

# House Joint Memorial 4

Sponsored by Representative EVANS (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Urges Congress to change how the U.S. government provides benefits to the armed forces. (Flesch Readability Score: 65.7).

Urges Congress to enact legislation that extends certain benefits to Reserve and National Guard units deployed under 10 U.S.C. 12304b that are comparable to the benefits received by Reserve and National Guard units under other mobilization authority.

## JOINT MEMORIAL

1  
2 To the President of the United States and the Senate and the House of Representatives of the United  
3 States of America, in Congress assembled:

4 We, your memorialists, the Eighty-third Legislative Assembly of the State of Oregon, in legisla-  
5 tive session assembled, respectfully represent as follows:

6 Whereas Reserve divisions of each branch of the Armed Forces of the United States and the  
7 Army and Air National Guard serve as critical components of our nation's defenses, yet are largely  
8 composed of part-time personnel with civilian duties and responsibilities in addition to their Reserve  
9 or National Guard duties; and

10 Whereas Reserve and National Guard personnel may be deployed with little notice to overseas  
11 combat operations or foreign aid missions; and

12 Whereas Title 10 of the United States Code contains several independent legal bases through  
13 which federal authorities may mobilize and deploy Reserve and National Guard forces; and

14 Whereas the National Defense Authorization Act for Fiscal Year 2012 (P.L. 112-81) in part en-  
15 acted 10 U.S.C. 12304b, a new mobilization authority that permits federal authorities to order a  
16 mandatory deployment of Reserve or National Guard forces to augment active forces in support of  
17 a preplanned mission pertaining to combat or foreign aid operations; and

18 Whereas unlike other mandatory deployments, deployments under 10 U.S.C. 12304b do not qual-  
19 ify for certain benefits, including but not limited to Post-9/11 Veterans Educational Assistance Act  
20 (P.L. 110-252) benefits, pre- and post-mobilization TRICARE health care benefits and creditable time  
21 towards educational assistance or retirement benefits; and

22 Whereas troops deployed under 10 U.S.C. 12304b are often unaware that they will not be re-  
23 ceiving these benefits, as for example when 200 Marine reservists, including 36 from Oregon, who  
24 served in the Springfield-based Engineer Services Company Marine Combat Logistics Battalion 23  
25 were deployed for three months of training in North Carolina and six months of foreign aid service  
26 in Honduras, only to learn upon their return that they would not be receiving the benefits that de-  
27 ployed troops under other mobilization authority receive; and

28 Whereas Oregon has no active duty bases and therefore is a National Guard state that is dis-  
29 proportionately negatively impacted by mobilizations under 10 U.S.C. 12304b; and

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       Whereas mobilizations under 10 U.S.C. 12304b have numbered in the thousands since the law's  
2 inception in 2012 and will likely continue to be used for future deployments; and

3       Whereas Reserve and National Guard units that are deployed work side-by-side with full-time  
4 armed forces, but under 10 U.S.C. 12304b do not receive the same benefits regular troops receive;  
5 and

6       Whereas such different benefits for the same work are demoralizing for our Reserve and Na-  
7 tional Guard forces and simply a wrong result for such integral and important components of our  
8 national defense, emergency response and civil defense structures in this state and nation; now,  
9 therefore,

10 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

11       That we, the members of the Eighty-third Legislative Assembly, respectfully urge Congress to  
12 pass, and the President to sign, legislation that would extend like benefits to Reserve and National  
13 Guard personnel deployed under 10 U.S.C. 12304b as are received under other mobilization author-  
14 ity; and be it further

15       Resolved, That those benefits be applied both prospectively and retroactively to Reserve and  
16 National Guard personnel already deployed under 10 U.S.C. 12304b; and be it further

17       Resolved, That a copy of this memorial shall be sent to the President of the United States, the  
18 Senate Majority Leader, the Speaker of the House of Representatives and each member of the  
19 Oregon Congressional Delegation.

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