

“(A) The term ‘epidemiologic-assessment interview’ means questioning of a serum-positive member of the Armed Forces for purposes of medical treatment or counseling or for epidemiologic or statistical purposes.

“(B) The term ‘serum-positive member of the Armed Forces’ means a member of the Armed Forces who has been identified as having been exposed to a virus associated with the acquired immune deficiency syndrome.

“(C) The term ‘adverse personnel action’ includes—

- “(i) a court-martial;
- “(ii) non-judicial punishment;
- “(iii) involuntary separation (other than for medical reasons);
- “(iv) administrative or punitive reduction in grade;
- “(v) denial of promotion;
- “(vi) an unfavorable entry in a personnel record;
- “(vii) a bar to reenlistment; and
- “(viii) any other action considered by the Secretary concerned to be an adverse personnel action.”

#### STUDY OF MEDICAL NEEDS OF ARMED FORCES; REPORT TO PRESIDENT AND CONGRESS

Pub. L. 92-129, title I, §101(c), Sept. 28, 1971, 85 Stat. 354, authorized Secretary of Defense and Secretary of Health, Education, and Welfare to conduct a joint study of means of meeting medical needs of Armed Forces through means requiring less dependence on Armed Forces medical personnel, giving consideration to providing medical care for military personnel and their dependents under contracts with clinics, hospitals, and individual members of the medical profession at or near military installations within and outside the United States. The study and recommendations were to be submitted to President and Congress no later than 6 months after Sept. 28, 1971.

#### Executive Documents

##### DELEGATION OF FUNCTIONS

Authority of President under subsec. (b) to approve uniform rates of reimbursement for care provided in facilities operated by Secretary of Veterans Affairs delegated to Secretary of Veterans Affairs, see section 7(a) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

##### EXECUTIVE ORDER NO. 13075

Ex. Ord. No. 13075, Feb. 19, 1997, 63 F.R. 9085, which established the Special Oversight Board for Department of Defense Investigations of Gulf War Chemical and Biological Incidents, was revoked by Ex. Ord. No. 13225, §3(e), Sept. 28, 2001, 66 F.R. 50292.

#### § 1074a. Medical and dental care: members on duty other than active duty for a period of more than 30 days

(a) Under joint regulations prescribed by the administering Secretaries, the following persons are entitled to the benefits described in subsection (b):

(1) Each member of a uniformed service who incurs or aggravates an injury, illness, or disease in the line of duty while performing—

- (A) active duty for a period of 30 days or less;
- (B) inactive-duty training; or
- (C) service on funeral honors duty under section 12503 of this title or section 115 of title 32.

(2) Each member of a uniformed service who incurs or aggravates an injury, illness, or disease while traveling directly to or from the

place at which that member is to perform or has performed—

- (A) active duty for a period of 30 days or less;
- (B) inactive-duty training; or
- (C) service on funeral honors duty under section 12503 of this title or section 115 of title 32.

(3) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training.

(4) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight immediately before serving on funeral honors duty under section 12503 of this title or section 115 of title 32 at or in the vicinity of the place at which the member was to so serve, if the place is outside reasonable commuting distance from the member's residence.

(b) A person described in subsection (a) is entitled to—

- (1) the medical and dental care appropriate for the treatment of the injury, illness, or disease of that person until the resulting disability cannot be materially improved by further hospitalization or treatment; and
- (2) subsistence during hospitalization.

(c) A member is not entitled to benefits under subsection (b) if the injury, illness, or disease, or aggravation of an injury, illness, or disease described in subsection (a)(2), is the result of the gross negligence or misconduct of the member.

(d)(1) The Secretary concerned shall provide to members of the Selected Reserve who are assigned to units scheduled for deployment within 75 days after mobilization the following medical and dental services:

- (A) An annual medical screening.
- (B) For members who are over 40 years of age, a full physical examination not less often than once every two years.
- (C) An annual dental screening.
- (D) The dental care identified in an annual dental screening as required to ensure that a member meets the dental standards required for deployment in the event of mobilization.

(2) The services provided under this subsection shall be provided at no cost to the member.

(e)(1) A member of a uniformed service on active duty for health care or recuperation reasons, as described in paragraph (2), is entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.

(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty, is continued on active duty pursuant to a modification or extension of orders, or is ordered to active duty, so as to result in active duty for a period of more than 30 days.

(f)(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty for a period of more than 30 days, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

(2) The notification to members of the Ready Reserve described in paragraph (1) shall include notice that the members are eligible for screening and care under this section.

(3) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care.

(g)(1) The Secretary concerned may provide to any member of the Selected Reserve not described in subsection (d)(1) or (f), and to any member of the Individual Ready Reserve described in section 10144(b) of this title the medical and dental services specified in subsection (d)(1) if the Secretary determines that the receipt of such services by such member is necessary to ensure that the member meets applicable standards of medical and dental readiness.

(2) Services may not be provided to a member under this subsection for a condition that is the result of the member's own misconduct.

(3) The services provided under this subsection shall be provided at no cost to the member.

(h)(1) The Secretary of Defense may provide to any member of the reserve components performing inactive-duty training during scheduled unit training assemblies access to mental health assessments with a licensed mental health professional who shall be available for referrals during duty hours on the premises of the principal duty location of the member's unit.

(2) Mental health services provided to a member under this subsection shall be at no cost to the member.

(i) Amounts available for operation and maintenance of a reserve component of the armed forces may be available for purposes of this section to ensure the medical, dental, and behavioral health readiness of members of such reserve component.

(Added Pub. L. 98-94, title X, § 1012(a)(1), Sept. 24, 1983, 97 Stat. 664; amended Pub. L. 98-525, title VI, § 631(a)(1), Oct. 19, 1984, 98 Stat. 2542; Pub. L. 98-557, § 19(4), Oct. 30, 1984, 98 Stat. 2869; Pub. L. 99-145, title XIII, § 1303(a)(7), Nov. 8, 1985, 99 Stat. 739; Pub. L. 99-661, div. A, title VI, § 604(a)(1), Nov. 14, 1986, 100 Stat. 3874; Pub. L. 104-106, div. A, title VII, §§ 702(a), 704(a), Feb. 10, 1996, 110 Stat. 371, 372; Pub. L. 105-85, div. A, title V, § 513(a), Nov. 18, 1997, 111 Stat. 1730; Pub. L. 106-65, div. A, title V, § 578(i)(1), title VII, § 705(b), Oct. 5, 1999, 113 Stat. 629, 683; Pub. L. 107-107, div. A, title V, § 513(a), Dec. 28, 2001, 115 Stat. 1093; Pub. L. 108-106, title I, § 1114, Nov. 6, 2003, 117 Stat. 1216; Pub. L. 108-136, div. A, title VII, § 701, Nov. 24, 2003, 117 Stat. 1525; Pub. L. 110-417, [div. A], title VII, § 735(a), Oct. 14, 2008, 122 Stat. 4513; Pub. L. 112-81, div. A, title VII, § 703(a), Dec. 31, 2011, 125 Stat. 1471.)

## Editorial Notes

### AMENDMENTS

2011—Subsec. (h). Pub. L. 112-81, § 703(a)(2), added subsec. (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 112-81, § 703(a)(1), (3), redesignated subsec. (h) as (i) and substituted “medical, dental, and behavioral health readiness” for “medical and dental readiness”.

2008—Subsec. (d)(1). Pub. L. 110-417, § 735(a)(1), substituted “The Secretary concerned shall provide to members of the Selected Reserve” for “The Secretary of the Army shall provide to members of the Selected Reserve of the Army”.

Subsecs. (g), (h). Pub. L. 110-417, § 735(a)(2), (3), added subsecs. (g) and (h).

2003—Subsec. (f). Pub. L. 108-136 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

“(1) At any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty, the administering Secretaries may provide to each such member any medical and dental screening and care that is necessary to ensure that the member meets the applicable medical and dental standards for deployment.

“(2) The Secretary concerned shall promptly transmit to each member of the Ready Reserve eligible for screening and care under this subsection a notification of eligibility for such screening and care.

“(3) A member provided medical or dental screening or care under paragraph (1) may not be charged for the screening or care.

“(4) Screening and care may not be provided under this section after September 30, 2004.”

Pub. L. 108-106 added subsec. (f).

2001—Subsec. (a)(3). Pub. L. 107-107 struck out “, if the site is outside reasonable commuting distance from the member's residence” before period at end.

1999—Subsec. (a)(1)(C). Pub. L. 106-65, § 578(i)(1)(A), added subpar. (C).

Subsec. (a)(2)(C). Pub. L. 106-65, § 578(i)(1)(A), added subpar. (C).

Subsec. (a)(4). Pub. L. 106-65, § 578(i)(1)(B), added par. (4).

Subsec. (e). Pub. L. 106-65, § 705(b), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “A member of a uniformed service described in paragraph (1)(A) or (2)(A) of subsection (a) whose orders are modified or extended, while the member is being treated for (or recovering from) the injury, illness, or disease incurred or aggravated in the line of duty, so as to result in active duty for a period of more than 30 days shall be entitled, while the member remains on active duty, to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title.”

1997—Subsec. (a)(3). Pub. L. 105-85, § 513(a)(1), inserted “while remaining overnight immediately before the commencement of inactive-duty training, or” after “in the line of duty”.

Subsec. (e). Pub. L. 105-85, § 513(a)(2), added subsec. (e).

1996—Subsec. (a)(3). Pub. L. 104-106, § 702(a), added par. (3).

Subsec. (c). Pub. L. 104-106, § 704(a)(1), substituted “subsection (b)” for “this section”.

Subsec. (d). Pub. L. 104-106, § 704(a)(2), added subsec. (d).

1986—Pub. L. 99-661 amended section generally substituting “active duty for a period of more than 30 days” for “active duty; injuries, diseases and illnesses incident to duty” in section catchline and new text for prior text which read as follows:

“(a) Under joint regulations prescribed by the administering Secretaries, the following persons are entitled to the benefits described in subsection (b):

“(1) Each member of a uniformed service who contracts a disease or becomes ill in line of duty while on active duty for a period of 30 days or less, or while traveling to or from that duty.

“(2) Each member of the National Guard who contracts a disease or becomes ill in line of duty while on full-time National Guard duty, or while traveling to or from that duty.

“(3) Each member of a uniformed service who contracts a disease or becomes ill in line of duty while on inactive duty training under circumstances in which it is determined that the disease or illness was contracted or aggravated as an incident of that inactive duty training.

“(4) Each member of a uniformed service who incurs or aggravates an injury while traveling directly to or from the place at which he is to perform, or has performed, inactive duty training, unless the injury is incurred or aggravated as a result of the member’s own gross negligence or misconduct.

“(b) A person described in subsection (a) is entitled to—

“(1) the medical and dental care appropriate for the treatment of his injury, disease, or illness until the resulting disability cannot be materially improved by further hospitalization or treatment; and

“(2) subsistence during hospitalization.”

1985—Subsec. (a). Pub. L. 99-145 substituted reference to the administering Secretaries, for references to Secretaries of Defense, Transportation, and Health and Human Services.

1984—Pub. L. 98-525 substituted “Medical and dental care: members on duty other than active duty; injuries, diseases and illnesses incident to duty” for “Medical and dental care for members of the uniformed services for injuries incurred or aggravated while traveling to and from inactive duty training” in section catchline.

Subsec. (a). Pub. L. 98-557, which directed the amendment of subsec. (a) by substituting “administering Secretaries” for “Secretary of Defense and the Secretary of Health and Human Services”, could not be executed in view of the prior amendment by Pub. L. 98-525.

Pub. L. 98-525 amended subsec. (a) generally, thereby authorizing the Secretary of Transportation to participate in issuance of joint regulations, adding pars. (1) to (3), and incorporating existing provisions in par. (4).

Subsec. (b). Pub. L. 98-525 amended subsec. (b) generally, thereby including treatment of diseases or illnesses.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-661, div. A, title VI, § 604(g), Nov. 14, 1986, 100 Stat. 3878, provided that: “The amendments made by this section [amending this section, sections 1076, 1086, 1204-1206, 1475, 1476, 1481, 3723, and 8723 of this title, and sections 204 and 206 of Title 37, Pay and Allowances of the Uniformed Services and Repealing sections 3687, 3721, 3722, 6148, 8687, 8721, and 8722 of this title and sections 318-321 of Title 32, National Guard] shall apply with respect to persons who, after the date of enactment of this Act [Nov. 14, 1986], incur or aggravate an injury, illness, or disease or die.”

##### EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-525, title VI, § 631(c), Oct. 19, 1984, 98 Stat. 2543, provided that: “The amendments made by this section [amending this section and section 6148 of this title] shall apply only with respect to injuries incurred or aggravated and diseases or illnesses contracted or aggravated after September 30, 1984.”

##### EFFECTIVE DATE

Pub. L. 98-94, title X, § 1012(c), Sept. 24, 1983, 97 Stat. 665, provided that: “The amendments made by subsections (a) and (b) [enacting this section and amending section 204 of Title 37, Pay and Allowances of the Uniformed Services] shall apply only in cases of injuries incurred or aggravated on or after the date of the enactment of this Act [Sept. 24, 1983].”

#### § 1074b. Medical and dental care: Academy cadets and midshipmen; members of, and designated applicants for membership in, Senior ROTC

(a) ELIGIBILITY.—Under joint regulations prescribed by the administering Secretaries, the following persons are, except as provided in subsection (c), entitled to the benefits described in subsection (b):

(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, and a midshipman at the United States Naval Academy, who incurs or aggravates an injury, illness, or disease in the line of duty.

(2) A member of, and a designated applicant for membership in, the Senior Reserve Officers’ Training Corps who incurs or aggravates an injury, illness, or disease—

(A) in the line of duty while performing duties under section 2109 of this title;

(B) while traveling directly to or from the place at which that member or applicant is to perform or has performed duties pursuant to section 2109 of this title; or

(C) in the line of duty while remaining overnight immediately before the commencement of duties performed pursuant to section 2109 of this title or, while remaining overnight, between successive periods of performing duties pursuant to section 2109 of this title, at or in the vicinity of the site of the duties performed pursuant to section 2109 of this title, if the site is outside reasonable commuting distance from the residence of the member or designated applicant.

(b) BENEFITS.—A person eligible for benefits under subsection (a) for an injury, illness, or disease is entitled to—

(1) the medical and dental care under this chapter that is appropriate for the treatment of the injury, illness, or disease until the injury, illness, disease, or any resulting disability cannot be materially improved by further hospitalization or treatment; and

(2) meals during hospitalization.

(c) EXCEPTION FOR GROSS NEGLIGENCE OR MISCONDUCT.—A person is not entitled to benefits under subsection (b) for an injury, illness, or disease, or the aggravation of an injury, illness, or disease that is a result of the gross negligence or the misconduct of that person.

(Added Pub. L. 108-375, div. A, title V, § 555(a)(1), Oct. 28, 2004, 118 Stat. 1913.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1074b, added Pub. L. 102-190, div. A, title VI, § 640(a)(2), Dec. 5, 1991, 105 Stat. 1385; amended Pub. L. 104-106, div. A, title XV, § 1501(c)(10), Feb. 10, 1996, 110 Stat. 499, which related to transitional medical and dental care for members on active duty in support of contingency operations, was repealed by Pub. L. 107-107, div. A, title VII, § 736(c)(1), (d), Dec. 28, 2001, 115 Stat. 1173, with provision that the section, as in effect before Dec. 28, 2001, was to continue to apply to a member of the Armed Forces who was released from active duty in support of a contingency operation before that date.