

109TH CONGRESS
2^D SESSION

H. R. 5525

To amend title 5, United States Code, to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard continues to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would receive as a Federal employee if no interruption in employment had occurred.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2006

Mr. LANTOS (for himself, Mr. TOM DAVIS of Virginia, Mr. MCGOVERN, Mr. SHAYS, and Mr. GRAVES) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend title 5, United States Code, to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard continues to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would receive as a Federal employee if no interruption in employment had occurred.

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. SHORT TITLE.**

2 This Act may be cited as the “Reservists Pay Security Act of 2006”.

4 **SEC. 2. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.**

8 (a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

11 **“§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard**

13 “(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

21 “(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

1 “(2) the amount of pay and allowances which
2 (as determined under subsection (d))—

3 “(A) is payable to such employee for that
4 service; and

5 “(B) is allocable to such pay period.

6 “(b)(1) Amounts under this section shall be payable
7 with respect to each pay period (which would otherwise
8 apply if the employee’s civilian employment had not been
9 interrupted)—

10 “(A) during which such employee is entitled to
11 reemployment rights under chapter 43 of title 38
12 with respect to the position from which such em-
13 ployee is absent (as referred to in subsection (a));
14 and

15 “(B) for which such employee does not other-
16 wise receive basic pay (including by taking any an-
17 nual, military, or other paid leave) to which such
18 employee is entitled by virtue of such employee’s ci-
19 vilian employment with the Government.

20 “(2) For purposes of this section, the period during
21 which an employee is entitled to reemployment rights
22 under chapter 43 of title 38—

23 “(A) shall be determined disregarding the provi-
24 sions of section 4312(d) of title 38; and

1 “(B) shall include any period of time specified
2 in section 4312(e) of title 38 within which an em-
3 ployee may report or apply for employment or reem-
4 ployment following completion of service on active
5 duty to which called or ordered as described in sub-
6 section (a).

7 “(c) Any amount payable under this section to an em-
8 ployee shall be paid—

9 “(1) by such employee’s employing agency;

10 “(2) from the appropriation or fund which
11 would be used to pay the employee if such employee
12 were in a pay status; and

13 “(3) to the extent practicable, at the same time
14 and in the same manner as would basic pay if such
15 employee’s civilian employment had not been inter-
16 rupted.

17 “(d) The Office of Personnel Management shall, in
18 consultation with Secretary of Defense, prescribe any reg-
19 ulations necessary to carry out the preceding provisions
20 of this section.

21 “(e)(1) The head of each agency referred to in section
22 2302(a)(2)(C)(ii) shall, in consultation with the Office,
23 prescribe procedures to ensure that the rights under this
24 section apply to the employees of such agency.

1 “(2) The Administrator of the Federal Aviation Ad-
2 ministration shall, in consultation with the Office, pre-
3 scribe procedures to ensure that the rights under this sec-
4 tion apply to the employees of that agency.

5 “(f) For purposes of this section—

6 “(1) the terms ‘employee’, ‘Federal Govern-
7 ment’, and ‘uniformed services’ have the same re-
8 spective meanings as given them in section 4303 of
9 title 38;

10 “(2) the term ‘employing agency’, as used with
11 respect to an employee entitled to any payments
12 under this section, means the agency or other entity
13 of the Government (including an agency referred to
14 in section 2302(a)(2)(C)(ii)) with respect to which
15 such employee has reemployment rights under chap-
16 ter 43 of title 38; and

17 “(3) the term ‘basic pay’ includes any amount
18 payable under section 5304.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for chapter 55 of title 5, United States Code, is amended
21 by inserting after the item relating to section 5537 the
22 following:

“5538. Nonreduction in pay while serving in the uniformed services or National
Guard.”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to pay periods (as de-

1 scribed in section 5538(b) of title 5, United States Code,
2 as amended by this section) beginning on or after the date
3 of enactment of this Act.

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