

115TH CONGRESS
1ST SESSION

S. _____

To amend titles 5, 10, 37, and 38, United States Code, to ensure that an order to serve on active duty under section 12304a or 12304b of title 10, United States Code, is treated the same as other orders to serve on active duty for determining the eligibility of members of the uniformed services and veterans for certain benefits and for calculating the deadlines for certain benefits.

IN THE SENATE OF THE UNITED STATES

Mr. FRANKEN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend titles 5, 10, 37, and 38, United States Code, to ensure that an order to serve on active duty under section 12304a or 12304b of title 10, United States Code, is treated the same as other orders to serve on active duty for determining the eligibility of members of the uniformed services and veterans for certain benefits and for calculating the deadlines for certain benefits.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Reserve Component Benefits Parity Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Eligibility of reserve component members for pre-mobilization health care.

Sec. 3. Eligibility of reserve component members for transitional health care.

Sec. 4. Consideration of service on active duty to reduce age for eligibility for retired pay for non-Regular service.

Sec. 5. Eligibility of reserve component members for high-deployment allowance for lengthy or numerous deployments and frequent mobilizations.

Sec. 6. Eligibility of reserve component members for post-9/11 educational assistance.

Sec. 7. Eligibility of reserve component members for nonreduction in pay while serving in the uniformed services or National Guard.

Sec. 8. Effect of order to serve on active duty on eligibility for or use of certain military benefits.

Sec. 9. Retroactive applicability of amendments.

6 **SEC. 2. ELIGIBILITY OF RESERVE COMPONENT MEMBERS**
7 **FOR PRE-MOBILIZATION HEALTH CARE.**

8 Section 1074(d)(2) of title 10, United States Code,
9 is amended by striking “in support of a contingency oper-
10 ation under” and inserting “under section 12304b of this
11 title or”.

12 **SEC. 3. ELIGIBILITY OF RESERVE COMPONENT MEMBERS**
13 **FOR TRANSITIONAL HEALTH CARE.**

14 Section 1145(a)(2)(B) of title 10, United States
15 Code, is amended by striking “in support of a contingency
16 operation” and inserting “under section 12304b of this
17 title or a provision of law referred to in section
18 101(a)(13)(B) of this title”.

1 **SEC. 4. CONSIDERATION OF SERVICE ON ACTIVE DUTY TO**
2 **REDUCE AGE FOR ELIGIBILITY FOR RETIRED**
3 **PAY FOR NON-REGULAR SERVICE.**

4 Section 12731(f)(2)(B)(i) of title 10, United States
5 Code, is amended by striking “under a provision of law
6 referred to in section 101(a)(13)(B) or under section
7 12301(d)” and inserting “under section 12301(d) or
8 12304b of this title or a provision of law referred to in
9 section 101(a)(13)(B)”.

10 **SEC. 5. ELIGIBILITY OF RESERVE COMPONENT MEMBERS**
11 **FOR HIGH-DEPLOYMENT ALLOWANCE FOR**
12 **LENGTHY OR NUMEROUS DEPLOYMENTS AND**
13 **FREQUENT MOBILIZATIONS.**

14 Section 436(a)(2)(C)(ii) of title 37, United States
15 Code, is amended by inserting after “under” the first
16 place it appears the following: “section 12304b of title 10
17 or”.

18 **SEC. 6. ELIGIBILITY OF RESERVE COMPONENT MEMBERS**
19 **FOR POST-9/11 EDUCATIONAL ASSISTANCE.**

20 Section 3301(1)(B) of title 38, United States Code,
21 is amended by striking “or 12304” and inserting “12304,
22 12304a, or 12304b”.

1 **SEC. 7. ELIGIBILITY OF RESERVE COMPONENT MEMBERS**
2 **FOR NONREDUCTION IN PAY WHILE SERVING**
3 **IN THE UNIFORMED SERVICES OR NATIONAL**
4 **GUARD.**

5 Section 5538(a) of title 5, United States Code, is
6 amended in the matter preceding paragraph (1) by insert-
7 ing after “under” the following: “section 12304b of title
8 10 or”.

9 **SEC. 8. EFFECT OF ORDER TO SERVE ON ACTIVE DUTY ON**
10 **ELIGIBILITY FOR OR USE OF CERTAIN MILI-**
11 **TARY BENEFITS.**

12 (a) EXCEPTION TO VOLUNTARY SEPARATION PAY
13 REPAYMENT REQUIREMENT FOR MEMBERS WHO RE-
14 TURN TO ACTIVE DUTY.—Section 1175a(j)(2) of title 10,
15 United States Code, is amended by striking “or 12304”
16 and inserting “12304, 12304a, or 12304b”.

17 (b) TIME LIMITATION FOR TRAINING AND REHABILI-
18 TATION FOR VETERANS WITH SERVICE-CONNECTED DIS-
19 ABILITIES.—Section 3103(f) of title 38, United States
20 Code, is amended by striking “or 12304” and inserting
21 “12304, 12304a, or 12304b”.

22 **SEC. 9. RETROACTIVE APPLICABILITY OF AMENDMENTS.**

23 The amendments made by this Act shall apply with
24 respect to any order for a member of a reserve component
25 to serve on active duty under section 12304a or 12304b

1 of title 10, United States Code, issued on or after January
2 1, 2012.