

118TH CONGRESS  
1ST SESSION

# H. R. 1080

To provide for the reinstatement or compensation of Federal employees forced to resign their careers between September 9, 2021, and January 24, 2022, because of the Federal COVID–19 vaccination mandate, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2023

Mr. GAETZ introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committee on Ways and Means, 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

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## A BILL

To provide for the reinstatement or compensation of Federal employees forced to resign their careers between September 9, 2021, and January 24, 2022, because of the Federal COVID–19 vaccination mandate, 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 “COVID–19 Federal  
5 Employee Reinstatement Act”.

1 **SEC. 2. REINSTATEMENT OR COMPENSATION FOR IM-**  
2 **PACTED EMPLOYEES.**

3 (a) IN GENERAL.—Each impacted Federal employee,  
4 other than an impacted Federal employee entitled to a  
5 payment under subsection (b), is entitled, in accordance  
6 with this Act, to select either—

7 (1) an appointment to a position in the former  
8 employing agency of such impacted Federal em-  
9 ployee that is the same or similar to the previous  
10 Federal position of such impacted Federal employee  
11 and payment in an amount equal to the amount that  
12 such impacted Federal employee would have been  
13 paid by such former employing agency during the  
14 period beginning on September 9, 2021, and ending  
15 on the date on which such impacted Federal em-  
16 ployee is so appointed if such impacted Federal em-  
17 ployee had not become an impacted Federal em-  
18 ployee; or

19 (2) payment in an amount equal to the amount  
20 that such impacted Federal employee would have  
21 been paid by the former employing agency during  
22 the period beginning on September 9, 2021, and  
23 ending on the date that is 180 days after the date  
24 on which the impacted Federal employee receives the  
25 notice required under section 3(a) if such impacted

1 Federal employee had not become an impacted Fed-  
2 eral employee.

3 (b) SUBSEQUENT FEDERAL EMPLOYMENT.—

4 (1) IN GENERAL.—An impacted Federal em-  
5 ployee that was appointed to a new Federal position  
6 is entitled to the payments described in paragraph  
7 (2).

8 (2) PAYMENT DESCRIBED.—The payments de-  
9 scribed in this subparagraph are—

10 (A) a payment in an amount equal to the  
11 sum of—

12 (i) the sum of the difference in pay  
13 between the previous Federal position of  
14 the impacted Federal employee and any  
15 new Federal positions of the impacted Fed-  
16 eral employee for each pay period that the  
17 impacted Federal employee held such new  
18 Federal position during the period begin-  
19 ning on the date on which such impacted  
20 Federal employee became an impacted  
21 Federal employee and ending on the date  
22 of the enactment of this Act; and

23 (ii) the amount that the impacted  
24 Federal employee would have been paid by  
25 the former employing agency if the im-

1            impacted Federal employee had not become  
2            an impacted Federal employee for each pe-  
3            riod occurring between September 9, 2021,  
4            and the date of the enactment of this Act  
5            in which the impacted Federal employee  
6            did not hold a new Federal position; and

7            (B) a payment equal to the sum of the dif-  
8            ferences in pay between the previous Federal  
9            position of the impacted Federal employee and  
10           any new Federal positions of the impacted Fed-  
11           eral employee during the one-year period begin-  
12           ning on the date of the enactment of this Act.

13           (3) NEW FEDERAL POSITION DEFINED.—In  
14           this subsection, the term “new Federal position”  
15           means a position in the Federal Government—

16           (A) to which the impacted Federal em-  
17           ployee was appointed after becoming an im-  
18           pacted Federal employee;

19           (B) that is not subject to a vaccination re-  
20           quirement implemented pursuant to Executive  
21           Order 14043; and

22           (C) for which the pay is or was less than  
23           the pay of the previous Federal position of the  
24           impacted Federal employee.

25           (c) PAYMENT.—

1           (1) IN GENERAL.—The former employing agen-  
2           cy of an impacted Federal employee shall begin mak-  
3           ing any payment to which such impacted Federal  
4           employee is entitled under this section not later than  
5           90 days after the pay for each relevant position is  
6           determined in accordance with section 7.

7           (2) METHOD.—A payment described in sub-  
8           section (a) or (b) shall be paid either in one lump  
9           sum or in 12 equal, monthly payments.

10          (3) TAXATION.—For purposes of the Internal  
11          Revenue Code of 1986, any payment to an individual  
12          under subsection (a) or (b) shall be treated as wages  
13          paid with respect to the employment of such indi-  
14          vidual.

15          (4) PAY LIMITS.—A payment to an impacted  
16          Federal employee under this section shall be dis-  
17          regarding with respect to any limit on the pay of  
18          employees that is applicable to the impacted Federal  
19          employee.

20          (d) REINSTATEMENT IMPRACTICABLE.—If the head  
21          of the relevant employing agency determines that an ap-  
22          pointment in accordance with subsection (a)(1) is imprac-  
23          ticable for an impacted Federal employee not entitled to  
24          a payment under subsection (b), such impacted Federal

1 employee shall only be entitled to select payment under  
2 subsection (a)(2).

3 (e) REINSTATEMENT.—An appointment under sub-  
4 section (a)(1) to a position in the competitive service (as  
5 defined in section 2102 of title 5, United States Code)  
6 shall be made without regard to the provisions of sub-  
7 chapter I of chapter 33 of title 5, United States Code.

8 **SEC. 3. NOTICE AND SELECTION.**

9 (a) NOTICE.—Not later than 90 days after the date  
10 of the enactment of this Act, the head of each Executive  
11 agency shall notify each individual that was voluntarily or  
12 involuntarily separated from such Executive employing  
13 agency during the period beginning on September 9, 2021,  
14 and ending on January 24, 2022, of the rights of impacted  
15 Federal employees under this Act.

16 (b) SELECTION.—

17 (1) IN GENERAL.—An impacted Federal em-  
18 ployee entitled to make a selection under section  
19 2(a) must notify the former employing agency of  
20 such impacted Federal employee of his or her selec-  
21 tion not later than 90 days after receiving the notice  
22 required by subsection (a).

23 (2) FORFEITURE.—An impacted Federal em-  
24 ployee described in paragraph (1) that does not no-  
25 tify the former employing agency in accordance with

1 such paragraph shall cease to be entitled to make a  
2 selection under section 2(a).

3 (3) AGENCY COMPLIANCE.—If an impacted  
4 Federal employee selects an appointment and pay-  
5 ment under section 2(a)(1), not later than 90 days  
6 after such impacted Federal employee provides the  
7 notice in accordance with paragraph (1), the head of  
8 the former employing agency shall make the ap-  
9 pointment described in section 2(a)(1).

10 **SEC. 4. TREATMENT OF IMPACTED FEDERAL EMPLOYEES.**

11 (a) IN GENERAL.—Each impacted Federal em-  
12 ployee—

13 (1) is deemed to have been involuntarily sepa-  
14 rated without cause from the previous Federal posi-  
15 tion of such impacted Federal employee; and

16 (2) during the five-year period beginning on the  
17 date of the enactment of this Act, shall be entitled  
18 to priority consideration for each appointment to a  
19 position in the Federal Government for which the  
20 impacted Federal employee is qualified if the im-  
21 pacted Federal employee has not been appointed to  
22 any other position in the Federal Government after  
23 becoming an impacted Federal employee that—

1           (A) was not subject to a vaccination re-  
2           quirement pursuant to Executive Order 14043;  
3           or

4           (B) is an equal or higher grade than the  
5           previous Federal position of such impacted Fed-  
6           eral employee.

7           (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
8           tion shall be construed to override the application of vet-  
9           erans preferences under chapter 33 of title 5, United  
10          States Code.

11 **SEC. 5. ANNUITIES.**

12          (a) **REINSTATED EMPLOYEES.**—

13           (1) **ANNUITY ENTITLEMENT.**—

14           (A) **IN GENERAL.**—An impacted Federal  
15           employee described in subparagraph (E) is  
16           deemed to have additional service equal to the  
17           number of twelfth parts of a year that is equal  
18           to the number of months that such impacted  
19           Federal employee was an impacted Federal em-  
20           ployee prior to an appointment under section  
21           2(a)(1), including the month in which such im-  
22           pacted Federal employee became an impacted  
23           Federal employee.

24           (B) **WITHHOLDINGS.**—The head of the  
25           former employing agency of an impacted Fed-



1           eral employee described in subparagraph (E)  
2           shall—

3                   (i) if such impacted Federal employee  
4                   was subject to chapter 83 of title 5, United  
5                   States Code, immediately before becoming  
6                   an impacted Federal employee—

7                           (I) withhold from amounts paid  
8                           to such impacted Federal employee  
9                           under section 2(a)(1) an amount  
10                          equal to the amount that such former  
11                          employing agency would withhold  
12                          under subsection (k) or (a)(1)(A) of  
13                          section 8334 of title 5, United States  
14                          Code, as applicable, if—

15                                  (aa) the amounts paid under  
16                                  section 2(a)(1) were the total  
17                                  basic pay of such impacted Fed-  
18                                  eral employee; and

19                                  (bb) such impacted Federal  
20                                  employee was employed in the  
21                                  previous Federal position of such  
22                                  impacted Federal employee; and

23                           (II) deposit in the Treasury of  
24                           the United States to the credit of the  
25                           Fund amounts withheld under sub-

1 clause (I) in the same manner as  
2 amounts withheld under subsection  
3 (k) or (a)(1)(A) of section 8334 of  
4 title 5, United States Code, as appli-  
5 cable; and

6 (ii) if such impacted Federal employee  
7 was subject to chapter 84 of title 5, United  
8 States Code, immediately before becoming  
9 an impacted Federal employee—

10 (I) withhold from amounts paid  
11 to such impacted Federal employee  
12 under section 2(a)(1) an amount  
13 equal to the amount that such former  
14 employing agency would withhold  
15 under section 8422(a) of title 5,  
16 United States Code, if—

17 (aa) the amounts paid under  
18 section 2(a)(1) were the total  
19 basic pay of such impacted Fed-  
20 eral employee; and

21 (bb) such impacted Federal  
22 employee was employed in the  
23 previous Federal position of such  
24 impacted Federal employee; and

1 (II) deposit in the Treasury of  
2 the United States to the credit of the  
3 Fund amounts withheld under sub-  
4 clause (I) in the same manner as  
5 amounts withheld under section  
6 8422(a) of title 5, United States  
7 Code.

8 (C) WITHHOLDINGS CREDITED.—Amounts  
9 withheld under—

10 (i) subparagraph (B)(i) shall be en-  
11 tered on individual retirement records  
12 under section 8334(f) of title 5, United  
13 States Code; and

14 (ii) subparagraph (B)(ii) shall be en-  
15 tered on individual retirement records  
16 under section 8422(d) of such title.

17 (D) GOVERNMENT CONTRIBUTIONS.—

18 (i) CIVIL SERVICE RETIREMENT AN-  
19 NUITY.—If the head of the former employ-  
20 ing agency withholds amounts under sub-  
21 paragraph (B)(i), the head of such former  
22 employing agency shall make contributions  
23 in accordance with section 8334(a)(1)(B)  
24 of title 5, United States Code, as if the  
25 amounts withheld under subparagraph

1 (B)(i) are retirement deductions made  
2 from the basic pay of the impacted Federal  
3 employee under subsection (k) or (a)(1)(A)  
4 of section 8334 of such title, as applicable.

5 (ii) FEDERAL EMPLOYEES' RETIRE-  
6 MENT SYSTEM.—If the head of the former  
7 employing agency withholds amounts under  
8 subparagraph (B)(ii), the head of such  
9 former employing agency shall deposit in  
10 the Treasury of the United States to the  
11 credit of the Fund an amount equal to the  
12 amount that the former employing agency  
13 would so deposit under section 8423 of  
14 title 5, United States Code, if the amounts  
15 paid under section 2(a)(1) to an impacted  
16 Federal employee described subparagraph  
17 (E) were the basic pay of such impacted  
18 Federal employee and such impacted Fed-  
19 eral employee, at the time of such pay-  
20 ment, was—

21 (I) at the time of such payment,  
22 an employee of the former employer  
23 agency in the previous Federal posi-  
24 tion of such impacted Federal em-  
25 ployee; and

1 (II) subject to section 8422(a) of  
2 title 5, United States Code.

3 (E) IMPACTED FEDERAL EMPLOYEE DE-  
4 SCRIBED.—An impacted Federal employee de-  
5 scribed in this subparagraph is an impacted  
6 Federal employee that—

7 (i) selects an appointment and pay-  
8 ment under section 2(a)(1);

9 (ii) as of the date of such selection,  
10 has not received and is not entitled to re-  
11 ceive, and with respect to whose service no  
12 other person has received or is entitled to  
13 receive, a lump-sum payment under either  
14 chapter 83 or 84 of title 5, United States  
15 Code, other than—

16 (I) a lump-sum payment under  
17 sections 8343a or 8420a of such title;  
18 or

19 (II) a lump-sum payment that  
20 was received or to which the entitle-  
21 ment arose before the date on which  
22 such impacted Federal employee be-  
23 came an impacted Federal employee;  
24 and

1 (iii) is not otherwise prohibited from  
2 receiving an annuity pursuant to section  
3 8312, 8314, or 8315 of such title.

4 (2) PREVIOUS LUMP-SUM PAYMENT.—

5 (A) IN GENERAL.—At the time an im-  
6 pacted Federal employee described in subpara-  
7 graph (G) selects an appointment and payment  
8 under section 2(a)(1), such impacted Federal  
9 employee may elect to pay to the Treasury of  
10 the United States to the credit of the Fund an  
11 amount equal to—

12 (i) the amount paid to such impacted  
13 Federal employee under section 8342 or  
14 8424 of title 5, United States Code, after  
15 the impacted Federal employee became an  
16 impacted Federal employee plus interest;  
17 or

18 (ii) any portion of the amount de-  
19 scribed in clause (i) that is greater than  
20 zero.

21 (B) ANNUITY RIGHTS REINSTATED.—

22 (i) IN GENERAL.—An impacted Fed-  
23 eral employee that makes the election and  
24 payment under subparagraph (A)—

1 (I) shall have restored the annu-  
2 ity rights of such impacted Federal  
3 employee that were voided by the re-  
4 ceipt of, or becoming entitled to, the  
5 payment of lump-sum credit under  
6 section 8342 or 8424 of title 5,  
7 United States Code, after the im-  
8 pacted Federal employee became an  
9 impacted Federal employee—

10 (aa) in full in the case of a  
11 payment in the amount described  
12 in subparagraph (A)(i); or

13 (bb) in the case of a pay-  
14 ment described in subparagraph  
15 (A)(ii), in equal proportion to  
16 such payment; and

17 (II) is deemed to have additional  
18 service equal to the number of twelfth  
19 parts of a year that is equal to the  
20 number of months that such impacted  
21 Federal employee was an impacted  
22 Federal employee prior to an appoint-  
23 ment under section 2(a)(1), including  
24 the month in which such impacted

1 Federal employee became an impacted  
2 Federal employee.

3 (ii) OTHER LUMP-SUM PAYMENT RE-  
4 CIPIENTS.—Notwithstanding any other  
5 provision of law, the restoration of the  
6 rights of an impacted Federal employee  
7 under clause (i) shall not—

8 (I) reinstate the rights of an indi-  
9 vidual under chapter 83 or 84 of title  
10 5, United States Code, that were void-  
11 ed or fulfilled by the receipt of or be-  
12 coming entitled to a lump-sum pay-  
13 ment under chapter 83 or 84 of title  
14 5, United States Code, other than a  
15 lump-sum payment under section  
16 8343a or 8420a of such title, after  
17 the date on which such impacted Fed-  
18 eral employee became an impacted  
19 Federal employee that was based in  
20 full or in part on the service of such  
21 impacted Federal employee before  
22 such date; or

23 (II) entitle an individual de-  
24 scribed in subclause (I) to any other



1 payment or annuity under chapter 83  
2 or 84 of such title.

3 (C) ENTITLEMENT WAIVER.—For the pur-  
4 poses of subparagraph (A), the waiver of a  
5 right to the payment of a lump-sum credit  
6 under section 8342 or 8424 of title 5, United  
7 States Code, is deemed to be a payment to the  
8 Treasury of the United States to the credit of  
9 the Fund equal to the amount of such lump-  
10 sum credit.

11 (D) PAYMENT TIMING.—An impacted Fed-  
12 eral employee that makes the election under  
13 subparagraph (A) must make the payment de-  
14 scribed in such subparagraph not later than one  
15 year after making such election.

16 (E) WITHHOLDINGS AND CONTRIBU-  
17 TIONS.—Subparagraphs (B), (C), and (D) of  
18 paragraph (1) shall apply with respect to an  
19 impacted Federal employee that makes the elec-  
20 tion under subparagraph (A) as if such im-  
21 pacted Federal employee is an impacted Fed-  
22 eral employee described in paragraph (1)(E).

23 (F) DECLINE ELECTION.—

24 (i) IN GENERAL.—With respect to an  
25 impacted Federal employee described in

1           subparagraph (H) that declines to make  
2           the election under subparagraph (A), the  
3           head of the former employing agency of  
4           such impacted Federal employee shall  
5           withhold from amounts paid under section  
6           2(a)(1) to such impacted Federal em-  
7           ployee—

8                       (I) if such impacted Federal em-  
9                       ployee was subject to chapter 83 of  
10                      title 5, United States Code, imme-  
11                      diately before becoming an impacted  
12                      Federal employee, an amount equal to  
13                      the amount that such former employ-  
14                      ing agency would withhold under sub-  
15                      section (k) or (a)(1)(A) of section  
16                      8334 of such title, as applicable, if—

17                               (aa) the amounts paid under  
18                               section 2(a)(1) were basic pay of  
19                               such impacted Federal employee;  
20                               and

21                               (bb) such impacted Federal  
22                               employee was employed in the  
23                               previous Federal position of such  
24                               impacted Federal employee; or

1 (II) if such impacted Federal em-  
2 ployee was subject to chapter 84 of  
3 title 5, United States Code, imme-  
4 diately before becoming an impacted  
5 Federal employee, an amount equal to  
6 the amount that such former employ-  
7 ing agency would withhold under sec-  
8 tion 8422(a) of such title if—

9 (aa) the amounts paid under  
10 section 2(a)(1) were basic pay of  
11 such impacted Federal employee;  
12 and

13 (bb) such impacted Federal  
14 employee was employed in the  
15 previous Federal position of such  
16 impacted Federal employee.

17 (ii) DISTRIBUTION.—An amount with-  
18 held under clause (i)—

19 (I) in the case of an amount de-  
20 scribed in clause (i)(I), is deemed to  
21 be a retirement deduction made from  
22 the basic pay of the impacted Federal  
23 employee under subsection (k) or  
24 (a)(1)(A) of section 8334 of title 5,  
25 United States Code, as applicable,

1 and shall be paid as a lump-sum cred-  
2 it in accordance with section 8342 of  
3 such title; and

4 (II) in the case of an amount de-  
5 scribed in clause (i)(II), is deemed to  
6 be a retirement deduction made from  
7 the basic pay of the impacted Federal  
8 employee under section 8422(a) of  
9 such title and shall be paid as a lump-  
10 sum credit in accordance with section  
11 8424 of such title.

12 (G) IMPACTED FEDERAL EMPLOYEE DE-  
13 SCRIBED.—An impacted Federal employee de-  
14 scribed in this subparagraph is an impacted  
15 Federal employee that—

16 (i) selects an appointment and pay-  
17 ment under section 2(a)(1);

18 (ii) as of the date of such selection,  
19 has received or is entitled to receive, or  
20 with respect to whose service another per-  
21 son has received or is entitled to receive, a  
22 lump-sum payment under either chapter  
23 83 or 84 of title 5, United States Code,  
24 other than—

1 (I) a lump-sum payment under  
2 sections 8343a or 8420a of such title;  
3 or

4 (II) a lump-sum payment that  
5 was received or to which the entitle-  
6 ment arose before the date on which  
7 such impacted Federal employee be-  
8 came an impacted Federal employee;  
9 and

10 (iii) is not otherwise prohibited from  
11 receiving an annuity pursuant to section  
12 8312, 8314, or 8315 of such title.

13 (b) NON-REINSTATED EMPLOYEES.—

14 (1) ANNUITY ENTITLEMENT.—

15 (A) IN GENERAL.—An impacted Federal  
16 employee described in subparagraph (E) is  
17 deemed to have one additional year of service.

18 (B) WITHHOLDINGS.—The head of the  
19 former employing agency of an impacted Fed-  
20 eral employee described in subparagraph (E)  
21 shall—

22 (i) if such impacted Federal employee  
23 was subject to chapter 83 of title 5, United  
24 States Code, immediately before becoming  
25 an impacted Federal employee—

1 (I) withhold from amounts paid  
2 to such impacted Federal employee  
3 under subsection (a)(2) or (b) of sec-  
4 tion 2, as applicable, an amount equal  
5 to the amount that such former em-  
6 ploying agency would withhold under  
7 subsection (k) or (a)(1)(A) of section  
8 8334 of title 5, United States Code,  
9 as applicable, if—

10 (aa) the amounts paid under  
11 subsection (a)(2) or (b) of section  
12 2, as applicable, were the total  
13 basic pay of such impacted Fed-  
14 eral employee; and

15 (bb) such impacted Federal  
16 employee was employed in the  
17 previous Federal position of such  
18 impacted Federal employee; and

19 (II) deposit in the Treasury of  
20 the United States to the credit of the  
21 Fund amounts withheld under sub-  
22 clause (I) in the same manner as  
23 amounts withheld under subsection  
24 (k) or (a)(1)(A) of section 8334 of

1 title 5, United States Code, as appli-  
2 cable; and

3 (ii) if such impacted Federal employee  
4 was subject to chapter 84 of title 5, United  
5 States Code, immediately before becoming  
6 an impacted Federal employee—

7 (I) withhold from amounts paid  
8 to such impacted Federal employee  
9 under subsection (a)(2) or (b) of sec-  
10 tion 2, as applicable, an amount equal  
11 to the amount that such former em-  
12 ploying agency would withhold under  
13 section 8422(a) of title 5, United  
14 States Code, if—

15 (aa) the amounts paid under  
16 subsection (a)(2) or (b) of section  
17 2, as applicable, were the total  
18 basic pay of such impacted Fed-  
19 eral employee; and

20 (bb) such impacted Federal  
21 employee was employed in the  
22 previous Federal position of such  
23 impacted Federal employee; and

24 (II) deposit in the Treasury of  
25 the United States to the credit of the

1 Fund amounts withheld under sub-  
2 clause (I) in the same manner as  
3 amounts withheld under section  
4 8422(a) of title 5, United States  
5 Code.

6 (C) WITHHOLDINGS CREDITED.—Amounts  
7 withheld under—

8 (i) subparagraph (B)(i) shall be en-  
9 tered on individual retirement records  
10 under section 8334(f) of title 5, United  
11 States Code; and

12 (ii) subparagraph (B)(ii) shall be en-  
13 tered on individual retirement records  
14 under section 8422(d) of such title.

15 (D) GOVERNMENT CONTRIBUTIONS.—

16 (i) CIVIL SERVICE RETIREMENT AN-  
17 NUITY.—If the head of the former employ-  
18 ing agency withholds amounts under sub-  
19 paragraph (B)(i), the head of such former  
20 employing agency shall make contributions  
21 in accordance with section 8334(a)(1)(B)  
22 of title 5, United States Code, as if the  
23 amounts withheld under subparagraph  
24 (B)(i) are retirement deductions made  
25 from the basic pay of the impacted Federal



1 employee under subsection (k) or (a)(1)(A)  
2 of section 8334 of title 5, United States  
3 Code, as applicable.

4 (ii) FEDERAL EMPLOYEES' RETIRE-  
5 MENT SYSTEM.—If the head of the former  
6 employing agency withholds amounts under  
7 subparagraph (B)(ii), the head of such  
8 former employing agency shall deposit in  
9 the Treasury of the United States to the  
10 credit of the Fund an amount equal to the  
11 amount that the former employing agency  
12 would so deposit under section 8423 of  
13 title 5, United States Code, if the amounts  
14 paid under subsection (a)(2) or (b) of sec-  
15 tion 2, as applicable, to an impacted Fed-  
16 eral employee described subparagraph (E)  
17 were the basic pay of such impacted Fed-  
18 eral employee and such impacted Federal  
19 employee, at the time of such payment,  
20 was—

21 (I) at the time of such payment,  
22 an employee of the former employer  
23 agency in the previous Federal posi-  
24 tion of such impacted Federal em-  
25 ployee; and

1 (II) subject to section 8422(a) of  
2 title 5, United States Code.

3 (E) IMPACTED FEDERAL EMPLOYEE DE-  
4 SCRIBED.—An impacted Federal employee de-  
5 scribed in this subparagraph is an impacted  
6 Federal employee that—

7 (i) selects payment under section  
8 2(a)(2) or is entitled to payment under  
9 section 2(b);

10 (ii) as of the date of the enactment of  
11 this Act, has not received and is not enti-  
12 tled to receive, and with respect to whose  
13 service no other person has received or is  
14 entitled to receive, a lump-sum payment  
15 under either chapter 83 or 84 of title 5,  
16 United States Code, other than—

17 (I) a lump-sum payment under  
18 sections 8343a or 8420a of such title;  
19 or

20 (II) a lump-sum payment that  
21 was received or to which the entitle-  
22 ment arose before the date on which  
23 such impacted Federal employee be-  
24 came an impacted Federal employee;  
25 and

1 (iii) is not otherwise prohibited from  
2 receiving an annuity pursuant to section  
3 8312, 8314, or 8315 of such title.

4 (2) LUMP-SUM CREDIT RECIPIENTS.—

5 (A) LUMP-SUM DISTRIBUTION.—

6 (i) IN GENERAL.—The head of the  
7 former employing agency of an impacted  
8 Federal employee described in clause (iii)  
9 shall withhold from amounts paid to such  
10 impacted Federal employee under sub-  
11 section (a)(2) or (b) of section 2, as appli-  
12 cable—

13 (I) if the impacted Federal em-  
14 ployee was subject to chapter 83 of  
15 title 5, United States Code, imme-  
16 diately before becoming an impacted  
17 Federal employee, an amount equal to  
18 the amount that such former employ-  
19 ing agency would withhold under sub-  
20 section (k) or (a)(1)(A) of section  
21 8334 of such title, as applicable, if—

22 (aa) the amounts paid under  
23 subsection (a)(2) or (b) of section  
24 2, as applicable, were the total

1 basic pay of such impacted Fed-  
2 eral employee; and

3 (bb) such impacted Federal  
4 employee was employed in the  
5 previous Federal position of such  
6 impacted Federal employee; or

7 (II) if the impacted Federal em-  
8 ployee was subject to chapter 84 of  
9 title 5, United States Code, imme-  
10 diately before becoming an impacted  
11 Federal employee, an amount equal to  
12 the amount that such former employ-  
13 ing agency would withhold under sec-  
14 tion 8422(a) of such title if—

15 (aa) the amounts paid under  
16 subsection (a)(2) or (b) of section  
17 2, as applicable, were the total  
18 basic pay of such impacted Fed-  
19 eral employee; and

20 (bb) such impacted Federal  
21 employee was employed in the  
22 previous Federal position of such  
23 impacted Federal employee.

24 (ii) DISTRIBUTION.—An amount with-  
25 held under clause (i)—

1 (I) in the case of an amount de-  
2 scribed in clause (i)(I), is deemed to  
3 be a retirement deduction made from  
4 the basic pay of the impacted Federal  
5 employee under subsection (k) or  
6 (a)(1)(A) of section 8334 of title 5,  
7 United States Code, as applicable,  
8 and shall be paid as a lump-sum cred-  
9 it in accordance with section 8342 of  
10 such title; and

11 (II) in the case of an amount de-  
12 scribed in clause (i)(II), is deemed to  
13 be a retirement deduction made from  
14 the basic pay of the impacted Federal  
15 employee under section 8422(a) of  
16 such title and shall be paid as a lump-  
17 sum credit in accordance with section  
18 8424 of such title.

19 (iii) IMPACTED FEDERAL EMPLOYEE  
20 DESCRIBED.—An impacted Federal em-  
21 ployee described in this clause is an im-  
22 pacted Federal employee that—

23 (I) selects payment under section  
24 2(a)(2) or is entitled to payment  
25 under section 2(b);

1 (II) as of the date of such selec-  
2 tion or becoming so entitled, has re-  
3 ceived or is entitled to receive, or with  
4 respect to whose service another per-  
5 son has received or is entitled to re-  
6 ceive, a lump-sum payment under ei-  
7 ther chapter 83 or 84 of title 5,  
8 United States Code, other than—

9 (aa) a lump-sum payment  
10 under sections 8343a or 8420a of  
11 such title; or

12 (bb) a lump-sum payment  
13 that was received or to which the  
14 entitlement arose before the date  
15 on which such impacted Federal  
16 employee became an impacted  
17 Federal employee;

18 (III) is not entitled to an annuity  
19 under either such chapter; and

20 (IV) as of the date of the enact-  
21 ment of this Act, does not hold a posi-  
22 tion subjecting such impacted Federal  
23 employee to either such chapter.

24 (B) BUYBACK.—

1 (i) IN GENERAL.—At the time an im-  
2 pacted Federal employee described in  
3 clause (vi) selects a payment under section  
4 2(a)(2) or, in the case of a payment under  
5 section 2(b), not later than 90 days after  
6 the impacted Federal employee is notified  
7 of the payment under section 3, such im-  
8 pacted Federal employee may elect to pay  
9 to the Treasury of the United States to the  
10 credit of the Fund an amount equal to—

11 (I) the amount paid to such im-  
12 pacted Federal employee under sec-  
13 tion 8342 or 8424 of title 5, United  
14 States Code, after the impacted Fed-  
15 eral employee became an impacted  
16 Federal employee plus interest; or

17 (II) any portion of the amount  
18 described in clause (i) that is greater  
19 than zero.

20 (ii) ANNUITY RIGHTS REINSTATED.—

21 (I) IN GENERAL.—An impacted  
22 Federal employee that makes the elec-  
23 tion and payment under clause (i)—

24 (aa) shall have restored the  
25 annuity rights of such impacted

1 Federal employee that were void-  
2 ed by the receipt of, or becoming  
3 entitled to, the payment of a  
4 lump-sum credit under section  
5 8342 or 8424 of title 5, United  
6 States Code, after such impacted  
7 Federal employee became an im-  
8 pacted Federal employee—

9 (AA) in full in the case  
10 of a payment in the amount  
11 described in clause (i)(I); or

12 (BB) in the case of a  
13 payment described in clause  
14 (i)(II), in equal proportion  
15 to such payment; and

16 (bb) is deemed to have one  
17 additional year of service.

18 (II) OTHER LUMP-SUM PAYMENT  
19 RECIPIENTS.—Notwithstanding any  
20 other provision of law, the restoration  
21 of the rights of an impacted Federal  
22 employee under subclause (I) shall  
23 not—

24 (aa) reinstate the rights of  
25 an individual under chapter 83 or



1 84 of title 5, United States Code,  
2 that were voided or fulfilled by  
3 the receipt of or becoming enti-  
4 tled to a lump-sum payment  
5 under chapter 83 or 84 of title 5,  
6 United States Code, other than a  
7 lump-sum payment under section  
8 8343a or 8420a of such title,  
9 after the date on which such im-  
10 pacted Federal employee became  
11 an impacted Federal employee  
12 that was based in full or in part  
13 on the service of such impacted  
14 Federal employee before such  
15 date; or

16 (bb) entitle an individual de-  
17 scribed in item (aa) to any other  
18 payment or annuity under chap-  
19 ter 83 or 84 of such title.

20 (iii) ENTITLEMENT WAIVER.—For the  
21 purposes of clause (i), the waiver of a right  
22 to the payment of a lump-sum credit under  
23 section 8342 or 8424 of title 5, United  
24 States Code, is deemed to be a payment to  
25 the Treasury of the United States to the

1 credit of the Fund equal to the amount of  
2 such lump-sum credit.

3 (iv) WITHHOLDINGS AND GOVERN-  
4 MENT CONTRIBUTIONS.—Subparagraphs  
5 (B), (C), and (D) of paragraph (1) shall  
6 apply with respect to an impacted Federal  
7 employee who makes the election described  
8 in clause (i) as if such impacted Federal  
9 employee is an impacted Federal employee  
10 described in paragraph (1)(E).

11 (v) PAYMENT TIMING.—An impacted  
12 Federal employee that makes the election  
13 under clause (i) must make the payment  
14 described in such clause not later than one  
15 year after making such election.

16 (vi) IMPACTED FEDERAL EMPLOYEE  
17 DESCRIBED.—An impacted Federal em-  
18 ployee described in this clause is an im-  
19 pacted Federal employee that—

20 (I) selects payment under section  
21 2(a)(2) or is entitled to payment  
22 under section 2(b);

23 (II) as of the date of such selec-  
24 tion, has received or is entitled to re-  
25 ceive, or with respect to whose service

1 another person has received or is enti-  
2 tled to receive, a lump-sum payment  
3 under either chapter 83 or 84 of title  
4 5, United States Code, other than—

5 (aa) a lump-sum payment  
6 under sections 8343a or 8420a of  
7 such title; or

8 (bb) a lump-sum payment  
9 that was received or to which the  
10 entitlement arose before the date  
11 on which such impacted Federal  
12 employee became an impacted  
13 Federal employee;

14 (III) is not otherwise prohibited  
15 from receiving an annuity pursuant to  
16 section 8312, 8314, or 8315 of such  
17 title; and

18 (IV) as of the date of the enact-  
19 ment of this Act, holds a position sub-  
20 jecting such impacted Federal em-  
21 ployee to either chapter 83 or 84 of  
22 title 5, United States Code.

23 (c) PAYMENT AND WITHHOLDINGS TREATMENT.—

24 (1) TIMING AND TREATMENT.—

1           (A) IN GENERAL.—Except as provided in  
2           subparagraph (B), for purposes of chapters 83  
3           and 84 of title 5, United States Code, with re-  
4           spect to an impacted Federal employee de-  
5           scribed in paragraph (2), amounts paid to such  
6           impacted Federal employee under section 2(a)  
7           shall be deemed to be the basic pay of such im-  
8           pacted Federal employee that was earned by  
9           such impacted Federal employee at the time  
10          that such impacted Federal employee would  
11          have earned such portion if such employee had  
12          not been separated from the former employing  
13          agency based on a vaccination requirement im-  
14          plemented at such former employing agency  
15          pursuant to Executive Order 14043.

16          (B) CONCURRENT FEDERAL EMPLOYMENT  
17          EXCLUSION.—Any portion of an amount paid to  
18          an impacted Federal employee under section 2  
19          that is deemed under subparagraph (A) to have  
20          been earned by such impacted Federal employee  
21          at a time during which such impacted Federal  
22          employee held a position subjecting such im-  
23          pacted Federal employee to either chapter 83 or  
24          84 of title 5, United States Code, and any  
25          amounts paid under section 2(b) to an impacted

1 Federal employee while such impacted Federal  
2 employee holds such a position shall not be  
3 deemed to be basic pay of the impacted Federal  
4 employee for the purposes of calculating the av-  
5 erage pay of the impacted Federal employee  
6 under either such chapter.

7 (C) AVERAGE PAY DEFINED.—For the  
8 purposes of this paragraph, the term “average  
9 pay”—

10 (i) with respect to chapter 83 of title  
11 5, United States Code, has the meaning  
12 given such term under section 8331 of  
13 such title; and

14 (ii) with respect to chapter 84 of such  
15 title, has the meaning given such term  
16 under section 8401 of such title.

17 (2) IMPACTED FEDERAL EMPLOYEES DE-  
18 SCRIBED.—An impacted Federal employee described  
19 in this paragraph is an impacted Federal em-  
20 ployee—

21 (A)(i) that makes the selection described in  
22 section 2(a)(1); and

23 (ii) is either—

24 (I) deemed to have additional service  
25 under subsection (a)(1); or

1 (II) makes the election described in  
2 subsection (a)(2)(A);

3 (B)(i) that makes the selection described in  
4 section 2(a)(2); and

5 (ii) is either—

6 (I) deemed to have additional service  
7 under subsection (b)(1); or

8 (II) employed in a position subjecting  
9 such impacted Federal employee to either  
10 chapter 83 or 84 of title 5, United States  
11 Code, and makes the election described in  
12 paragraph (b)(2)(B)(i);

13 (C) with respect to whose service another  
14 individual—

15 (i) is entitled to an annuity under  
16 chapter 83 or 84 of title 5, United States  
17 Code; or

18 (ii) received or is entitled to receive a  
19 lump-sum payment under either such  
20 chapter.

21 (d) DEFINITIONS.—In this section—

22 (1) FUND.—The term “Fund” means the Civil  
23 Service Retirement and Disability Fund under sec-  
24 tion 8348 of title 5, United States Code.

1           (2) LUMP-SUM CREDIT; SERVICE.—The terms  
2           “lump-sum credit” and “service”—

3                   (A) with respect to chapter 83 of title 5,  
4           United States Code, have the meanings given  
5           such terms under section 8331 of such title;  
6           and

7                   (B) with respect to chapter 84 of such  
8           title, have the meanings given such terms under  
9           section 8401 of such title.

10 **SEC. 6. DECEASED EMPLOYEES.**

11           (a) IN GENERAL.—An impacted Federal employee  
12           entitled to make a selection under section 2(a) that is de-  
13           ceased prior to making such selection is deemed to have  
14           made the selection described in section 2(a)(2).

15           (b) PAYMENT.—

16                   (1) DISTRIBUTION.—The payment to which a  
17           deceased impacted Federal employee is entitled  
18           under subsection (b) or subsection (a)(2) of section  
19           2, less any amounts withheld under section 5(b) pur-  
20           suant to subsection (c), shall be made to the person  
21           or persons surviving such impacted Federal em-  
22           ployee and alive as of the date such impacted Fed-  
23           eral employee becomes entitled to such payment in  
24           the following order of precedence:

1           (A) First, to the beneficiary or bene-  
2           ficiaries designated by the impacted Federal  
3           employee in a signed and witnessed writing exe-  
4           cuted and filed with the Office of Personnel  
5           Management before the death of such impacted  
6           Federal employee, except that a designation,  
7           change, or cancellation of beneficiary in a will  
8           or other document not so executed and filed has  
9           no force or effect.

10           (B) Second, if there is no designated bene-  
11           ficiary, to the widow or widower of the impacted  
12           Federal employee.

13           (C) Third, if none of the above, to the  
14           child or children of the impacted Federal em-  
15           ployee and descendants of deceased children by  
16           representation.

17           (D) Fourth, if none of the above, to the  
18           parents of the impacted Federal employee or  
19           the survivor of such parents.

20           (E) Fifth, if none of the above, to the duly  
21           appointed executor or administrator of the es-  
22           tate of the impacted Federal employee.

23           (F) Sixth, if none of the above, to such  
24           other next of kin of the impacted Federal em-  
25           ployee as the Director of the Office of Per-



1           sonnel Management determines to be entitled  
2           under the laws of the domicile of the impacted  
3           Federal employee at the date of his death.

4           (2) CHILD DEFINED.—In this paragraph, the  
5           term “child” includes a natural child and an adopted  
6           child, but does not include a stepchild.

7           (c) ANNUITIES.—

8           (1) LUMP-SUM PAYMENTS.—If any individual  
9           other than a deceased impacted Federal employee  
10          received a lump-sum payment under chapter 83 or  
11          84 of title 5, United States Code, other than a  
12          lump-sum payment under section 8343a or 8420a of  
13          such title, after the date on which such impacted  
14          Federal employee became an impacted Federal em-  
15          ployee and such lump-sum payment was based in  
16          full or in part on the service of such deceased im-  
17          pacted Federal employee before such date, such im-  
18          pacted Federal employee is deemed to be an im-  
19          pacted Federal employee described in section  
20          5(b)(2)(A)(iii) and to have been subject to the chap-  
21          ter of title 5 under which such lump-sum payment  
22          was made.

23          (2) ANNUITY PAYMENTS.—If any individual  
24          other than a deceased impacted Federal employee  
25          became entitled to an annuity under chapter 83 or

1       84 of title 5, United States Code, after the date on  
2       which such impacted Federal employee became an  
3       impacted Federal employee and such entitlement  
4       was based in full or in part on the service of such  
5       deceased impacted Federal employee before such  
6       date, such impacted Federal employee is deemed to  
7       be an impacted Federal employee described in sec-  
8       tion 5(b)(1)(E) and to have been subject to the  
9       chapter of title 5 under which such individual is en-  
10      titled to the annuity.

11 **SEC. 7. PAY DETERMINATION.**

12       (a) **IN GENERAL.**—For the purposes of this Act, the  
13 Director of the Office of Personnel Management shall de-  
14 termine the pay for a position held by an impacted Federal  
15 employee based on such evidence of the pay of such posi-  
16 tion as the impacted Federal employee may provide, or  
17 if the Director determines sufficient evidence has not been  
18 so provided to adequately determine the pay for such posi-  
19 tion, the pay shall be determined by the Director based  
20 on such other information as the Director determines ap-  
21 propriate.

22       (b) **EMPLOYEE INFORMATION.**—An impacted Federal  
23 employee may provide evidence of the pay of a position  
24 to the Director of the Office of Personnel Management  
25 under subsection (a) until the earlier of—

1           (1) the date that is six months after the date  
2           on which such impacted Federal employee received  
3           the notice described in section 3(a); or

4           (2) the date on which the Director determines  
5           the pay for such positions for the purposes of this  
6           Act.

7           (c) INFORMATION SHARING.—The head of each Ex-  
8           ecutive agency shall provide to the Director of the Office  
9           of Personnel Management such information as the Direc-  
10          tor may require to carry out this Act.

11       **SEC. 8. REGULATORY AUTHORITY.**

12          The Director of the Office of Personnel Management  
13          shall implement such regulations as are necessary to carry  
14          out this Act, including such regulations as are necessary  
15          to ensure that, to the extent practicable and notwith-  
16          standing any other provision of law, an impacted Federal  
17          employee that is covered in part or in whole by a retire-  
18          ment system established for employees of the Government  
19          other than those under chapter 83 or 84 of title 5, United  
20          States Code, has the same rights and benefits under such  
21          other retirement system as those provided by sections 4,  
22          5, and 6 of this Act to an impacted Federal employee cov-  
23          ered in whole by a retirement system under chapter 83  
24          or 84 of such title with respect to the applicable retirement  
25          system under such chapter 83 or 84.

1 **SEC. 9. STATEMENT OF IMPACTED FEDERAL EMPLOYEE**  
2 **STATUS.**

3 (a) IN GENERAL.—Not later 90 days after the date  
4 on which an impacted Federal employee receives a notice  
5 under section 3(a), the impacted Federal employee shall  
6 submit to the Director of the Office of Personnel Manage-  
7 ment and to the head of the former employing agency of  
8 such impacted Federal employee a written statement  
9 signed by such impacted Federal employee stating that  
10 such impacted Federal employee was voluntarily or invol-  
11 untarily separated from service in an Executive agency  
12 during the period beginning on September 9, 2021, and  
13 ending on January 24, 2022, based on a vaccination re-  
14 quirement implemented at such Executive agency pursu-  
15 ant to Executive Order 14043.

16 (b) EXCLUSION FROM BENEFITS.—An impacted  
17 Federal employee that does not submit the statement re-  
18 quired under subsection (a) in accordance with such sub-  
19 section shall not be entitled to any payment, appointment,  
20 or other benefit under this Act based on the status of such  
21 impacted Federal employee as an impacted Federal em-  
22 ployee, and any amounts paid to such impacted Federal  
23 employee under section 2 or 4 or to any other person  
24 under section 6 with respect to such impacted Federal em-  
25 ployee must be repaid to the Government.

1 (c) DECEASED EMPLOYEES.—This section does not  
2 apply with respect to an impacted Federal employee that  
3 is deceased prior to the date that is 90 days after the date  
4 on which such impacted Federal employee receives a notice  
5 under section 3(a).

6 **SEC. 10. DEFINITIONS.**

7 In this Act:

8 (1) CIVIL SERVICE RETIREMENT AND DIS-  
9 ABILITY FUND.—The term “Civil Service Retirement  
10 and Disability Fund” means the Civil Service Re-  
11 tirement and Disability Fund established under sec-  
12 tion 8348 of title 5, United States Code.

13 (2) EXECUTIVE AGENCY.—The term “Executive  
14 agency” has the meaning given such term in section  
15 105 of title 5, United States Code, except that such  
16 term does not include the Government Account-  
17 ability Office.

18 (3) EMPLOYEE.—The term “employee” has the  
19 meaning given such term in section 2105 of title 5,  
20 United States Code, including an employee paid  
21 from nonappropriated funds.

22 (4) EXECUTIVE ORDER 14043.—The term “Ex-  
23 ecutive Order 14043” means Executive Order 14043  
24 (86 Fed. Reg. 50989; relating to requiring COVID-  
25 19 vaccinations for Federal Employees).

1           (5) FORMER EMPLOYING AGENCY.—With re-  
2           spect to an impacted Federal employee, the term  
3           “former employing agency” means the Executive  
4           agency from which the separation of such individual  
5           made such individual an impacted Federal employee.

6           (6) IMPACTED FEDERAL EMPLOYEE.—The term  
7           “impacted Federal employee” means an individual  
8           who was voluntarily or involuntarily separated from  
9           service in an Executive agency during the period be-  
10          ginning on September 9, 2021, and ending on Janu-  
11          ary 24, 2022, based on a vaccination requirement  
12          implemented at such Executive agency pursuant to  
13          Executive Order 14043.

14          (7) PREVIOUS FEDERAL POSITION.—The term  
15          “previous Federal position” means the position in  
16          the Federal Government held by the impacted Fed-  
17          eral employee in the former employing agency imme-  
18          diately before becoming an impacted Federal em-  
19          ployee.

○