SEC. ___. ACTIVE DUTY OBLIGATION FOR GRADUATES OF THE MILITARY ACADEMIES PARTICIPATING IN THE HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

(a) UNITED STATES MILITARY ACADEMY GRADUATES IN THE HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.—Subsection (a) of section 4348 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in a program under section 2121 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the health care degree or training program.".

(b) UNITED STATES NAVAL ACADEMY GRADUATES IN THE HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.—Subsection (a) of section 6959 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) That if an appointment described in paragraph (2) or (3) is tendered and the midshipman participates in a program under section 2121 of this title, the midshipman will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the health care degree or training program.".

(c) UNITED STATES AIR FORCE ACADEMY GRADUATES IN THE HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.—Subsection (a) of section 9348 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in a program under section 2121 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the health care degree or training program.".

Section-by-Section Analysis

This proposal would ensure that graduates of the United States Military Academy (USMA), the United States Naval Academy (USNA), and the United States Air Force Academy (USAFA) who participate in the Health Professions Scholarship Program (HPSP) under section 2121 of title 10, United States Code, serve on active duty to fulfill their service obligation incurred as a result of their attendance at one of the Service academies.

Section 2121 of title 10, United States Code, requires HPSP officers to be commissioned in a reserve component. As such, graduates of the Service academies selected to participate in the HPSP must resign their Regular commissions and accept a reserve appointment under section 4348(a)(3), 6959(a)(3), or 9348(a)(3) of title 10, United States Code. Once they resign their Regular commissions, these academy graduates' service obligations are transformed from active duty obligations (ADO) under 10 U.S.C. 4348(a)(2)(B), 6959(a)(2)(B), or 9348(a)(2)(B) to service in a reserve component under 10 U.S.C. 4348(a)(3)(B), 6959(a)(3)(B), or 9348(a)(3)(B), as appropriate. This legislative proposal would leave intact the ADO of those Service academy graduates participating in the HPSP even though they must resign their Regular commissions to participate in the HPSP.

Since 10 U.S.C. 2121(c) requires all HPSP participants to be commissioned officers in a reserve component, a Regular officer who desires to participate in the HPSP must resign his or her Regular commission and accept a reserve commission. In the absence of this legislative proposal, any unserved ADO attributable to attendance at a Service academy may not be enforceable because the mandatory change in status from the Regular to a reserve component results in a separation from the Regular component.

The HPSP is a Department of Defense (DoD) program that is currently the primary source of active duty physicians and dentists and is crucial in the recruitment of other medical professionals required by the force. The Service academies are similarly an important source of commissioned officers, providing high quality, subsidized, pre-professional (undergraduate) education to some of our future leaders. Both the ADO for attendance at a Service academy (five years) and the ADO for participation in the HPSP (four years) are important, but without this legislative proposal, there is the possibility that the Service academy ADO could go unserved due to the required change in status from the Regular to a reserve component.

This legislative proposal would allow Service academy graduates who enter medical school under the HPSP immediately following graduation, or who are allowed to resign their Regular appointment before completing the Service academy ADO, to enter medical school under the HPSP without the loss of up to five years of unserved academy ADO. Without this legislative proposal, the loss of the Service academy ADO can occur if a Reserve appointment is accepted following graduation or if the individual is allowed to resign before completing the service obligation, resulting in the requirement to complete the Service academy ADO in the reserve components pursuant to 10 U.S.C. 4348, 6959, or 9348.

This legislative proposal supports the DoD and the military departments' human capital strategy by re-enforcing the ability to retain a health care professional for up to nine years of active duty service because the HPSP and Service academy obligations are served consecutively. Without this proposal, DoD must rely on the HPSP service agreement to capture the Service academy ADO.

Changes to Existing Law: This would amend sections 4348, 6959, and 9348 of title 10, United States Code, as follows:

§ 4348. Cadets: agreement to serve as officer

(a) Each cadet shall sign an agreement with respect to the cadet's length of service in the armed forces. The agreement shall provide that the cadet agrees to the following:

(1) That the cadet will complete the course of instruction at the Academy.

(2) That upon graduation from the Academy the cadet —

(A) will accept an appointment, if tendered, as a commissioned officer of the Regular Army or the Regular Air Force; and

(B) will serve on active duty for at least five years immediately after such appointment.

(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before completion of the commissioned service obligation of the cadet, the cadet—

(A) will accept an appointment as a commissioned officer as a Reserve for service in the Army Reserve or the Air Force Reserve; and

(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

<u>(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in a program under section 2121 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of</u>

appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the health care degree or training program.

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(d) In this section, the term "commissioned service obligation", with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer's appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary of Defense, any later date up to the eighth anniversary of such appointment.

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§ 6959. Midshipmen: agreement for length of service

(a) Each midshipman shall sign an agreement with respect to the midshipman's length of service in the armed forces. The agreement shall provide that the midshipman agrees to the following:

(1) That the midshipman will complete the course of instruction at the Naval Academy.

(2) That upon graduation from the Naval Academy the midshipman—

(A) will accept an appointment, if tendered, as a commissioned officer of the Regular Navy, the Regular Marine Corps, or the Regular Air Force; and

(B) will serve on active duty for at least five years immediately after such appointment.

(3) That if an appointment described in paragraph (2) is not tendered or if the midshipman is permitted to resign as a regular officer before completion of the commissioned service obligation of the midshipman, the midshipman—

(A) will accept an appointment as a commissioned officer in the Navy Reserve or the Marine Corps Reserve or as a Reserve in the Air Force for service in the Air Force Reserve; and

(B) will remain in that reserve component until completion of the commissioned service obligation of the midshipman.

(4) That if an appointment described in paragraph (2) or (3) is tendered and the midshipman participates in a program under section 2121 of this title, the midshipman will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the health care degree or training program.

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§ 9348. Cadets: agreement to serve as officer

(a) Each cadet shall sign an agreement with respect to the cadet's length of service in the armed forces. The agreement shall provide that the cadet agrees to the following:

(1) That the cadet will complete the course of instruction at the Academy.

(2) That upon graduation from the Academy the cadet—

(A) will accept an appointment, if tendered, as a commissioned officer of the Regular Air Force; and

(B) will serve on active duty for at least five years immediately after such appointment.

(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before completion of the commissioned service obligation of the cadet, the cadet—

(A) will accept an appointment as a commissioned officer as a Reserve in the Air Force for service in the Air Force Reserve; and

(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in a program under section 2121 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the health care degree or training program.

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