

Public Law 107-304
107th Congress

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.

Nov. 27, 2002

[H.R. 3340]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THRIFT SAVINGS PLAN CATCH-UP CONTRIBUTIONS.

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

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

(b) **FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.**—

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

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

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

(A) by striking “The maximum” and inserting “(a) The maximum”; and

(B) by adding at the end the following:

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

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

5 USC 8351 note.

SEC. 2. REAUTHORIZATION OF MERIT SYSTEM PROTECTION BOARD AND OFFICE OF SPECIAL COUNSEL.

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

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

5 USC 5509 note.

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

SEC. 3. DISCLOSURE OF VIOLATIONS OF LAW; RETURN OF DOCUMENTS.

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

(1) in paragraph (1), by striking the last sentence; and

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

“(3) If the Special Counsel does not transmit the information to the head of the agency under paragraph (2), the Special Counsel shall inform the individual of—

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

“(B) other offices available for receiving disclosures, should the individual wish to pursue the matter further.”.

5 USC 8901 note.

SEC. 4. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) **ENROLLMENT IN CHAPTER 89 PLAN.**—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Overseas Private Investment Corporation before the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) **CONTINUED COVERAGE.**—

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

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

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

(2) **INDIVIDUALS CURRENTLY UNDER CONTINUED COVERAGE.**—An individual who, as of the enrollment eligibility date, is entitled to continued coverage under a health benefits plan administered by the Overseas Private Investment Corporation—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Overseas Private Investment Corporation; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in

accordance with section 8905a of such title for coverage effective on and after such date.

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

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title as of such date; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after such date.

(c) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—

(1) IN GENERAL.—The Overseas Private Investment Corporation shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Overseas Private Investment Corporation, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section.

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

(d) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer this section to provide for—

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

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

(e) ENROLLMENT ELIGIBILITY DATE.—For purposes of this section, the term “enrollment eligibility date” means the last day on which coverage under a health benefits plan administered by the Overseas Private Investment Corporation is available. Such

date shall be determined by the Office of Personnel Management in consultation with the Overseas Private Investment Corporation.

Approved November 27, 2002.

LEGISLATIVE HISTORY—H.R. 3340:

HOUSE REPORTS: No. 107-686 (Comm. on Government Reform).

CONGRESSIONAL RECORD, Vol. 148 (2002):

Oct. 7, considered and passed House.

Nov. 13, considered and passed Senate.