

HOUSE RESERVISTS PAY ADJUSTMENT ACT OF 2009

APRIL 22, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted the following

R E P O R T

[To accompany H.R. 1679]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 1679) to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The House Reservists Pay Adjustment Act of 2009 (H.R. 1679) would provide for the payment of supplemental income to House employees who are involuntarily called into active military service.

BILL SUMMARY

H.R. 1679 would provide supplemental income to House employees who are members of a reserve component of the Armed Forces who are involuntarily called into active military duty. The House would provide payments during the period of active military duty amounting to the difference between the employee's military salary and the employee's House salary prior to activation.

In order to be eligible for the payments, employees must have been employed by the House for a continuous period of 90 days immediately preceding military activation. The calculation of the employee's House salary would be adjusted annually to provide the same Federal Pay Comparability Act adjustments authorized for

employees under the House Position Classification Act. The cost of the pay supplements would be paid out of appropriate House accounts, but not charged to the employing office.

COMMITTEE CONSIDERATION

On March 25, 2009, the Committee considered H.R. 1679 and, by voice vote, ordered the bill reported favorably without amendment. No recorded votes were taken during the consideration of the bill.

BACKGROUND AND NEED FOR H.R. 1679

Several employees of the U.S. House of Representatives currently serve on active duty in the U.S. Armed Forces. While on active duty, these employees are paid the rate of a full-time active duty serviceman. For many of these House employees, this rate constitutes a dramatic reduction in pay from their House salary. This reduction creates a strain on family budgets, and compounds the struggles faced while a family member is in active military service.

H.R. 1679 is in line with the practices of many private sector employers, which provide income to close the gap between active duty pay and reservists' non-military salary.

ANALYSIS OF THE BILL

H.R. 1679 was referred to the Committee on House Administration on March 24, 2009 and ordered reported on March 25, 2009. The bill would provide for the replacement of lost income for employees of the House who are members of a Reserve component of the armed forces and are on active duty for a period of more than 30 days.

Section 1. Section 1 states the short title of the Act, the "House Reservists Pay Adjustment Act of 2009."

Section 2. Subsection (a) provides that for each active duty month of an eligible House employee who is also a member of a Reserve component of the Armed Forces, the Chief Administrative Officer will pay the employee the amount of money by which his or her regular compensation exceeds the total monthly military compensation paid to the employee by the Secretary of Defense. Employees would be considered eligible if they were employees of the House during each day of the 90-day period ending on the day they report to active duty under an involuntary mobilization order.

Subsection (b) provides that the amount of regular compensation is the amount received by the employee for the base month (excluding bonus or incentive payments) increased by any cost-of-living adjustments applicable to employees of the Office of the Chief Administrative Officer for months occurring after the base month. The base month is defined as the most recent month for which the employee received compensation from the House prior to the active duty month.

Subsection (c) provides that the amount of any payment shall be reduced by the Chief Administrative Officer by the amount of any compensation the employee receives under 37 U.S.C. 910 or any other source that is provided to replace income lost by the individual. The Chief Administrative Officer is also directed to not make payments unless the payment is greater than \$50.

Subsection (d) defines “active duty month” as any month during which an eligible employee is not able to perform duties for their employing authority because the employee is on active duty under an involuntary mobilization order for a period of more than 30 days. The subsection refers to the definition of “Armed Forces”, “active duty for a period of more than 30 days,” and “Reserve component” in 37 U.S.C. 101, and refers to the definition of “total monthly military compensation” in 37 U.S.C. 910(e)(2).

Section 3. Section 3 amends Clause 8 of rule XXIII of the Rules of the House to allow a Member, Delegate, Resident Commissioner, or Officer of the House to retain an employee covered under Section 2.

Section 4. Section 4 amends 2 U.S.C. 125 to clarify that the widow, widower, or heirs-at-law of an employee covered under Section 2 who dies during an active duty month remain eligible for the gratuity for survivors of House employees.

MATTERS REQUIRED UNDER RULES OF THE HOUSE

Constitutional authority

Clause 3(d)(1) of House Rule XIII requires each committee report on a public bill or joint resolution to include a statement citing the specific constitutional power(s) granted to the Congress on which the Committee relies for enactment of the measure under consideration.

The Committee cites the legislative power broadly granted to Congress in Article I.

Committee votes

Clause 3(b) of House Rule XIII requires the results of each recorded vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the committee report. No recorded votes were taken during the committee’s consideration of H.R. 1679.

Congressional Budget Office estimate

Clause 3(c)(3) of House Rules XIII requires the report of a committee on a measure which has been approved by the committee to include a cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 403 of the CBA, if timely submitted. The Director submitted the following estimate:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 27, 2009.

Hon. ROBERT A. BRADY,
*Chairman, Committee on House Administration,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1679, the House Reservists Pay Adjustment Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, Director).

Enclosure.

H.R. 1679—House Reservists Pay Adjustment Act of 2009

H.R. 1679 would provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces and are on active duty for more than 30 days. Lost income would be defined as the difference between the employee's military and civilian compensation, subject to certain adjustments. CBO estimates that implementing H.R. 1679 would have no significant impact on the federal budget and would not affect direct spending or revenues.

The costs of implementing the legislation would depend on the size of the future reserve force, which depends on the duration of the military operations in Iraq and Afghanistan, future military actions, and the size of the force required for those conflicts. Information from the House of Representatives and the Department of Defense indicates that, to date, very few employees of the House of Representatives have been called to active duty. Assuming few such employees continue to be called to active duty in the future, CBO estimates that implementing the bill would not significantly increase discretionary spending.

H.R. 1679 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contacts for this estimate are Matthew Pickford and Barry Blom. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Federal mandates

Section 423 of the CBA requires a committee report on any public bill or joint resolution that includes a federal mandate to include specific information about such mandates. The Committee states that H.R. 1679 includes no federal mandates.

Preemption clarification

Section 423 of the CBA requires a committee report on any public bill or joint resolution to include a committee statement on the extent to which the measure is intended to preempt state or local law. The Committee states that H.R. 1679 is not intended to preempt any state or local law.

Oversight findings

Clause 3(c)(1) of Rule XIII requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of House Rule X. The Committee has general oversight responsibility for the Chief Administrative Officer of the House of Representatives.

In the course of its continuing oversight of the CAO, the committee noted the benefit of continued support to those House employees in active service to our military.

Statement of general performance goals and objectives

Clause 3(c)(4) of House Rule XIII requires committee reports to include a statement of general performance goals and objectives. The Committee finds that H.R. 1679 honors the House's commitment to its employees who are deployed in active military service.

Congressional "earmarks"

Clause 9 of House Rule XXI requires committee reports on public bills and resolutions to contain an identification of congressional "earmarks," limited tax benefits, limited tariff benefits, and the names of requesting Members. The bill contains no such items.

Congressional Accountability Act applicability

Section 102(b)(3) of the Congressional Accountability Act of 1995 (Pub.L. 104-1) (CAA) requires each report on a public bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations to describe the manner in which the legislation applies to the Legislative Branch. H.R. 1679 does not amend any part of the Congressional Accountability Act. It confers a new benefit to some House employees, but is not directly applicable to the CAA.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

RULES OF THE HOUSE OF REPRESENTATIVES

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RULE XXIII.

CODE OF OFFICIAL CONDUCT.

There is hereby established by and for the House the following code of conduct, to be known as the "Code of Official Conduct":

1. * * *

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8. (a) * * *

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(d) Nothing in this clause may be construed to prohibit the disbursement or receipt of any payment authorized under section 2 of the House Reservists Pay Adjustment Act of 2009.

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LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1955

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TITLE I—LEGISLATIVE BRANCH

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HOUSE OF REPRESENTATIVES

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CONTINGENT EXPENSES OF THE HOUSE

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The Chief Administrative Officer of the House of Representatives is hereafter authorized to pay, from the applicable accounts of the House of Representatives, a gratuity to the widow, widower, or heirs-at-law of each deceased employee of the House an amount equal to one month's salary for each year or part of year of the first six years' service of such employee plus one-half of one month's salary for each year or part of year of such service in excess of six years to and including the eighteenth year of such service. Service computed hereunder shall include all Federal civilian employment, and military service where such service interrupted Federal civilian employment. *Nothing in this paragraph may be construed to prohibit the Chief Administrative Officer from paying a gratuity to the widow, widower, or heirs-at-law of an employee of the House who dies during an active duty month (as defined in section 2(d) of the House Reservists Pay Adjustment Act of 2009).*

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