

105TH CONGRESS  
1ST SESSION

# H. R. 42

To amend the Internal Revenue Code of 1986 to provide a tax credit to any employer who employs a member of the Ready Reserve or of the National Guard for a portion of the value of the service not performed for the employer while the employee is performing service as such a member.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. BILIRAKIS 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 a tax credit to any employer who employs a member of the Ready Reserve or of the National Guard for a portion of the value of the service not performed for the employer while the employee is performing service as such a member.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. READY RESERVE-NATIONAL GUARD EMPLOYEE**

2 **CREDIT ADDED TO GENERAL BUSINESS**

3 **CREDIT.**

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

5 Subpart D of part IV of subchapter A of chapter 1 of  
6 the Internal Revenue Code of 1986 (relating to business-  
7 related credits) is amended by adding at the end the fol-  
8 lowing new section:

9 **“SEC. 45D. READY RESERVE-NATIONAL GUARD EMPLOYEE**

10 **CREDIT.**

11 “(a) GENERAL RULE.—For purposes of section 38,  
12 the Ready Reserve-National Guard employee credit deter-  
13 mined under this section for the taxable year is an amount  
14 equal to 10 percent of the unpaid compensation amount  
15 for the taxable year.

16 “(b) DEFINITION OF UNPAID COMPENSATION  
17 AMOUNT.—For purposes of this section, the term ‘unpaid  
18 compensation amount’ means the amount of compensation  
19 which ordinarily would have been paid or incurred by an  
20 employer with respect to a Ready Reserve-National Guard  
21 employee on any day during a taxable year but was not  
22 paid because the employee was absent from employment  
23 for the purpose of performing qualified active duty.

24 “(c) LIMITATIONS.—

25 “(1) MAXIMUM CREDIT.—The maximum credit  
26 allowable under subsection (a) shall not exceed

1       \$2,000 in any taxable year with respect to any one  
2       Ready Reserve-National Guard employee.

3           “(2) DAYS OTHER THAN WORK DAYS.—No  
4       credit shall be allowed with respect to a Ready Re-  
5       serve-National Guard employee who performs quali-  
6       fied active duty on any day on which the employee  
7       was not scheduled to work (for a reason other than  
8       to participate in qualified active duty) and ordinarily  
9       would not have worked.

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

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

13           “(A) active duty, other than the training  
14       duty specified in section 10147 of title 10,  
15       United States Code (relating to training re-  
16       quirements for the Ready Reserve), or section  
17       502(a) of title 32, United States Code (relating  
18       to required drills and field exercises for the Na-  
19       tional Guard), in connection with which an em-  
20       ployee is entitled to reemployment rights and  
21       other benefits or to a leave of absence from em-  
22       ployment under chapter 43 of title 38, United  
23       States Code, and

24           “(B) hospitalization incident to such duty.

1           “(2) COMPENSATION.—The term ‘compensa-  
 2           tion’ means any remuneration for employment,  
 3           whether in cash or in kind, which, if paid by the tax-  
 4           payer, would have been deductible from the tax-  
 5           payer’s gross income under section 162(a)(1).”

6           “(3) READY RESERVE-NATIONAL GUARD EM-  
 7           PLOYEE.—The term ‘Ready Reserve-National Guard  
 8           employee’ means an employee who is a member of  
 9           the Ready Reserve or of the National Guard.”

10          “(4) NATIONAL GUARD.—The term ‘National  
 11          Guard’ has the meaning given such term by section  
 12          101(c)(1) of title 10, United States Code.”

13          “(5) READY RESERVE.—The term ‘Ready Re-  
 14          serve’ has the meaning given such term by section  
 15          10142 of title 10, United States Code.”

16          (b) CREDIT TO BE PART OF GENERAL BUSINESS  
 17 CREDIT.—Subsection (b) of section 38 of such Code (re-  
 18 lating to general business credit) is amended by striking  
 19 “plus” at the end of paragraph (11), by striking the period  
 20 at the end of paragraph (12) and inserting “, plus”, and  
 21 by adding at the end the following new paragraph:

22           “(13) the Ready Reserve-National Guard em-  
 23           ployee credit determined under section 45D(a).”

1 **SEC. 2. CONFORMING AMENDMENT.**

2       The table of sections for subpart D of part IV of sub-  
3 chapter A of chapter 1 of the Internal Revenue Code of  
4 1986 is amended by inserting after the item relating to  
5 section 45C the following new item:

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

6 **SEC. 3. EFFECTIVE DATE.**

7       The amendments made by this Act shall apply to tax-  
8 able years beginning after December 31, 1996.

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