

**S. 2293, CREW Act**

As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on July 14, 2021

By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold
* = between zero and \$500,000.			

S. 2293 would extend certain employment protections afforded under the Uniformed Services Employment and Reemployment Rights Act (USERRA) to people who are activated for temporary duty by the Federal Emergency Management Agency (FEMA) in response to disasters declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. FEMA currently employs about 12,400 such reservists, who are deployed for duty as needed.

USERRA generally requires employers to reemploy covered personnel who serve on active duty upon their return to civilian life and prohibits employment discrimination against such service members. The Department of Labor’s Veterans’ Employment and Training Service (VETS), in coordination with other agencies, collaboratively enforces USERRA by investigating claims of discrimination. Over the past five years, the VETS program investigated an average of about 1,000 new discrimination cases each year out of an eligible population totaling more than 1 million service members (mostly personnel from the reserve and National Guard components of the U.S. military, as well as a small number of FEMA employees).

Using information from VETS about the rate of claim filings for the current USERRA population, CBO expects that extending employment protections to additional people would



increase the number of claims, on average, by about five each year. Based on the cost to administer the VETS program, CBO estimates implementing the bill would cost less than \$500,000 over the 2022-2026 period; such spending would be subject to the availability of appropriated funds.

S. 2293 also would impose a mandate as defined in the Unfunded Mandates Reform Act (UMRA) on the employers of FEMA reservists who are activated for duty. It would expand existing protections in law to include members who return to work after being activated by FEMA, requiring employers to provide the same benefits, pay, and seniority as if they had not been activated. The bill also would expand a requirement in current law that requires employers to treat reservists who are activated by FEMA as furloughed employees or employees on a leave of absence, entitling them to any compensation or benefits otherwise available to them in that status. The cost of the mandate would be the cost to employers who provide those benefits and would depend on the frequency and severity of disasters requiring activation of FEMA reservists. CBO estimates that the cost to provide furlough benefits, such as health insurance, to the approximately 12,400 FEMA reservists would be well below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$85 million and \$170 million in 2021, respectively, adjusted annually for inflation).

The CBO staff contact for this estimate is Jon Sperl (for federal costs) and Brandon Lever (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.