

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3711

To amend the Internal Revenue Code of 1986 to provide to employers a tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2002

Mr. GRAVES introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to provide to employers a tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard.

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. READY RESERVE-NATIONAL GUARD EMPLOYEE**

4                               **CREDIT ADDED TO GENERAL BUSINESS**

5                               **CREDIT.**

6       (a) READY RESERVE-NATIONAL GUARD CREDIT.—

7       Subpart D of part IV of subchapter A of chapter 1 of

8       the Internal Revenue Code of 1986 (relating to business-

1 related credits) is amended by adding at the end the fol-  
2 lowing new section:

3 **“SEC. 45G. READY RESERVE-NATIONAL GUARD EMPLOYEE**  
4 **CREDIT.**

5 “(a) GENERAL RULE.—For purposes of section 38,  
6 the Ready Reserve-National Guard employee credit deter-  
7 mined under this section for the taxable year is an amount  
8 equal to 50 percent of the actual compensation amount  
9 for the taxable year.

10 “(b) DEFINITION OF ACTUAL COMPENSATION  
11 AMOUNT.—For purposes of this section, the term ‘actual  
12 compensation amount’ means the amount of compensation  
13 paid or incurred by an employer with respect to a Ready  
14 Reserve-National Guard employee on any day during a  
15 taxable year when the employee was absent from employ-  
16 ment for the purpose of performing qualified active duty.

17 “(c) LIMITATION.—No credit shall be allowed under  
18 subsection (a) with respect to a Ready Reserve-National  
19 Guard employee who performs qualified active duty on any  
20 day on which the employee was not scheduled to work (for  
21 a reason other than to participate in qualified active duty)  
22 and ordinarily would not have worked.

23 “(d) DEFINITIONS.—For purposes of this section—

24 “(1) QUALIFIED ACTIVE DUTY.—The term  
25 ‘qualified active duty’ means—

1           “(A) active duty, other than the training  
2           duty specified in section 10147 of title 10,  
3           United States Code (relating to training re-  
4           quirements for the Ready Reserve), or section  
5           502(a) of title 32, United States Code (relating  
6           to required drills and field exercises for the Na-  
7           tional Guard), in connection with which an em-  
8           ployee is entitled to reemployment rights and  
9           other benefits or to a leave of absence from em-  
10          ployment under chapter 43 of title 38, United  
11          States Code, and

12           “(B) hospitalization incident to such duty.

13          “(2) COMPENSATION.—The term ‘compensa-  
14          tion’ means any remuneration for employment,  
15          whether in cash or in kind, which is paid or incurred  
16          by a taxpayer and which is deductible from the tax-  
17          payer’s gross income under section 162(a)(1).

18          “(3) READY RESERVE-NATIONAL GUARD EM-  
19          PLOYEE.—The term ‘Ready Reserve-National Guard  
20          employee’ means an employee who is a member of  
21          the Ready Reserve or of the National Guard.

22          “(4) NATIONAL GUARD.—The term ‘National  
23          Guard’ has the meaning given such term by section  
24          101(c)(1) of title 10, United States Code.

1           “(5) READY RESERVE.—The term ‘Ready Re-  
2           serve’ has the meaning given such term by section  
3           10142 of title 10, United States Code.”.

4           (b) CREDIT TO BE PART OF GENERAL BUSINESS  
5 CREDIT.—Subsection (b) of section 38 of such Code (re-  
6 lating to general business credit) is amended by striking  
7 “plus” at the end of paragraph (14), by striking the period  
8 at the end of paragraph (15) and inserting “, plus”, and  
9 by adding at the end the following new paragraph:

10           “(16) the Ready Reserve-National Guard em-  
11           ployee credit determined under section 45G(a).”.

12 **SEC. 2. CONFORMING AMENDMENT.**

13           The table of sections for subpart D of part IV of sub-  
14 chapter A of chapter 1 of the Internal Revenue Code of  
15 1986 is amended by inserting after the item relating to  
16 section 45F the following new item:

                  “Sec. 45G. Ready Reserve-National Guard employee credit.”.

17 **SEC. 3. EFFECTIVE DATE.**

18           The amendments made by this Act shall apply to tax-  
19 able years beginning after December 31, 2001.

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