



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 30, 2005

### **S. 1736**

#### **A bill to provide for the participation of employees in the judicial branch in the federal leave program for disasters and emergencies**

*As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on September 22, 2005*

S. 1736 would provide for the participation of employees of the judicial branch in the federal emergency leave transfer program. CBO estimates that the legislation would have no significant budgetary impact. Enacting the bill would not affect direct spending or revenues. S. 1736 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.

Under current law, judicial branch employees are allowed to donate annual leave through a leave bank to co-workers who have exhausted their annual and sick leave as a result of a personal or family medical emergency. Any unused donated annual leave is returned to the leave bank. Emergency leave transfer programs within the executive branch also allow employees to donate annual leave to be transferred to employees of their own agency or other agencies in the event of a major disaster or emergency declared by the President. However, unlike the leave bank program, any unused annual leave donated to the emergency leave transfer program is returned to the donor.

S. 1736 would provide the judicial branch with the same emergency leave transfer authority as the executive branch. The cost of expanding this authority to the judicial branch would depend upon the number of times a major disaster or emergency occurs that results in a Presidential request for a special leave program and whether the leave donated would have been donated under current law.

Since 1997, emergency leave transfer authority has been used for the executive branch three times. It was used after the African Embassy bombings in 1998, the terrorist attacks of September 11, 2001, and in the aftermath of Hurricane Katrina in 2005. Most of the leave donations after the first two events were returned to their donors.

According to the Administrative Office of the United States Courts, about 400 displaced judicial branch employees have been on paid administrative leave for an indeterminate

amount of time since hurricane Katrina struck. CBO expects that any annual leave donations made under S. 1736 would largely be annual leave that would otherwise be donated for medical emergencies. Thus, we expect that enacting S. 1736 would not have a significant cost.

The CBO staff contacts for this estimate are Matthew Pickford and Gregory Waring. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.