

115TH CONGRESS  
1ST SESSION

# H. R. 1384

To amend titles 5, 10, 37, and 38 of the United States Code to ensure that an order to serve on active duty under sections 12304a and 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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2017

Mr. PALAZZO (for himself, Mr. WALZ, Ms. SHEA-PORTER, and Mr. FRANKS of Arizona) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend titles 5, 10, 37, and 38 of the United States Code to ensure that an order to serve on active duty under sections 12304a and 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,*

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

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

6 (b) TABLE OF CONTENTS.—The table of contents for  
 7 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.

8 **SEC. 2. ELIGIBILITY OF RESERVE COMPONENT MEMBERS**  
 9 **FOR PRE-MOBILIZATION HEALTH CARE.**

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

14 **SEC. 3. ELIGIBILITY OF RESERVE COMPONENT MEMBERS**  
 15 **FOR TRANSITIONAL HEALTH CARE.**

16 Section 1145(a)(2)(B) of title 10, United States  
 17 Code, is amended by striking “in support of a contingency  
 18 operation” and inserting “under section 12304b of this

1 title or a provision of law referred to in section  
2 101(a)(13)(B) of this title”.

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

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

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

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

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

22 Section 3301(1)(B) of title 38, United States Code,  
23 is amended by striking “or 12304” and inserting “12304,  
24 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) EFFECT OF BREAK IN STUDIES ON EDU-  
18 CATIONAL ASSISTANCE FOR RESERVE COMPONENT MEM-  
19 BERS SUPPORTING CONTINGENCY OPERATIONS AND CER-  
20 TAIN OTHER OPERATIONS.—Section 16162(d)(2)(B)(i) of  
21 title 10, United States Code, is amended by striking “or  
22 12304” and inserting “12304, 12304a, or 12304b”.

23 (c) TIME LIMITATION FOR TRAINING AND REHABILI-  
24 TATION FOR VETERANS WITH SERVICE-CONNECTED DIS-  
25 ABILITIES.—Section 3103(f) of title 38, United States

- 1 Code, is amended by striking “or 12304” and inserting
- 2 “12304, 12304a, or 12304b”.

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