

National Guard 12304b Benefits Parity Act
Sponsored by: Sen. Al Franken

Current Law

The 2012 NDAA added to 10 USC the 12304b authority which states, “Selected Reserve: order to active duty for preplanned missions in support of the combatant commands.” This designation expanded the authority of the Department of Defense to deploy National Guard and Reserve Component forces on pre-planned active duty missions. However, corresponding changes were not made to 38 USC and 10USC 1145. As such, health, education, and retirement benefits have been denied to Reserve Component soldiers serving under the 12304b designation.

The failure to make corresponding changes to 38 USC and 10USC 1145 has resulted in National Guard soldiers being denied TRICARE benefits before, during, and after deployment as well as denials for Post 9/11 GI Bill education benefits and reduction in retirement age for Reserve Component members for service on active duty.

Proposal

The National Guard 12304b Benefits Parity Act would amend titles 10 and 38USC to provide access to TRICARE throughout the National Guard’s deployment cycle (180 day pre and post deployment TRICARE access and access to health and dental benefits while on deployment), Post-9/11 GI Bill Benefits, and reduction in retirement age for qualifying service on active duty. This bill will be retroactive to the passage of the 2012 NDAA to ensure that National Guard soldiers that have been deployed, are currently deployed, or will be deployed have access to the same benefits they would under other deployment authorities.