



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

OFFICE OF THE SECRETARY

September 2023

MEMORANDUM FOR DACOWITS

FROM: HQ USAF
1720 Air Force Pentagon
Washington DC 20330-1720

SUBJECT: DAF DACOWITS RFI Response RFI #6

QUESTION #6

Congress enacted legislation in the FY22 National Defense Authorization Act (NDAA), which directed the SecDef to prescribe regulations by December 27, 2022, to preserve the parental guardianship rights of a cadet or midshipman who becomes pregnant or fathers a child, while attending a Military Service Academies (MSAs), consistent with the individual and academic responsibilities of such cadet or midshipman. It is important to note ~~that~~ this legislation did not provide guidance that pertains to enlisted Service members enrolled in Reserve Officer Training Corps (ROTC) commissioning programs.

The Committee requests a written response from the Office of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the MSAs, and Military Services (Army, Navy, Marine Corps, Department of the Air Force, and Coast Guard) to address the following questions:

f. Military Services: Provide the instruction(s) which delineate policy guidance for pregnant and postpartum ROTC students. In addition, provide the instruction(s) which delineate policy guidance for enlisted pregnant and postpartum Service members enrolled in ROTC commissioning programs.

[DAFMAN 36-2032, *Military Recruiting and Accessions*](#) provides program participation guidance for pregnant and postpartum Air Force Reserve Officers Training Corps (AFROTC) cadets. [DAFMAN 48-123, *Medical Examinations and Standards*](#) outlines the medical standards for accessions, which apply to all contracted AFROTC cadets, including pregnant and postpartum cadets. There is no separate instruction for “enlisted pregnant and postpartum Service members enrolled in ROTC commissioning programs” as all students, including enlisted members selected for an AFROTC commissioning program, must be formally enrolled in the AFROTC program in accordance with DAFMAN 36-2032 to be categorized as an AFROTC cadet.



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b. MSAs: Will affected cadets and midshipmen in Service as of the Congressionally directed enactment date be grandfathered (i.e., able to avail themselves of the new rules)?

USAFA has already begun implementation of the CADET Act, while awaiting the formal update to DoDI 1322.22. Over the last few years, USAFA has approved Family Care Plans (FCPs) for several cadets, allowing them to maintain parental rights and remain in training at USAFA. Cadets who had children prior to the passage of the CADET Act have been provided the opportunity to regain/maintain parental rights by requesting approval of an FCP. All submitted FCPs have been approved by USAFA leadership.

c. MSAs: Provide copies of and links to the implementing DoD directives and guidance.

To date, USAFA has not received any formal DoD directives implementing the change but are actively participating in the DoD Working Group. Acting in the spirit of the policy, USAFA allows cadets to maintain parental rights, while remaining at USAFA through the use of an FCP. In addition, DoD General Counsel issued a memorandum dated 10 March 2023, which clarifies

that child dependents of cadets can be enrolled in DEERS and are eligible for Tricare under the current statute (10 USC 1072(2)) since USAFA cadets are on active duty.

d. MSAs: Has Service guidance been issued? If so, provide copies.

USAFA was instructed to delay issuing written guidance until the approved update to DoDI 1322.22 is released. However, since the passage of the CADET Act, USAFA has been complying with the intent of the Act by allowing cadets to remain at USAFA while maintaining parental rights, so long as they have an approved FCP.

e. MSAs: How many cadets and midshipmen are currently waiting for the Act to be implemented?

As indicated above, USAFA has implemented the CADET Act and allowed several cadets to remain at USAFA and maintain parental rights. Therefore, no cadets are "waiting" on the Act to be implemented. Currently, USAFA has 5 cadets with dependent children that have an approved FCP or a temporary guardianship agreement in place. In addition, USAFA has two (2) cadets (both males) expecting children in the next few months that have begun the FCP process, which would allow them to maintain parental rights when the child is born and enroll the child in DEERs to ensure they receive medical care.

The following story recent ran in the Colorado Springs Gazette and provides a summary of some cadets' experience following the CADET Act. https://gazette.com/premium/federal-law-change-lets-air-force-academy-cadets-keep-parental-rights/article_9cfabf70-3d1a-11ee-b43d-e3e5a883a665.html