

107TH CONGRESS
2^D SESSION

H. R. 3340

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2002

Received

AN ACT

To amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over; to reauthorize the Merit Systems Protection Board and the Office of Special Counsel; 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. THRIFT SAVINGS PLAN CATCH-UP CONTRIBU-**
4 **TIONS.**

5 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Para-
6 graph (2) of section 8351(b) of title 5, United States
7 Code, is amended by adding at the end the following:

8 “(C) Notwithstanding any limitation under this para-
9 graph, an eligible participant (as defined by section 414(v)
10 of the Internal Revenue Code of 1986) may make such
11 additional contributions to the Thrift Savings Fund as are
12 permitted by such section 414(v) and regulations of the
13 Executive Director consistent therewith.”

14 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

15 (1) PROVISION APPLICABLE TO EMPLOYEES
16 GENERALLY.—Subsection (a) of section 8432 of title
17 5, United States Code, is amended by adding at the
18 end the following:

19 “(3) Notwithstanding any limitation under this sub-
20 section, an eligible participant (as defined by section
21 414(v) of the Internal Revenue Code of 1986) may make
22 such additional contributions to the Thrift Savings Fund
23 as are permitted by such section 414(v) and regulations
24 of the Executive Director consistent therewith.”

1 (2) PROVISION APPLICABLE TO CERTAIN OTHER
2 INDIVIDUALS.—Section 8440f of title 5, United
3 States Code, is amended—

4 (A) by striking “The maximum” and in-
5 serting “(a) The maximum”; and

6 (B) by adding at the end the following:

7 “(b) Notwithstanding any limitation under this sec-
8 tion, an eligible participant (as defined by section 414(v)
9 of the Internal Revenue Code of 1986) may make such
10 additional contributions to the Thrift Savings Fund as are
11 permitted by such section 414(v) and regulations of the
12 Executive Director consistent therewith.”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect as of the earliest practicable
15 date, as determined by the Executive Director (appointed
16 under section 8474(a) of title 5, United States Code) in
17 regulations.

18 **SEC. 2. REAUTHORIZATION OF MERIT SYSTEM PROTEC-**
19 **TION BOARD AND OFFICE OF SPECIAL COUN-**
20 **SEL.**

21 (a) MERIT SYSTEMS PROTECTION BOARD.—Section
22 8(a)(1) of the Whistleblower Protection Act of 1989 (5
23 U.S.C. 5509 note) is amended by striking “1998, 1999,
24 2000, 2001 and 2002” and inserting “2003, 2004, 2005,
25 2006, and 2007”.

1 (b) OFFICE OF SPECIAL COUNSEL.—Section 8(a)(2)
2 of the Whistleblower Protection Act of 1989 (5 U.S.C.
3 5509 note) is amended by striking “1993, 1994, 1995,
4 1996, and 1997,” and inserting “2003, 2004, 2005, 2006,
5 and 2007”.

6 (c) EFFECTIVE DATE.—This section shall be effective
7 as of October 1, 2002.

8 **SEC. 3. DISCLOSURE OF VIOLATIONS OF LAW; RETURN OF**
9 **DOCUMENTS.**

10 Section 1213(g) of title 5, United States Code, is
11 amended—

12 (1) in paragraph (1), by striking the last sen-
13 tence; and

14 (2) by striking paragraph (3) and inserting the
15 following:

16 “(3) If the Special Counsel does not transmit the in-
17 formation to the head of the agency under paragraph (2),
18 the Special Counsel shall inform the individual of—

19 “(A) the reasons why the disclosure may not be
20 further acted on under this chapter; and

21 “(B) other offices available for receiving dislo-
22 sures, should the individual wish to pursue the mat-
23 ter further.”.

1 **SEC. 4. CONTINUATION OF HEALTH BENEFITS COVERAGE**
2 **FOR INDIVIDUALS ENROLLED IN A PLAN AD-**
3 **MINISTERED BY THE OVERSEAS PRIVATE IN-**
4 **VESTMENT CORPORATION.**

5 (a) ENROLLMENT IN CHAPTER 89 PLAN.—For pur-
6 poses of the administration of chapter 89 of title 5, United
7 States Code, any period of enrollment under a health bene-
8 fits plan administered by the Overseas Private Investment
9 Corporation before the effective date of this Act shall be
10 deemed to be a period of enrollment in a health benefits
11 plan under chapter 89 of such title.

12 (b) CONTINUED COVERAGE.—

13 (1) IN GENERAL.—Any individual who, as of
14 the enrollment eligibility date, is covered by a health
15 benefits plan administered by the Overseas Private
16 Investment Corporation may enroll in an approved
17 health benefits plan described under section 8903 or
18 8903a of title 5, United States Code—

19 (A) either as an individual or for self and
20 family, if such individual is an employee, annu-
21 itant, or former spouse as defined under section
22 8901 of such title; and

23 (B) for coverage effective on and after
24 such date.

25 (2) INDIVIDUALS CURRENTLY UNDER CONTIN-
26 UED COVERAGE.—An individual who, as of the en-

1 rollment eligibility date, is entitled to continued cov-
2 erage under a health benefits plan administered by
3 the Overseas Private Investment Corporation—

4 (A) shall be deemed to be entitled to con-
5 tinued coverage under section 8905a of title 5,
6 United States Code, for the same period that
7 would have been permitted under the plan ad-
8 ministered by the Overseas Private Investment
9 Corporation; and

10 (B) may enroll in an approved health bene-
11 fits plan described under section 8903 or 8903a
12 of such title in accordance with section 8905a
13 of such title for coverage effective on and after
14 such date.

15 (3) UNMARRIED DEPENDENT CHILDREN.—An
16 individual who, as of the enrollment eligibility date,
17 is covered as an unmarried dependent child under a
18 health benefits plan administered by the Overseas
19 Private Investment Corporation and who is not a
20 member of family as defined under section 8901(5)
21 of title 5, United States Code—

22 (A) shall be deemed to be entitled to con-
23 tinued coverage under section 8905a of such
24 title as though the individual had ceased to
25 meet the requirements for being considered an

1 unmarried dependent child under chapter 89 of
2 such title as of such date; and

3 (B) may enroll in an approved health bene-
4 fits plan described under section 8903 or 8903a
5 of such title in accordance with section 8905a
6 for continued coverage effective on and after
7 such date.

8 (c) TRANSFERS TO THE EMPLOYEES HEALTH BENE-
9 FITS FUND.—

10 (1) IN GENERAL.—The Overseas Private In-
11 vestment Corporation shall transfer to the Employ-
12 ees Health Benefits Fund established under section
13 8909 of title 5, United States Code, amounts deter-
14 mined by the Director of the Office of Personnel
15 Management, after consultation with the Overseas
16 Private Investment Corporation, to be necessary to
17 reimburse the Fund for the cost of providing bene-
18 fits under this section not otherwise paid for by the
19 individuals covered by this section.

20 (2) AVAILABILITY OF FUNDS.—The amounts
21 transferred under paragraph (1) shall be held in the
22 Fund and used by the Office in addition to amounts
23 available under section 8906(g)(1) of title 5, United
24 States Code.

1 (d) ADMINISTRATION AND REGULATIONS.—The Of-
2 fice of Personnel Management—

3 (1) shall administer this section to provide
4 for—

5 (A) a period of notice and open enrollment
6 for individuals affected by this section; and

7 (B) no lapse of health coverage for individ-
8 uals who enroll in a health benefits plan under
9 chapter 89 of title 5, United States Code, in ac-
10 cordance with this section; and

11 (2) may prescribe regulations to implement this
12 section.

13 (e) ENROLLMENT ELIGIBILITY DATE.—For purposes
14 of this section, the term “enrollment eligibility date”
15 means the last day on which coverage under a health bene-
16 fits plan administered by the Overseas Private Investment
17 Corporation is available. Such date shall be determined by
18 the Office of Personnel Management in consultation with
19 the Overseas Private Investment Corporation.

Passed the House of Representatives October 7,
2002.

Attest:

JEFF TRANDAHL,

Clerk.