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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **4009**

05/13/2016 Authored by Lesch; Dettmer; Howe; Johnson, B.; Newton and others
The bill was read for the first time and referred to the Veterans Affairs Division

1.1 A resolution

1.2 memorializing Congress to pass the National Guard 12304b Benefits Parity Act.

1.3 WHEREAS, the National Defense Authorization Act (2012) expanded the authority of the

1.4 Department of Defense, enabling it to deploy National Guard and Reserve component forces to

1.5 augment the active forces for a preplanned mission in support of a combatant command. This

1.6 authority is codified under United States Code, title 10, section 12304b; and

1.7 WHEREAS, when the Department of Defense received this expanded authority, Congress

1.8 did not make corresponding changes to United States Code, titles 10 and 38, thereby excluding

1.9 servicemembers on active duty orders under the section 12304b designation from being eligible

1.10 (1) for TRICARE benefits before, during, and after their deployment, (2) for Post-9/11 GI Bill

1.11 education benefits, and (3) for a reduction in their retirement age for their active duty service

1.12 under section 12304b; and

1.13 WHEREAS, on September 13, 2014, more than 40 soldiers from the Minnesota National

1.14 Guard's 204th Area Support Medical Company (ASMC) were deployed under United States

1.15 Code, title 10, section 12304b, on a nine-month active duty order to the Sinai Peninsula in Egypt

1.16 in support of the Multinational Force and Observers (MFO); and

1.17 WHEREAS, the MFO is an international peacekeeping force overseeing the terms of the

1.18 1979 peace treaty between Egypt and Israel; and

1.19 WHEREAS, the Department of Defense is growing increasingly concerned about the

1.20 dangerous conditions facing United States soldiers deployed to the Sinai Peninsula, as the Islamic

1.21 State of Iraq and the Levant (ISIL) and other radical insurgents have increased their attacks

1.22 against United States soldiers and military installations; and

2.1 WHEREAS, United States soldiers serving on the Sinai Peninsula face daily threats of
2.2 violence, but are not eligible for TRICARE benefits, Post-9/11 GI Bill education benefits, and the
2.3 reduction in retirement age for active duty service; and

2.4 WHEREAS, upon return from the nine-month active duty order, the 204th ASMC unit was
2.5 notified by the United States Department of Veterans Affairs that the unit's members were not
2.6 eligible for these benefits based on their nine-month deployment to the Sinai Peninsula under
2.7 section 12304b; and

2.8 WHEREAS, approximately 400 soldiers from the 2nd Battalion, 135th Infantry, of the
2.9 Minnesota National Guard are currently mobilizing under United States Code, title 10, section
2.10 12304b, to support the MFO mission in the Sinai Peninsula. The unit will deploy to Sinai in the
2.11 summer of 2016 and the deployment is expected to last for nine months; and

2.12 WHEREAS, this nine-month deployment to the Sinai Peninsula of approximately 400
2.13 soldiers from the 2nd Battalion, 135th Infantry, of the Minnesota National Guard is not a
2.14 qualifying service for purposes of TRICARE benefits, Post-9/11 GI Bill education benefits, and
2.15 the reduction in retirement age for active duty service; and

2.16 WHEREAS, on May 10, 2016, United States Senators Al Franken (D-Minn.) and Amy
2.17 Klobuchar (D-Minn.) introduced the National Guard 12304b Benefits Parity Act (S.2913) to
2.18 ensure that Minnesota National Guard and Reserve members who were called to serve on active
2.19 duty under United States Code, title 10, section 12304b, can access their hard-earned health
2.20 care, education, and retirement benefits; and

2.21 WHEREAS, the National Guard 12304b Benefits Parity Act provides servicemembers
2.22 called to active duty under United States Code, title 10, section 12304b, (1) access to TRICARE
2.23 benefits throughout the National Guard's deployment cycle, (2) Post-9/11 GI Bill benefits, and (3)
2.24 a reduction in retirement age for qualifying service on active duty. The Act is retroactive to the
2.25 passage of the National Defense Authorization Act (2012) to ensure that National Guard soldiers
2.26 that have been deployed, are currently deployed, or will be deployed have access to the same
2.27 benefits they would under other deployment authorities; NOW, THEREFORE,

2.28 BE IT RESOLVED by the Legislature of the State of Minnesota that it urges the Congress
2.29 of the United States to pass the National Guard 12304b Benefits Parity Act.

2.30 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota
2.31 is directed to prepare copies of this memorial and transmit them to the President and the
2.32 Secretary of the United States Senate, the Speaker and the Clerk of the United States House of
2.33 Representatives, the chair of the Senate Committee on Armed Services, the chair of the House

- 3.1 Committee on Armed Services, the United States Secretary of State, and Minnesota's Senators
- 3.2 and Representatives in Congress.