

103^D CONGRESS
1ST SESSION

H. R. 3218

To amend title 5, United States Code, to eliminate narrow restrictions on employee training; to provide a temporary voluntary separation incentive; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 1993

Mr. CLAY (by request) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend title 5, United States Code, to eliminate narrow restrictions on employee training; to provide a temporary voluntary separation incentive; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Workforce Re-
5 structuring Act of 1993”.

6 **SEC. 2. TRAINING.**

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

1 (1) in section 4101(4) by striking “fields” and
2 all that follows through the semicolon and inserting
3 “fields which will improve individual and organiza-
4 tional performance and assist in achieving the agen-
5 cy’s mission and performance goals;”;

6 (2) in section 4103—

7 (A) in subsection (a) by striking “In” and
8 all that follows through “proficiency” and in-
9 serting “In order to assist in achieving an agen-
10 cy’s mission and performance goals by improv-
11 ing employee and organizational performance”;
12 and

13 (B) in subsection (b)—

14 (i) in paragraph (1) by striking “de-
15 termines” and all that follows through the
16 period and inserting “determines that such
17 training would be in the interests of the
18 Government.”;

19 (ii) by striking paragraph (2) and re-
20 designating paragraph (3) as paragraph
21 (2); and

22 (iii) in subparagraph (C) of paragraph
23 (2) (as so redesignated) by striking “re-
24 taining” and all that follows through the
25 period and inserting “such training.”;

1 (3) in section 4105—

2 (A) in subsection (a) by striking “(a)”;

3 and

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

5 (4) by striking section 4106;

6 (5) in section 4107—

7 (A) by amending the catchline to read as

8 follows:

9 **“§ 4107. Restriction on degree training”;**

10 (B) by striking subsections (a) and (b) and

11 redesignating subsections (c) and (d) as sub-

12 sections (a) and (b), respectively;

13 (C) by amending subsection (a) (as so re-

14 designated)—

15 (i) by striking “subsection (d)” and

16 inserting “subsection (b)”;

17 (ii) by striking “by, in, or through a

18 non-Government facility”;

19 (D) by amending paragraph (1) of sub-

20 section (b) (as so redesignated) by striking

21 “subsection (c)” and inserting “subsection (a)”;

22 (6) in section 4108(a) by striking “by, in, or

23 through a non-Government facility under this chap-

24 ter” and inserting “for more than a minimum period

25 prescribed by the head of the agency”;

1 (7) in section 4113(b) by striking the matter
2 following the first sentence;

3 (8) by striking section 4114; and

4 (9) in section 4118—

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

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

8 (C) by redesignating subsections (c) and
9 (d) as subsections (b) and (c), respectively.

10 (b) CHAPTER ANALYSIS.—The analysis of chapter 41
11 of title 5, United States Code, is amended—

12 (1) by striking the items relating to sections
13 4106 and 4114; and

14 (2) by amending the item relating to section
15 4107 to read as follows:

“4107. Restriction on degree training.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall become effective on the date of enact-
18 ment of this Act.

19 **SEC. 3. VOLUNTARY SEPARATION INCENTIVES.**

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

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

1 (2) the term “employee” means an employee, as
2 defined in section 2105 of title 5, United States
3 Code, of an agency, serving under an appointment
4 without time limitation, who has been currently em-
5 ployed for a continuous period of at least 12 months,
6 including an individual employed by a county com-
7 mittee established under section 8(b) of the Soil
8 Conservation and Domestic Allotment Act (16
9 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
13 system 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) ESTABLISHMENT OF PROGRAM.—

20 (1) IN GENERAL.—In order to assist in the re-
21 structuring of the Federal workforce while minimiz-
22 ing involuntary separations, the head of an agency
23 may pay, or authorize the payment of, a voluntary
24 separation incentive to employees in any component
25 of the agency, employees in any occupation or geo-

1 graphic location, or any combination thereof, who
2 agree, during a continuous 90-day period designated
3 by the agency head for the agency or a component
4 thereof, beginning no earlier than the date of enact-
5 ment of this Act and ending no later than Septem-
6 ber 30, 1994, to separate from service with the
7 agency, whether by retirement or resignation.

8 (2) REQUIREMENTS RELATING TO SEPARATION
9 DATE.—In order to receive a voluntary separation
10 incentive, an employee shall separate from service no
11 later than the last day of the 90-day period des-
12 ignated by the agency head under paragraph (1),
13 unless the agency head determines that, in order to
14 ensure the performance of the agency’s mission, the
15 employee must agree to continue in service until a
16 later date, but not later than 2 years after such last
17 day of the 90-day period.

18 (c) AMOUNT AND TREATMENT OF PAYMENTS.—A
19 voluntary separation incentive—

20 (1) shall be paid in a lump sum after the em-
21 ployee’s separation;

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

23 (A) an amount equal to the amount the
24 employee would be entitled to receive under sec-
25 tion 5595(c) of title 5, United States Code, if

1 the employee were entitled to payment under
2 such section; or

3 (B) \$25,000;

4 (3) shall not be a basis for payment, and shall
5 not be included in the computation, of any other
6 type of Government benefit;

7 (4) shall not be taken into account in determin-
8 ing the amount of any severance pay to which an
9 employee may be entitled under section 5595 of title
10 5, United States Code, based on any other separa-
11 tion; and

12 (5) shall be paid from appropriations or funds
13 available for the payment of the basic pay of the em-
14 ployee.

15 (d) EFFECT OF SUBSEQUENT EMPLOYMENT WITH
16 THE GOVERNMENT.—

17 (1) IN GENERAL.—An employee who has re-
18 ceived a voluntary separation incentive under this
19 section and accepts employment with the Govern-
20 ment of the United States within 2 years of the date
21 of the separation on which payment of the incentive
22 is based shall be required to repay the entire amount
23 of the incentive to the agency that paid the incen-
24 tive.

1 (2) WAIVER AUTHORITY.—If the employment is
2 with an Executive agency (as defined in section 105
3 of title 5, United States Code), the Director of the
4 Office of Personnel Management may, at the request
5 of the head of the agency, waive the repayment if
6 the employment is in a position for which there is
7 exceptional difficulty in recruiting a qualified em-
8 ployee. If the employment is with an entity in the
9 legislative branch, the head of the entity or the ap-
10 pointing official may waive the repayment if the em-
11 ployment is in a position for which there is excep-
12 tional difficulty in recruiting a qualified employee. If
13 the employment is with the judicial branch, the Di-
14 rector of the Administrative Office of the United
15 States Courts may waive the repayment if the em-
16 ployment is in a position for which there is excep-
17 tional difficulty in recruiting a qualified employee.

18 (e) REGULATIONS.—The Director of the Office of
19 Personnel Management may prescribe any regulations
20 necessary for the administration of this Act.

21 (f) EMPLOYEES OF THE JUDICIAL BRANCH.—The
22 Director of the Administrative Office of the United States
23 Courts may, by regulation, establish a program consistent
24 with the program established by subsections (a) through
25 (d) of this section for employees of the judicial branch.

1 (g) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) employment in the executive branch should
4 be reduced by not less than one full-time equivalent
5 position for each 2 employees who are paid voluntary
6 separation incentives under this Act; and

7 (2) each agency should adjust its employment
8 levels to achieve this result.

9 **SEC. 4. COORDINATION WITH OTHER PROVISIONS OF LAW.**

10 (a) DEFENSE AGENCIES.—Section 5597 of title 5,
11 United States Code, is amended by adding at the end the
12 following:

13 “(g) An employee who receives separation pay under
14 this section on the basis of a separation occurring on or
15 after the date of enactment of the Federal Workforce Re-
16 structuring Act of 1993, and accepts employment with the
17 Government of the United States within 2 years of the
18 date of the separation on which payment of the separation
19 pay is based shall be required to repay the entire amount
20 of the separation pay to the defense agency that paid the
21 separation pay. If the employment is with an Executive
22 agency, the Director of the Office of Personnel Manage-
23 ment may, at the request of the head of the agency, waive
24 the repayment if the employment is in a position for which
25 there is exceptional difficulty in recruiting a qualified em-

1 ployee. If the employment is with an entity in the legisla-
2 tive branch, the head of the entity or the appointing offi-
3 cial may waive the repayment if the employment is in a
4 position for which there is exceptional difficulty in recruit-
5 ing a qualified employee. If the employment is with the
6 judicial branch, the Director of the Administrative Office
7 of the United States Courts may waive the repayment if
8 the employment is in a position for which there is excep-
9 tional difficulty in recruiting a qualified employee.”.

10 (b) CENTRAL INTELLIGENCE AGENCY.—Section 2(b)
11 of the Central Intelligence Agency Voluntary Separation
12 Pay Act (Public Law 103–36; 107 Stat. 104) is amended
13 by adding at the end the following: “An employee who re-
14 ceives separation pay under this section on the basis of
15 a separation occurring on or after the date of enactment
16 of the Federal Workforce Restructuring Act of 1993 and
17 accepts employment with the Government of the United
18 States within 2 years of the date of the separation on
19 which payment of the separation pay is based shall be re-
20 quired to repay the entire amount of the separation pay
21 to the Central Intelligence Agency. If the employment is
22 with an Executive agency (as defined in section 105 of
23 title 5, United States Code), the Director of the Office
24 of Personnel Management may, at the request of the head
25 of the agency, waive the repayment if the employment is

1 in a position for which there is exceptional difficulty in
2 recruiting a qualified employee. If the employment is with
3 an entity in the legislative branch, the head of the entity
4 or the appointing official may waive the repayment if the
5 employment is in a position for which there is exceptional
6 difficulty in recruiting a qualified employee. If the employ-
7 ment is with the judicial branch, the Director of the Ad-
8 ministrative Office of the United States Courts may waive
9 the repayment if the employment is in a position for which
10 there is exceptional difficulty in recruiting a qualified em-
11 ployee.”.

12 **SEC. 5. ADDITIONAL AGENCY CONTRIBUTIONS TO THE RE-**
13 **TIREMENT FUND.**

14 (a) **IN GENERAL.**—Section 8334 of title 5, United
15 States Code, is amended by adding at the end the follow-
16 ing new subsection:

17 “(m) In addition to any other payments required by
18 this subchapter, an agency shall remit to the Office for
19 deposit in the Treasury of the United States to the credit
20 of the Fund an amount equal to 9 percent of the final
21 rate of basic pay of each employee of the agency who re-
22 tires under section 8336(d).”.

23 (b) **APPLICABILITY.**—The amendment made by this
24 section shall apply with respect to retirements occurring
25 on or after the date of enactment of this Act.

