

118TH CONGRESS
1ST SESSION

H. R. 3628

To amend titles 10 and 38, United States Code, to extend certain benefits to members of the National Guard who incur disabilities while performing State active duty.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2023

Mrs. BICE (for herself, Ms. SHERRILL, Ms. SLOTKIN, Ms. JACOBS, and Mr. PFLUGER) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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

A BILL

To amend titles 10 and 38, United States Code, to extend certain benefits to members of the National Guard who incur disabilities while performing State active duty.

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.**

4 This Act may be cited as the “Supporting Disabled
5 National Guardsmen Act”.

1 **SEC. 2. ELIGIBILITY OF A MEMBER OF THE NATIONAL**
2 **GUARD FOR RETIREMENT FROM THE ARMED**
3 **FORCES BASED ON DISABILITY INCURRED**
4 **WHILE PERFORMING STATE ACTIVE DUTY.**

5 Section 1204 of title 10, United States Code, is
6 amended—

7 (1) in paragraph (2)(B)(i)—

8 (A) by striking “active duty or inactive-
9 duty training;” and inserting an em dash; and

10 (B) by inserting before clause (ii) the fol-
11 lowing new subclauses:

12 “(I) active duty;

13 “(II) inactive-duty training; or

14 “(III) State active duty (as that
15 term is defined in section 4303 of title
16 38);”;

17 (2) by inserting “(a) IN GENERAL.—” before
18 “Upon a determination”; and

19 (3) by adding at the end the following new sub-
20 section:

21 “(b) LIMITATION.—In the case of a member retired
22 under this section based on a disability described in sub-
23 clause (III) of subsection (a)(2)(B)(i), the Secretary con-
24 cerned shall reduce retired pay, computed under section
25 1401 of this title and paid to such member, to the extent
26 that the Secretary concerned determines such retired pay

1 duplicates any other Federal or State benefit to such
2 member based on such disability.”.

3 **SEC. 3. ELIGIBILITY OF A MEMBER OF THE NATIONAL**
4 **GUARD WHO INCURS A DISABILITY WHILE**
5 **PERFORMING STATE ACTIVE DUTY FOR**
6 **HEALTH CARE FURNISHED BY THE SEC-**
7 **RETARY OF VETERANS AFFAIRS.**

8 (a) ESTABLISHMENT.—Subchapter VIII of chapter
9 17 of title 38, United States Code, is amended by adding
10 at the end the following new section:

11 **“§ 1789A. Health care for members of the National**
12 **Guard who incur disabilities while per-**
13 **forming State active duty**

14 “(a) IN GENERAL.—Subject to subsection (b), a
15 member of the National Guard who incurs a disability
16 while performing State active duty shall be eligible for hos-
17 pital care and medical services furnished by the Secretary
18 to treat such disability and any illness or condition arising
19 from such disability.

20 “(b) LIMITATION.—(1) The Secretary may only fur-
21 nish hospital care and medical services under subsection
22 (a) to the extent and in the amount provided in advance
23 in appropriations Acts for such purpose.

24 “(2) The Secretary may provide reimbursement for
25 hospital care or medical services provided to an individual

1 under this section only after the individual or the provider
2 of such care or services has exhausted without success all
3 claims and remedies reasonably available to the individual
4 or provider against a third party (as defined in section
5 1725(f) of this title) for payment of such care or services,
6 including with respect to health-plan contracts (as defined
7 in such section).

8 “(c) STATE ACTIVE DUTY DEFINED.—In this sec-
9 tion, the term ‘State active duty’ has the meaning given
10 that term in section 4303 of this title.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 1789 the following new
14 item:

“1789A. Health care for members of the National Guard who incur disabilities
while performing State active duty.”.

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