









USPHS Commissioned Corps Legislative Priorities Briefing Information

The USPHS Commissioned Corps is one of the eight Uniformed Services of the United States, but it is not part of the Armed Forces or a “military department,” as the following illustrates:

Uniformed Services of the United States	
DOD Armed Military	    
Non-DOD Armed Military	 (DHS)
Non-DOD Non-Armed Can Be Militarized	 (HHS)  (DOC)

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In cases in which existing law extends benefits only to the Armed Forces or military departments, there are inconsistencies between the benefits available to members of the Armed Forces and to the members of the USPHS Commissioned Corps. However, as part of a Uniformed Service, USPHS Commissioned Corps officers are more similar to their colleagues in the Armed Forces than to the civilian workforce, so comparable benefits are appropriate.

Uniformed Services Reserves Benefits Comparison Chart

	Air Force Reserve	Air National Guard	Army National Guard	Army Reserve	Coast Guard Reserve	Marine Corps Reserve	Navy Reserve	USPHS Ready Reserve
Post-9/11 GI Bill¹	✓	✓	✓	✓	✓	✓	✓	Not yet authorized
Montgomery GI Bill— Selected Reserve²	✓	✓	✓	✓	✓	✓	✓	Not yet authorized
TRICARE Reserve Select³	✓	✓	✓	✓	✓	✓	✓	Not yet authorized
TRICARE Retired Reserve⁴	✓	✓	✓	✓	✓	✓	✓	Not yet authorized
TRICARE Dental⁵	✓	✓	✓	✓	✓	✓	✓	Not yet authorized
Able to Receive Dual Compensation & Leave for Reserve Service⁶	✓	✓	✓	✓	✓	✓	✓	Not yet authorized

¹ 38 U.S.C. Ch. 33; available to members who serve on active duty after certain call-up authorities as outlined in 38 U.S.C. § 3301. Can also be transferred to dependents.

² 10 U.S.C. Ch. 1606; Available to members of the Selected Reserve of the Ready Reserve.

³ 10 U.S.C. § 1076d; Available to members of the Selected Reserve of the Ready Reserve and their dependents.

⁴ 10 U.S.C. § 1076e; available to members of the Retired Reserve under age 60 and dependents.

⁵ 10 U.S.C. § 1076a; Available to Ready Reserve and their dependents.

⁶ 5 U.S.C. §§ 5534, 6323; available to reservists also employed as federal civil servants

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Certain benefits and entitlements that are provided in statute specifically for members (and former members) of the military services and/or the armed forces do not independently extend to members of the USPHS Commissioned Corps. 42 U.S.C. § 213a extends certain specified “rights, benefits, privileges, and immunities” provided by Title 10 of the U.S. Code to USPHS Commissioned Corps officers that may not have been available otherwise. Similarly, 42 U.S.C. § 213 extends select military benefits to USPHS Commissioned Corps officers that include benefits administered by the Secretary of Veterans Affairs as well as all rights, privileges, immunities, and benefits provided under the Servicemembers Civil Relief Act.

Comparison of Entitlements of the Regular Corps vs. Other Uniformed Services

	National Guard	NOAA	U.S. Space Force	U.S. Air Force	U.S. Army	U.S. Coast Guard	U.S. Marine Corps	U.S. Navy	USPHS Commissioned Corps Regular Corps
TRICARE Healthcare	X	X	X	X	X	X	X	X	X
TRICARE Dental	X	X	X	X	X	X	X	X	X
Post-9/11 GI Bill	X	X	X	X	X	X	X	X	X
Montgomery GI Bill	X	X	X	X	X	X	X	X	X
VA Loan Eligibility	X	X	X	X	X	X	X	X	X
Servicemembers' Group Life Insurance (SGLI) Eligibility	X	X	X	X	X	X	X	X	X
Uniform Allowance	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$400	\$250
National Park Passes	X	Not yet authorized	X	X	X	X	X	X	Not yet authorized
Leave Entitlement	<ul style="list-style-type: none"> • Annual leave • Sick leave • Parental leave • Adoption leave • Convalescent maternity leave • Court appearance leave • Emergency leave • Child support leave • Rest and recuperation leave • Graduation leave • Educational leave 	<ul style="list-style-type: none"> • Annual leave • Sick leave • Parental leave • Adoption leave • Convalescent maternity leave • Court appearance leave • Emergency leave • Child support leave • Rest and recuperation leave • Graduation leave • Educational leave 	<ul style="list-style-type: none"> • Annual leave • Sick leave • Parental leave • Adoption leave • Convalescent maternity leave • Court appearance leave • Emergency leave • Child support leave • Rest and recuperation leave • Graduation leave • Educational leave 	<ul style="list-style-type: none"> • Annual leave • Sick leave • Parental leave • Adoption leave • Convalescent maternity leave • Court appearance leave • Emergency leave • Child support leave • Rest and recuperation leave • Graduation leave • Educational leave 	<ul style="list-style-type: none"> • Annual leave • Sick leave • Parental leave • Adoption leave • Convalescent maternity leave • Court appearance leave • Emergency leave • Child support leave • Rest and recuperation leave • Graduation leave • Educational leave 	<ul style="list-style-type: none"> • Annual leave • Sick leave • Parental leave • Adoption leave • Convalescent maternity leave • Court appearance leave • Emergency leave • Child support leave • Rest and recuperation leave • Graduation leave • Educational leave 	<ul style="list-style-type: none"> • Annual leave • Sick leave • Parental leave • Adoption leave • Convalescent maternity leave • Court appearance leave • Emergency leave • Child support leave • Rest and recuperation leave • Graduation leave • Educational leave 	<ul style="list-style-type: none"> • Annual leave • Sick leave • Parental leave • Adoption leave • Convalescent maternity leave • Court appearance leave • Emergency leave • Child support leave • Rest and recuperation leave • Graduation leave • Educational leave 	<ul style="list-style-type: none"> • Annual leave • Sick leave

(Only a snapshot of comparable benefits available to Regular Corps officers of the USPHS Commissioned Corps)

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The following table provides additional context on how the USPHS Commissioned Corps legislative asks are designed to better align the USPHS Commissioned Corps with those of the Armed Forces. **NOTE:** All listed legislative proposals for the USPHS Ready Reserve Corps are conforming amendments since the USPHS Ready Reserve is newly implemented and only the Armed Services had a Reserve component when Title 10 was initially written.

SASC/HASC

<u>#</u>	<u>Legislative Proposal</u>	<u>Current Law</u>	<u>Improvement(s)</u>	<u>Budget Impact</u>	<u>Departments and Committee</u>
SASC/HASC Budget Neutral Legislative Requests (In order of greatest need)					
1	Codify the Current Structure of the U.S. Public Health Service Commissioned Corps Ready Reserve Corps	10 U.S.C. § 10141 et seq	<ul style="list-style-type: none"> • Preparedness • Service equity • Recruitment/benefits 	No	HHS DoD/DHA DOC/NOAA AS
2	Align the USPHS Commissioned Corps' Ready Reserve Corps' Dual Compensation and Military Leave Rights with those of the Armed Forces	5 U.S.C. § 5534 5 U.S.C. § 6323	<ul style="list-style-type: none"> • Recruitment benefit • Service equity • Benefits for pay/leave 	No	HHS DoD/DHA DOC/NOAA HSGAC
SASC/HASC Budget Impacting Legislative Request (In order of greatest need)					
1	Extend Post-9/11 GI Bill Educational Benefits to Members of the U.S. Public Health Service Commissioned Corps Ready Reserve	38 U.S.C. § 3301	<ul style="list-style-type: none"> • Recruitment/benefits • Service equity 	Yes, but very nominal. None for HHS, although there is a cost to the Department of Veterans Affairs. To utilize, servicemembers have to agree to serve a certain period of time in uniform. Department of Veterans Affairs and Department of Defense partners acknowledge USPHS Reservists are entitled to this benefit.	HHS VA HELP DOC/NOAA

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2	Extend Eligibility to the Montgomery GI Select Reserve Program to Certain Members of the U.S. Public Health Service Commissioned Corps Ready Reserve	10 U.S.C. § 16131	<ul style="list-style-type: none"> • Recruitment benefit • Benefits for pay/leave • Service equity 	<p>Yes</p> <p>Based on estimates from the VA, the cost of administering the MGIB-Selected Reserve program would be \$2,228 annually per participant.</p> <p>* Please note that chapter 1606 benefits are paid from the mandatory Readjustment Benefits (RB) account. Certain benefit payments, including chapter 1606, are then reimbursed by the Department of Defense</p>	<p>HHS VA HELP DOC/NOAA</p>
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HELP/E&C Committee

<u>#</u>	<u>Legislative Proposal</u>	<u>Current Law</u>	<u>Improvement(s)</u>	<u>Budget Impact</u>
HELP/E&C Committee Budget Neutral Legislative Requests (In order of greatest need)				
1	Align the Leave Authorities for the USPHS Commissioned Corps with Those of All Other Uniformed Services*	42 U.S.C. § 210-1 10 U.S.C. §§ 701 through 710	<ul style="list-style-type: none"> • Recruitment benefit • Benefits for pay/leave • Service equity 	No
2	Expand the “Recall to Active Duty” Authority to Allow the Secretary to Involuntarily Recall Retired Public Health Service Officers	42 U.S.C. § 212(c) 10 U.S.C. § 688 10 U.S.C. § 8385 10 U.S.C. § 801(a)	<ul style="list-style-type: none"> • Preparedness • Discipline • Service equity 	No
3	Authorize the Surgeon General to Call the Ready Reserve to Active Duty for Training Voluntarily or Involuntarily	42 U.S.C. § 204(c)(2)	<ul style="list-style-type: none"> • Preparedness • Benefits determination • Service equity 	No
4	Deeming Training in Emergency Response as a Federal Activity	42 U.S.C. § 204a 42 U.S.C. § 204a(c)	<ul style="list-style-type: none"> • Preparedness & Training • Benefits for pay/leave 	No
5	Authority to Detail PHS Personnel Directly to Certain State, Local, or Nonprofit Health or Mental Health Entities	42 U.S.C. § 215(b) 42 U.S.C. § 215(c)	<ul style="list-style-type: none"> • Provision of health care services beyond in emergency 	No
HELP/E&C Committee Budget Impacting Legislative Request (In order of greatest need)				
1	Authorize Permissive Constructive Service Credit for Select Candidates	42 U.S.C. § 209(d)(1))	<ul style="list-style-type: none"> • Recruitment benefit • Benefits for pay/leave 	No Likely Cost Saver

* The NOAA Commissioned Corps was able to have DoD’s expanded leave authorities extended to them in 33 U.S.C. § 3071. The way in which this statute is written, the expanded DoD leave authorities are extended to NOAA Corps officers and is written broadly enough that any future updates in NDAA for DoD servicemembers will automatically apply to the NOAA Corps.

**USPHS LEGISLATIVE PRIORITY PROPOSALS
(Top 6 in overall rank order)**

<u>#</u>	<u>Legislative Proposal</u>	<u>Current Law</u>	<u>Improvement(s)</u>	<u>Budget Impact</u>
1	Codify the Current Structure of the U.S. Public Health Service Commissioned Corps Ready Reserve Corps	10 U.S.C. § 10141 et seq	<ul style="list-style-type: none"> • Preparedness • Service equity • Recruitment/benefits 	No
2	Align the Leave Authorities for the USPHS Commissioned Corps with Those of All Other Uniformed Services*	42 U.S.C. § 210-1 10 U.S.C. §§ 701 through 710	<ul style="list-style-type: none"> • Recruitment benefit • Benefits for pay/leave • Service equity 	No
3	Align the USPHS Commissioned Corps' Ready Reserve Corps' Dual Compensation and Leave Rights with those of the Armed Forces	5 U.S.C. § 5534 5 U.S.C. § 6323	<ul style="list-style-type: none"> • Recruitment benefit • Service equity • Benefits for pay/leave 	No
4	Authorize Permissive Constructive Service Credit for Select Candidates	42 U.S.C. § 209(d)(1))	<ul style="list-style-type: none"> • Recruitment benefit • Benefits for pay/leave 	No Likely Cost Saver
5	Authority to Detail PHS Personnel Directly to Certain State, Local, or Nonprofit Health or Mental Health Entities	42 U.S.C. § 215(b) 42 U.S.C. § 215(c)	<ul style="list-style-type: none"> • Provision of health care services beyond in emergency 	No
6	Extend Post-9/11 GI Bill Educational Benefits to Members of the U.S. Public Health Service Commissioned Corps Ready Reserve and Extend Eligibility to the Montgomery GI Select Reserve Program to Certain Members of the U.S. Public Health Service Commissioned Corps Ready Reserve	38 U.S.C. § 3301 10 U.S.C. § 16131	<ul style="list-style-type: none"> • Recruitment/benefits • Service equity • Benefits for pay/leave 	Yes, but very nominal.