

ADDITIONAL LEAVE TIME FOR FEDERAL EMPLOYEES WHO
SERVE AS ORGAN DONORS

SEPTEMBER 28, 1998.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. BURTON of Indiana, from the Committee on Government
Reform and Oversight, submitted the following

REPORT

[To accompany H.R. 2943]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform and Oversight, to whom was referred the bill (H.R. 2943) to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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I. SHORT SUMMARY OF LEGISLATION

Under this legislation, a federal employee may use paid leave not exceeding 7 days in any calendar year to serve as a bone marrow

donor, and paid leave not exceeding 30 days to serve as an organ donor.

II. BACKGROUND AND NEED FOR THE LEGISLATION

H.R. 2943 amends federal law relating to the absence of a federal employee in connection with serving as a bone-marrow or organ donor. Under this legislation, federal employees are permitted to use, in any calendar year, paid leave not exceeding 7 days to serve as a bone-marrow donor, and paid leave not exceeding 30 days to serve as an organ donor. Under existing law, a federal employee was allowed to use, in any calendar year, paid leave not exceeding 7 days to serve as either a bone-marrow or organ donor.

Medical technology and improved surgical techniques have greatly increased the number of individuals whose lives can be saved or dramatically improved by transplanting healthy organs from one person to a person in need. It is important that Congress do whatever it can to encourage citizens to consider becoming organ donors.

Over 54,000 people are currently on the organ transplant waiting list and about 4,000 die each year while waiting. The federal government should lead by example and make it easier for federal employees to become donors. Currently, federal employees may use up to seven days of leave in each calendar year to serve as an organ donor or a bone marrow donor. While recent studies show that a period of seven days is generally adequate for bone marrow donations, organ donations—such as donating a kidney for transplant—require lengthy periods for recovery. This legislation will increase to 30 days the amount of leave that may be used for organ donation. The amount of leave that may be used for bone marrow donations will remain at seven days. Bone marrow and organ donations are considered a separate leave category, so donors do not have to use their personal sick or annual leave time for these vital medical procedures.

III. LEGISLATIVE HEARINGS AND COMMITTEE ACTIONS

The Committee held no legislative hearings on H.R. 2943. Rep. Elijah Cummings introduced H.R. 2943 on November 8, 1997. The bill was referred to the Committee on Government Reform and Oversight. In addition, on November 17, 1997, the bill was referred to the Subcommittee on Civil Service. On July 21, 1998, the Subcommittee on Civil Service considered the bill, and forwarded it by voice vote to the Committee on Government Reform and Oversight. On July 23, 1998, the Committee on Government Reform and Oversight considered the bill, and ordered, by voice vote, H.R. 2943 to be reported to the House.

IV. COMMITTEE HEARINGS AND WRITTEN TESTIMONY

The Committee did not hold any hearings related to this legislation.

V. EXPLANATION OF THE BILL AS REPORTED: SECTION-BY-SECTION

Section 1. This section amends subsection (b) of the first section of Section 6327 of title 5, U.S.C. to allow an employee to use up to 7 days of leave in any calendar year to serve as a bone-marrow donor. It also authorizes the use of not more than 30 days leave in any calendar year to serve as an organ donor. Subsection (b) makes technical corrections to redesignate the current section 6327 as section 6328.

VI. COMPLIANCE WITH RULE XI

Pursuant to rule XI, clause 2(1)(3)(A) of the Rules of the House of Representatives, under the authority of rule X, clause 2(b)(1) and clause 3(f), the results and findings from Committee oversight activities are incorporated in the bill and this report.

VII. BUDGET ANALYSIS AND PROJECTIONS

H.R. 2943, as amended, provides for no new authorization, budget authority, or tax expenditures. Consequently, the provisions of section 308(a) of the Congressional Budget Act are not applicable.

VIII. COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 4, 1998.

Hon. DAN BURTON,
Chairman, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2943, a bill to amend Title 5, United States Code, to increase the amount of leave time available to a federal employee in any year in connection with serving as an organ donor, and for other purposes.

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

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 2943—A bill to amend Title 5, United States Code, to increase the amount of leave time available to a federal employee in any year in connection with serving as an organ donor, and for other purposes

H.R. 2943 would increase—from seven days to 30 days—the amount of paid leave (in addition to annual and sick leave) available to federal employees who serve as organ donors. CBO estimates that enacting this bill would have no significant impact on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 2943 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact is John R. Righter. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

IX. SPECIFIC CONSTITUTIONAL AUTHORITY FOR THIS LEGISLATION

Clauses 1 and 18 of Article 1, Sec. 8 of the Constitution grant Congress the power to enact this law.

X. COMMITTEE RECOMMENDATION

On July 23, 1998, a quorum being present, the Committee ordered the bill favorably reported without amendments.

Committee on Government Reform and Oversight—105th Congress—Rollcall

Final Passage of H.R. 2943.
Offered by: Hon. Elijah E. Cummings.
Adopted by voice vote.

XI. CONGRESSIONAL ACCOUNTABILITY ACT; PUBLIC LAW 104-1;
SECTION 102(B)(3)

H.R. 2943 will not apply to employees of the legislative branch.

XII. UNFUNDED MANDATES REFORM ACT; PUBLIC LAW 104-4;
SECTION 423

H.R. 2943 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

XIII. FEDERAL ADVISORY COMMITTEE ACT (5 U.S.C. APP.) SECTION
5(b)

The Committee finds that H.R. 2943 does not establish or authorize establishment of an advisory committee within the definition of 5 U.S.C. App, Section 5(b).

XIV. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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Subpart E—Attendance and Leave

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CHAPTER 63—LEAVE

SUBCHAPTER I—ANNUAL AND SICK LEAVE

Sec.

6301. Definitions.

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SUBCHAPTER II—OTHER PAID LEAVE

6321. Absence of veterans to attend funeral services.

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6327. Absence in connection with serving as a bone-marrow or organ donor.

6328. *Absence in connection with funerals of fellow Federal law enforcement officers.*

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SUBCHAPTER II—OTHER PAID LEAVE

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§ 6327. Absence in connection with serving as a bone-marrow or organ donor

(a) * * *

[(b) Not to exceed 7 days of leave may be used under this section by an employee in a calendar year.]

(b) *An employee may, in any calendar year, use—*

(1) not to exceed 7 days of leave under this section to serve as a bone-marrow donor; and

(2) not to exceed 30 days of leave under this section to serve as an organ donor.

* * * * *

【§ 6327.】 § 6328. Absence in connection with funerals of fellow Federal law enforcement officers

A Federal law enforcement officer or a Federal firefighter may be excused from duty without loss of, or reduction in, pay or leave to which such officer is otherwise entitled, or credit for time or service, or performance or efficiency rating, to attend the funeral of a fellow Federal law enforcement officer or Federal firefighter, who was killed in the line of duty. When so excused from duty, attendance at such service shall for the purposes of section 1345(a) of title 31, be considered to be an official duty of the officer or firefighter.

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