secretary may negotiate agreements" for "Board is authorized to negotiate agreements", "Secretary may negotiate affiliation" for "Board is also authorized to negotiate affiliation", and "Secretary may enter" for "Board may also, subject to the approval of the Secretary of Defense, enter".

Subsec. (h). Pub. L. 104-106, §1072(a), amended subsec. (h) generally. Prior to amendment, subsec. (h) read as follows: "The Board may establish postdoctoral, postgraduate, and technological institutes."

Subsecs. (i), (j). Pub. L. 104-106, §1072(b)(2)(F), substituted "Secretary" for "Board" wherever appearing.

1990—Subsec. (j)(1). Pub. L. 101-510, §1322(a)(3)(A), struck out "subject to paragraph (2)," before "to make" in subpar. (B) and before "to enter" in subpars. (C) and (E).

Subsec. (j)(2) to (5). Pub. L. 101-510, §1322(a)(3)(B), (C), redesignated pars. (3) to (5) as (2) to (4), respectively, and struck out former par. (2) which read as follows: "The authority of the Board under clauses (B), (C), and (E) of paragraph (1) may be exercised only if—

"(A) before the Board enters into any arrangement under which any space, facility, equipment, or support service is made available under clause (B) of such paragraph, before the Board enters into any contract under clause (C) of such paragraph, or before the Board enters into any agreement under clause (E) of such paragraph, it notifies the Committees on Armed Services of the Senate and the House of Representatives in writing of the proposed arrangement, contract, or agreement, as the case may be, the terms and conditions thereof, and, in the case of a proposed agreement under clause (E) of paragraph (1), any appointments proposed to be made under the authority of paragraph (4) in connection with the agreement, and

"(B) a period of fifteen days has elapsed following the date on which the notice is received by such committees."

1989—Subsec. (f)(2). Pub. L. 101-189, §726(a), substituted "five exemptions" for "two exemptions".

Subsec. (j)(1)(A). Pub. L. 101-189, §726(b)(1), inserted "accept grants from, and make grants to" after "contracts with" and substituted "or any other" for "or with any other".

1986—Subsec. (f). Pub. L. 99-661 designated existing provisions as par. (1) and added par. (2).

1983—Subsec. (j). Pub. L. 98-132 inserted "Henry M. Jackson" before "Foundation for the Advancement of Military Medicine" wherever appearing.

Pub. L. 98-36 added subsec. (j).

1980—Subsecs. (a) and (d). Pub. L. 96-513 inserted "in this chapter" after "hereinafter".

1978—Subsec. (b)(3). Pub. L. 95-589 added par. (3).

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.

TRANSFER OF FUNCTIONS

Pub. L. 101-511, title VIII, §8091, Nov. 5, 1990, 104 Stat. 1896, provided that: "Notwithstanding any other provision of law, all authority of the Board of Regents of the Uniformed Services University of the Health Sciences is hereby transferred to the Secretary of Defense, and the Board hereafter shall be an advisory board to the Secretary of Defense."

§ 2113a. Board of Regents

(a) IN GENERAL.—To assist the Secretary of Defense in an advisory capacity, there is a Board of Regents of the University.

(b) MEMBERSHIP.—The Board shall consist of—

(1) nine persons outstanding in the fields of health care, higher education administration, or public policy who shall be appointed from civilian life by the Secretary of Defense;

(2) the Secretary of Defense, or his designee, who shall be an ex officio member;

(3) the surgeons general of the uniformed services, who shall be ex officio members; and

(4) the President of the University, who shall be a nonvoting ex officio member.

(c) TERM OF OFFICE.—The term of office of each member of the Board (other than ex officio members) shall be six years except that—

(1) any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

(2) any member whose term of office has expired shall continue to serve until his successor is appointed.

(d) CHAIRMAN.—One of the members of the Board (other than an ex officio member) shall be designated by the Secretary as Chairman. He shall be the presiding officer of the Board.

(e) COMPENSATION.—Members of the Board (other than ex officio members) while attending conferences or meetings or while otherwise performing their duties as members shall be entitled to receive compensation at a rate to be fixed by the Secretary and shall also be entitled to receive an allowance for necessary travel expenses while so serving away from their place of residence.

(f) MEETINGS.—The Board shall meet at least once a quarter.

(Added Pub. L. 110-181, div. A, title IX, §954(a)(1), Jan. 28, 2008, 122 Stat. 293; amended Pub. L. 111-84, div. A, title V, §523, Oct. 28, 2009, 123 Stat. 2285.)

AMENDMENTS

2009—Subsec. (b)(1). Pub. L. 111-84 substituted "health care, higher education administration, or public policy" for "health and health education".

§ 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 non-reimbursable 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