

103^D CONGRESS
2^D SESSION

H. R. 3345

AMENDMENT
TO
SENATE AMENDMENT

In the House of Representatives, U. S.,

March 8, 1994.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3345) entitled “An Act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes”, with the following

AMENDMENT:

In lieu of the matter inserted by said amendment, insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Federal Workforce*
3 *Restructuring Act of 1994”.*

4 ***SEC. 2. TRAINING.***

5 *(a) IN GENERAL.—Chapter 41 of title 5, United States*
6 *Code, is amended—*

7 *(1) in section 4101(4) by striking “fields” and*
8 *all that follows through the semicolon and inserting*
9 *“fields which will improve individual and organiza-*
10 *tional performance and assist in achieving the*
11 *agency’s mission and performance goals;”;*

12 *(2) in section 4103—*

13 *(A) in subsection (a)—*

1 (i) by striking “In” and all that fol-
2 lows through “maintain” and inserting “In
3 order to assist in achieving an agency’s
4 mission and performance goals by improv-
5 ing employee and organizational perform-
6 ance, the head of each agency, in conformity
7 with this chapter, shall establish, operate,
8 maintain, and evaluate”;

9 (ii) by striking “and” at the end of
10 paragraph (2);

11 (iii) by redesignating paragraph (3) as
12 paragraph (4); and

13 (iv) by inserting after paragraph (2)
14 the following:

15 “(3) provide that information concerning the se-
16 lection and assignment of employees for training and
17 the applicable training limitations and restrictions be
18 made available to employees of the agency; and”;

19 (B) in subsection (b)—

20 (i) in paragraph (1) by striking “de-
21 termines” and all that follows through the
22 period and inserting “determines that such
23 training would be in the interests of the
24 Government.”;

1 (ii) by striking paragraph (2) and re-
2 designating paragraph (3) as paragraph
3 (2); and

4 (iii) in subparagraph (C) of paragraph
5 (2) (as so redesignated) by striking “retain-
6 ing” and all that follows through the period
7 and inserting “such training.”;

8 (3) in section 4105—

9 (A) in subsection (a) by striking “(a)”; and

10 (B) by striking subsections (b) and (c);

11 (4) by repealing section 4106;

12 (5) in section 4107—

13 (A) by amending the catchline to read as
14 follows:

15 **“§ 4107. Restriction on degree training”;**

16 (B) by striking subsections (a) and (b) and
17 redesignating subsections (c) and (d) as sub-
18 sections (a) and (b), respectively;

19 (C) by amending subsection (a) (as so redesi-
20 gnated)—

21 (i) by striking “subsection (d)” and in-
22 serting “subsection (b)”; and

23 (ii) by striking “by, in, or through a
24 non-Government facility”; and

1 (D) by amending paragraph (1) of sub-
2 section (b) (as so redesignated) by striking “sub-
3 section (c)” and inserting “subsection (a)”;

4 (6) in section 4108(a) by striking “by, in, or
5 through a non-Government facility under this chap-
6 ter” and inserting “for more than a minimum period
7 prescribed by the head of the agency”;

8 (7) in section 4113(b)—

9 (A) in the first sentence by striking “annu-
10 ally to the Office,” and inserting “to the Office,
11 at least once every 3 years, and”;

12 (B) by striking the matter following the
13 first sentence and inserting the following: “The
14 report shall set forth—

15 “(1) information needed to determine that train-
16 ing is being provided in a manner which is in com-
17 pliance with applicable laws intended to protect or
18 promote equal employment opportunity; and

19 “(2) information concerning the expenditures of
20 the agency in connection with training and such
21 other information as the Office considers appro-
22 priate.”;

23 (8) by repealing section 4114; and

24 (9) in section 4118—

1 (A) in subsection (a)(7) by striking “by, in,
2 and through non-Government facilities”;

3 (B) by striking subsection (b); and

4 (C) by redesignating subsections (c) and (d)
5 as subsections (b) and (c), respectively.

6 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

7 Title 5, United States Code, is amended—

8 (1) in section 3381(e) by striking “4105(a),” and
9 inserting “4105,”; and

10 (2) in the analysis for chapter 41—

11 (A) by repealing the items relating to sec-
12 tions 4106 and 4114; and

13 (B) by amending the item relating to sec-
14 tion 4107 to read as follows:

 “4107. Restriction on degree training.”.

15 (c) *EFFECTIVE DATE.*—The amendments made by this
16 section shall become effective on the date of enactment of
17 this Act.

18 **SEC. 3. VOLUNTARY SEPARATION INCENTIVES.**

19 (a) *DEFINITIONS.*—For the purpose of this section—

20 (1) the term “agency” means an Executive agen-
21 cy (as defined by section 105 of title 5, United States
22 Code), but does not include the Department of De-
23 fense, the Central Intelligence Agency, or the General
24 Accounting Office; and

1 (2) *the term “employee” means an employee (as*
2 *defined by section 2105 of title 5, United States Code)*
3 *who is employed by an agency, is serving under an*
4 *appointment without time limitation, and has been*
5 *currently employed for a continuous period of at least*
6 *12 months; such term includes an individual em-*
7 *ployed by a county committee established under sec-*
8 *tion 8(b) of the Soil Conservation and Domestic Allot-*
9 *ment Act (16 U.S.C. 590h(b)), but does not include—*

10 (A) *a reemployed annuitant under sub-*
11 *chapter III of chapter 83 or chapter 84 of title*
12 *5, United States Code, or another retirement sys-*
13 *tem for employees of the Government; or*

14 (B) *an employee having a disability on the*
15 *basis of which such employee is or would be eli-*
16 *gible for disability retirement under the applica-*
17 *ble retirement system referred to in subpara-*
18 *graph (A).*

19 (b) *AUTHORITY.—*

20 (1) *IN GENERAL.—In order to avoid or minimize*
21 *the need for involuntary separations due to a reduc-*
22 *tion in force, reorganization, transfer of function, or*
23 *other similar action, and subject to paragraph (2),*
24 *the head of an agency may pay, or authorize the pay-*

1 *ment of, voluntary separation incentive payments to*
2 *agency employees—*

3 *(A) in any component of the agency;*

4 *(B) in any occupation;*

5 *(C) in any geographic location; or*

6 *(D) on the basis of any combination of fac-*
7 *tors under subparagraphs (A) through (C).*

8 *(2) CONDITION.—*

9 *(A) IN GENERAL.—In order to receive an*
10 *incentive payment, an employee must separate*
11 *from service with the agency (whether by retire-*
12 *ment or resignation) before April 1, 1995.*

13 *(B) EXCEPTION.—An employee who does*
14 *not separate from service before the date specified*
15 *in subparagraph (A) shall be ineligible for an*
16 *incentive payment under this section unless—*

17 *(i) the agency head determines that, in*
18 *order to ensure the performance of the agen-*
19 *cy's mission, it is necessary to delay such*
20 *employee's separation; and*

21 *(ii) the employee separates after com-*
22 *pleting any additional period of service re-*
23 *quired (but not later than March 31, 1997).*

24 *(c) AMOUNT AND TREATMENT OF PAYMENTS.—A vol-*
25 *untary separation incentive payment—*

1 (1) shall be paid in a lump sum after the em-
2 ployee's separation;

3 (2) shall be equal to the lesser of—

4 (A) an amount equal to the amount the em-
5 ployee would be entitled to receive under section
6 5595(c) of title 5, United States Code, if the em-
7 ployee were entitled to payment under such sec-
8 tion; or

9 (B) \$25,000;

10 (3) shall not be a basis for payment, and shall
11 not be included in the computation, of any other type
12 of Government benefit;

13 (4) shall not be taken into account in determin-
14 ing the amount of any severance pay to which an em-
15 ployee may be entitled under section 5595 of title 5,
16 United States Code, based on any other separation;
17 and

18 (5) shall be paid from appropriations or funds
19 available for the payment of the basic pay of the em-
20 ployee.

21 (d) *EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE*
22 *GOVERNMENT.*—

23 (1) *IN GENERAL.*—An employee who has received
24 a voluntary separation incentive payment under this
25 section and accepts employment with the Government

1 *of the United States within 5 years after the date of*
2 *the separation on which the payment is based shall*
3 *be required to repay the entire amount of the incen-*
4 *tive payment to the agency that paid the incentive*
5 *payment.*

6 (2) *WAIVER AUTHORITY.—*

7 (A) *EXECUTIVE AGENCY.—If the employ-*
8 *ment is with an Executive agency (as defined by*
9 *section 105 of title 5, United States Code), the*
10 *Director of the Office of Personnel Management*
11 *may, at the request of the head of the agency,*
12 *waive the repayment if the individual involved*
13 *possesses unique abilities and is the only quali-*
14 *fied applicant available for the position.*

15 (B) *LEGISLATIVE BRANCH.—If the employ-*
16 *ment is with an entity in the legislative branch,*
17 *the head of the entity or the appointing official*
18 *may waive the repayment if the individual in-*
19 *volved possesses unique abilities and is the only*
20 *qualified applicant available for the position.*

21 (C) *JUDICIAL BRANCH.—If the employment*
22 *is with the judicial branch, the Director of the*
23 *Administrative Office of the United States*
24 *Courts may waive the repayment if the individ-*
25 *ual involved possesses unique abilities and is the*

1 (A) who, on or after the date of the enact-
2 ment of this Act and before October 1, 1995, re-
3 tires under section 8336(d)(2) of such title; and

4 (B) to whom a voluntary separation incen-
5 tive payment has been or is to be paid by such
6 agency based on that retirement.

7 (2) DEFINITIONS.—For the purpose of this sub-
8 section—

9 (A) the term “final basic pay”, with respect
10 to an employee, means the total amount of basic
11 pay which would be payable for a year of service
12 by such employee, computed using the employee’s
13 final rate of basic pay, and, if last serving on
14 other than a full-time basis, with appropriate
15 adjustment therefor; and

16 (B) the term “voluntary separation incen-
17 tive payment” means—

18 (i) a voluntary separation incentive
19 payment under section 3 (including under
20 any program established under section 3(f));
21 and

22 (ii) any separation pay under section
23 5597 of title 5, United States Code, or sec-
24 tion 2 of the Central Intelligence Agency

1 *Voluntary Separation Pay Act (Public Law*
2 *103–36; 107 Stat. 104).*

3 (b) *RELATING TO FISCAL YEARS 1995 THROUGH*
4 *1998.—*

5 (1) *IN GENERAL.—In addition to any other pay-*
6 *ments which it is required to make under subchapter*
7 *III of chapter 83 or chapter 84 of title 5, United*
8 *States Code, in fiscal years 1995, 1996, 1997, and*
9 *1998 (and in addition to any amounts required*
10 *under subsection (a)), each agency shall, before the*
11 *end of each such fiscal year, remit to the Office of*
12 *Personnel Management for deposit in the Treasury of*
13 *the United States to the credit of the Civil Service Re-*
14 *tirement and Disability Fund an amount equal to the*
15 *product of—*

16 (A) *the number of employees of such agency*
17 *who, as of March 31st of such fiscal year, are*
18 *subject to subchapter III of chapter 83 or chapter*
19 *84 of such title; multiplied by*

20 (B) *\$80.*

21 (2) *DEFINITION.—For the purpose of this sub-*
22 *section, the term “agency” means an Executive agen-*
23 *cy (as defined by section 105 of title 5, United States*
24 *Code), but does not include the General Accounting*
25 *Office.*

1 (c) *REGULATIONS.*—*The Director of the Office of Per-*
2 *sonnel Management may prescribe any regulations nec-*
3 *essary to carry out this section.*

4 **SEC. 5. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT**
5 **POSITIONS.**

6 (a) *DEFINITION.*—*For the purpose of this section, the*
7 *term “agency” means an Executive agency (as defined by*
8 *section 105 of title 5, United States Code), but does not in-*
9 *clude the General Accounting Office.*

10 (b) *LIMITATIONS ON FULL-TIME EQUIVALENT POSI-*
11 *TIONS.*—*The President, through the Office of Management*
12 *and Budget (in consultation with the Office of Personnel*
13 *Management), shall ensure that the total number of full-*
14 *time equivalent positions in all agencies shall not exceed—*

15 (1) *2,084,600 during fiscal year 1994;*

16 (2) *2,043,300 during fiscal year 1995;*

17 (3) *2,003,300 during fiscal year 1996;*

18 (4) *1,963,300 during fiscal year 1997;*

19 (5) *1,922,300 during fiscal year 1998; and*

20 (6) *1,882,300 during fiscal year 1999.*

21 (c) *MONITORING AND NOTIFICATION.*—*The Office of*
22 *Management and Budget, after consultation with the Office*
23 *of Personnel Management, shall—*

24 (1) *continuously monitor all agencies and make*
25 *a determination on the first date of each quarter of*

1 *each applicable fiscal year of whether the require-*
2 *ments under subsection (b) are met; and*

3 *(2) notify the President and the Congress on the*
4 *first date of each quarter of each applicable fiscal*
5 *year of any determination that any requirement of*
6 *subsection (b) is not met.*

7 *(d) COMPLIANCE.—If, at any time during a fiscal*
8 *year, the Office of Management and Budget notifies the*
9 *President and the Congress that any requirement under*
10 *subsection (b) is not met, no agency may hire any employee*
11 *for any position in such agency until the Office of Manage-*
12 *ment and Budget notifies the President and the Congress*
13 *that the total number of full-time equivalent positions for*
14 *all agencies equals or is less than the applicable number*
15 *required under subsection (b).*

16 *(e) WAIVER.—*

17 *(1) EMERGENCIES.—Any provision of this sec-*
18 *tion may be waived upon a determination by the*
19 *President that—*

20 *(A) the existence of a state of war or other*
21 *national security concern so requires; or*

22 *(B) the existence of an extraordinary emer-*
23 *gency threatening life, health, safety, property, or*
24 *the environment so requires.*

25 *(2) AGENCY EFFICIENCY OR CRITICAL MISSION.—*

1 (A) *Subsection (d) may be waived, in the*
2 *case of a particular position or category of posi-*
3 *tions in an agency, upon a determination of the*
4 *President that the efficiency of the agency or the*
5 *performance of a critical agency mission so re-*
6 *quires.*

7 (B) *Whenever the President grants a waiver*
8 *pursuant to subparagraph (A), the President*
9 *shall take all necessary actions to ensure that the*
10 *overall limitations set forth in subsection (b) are*
11 *not exceeded.*

12 (f) *EMPLOYMENT BACKFILL PREVENTION.—*

13 (1) *IN GENERAL.—The total number of funded*
14 *employee positions in all agencies (excluding the De-*
15 *partment of Defense and the Central Intelligence*
16 *Agency) shall be reduced by one position for each va-*
17 *cancy created by the separation of any employee who*
18 *has received, or is due to receive, a voluntary separa-*
19 *tion incentive payment under section 3 (a)–(e). For*
20 *purposes of this subsection, positions and vacancies*
21 *shall be counted on a full-time-equivalent basis.*

22 (2) *RELATED RESTRICTION.—No funds budgeted*
23 *for and appropriated by any Act for salaries or ex-*
24 *penses of positions eliminated under this subsection*

1 *at the request of the head of the agency, waive the repay-*
2 *ment if the individual involved possesses unique abilities*
3 *and is the only qualified applicant available for the posi-*
4 *tion.*

5 “(3) *If the employment is with an entity in the legisla-*
6 *tive branch, the head of the entity or the appointing official*
7 *may waive the repayment if the individual involved pos-*
8 *sesses unique abilities and is the only qualified applicant*
9 *available for the position.*

10 “(4) *If the employment is with the judicial branch, the*
11 *Director of the Administrative Office of the United States*
12 *Courts may waive the repayment if the individual involved*
13 *possesses unique abilities and is the only qualified appli-*
14 *cant available for the position.”.*

15 (b) *CENTRAL INTELLIGENCE AGENCY SEPARATION*
16 *PAYMENT.—Section 2(b) of the Central Intelligence Agency*
17 *Voluntary Separation Pay Act (Public Law 103–36; 107*
18 *Stat. 104) is amended by adding at the end the following:*
19 *“An employee who receives separation pay under this sec-*
20 *tion on the basis of a separation occurring on or after the*
21 *date of the enactment of the Federal Workforce Restructur-*
22 *ing Act of 1994 and accepts employment with the Govern-*
23 *ment of the United States within 5 years after the date of*
24 *the separation on which payment of the separation pay is*
25 *based shall be required to repay the entire amount of the*

1 *separation pay to the Central Intelligence Agency. If the*
2 *employment is with an Executive agency (as defined by sec-*
3 *tion 105 of title 5, United States Code), the Director of the*
4 *Office of Personnel Management may, at the request of the*
5 *head of the agency, waive the repayment if the individual*
6 *involved possesses unique abilities and is the only qualified*
7 *applicant available for the position. If the employment is*
8 *with an entity in the legislative branch, the head of the en-*
9 *tity or the appointing official may waive the repayment*
10 *if the individual involved possesses unique abilities and is*
11 *the only qualified applicant available for the position. If*
12 *the employment is with the judicial branch, the Director*
13 *of the Administrative Office of the United States Courts*
14 *may waive the repayment if the individual involved pos-*
15 *sesses unique abilities and is the only qualified applicant*
16 *available for the position.”.*

17 **SEC. 7. STANDARDIZATION OF WITHDRAWAL OPTIONS FOR**
18 **THRIFT SAVINGS PLAN PARTICIPANTS.**

19 (a) *PARTICIPATION IN THE THRIFT SAVINGS PLAN.—*
20 *Section 8351(b) of title 5, United States Code, is amend-*
21 *ed—*

22 (1) *by amending paragraph (4) to read as fol-*
23 *lows:*

24 “(4) *Section 8433(b) of this title applies to any em-*
25 *ployee or Member who elects to make contributions to the*

1 *Thrift Savings Fund under subsection (a) of this section*
2 *and separates from Government employment.”;*

3 *(2) by striking paragraphs (5), (6), and (8);*

4 *(3) by redesignating paragraphs (7), (9), and*
5 *(10) as paragraphs (5), (6), and (7), respectively;*

6 *(4) in paragraph (5)(C) (as so redesignated by*
7 *paragraph (3) of this subsection) by striking “or*
8 *former spouse” each place it appears;*

9 *(5) by amending paragraph (6) (as so redesign-*
10 *ated by paragraph (3) of this subsection) to read as*
11 *follows:*

12 *“(6) Notwithstanding paragraph (4), if an employee*
13 *or Member separates from Government employment and*
14 *such employee’s or Member’s nonforfeitable account balance*
15 *is \$3,500 or less, the Executive Director shall pay the non-*
16 *forfeitable account balance to the participant in a single*
17 *payment unless the employee or Member elects, at such time*
18 *and otherwise in such manner as the Executive Director*
19 *prescribes, one of the options available under subsection*
20 *(b).”;* and

21 *(6) in paragraph (7) (as so redesignated by*
22 *paragraph (3) of this subsection) by striking*
23 *“nonforfeiture” and inserting “nonforfeitable”.*

24 *(b) BENEFITS AND ELECTION OF BENEFITS.—Section*
25 *8433 of title 5, United States Code, is amended—*

1 (1) in subsection (b) by striking the matter before
2 paragraph (1) and inserting the following:

3 “(b) Subject to section 8435 of this title, any employee
4 or Member who separates from Government employment is
5 entitled and may elect—”;

6 (2) by striking subsections (c) and (d) and redesi-
7 gnating subsections (e) through (i) as subsections (c)
8 through (g), respectively;

9 (3) in subsection (c)(1) (as so redesignated by
10 paragraph (2) of this subsection) by striking “or
11 (c)(4) or required under subsection (d) directly to an
12 eligible retirement plan or plans (as defined in sec-
13 tion 402(a)(5)(E) of the Internal Revenue Code of
14 1954)” and inserting “directly to an eligible retire-
15 ment plan or plans (as defined in section 402(c)(8)
16 of the Internal Revenue Code of 1986)”;

17 (4) in subsection (d)(2) (as so redesignated by
18 paragraph (2) of this subsection) by striking “or
19 (c)(2)”;

20 (5) in subsection (f) (as so redesignated by para-
21 graph (2) of this subsection)—

22 (A) by striking paragraph (1) and redesi-
23 gnating paragraphs (2) and (3) as paragraphs
24 (1) and (2), respectively; and

1 (B) in paragraph (1) (as so redesignated by
2 subparagraph (A) of this paragraph)—

3 (i) by striking “Notwithstanding sub-
4 sections (b) and (c), if an employee or Mem-
5 ber separates from Government employment
6 under circumstances making such employee
7 or Member eligible to make an election
8 under either of those subsections, and such
9 employee’s or Member’s” and inserting
10 “Notwithstanding subsection (b), if an em-
11 ployee or Member separates from Govern-
12 ment employment, and such employee’s or
13 Member’s”; and

14 (ii) by striking “or (c), as applicable”;

15 and

16 (C) in paragraph (2) (as so redesignated by
17 subparagraph (A) of this paragraph) by striking
18 “paragraphs (1) and (2)” and inserting “para-
19 graph (1)”.

20 (c) ANNUITIES: METHODS OF PAYMENT; ELECTION;
21 PURCHASE.—Section 8434(c) of title 5, United States Code,
22 is amended to read as follows:

23 “(c) Notwithstanding the elimination of a method of
24 payment by the Board, an employee, Member, former em-
25 ployee, or former Member may elect the eliminated method

1 *if the elimination of such method becomes effective less than*
2 *5 years before the date on which that individual's annuity*
3 *commences."*

4 (d) *PROTECTIONS FOR SPOUSES AND FORMER*
5 *SPOUSES.—Section 8435 of title 5, United States Code, is*
6 *amended—*

7 (1) *in subsection (a)(1)(A) by striking "sub-*
8 *section (b)(3), (b)(4), (c)(3), or (c)(4) of section 8433*
9 *of this title or change an election previously made*
10 *under subsection (b)(1), (b)(2), (c)(1), or (c)(2)" and*
11 *inserting "subsection (b)(3) or (b)(4) of section 8433*
12 *of this title or change an election previously made*
13 *under subsection (b)(1) or (b)(2)";*

14 (2) *by striking subsection (b);*

15 (3) *by redesignating subsections (c) through (i)*
16 *as subsections (b) through (h), respectively;*

17 (4) *in subsection (b) (as so redesignated by para-*
18 *graph (3) of this subsection) by amending paragraph*
19 *(2) to read as follows:*

20 (2) *Paragraph (1) shall not apply if—*

21 (A) *a joint waiver of such method is made,*
22 *in writing, by the employee or Member and the*
23 *spouse; or*

24 (B) *the employee or Member waives such*
25 *method, in writing, after establishing to the sat-*

1 *isfaction of the Executive Director that cir-*
2 *cumstances described under subsection (a)(2) (A)*
3 *or (B) make the requirement of a joint waiver*
4 *inappropriate.”; and*

5 *(5) in subsection (c)(1) (as so redesignated by*
6 *paragraph (3) of this subsection) by striking “and a*
7 *transfer may not be made under section 8433(d) of*
8 *this title”.*

9 *(e) JUSTICES AND JUDGES.—Section 8440a(b) of title*
10 *5, United States Code, is amended—*

11 *(1) in paragraph (5) by striking “Section*
12 *8433(d)” and inserting “Section 8433(b)”;* and

13 *(2) by striking paragraphs (7) and (8) and in-*
14 *serting the following:*

15 *“(7) Notwithstanding paragraphs (4) and (5), if any*
16 *justice or judge retires under subsection (a) or (b) of section*
17 *371 or section 372(a) of title 28, or resigns without having*
18 *met the age and service requirements set forth under section*
19 *371(c) of title 28, and such justice’s or judge’s nonforfeitable*
20 *account balance is \$3,500 or less, the Executive Director*
21 *shall pay the nonforfeitable account balance to the partici-*
22 *pant in a single payment unless the justice or judge elects,*
23 *at such time and otherwise in such manner as the Executive*
24 *Director prescribes, one of the options available under sec-*
25 *tion 8433(b).”.*

1 (f) *BANKRUPTCY JUDGES AND MAGISTRATES.*—*Sec-*
2 *tion 8440b of title 5, United States Code, is amended—*

3 (1) *in subsection (b)(4) by amending subpara-*
4 *graph (B) to read as follows:*

5 “(B) *Section 8433(b) of this title applies to any bank-*
6 *ruptcy judge or magistrate who elects to make contributions*
7 *to the Thrift Savings Fund under subsection (a) of this sec-*
8 *tion and who retires before attaining age 65 but is entitled,*
9 *upon attaining age 65, to an annuity under section 377*
10 *of title 28 or section 2(c) of the Retirement and Survivors*
11 *Annuities for Bankruptcy Judges and Magistrates Act of*
12 *1988.”;*

13 (2) *in subsection (b)(4)(C) by striking “Section*
14 *8433(d)” and inserting “Section 8433(b)”;*

15 (3) *in subsection (b)(5) by striking “retirement*
16 *under section 377 of title 28 is” and inserting “any*
17 *of the actions described under paragraph (4) (A), (B),*
18 *or (C) shall be considered”;*

19 (4) *in subsection (b) by striking paragraph (8)*
20 *and redesignating paragraph (9) as paragraph (8);*
21 *and*

22 (5) *in paragraph (8) of subsection (b) (as so re-*
23 *designated by paragraph (4) of this subsection)—*

24 (A) *by striking “Notwithstanding subpara-*
25 *graphs (A) and (B) of paragraph (4), if any*

1 *bankruptcy judge or magistrate retires under cir-*
2 *cumstances making such bankruptcy judge or*
3 *magistrate eligible to make an election under*
4 *subsection (b) or (c)” and inserting “Notwith-*
5 *standing paragraph (4), if any bankruptcy judge*
6 *or magistrate retires under circumstances mak-*
7 *ing such bankruptcy judge or magistrate eligible*
8 *to make an election under subsection (b)”;* and
9 *(B) by striking “and (c), as applicable”.*

10 *(g) CLAIMS COURT JUDGES.—Section 8440c of title 5,*
11 *United States Code, is amended—*

12 *(1) in subsection (b)(4)(B) by striking “Section*
13 *8433(d)” and inserting “Section 8433(b)”;*

14 *(2) in subsection (b)(5) by striking “retirement*
15 *under section 178 of title 28 is” and inserting “any*
16 *of the actions described in paragraph (4) (A) or (B)*
17 *shall be considered”;*

18 *(3) in subsection (b) by striking paragraph (8)*
19 *and redesignating paragraph (9) as paragraph (8);*
20 *and*

21 *(4) in paragraph (8) (as so redesignated by*
22 *paragraph (3) of this subsection) by striking “Not-*
23 *withstanding paragraph (4)(A)” and inserting “Not-*
24 *withstanding paragraph (4)”.*

1 (h) *JUDGES OF THE UNITED STATES COURT OF VET-*
2 *ERANS APPEALS.*—Section 8440d(b)(5) of title 5, United
3 States Code, is amended by striking “A transfer shall be
4 made as provided in section 8433(d) of this title” and in-
5 serting “Section 8433(b) of this title applies”.

6 (i) *TECHNICAL AND CONFORMING AMENDMENTS.*—
7 Title 5, United States Code, is amended—

8 (1) in section 8351(b)(5)(B) (as so redesignated
9 by subsection (a)(3) of this section) by striking “sec-
10 tion 8433(i)” and inserting “section 8433(g)”;

11 (2) in section 8351(b)(5)(D) (as so redesignated
12 by subsection (a)(3) of this section) by striking “sec-
13 tion 8433(i)” and inserting “section 8433(g)”;

14 (3) in section 8433(b)(4) by striking “subsection
15 (e)” and inserting “subsection (c)”;

16 (4) in section 8433(d)(1) (as so redesignated by
17 subsection (b)(2) of this section) by striking “(d) of
18 section 8435” and inserting “(c) of section 8435”;

19 (5) in section 8433(d)(2) (as so redesignated by
20 subsection (b)(2) of this section) by striking “section
21 8435(d)” and inserting “section 8435(c)”;

22 (6) in section 8433(e) (as so redesignated by sub-
23 section (b)(2) of this section) by striking “section
24 8435(d)(2)” and inserting “section 8435(c)(2)”;

1 (7) in section 8433(g)(5) (as so redesignated by
2 subsection (b)(2) of this section) by striking “section
3 8435(f)” and inserting “section 8435(e)”;

4 (8) in section 8434(b) by striking “section
5 8435(c)” and inserting “section 8435(b)”;

6 (9) in section 8435(a)(1)(B) by striking “sub-
7 section (c)” and inserting “subsection (b)”;

8 (10) in section 8435(d)(1)(B) (as so redesignated
9 by subsection (d)(3) of this section) by striking “sub-
10 section (d)(2)” and inserting “subsection (c)(2)”;

11 (11) in section 8435(d)(3)(A) (as so redesignated
12 by subsection (d)(3) of this section) by striking “sub-
13 section (c)(1)” and inserting “subsection (b)(1)”;

14 (12) in section 8435(d)(6) (as so redesignated by
15 subsection (d)(3) of this section) by striking “or
16 (c)(2)” and inserting “or (b)(2)”;

17 (13) in section 8435(e)(1)(A) (as so redesignated
18 by subsection (d)(3) of this section) by striking “sec-
19 tion 8433(i)” and inserting “section 8433(g)”;

20 (14) in section 8435(e)(2) (as so redesignated by
21 subsection (d)(3) of this section) by striking “section
22 8433(i) of this title shall not be approved if approval
23 would have the result described in subsection (d)(1)”
24 and inserting “section 8433(g) of this title shall not

1 *be approved if approval would have the result de-*
2 *scribed under subsection (c)(1)”;*

3 *(15) in section 8435(g) (as so redesignated by*
4 *subsection (d)(3) of this section) by striking “section*
5 *8433(i)” and inserting “section 8433(g)”;*

6 *(16) in section 8437(c)(5) by striking “section*
7 *8433(i)” and inserting “section 8433(g)”;* and

8 *(17) in section 8440a(b)(6) by striking “section*
9 *8351(b)(7)” and inserting “section 8351(b)(5)”.*

10 *(j) EFFECTIVE DATE.—This section shall take effect 1*
11 *year after the date of the enactment of this Act or on such*
12 *earlier date as the Executive Director of the Federal Retire-*
13 *ment Thrift Investment Board shall provide in regulation.*

14 **SEC. 8. AMENDMENTS TO ALASKA RAILROAD TRANSFER**

15 **ACT OF 1982 REGARDING FORMER FEDERAL**

16 **EMPLOYEES.**

17 *(a) APPLICABILITY OF VOLUNTARY SEPARATION IN-*
18 *CENTIVES TO CERTAIN FORMER FEDERAL EMPLOYEES.—*

19 *Section 607(a) of the Alaska Railroad Transfer Act of 1982*
20 *(45 U.S.C. 1206(a)) is amended by adding at the end the*
21 *following:*

22 *“(4)(A) The State-owned railroad shall be in-*
23 *cluded in the definition of ‘agency’ for purposes of*
24 *section 3 (a), (b), (c), and (e) of the Federal*
25 *Workforce Restructuring Act of 1994 and may elect to*

1 *participate in the voluntary separation incentive pro-*
2 *gram established under such Act. Any employee of the*
3 *State-owned railroad who meets the qualifications as*
4 *described under the first sentence of paragraph (1)*
5 *shall be deemed an employee under such Act.*

6 *“(B) An employee who has received a voluntary*
7 *separation incentive payment under this paragraph*
8 *and accepts employment with the State-owned rail-*
9 *road within 5 years after the date of separation on*
10 *which payment of the incentive is based shall be re-*
11 *quired to repay the entire amount of the incentive*
12 *payment unless the head of the State-owned railroad*
13 *determines that the individual involved possesses*
14 *unique abilities and is the only qualified applicant*
15 *available for the position.”.*

16 *(b) LIFE AND HEALTH INSURANCE BENEFITS.—Sec-*
17 *tion 607 of the Alaska Railroad Transfer Act of 1982 (45*
18 *U.S.C. 1206) is amended by striking subsection (e) and in-*
19 *serting the following:*

20 *“(e)(1) Any person described under the provisions of*
21 *paragraph (2) may elect life insurance coverage under*
22 *chapter 87 of title 5, United States Code, and enroll in a*
23 *health benefits plan under chapter 89 of title 5, United*
24 *States Code, in accordance with the provisions of this sub-*
25 *section.*

1 “(2) The provisions of paragraph (1) shall apply to
2 any person who—

3 “(A) on the date of the enactment of the Federal
4 Workforce Restructuring Act of 1994, is an employee
5 of the State-owned railroad;

6 “(B) has 20 years or more of service (in the civil
7 service as a Federal employee or as an employee of
8 the State-owned railroad, combined) on the date of re-
9 tirement from the State-owned railroad; and

10 “(C)(i) was covered under a life insurance policy
11 pursuant to chapter 87 of title 5, United States Code,
12 on January 4, 1985, for the purpose of electing life
13 insurance coverage under the provisions of paragraph
14 (1); or

15 “(ii) was enrolled in a health benefits plan pur-
16 suant to chapter 89 of title 5, United States Code, on
17 January 4, 1985, for the purpose of enrolling in a
18 health benefits plan under the provisions of para-
19 graph (1).

20 “(3) For purposes of this section, any person described
21 under the provisions of paragraph (2) shall be deemed to
22 have been covered under a life insurance policy under chap-
23 ter 87 of title 5, United States Code, and to have been en-
24 rolled in a health benefits plan under chapter 89 of title
25 5, United States Code, during the period beginning on Jan-

1 uary 5, 1985, through the date of retirement of any such
2 person.

3 “(4) The provisions of paragraph (1) shall not apply
4 to any person described under paragraph (2) until the date
5 such person retires from the State-owned railroad.”.

Attest:

Clerk.

HR 3345 EAH—2

HR 3345 EAH—3