



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

March 16, 2010

H.R. 1879

National Guard Employment Protection Act of 2010

As ordered reported by the House Committee on Veterans' Affairs March 10, 2010

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) requires employers (both governmental and private) to provide certain employment benefits, including guaranteed reemployment, to employees who miss work because of their military service. Under USERRA, those protections are guaranteed for up to five years of cumulative absence from a job due to service in the military. However, some servicemembers have their jobs protected for longer than five years, because some specific types of military duty do not count against the period of guaranteed USERRA protection.

H.R. 1879 would amend current law to add a type of National Guard duty to the list of duties exempted from counting against the limited period of USERRA protection. CBO estimates that relatively few National Guard members, if any, who are current or previous federal employees, would receive additional job protection or other benefits because of this new exemption. Thus, CBO estimates that enacting this bill would have no impact on the federal budget.

Enacting H.R. 1879 would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

Under current law, state, local, and tribal governments as well as private-sector employers must reemploy military servicemembers as required by USERRA. Such a requirement is an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA). By expanding the individuals protected under USERRA, state, local, and tribal governments as well as private-sector employers would face additional costs to comply with these reemployment protections. Based on annual reporting under USERRA and on discussions with agency officials, CBO estimates that few additional servicemembers would qualify for reemployment. Thus the cost of complying with the mandates would fall well below the annual thresholds in UMRA for both intergovernmental and private-sector mandates (\$70 million and \$141 million in 2010, respectively, adjusted annually for inflation.)

The CBO staff contact for this estimate is Dawn Regan. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.