

Union Calendar No. 259

111TH CONGRESS
2^D SESSION

H. R. 1879

[Report No. 111-450]

To amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mr. COFFMAN of Colorado (for himself and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MARCH 22, 2010

Additional sponsors: Mr. FILNER, Mr. LOBIONDO, Mr. BOOZMAN, Mr. WELCH, Ms. FALLIN, Mr. BAIRD, Mr. LUETKEMEYER, Mr. COURTNEY, Mr. MILLER of Florida, Mr. LAMBORN, Mr. KLINE of Minnesota, Mr. KISSELL, Mr. HARPER, Mr. BUYER, Mr. SULLIVAN, Mr. ROE of Tennessee, Mr. TIM MURPHY of Pennsylvania, and Ms. GRANGER

MARCH 22, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard 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 “National Guard Em-
 5 ployment Protection Act of 2009”.

6 **SEC. 2. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NA-**
 7 **TIONAL GUARD DUTY.**

8 (a) REEMPLOYMENT RIGHTS.—Section 4312(e)(4) of
 9 title 38, United States Code, is amended—

10 (1) by striking “or” at the end of subparagraph
 11 (D);

12 (2) by striking the period at the end of sub-
 13 paragraph (E) and inserting “; or”; and

14 (3) by adding at the end the following new sub-
 15 paragraph:

16 “(F) ordered to full-time National Guard
 17 duty under the provisions of section 502(f) of
 18 title 32 when the period of duty is designated
 19 by the Secretary of Defense as covered by this
 20 subparagraph.”.

21 (b) EFFECTIVE DATE.—Subparagraph (F) of section
 22 4312(e)(4) of title 38, United States Code, as added by
 23 subsection (a), shall apply with respect to an individual
 24 ordered to full-time National Guard duty under section
 25 502(f) of title 32, United States Code, on or after Sep-

1 tember 11, 2001, and shall entitle such individual to rights
2 and benefits under chapter 43 of title 38 of such Code
3 on or after that date.

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “National Guard Em-*
6 *ployment Protection Act of 2010”.*

7 **SEC. 2. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NA-**
8 **TIONAL GUARD DUTY.**

9 (a) *REEMPLOYMENT RIGHTS.*—Section 4312(c)(4) of
10 title 38, United States Code, is amended—

11 (1) *by striking “or” at the end of subparagraph*
12 *(D);*

13 (2) *by striking the period at the end of subpara-*
14 *graph (E) and inserting “; or”; and*

15 (3) *by adding at the end the following new sub-*
16 *paragraph:*

17 *“(F) ordered to full-time National Guard*
18 *duty under the provisions of section 502(f) of*
19 *title 32 when the period of duty is expressly des-*
20 *ignated in writing by the Secretary of Defense as*
21 *covered by this subparagraph.”.*

22 (b) *EFFECTIVE DATE.*—Subparagraph (F) of section
23 4312(c)(4) of title 38, United States Code, as added by sub-
24 section (a), shall apply with respect to an individual or-
25 dered to full-time National Guard duty under section 502(f)

1 *of title 32, United States Code, on or after September 11,*
2 *2001, and shall entitle such individual to rights and bene-*
3 *fits under chapter 43 of title 38 of such Code on or after*
4 *that date.*

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