

104TH CONGRESS
2D SESSION

H. R. 3295

To amend title 5, United States Code, to extend the treatment currently afforded to Federal judges under the Federal Employees Group Life Insurance Program to certain other judicial officials, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1996

Mrs. MORELLA introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 5, United States Code, to extend the treatment currently afforded to Federal judges under the Federal Employees Group Life Insurance Program to certain other judicial officials, 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. EXTENSION OF TREATMENT TO OTHER JUDI-**
4 **CIAL OFFICIALS.**

5 (a) DEFINITIONS.—Section 8701(a) of title 5, United
6 States Code, is amended—

1 (1) in paragraph (9) by striking “and” after
2 the semicolon; and

3 (2) by inserting after paragraph (10) and be-
4 fore “but does not include” the following:

5 “(11) a judicial official within the meaning of—

6 “(A) section 376(a)(1)(B) of title 28 who,
7 after attaining age 65 or on the basis of disabil-
8 ity, retires from regular active service under
9 section 373 of such title;

10 “(B) section 376(a)(1)(C) of title 28 who,
11 after attaining age 65 or on the basis of disabil-
12 ity, retires from regular active service under
13 section 611 of such title;

14 “(C) section 376(a)(1)(D) of title 28 who,
15 after attaining age 65 or on the basis of disabil-
16 ity, retires from regular active service under
17 section 627 of such title;

18 “(D) section 376(a)(1)(E) of title 28 who,
19 after attaining age 65 or on the basis of disabil-
20 ity, retires from regular active service under
21 sections 611 and 677 of such title;

22 “(E) section 376(a)(1)(F) of title 28 who,
23 after attaining age 65 or on the basis of disabil-
24 ity, retires from regular active service under
25 chapter 83 or 84 of this title, section 377 of

1 title 28, or section 2(c) of the Retirement and
 2 Survivors' Annuities for Bankruptcy Judges
 3 and Magistrates Act of 1988; or

4 “(F) section 376(a)(1)(G) of title 28 who,
 5 after attaining age 65 or on the basis of disabil-
 6 ity, retires from regular active service under
 7 section 178 of such title; and

8 “(12) a judge of the United States Tax Court
 9 appointed under section 7443(b) of the Internal
 10 Revenue Code of 1986 who is retired from regular
 11 active service under section 7447 thereof;”.

12 (b) PROVISIONS RELATING TO TERMINATION.—

13 (1) BASIC COVERAGE AND OPTION B.—The sec-
 14 ond sentence of section 8706(a) of title 5, United
 15 States Code, and the second sentence of section
 16 8714b(c)(1) of such title, are each amended by in-
 17 serting “, and any employee as defined in section
 18 8701(a) (11) or (12),” before “are deemed”.

19 (2) OPTIONS A AND C.—Sections 8714a(c)(1)
 20 and 8714c(c)(1) of title 5, United States Code, are
 21 each amended by adding at the end the following:
 22 “Justices and judges of the United States described
 23 in section 8701(a)(5) (ii) and (iii) of this chapter,
 24 and any employee as defined in section 8701(a) (11)

1 or (12), are deemed to continue in active employ-
 2 ment for purposes of this chapter.”.

3 (c) TECHNICAL AMENDMENTS.—Section 8714a(c)(3)
 4 of title 5, United States Code, and the third sentence of
 5 section 8714b(c)(1) of such title, are repealed.

6 (d) APPLICABILITY.—

7 (1) IN GENERAL.—

8 (A) FUTURE RETIREMENTS.—Except as
 9 provided in subparagraph (B) and paragraph
 10 (2), nothing in this section or in any amend-
 11 ment made by this section shall be considered
 12 to affect the treatment under chapter 87 of title
 13 5, United States Code, of any individual whose
 14 date of retirement (as described in any provi-
 15 sion of the amendment made by subsection
 16 (a)(2)) precedes the date of the enactment of
 17 this Act.

18 (B) LIMITED EXCEPTION.—

19 (i) APPLICABILITY.—This subpara-
 20 graph shall apply to any individual—

21 (I) who retired (under any provi-
 22 sion of law cited in the amendment
 23 made by subsection (a)(2)) after July
 24 31, 1987, and before the date of the
 25 enactment of this Act;

1 (II) who would have been eligible
2 to have continued being treated (after
3 retiring) as an employee under chap-
4 ter 87 of title 5, United States Code,
5 had the amendments made by this
6 section been in effect at the time of
7 such individual's retirement; and

8 (III) who has remained continu-
9 ously covered under chapter 87 of title
10 5, United States Code, since retiring.

11 (ii) ELECTION.—Any individual de-
12 scribed in clause (i) may, upon appropriate
13 written application submitted within 12
14 months after the effective date of the regu-
15 lations under clause (iv), elect, for pur-
16 poses of chapter 87 of title 5, United
17 States Code, to be treated as if the amend-
18 ments made by this section had been in ef-
19 fect at the time of such individual's retire-
20 ment.

21 (iii) PROSPECTIVE EFFECT.—Nothing
22 in this subparagraph shall be considered to
23 permit or require any change in coverage
24 or any collection or repayment of contribu-

tions with respect to any period before the election is made.

(iv) REGULATIONS.—The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this subparagraph.

(2) RULE RELATING TO CERTAIN TECHNICAL AMENDMENTS.—The provisions added by subsection (b)(2) shall (A) to the extent that they relate to justices and judges of the United States described in section 8701(a)(5) (ii) and (iii) of title 5, United States Code, and (B) with respect to the period after December 31, 1986, and before the date of the enactment of this Act, be given the same effect as would have been given to the corresponding prior provisions of title 5, United States Code (as inserted pursuant to amendments made by section 7(1) of Public Law 99–336), had those prior provisions not been superseded by amendments taking effect under Public Law 99–335.

SEC. 2. ASSIGNMENT AUTHORITY.

Section 8706(e) of title 5, United States Code, is amended—

(1) by striking “Federal judge” and inserting “employee or former employee”;

- 1 (2) by striking “judge’s” and inserting “em-
- 2 employee’s or former employee’s”; and
- 3 (3) by striking “purchase” and inserting “pur-
- 4 chased”.

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