

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2648

To amend title 5, United States Code, to ensure the availability of Federal health insurance, life insurance, and retirement benefits with respect to certain Federal employees serving under temporary appointments.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1993

Mr. McCLOSKEY (for himself, Ms. NORTON, Mrs. MINK, Mrs. MORELLA, Mr. MORAN, Mrs. SCHROEDER, Mrs. UNSOELD, Mr. DICKS, Mr. JACOBS, Mr. TOWNS, Mr. SANDERS, Mr. JOHNSON of South Dakota, and Mr. WILLIAMS) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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## A BILL

To amend title 5, United States Code, to ensure the availability of Federal health insurance, life insurance, and retirement benefits with respect to certain Federal employees serving under temporary appointments.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “James Hudson Temporary Employee Equity Act of  
6 1993”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

TABLE OF CONTENTS

- Sec. 1. Short title; table of contents.
- Sec. 2. Health benefits.
- Sec. 3. Life insurance.
- Sec. 4. Retirement.
- Sec. 5. Procedures for determining aggregate service.
- Sec. 6. Effective date; special rules; regulations.

3 **SEC. 2. HEALTH BENEFITS.**

4 (a) NON-EXCLUDABILITY OF CERTAIN TEMPORARY  
 5 EMPLOYEES.—Paragraph (4) of section 8913(b) of title  
 6 5, United States Code, is amended to read as follows:

7 “(4) a temporary employee who—

8 “(A) is eligible for benefits under this  
 9 chapter under section 8906a; or

10 “(B) in the aggregate, has completed 4  
 11 years of service as a temporary employee (in  
 12 the same or different positions), as determined  
 13 under chapter 90.”.

14 (b) DECREASE IN MINIMUM PERIOD OF SERVICE RE-  
 15 QUIRED TO BE ELIGIBLE FOR COVERAGE.—

16 (1) IN GENERAL.—Section 8906a(a)(2) of title  
 17 5, United States Code, is amended by striking “1  
 18 year” and inserting “6 months”.

19 (2) TECHNICAL AMENDMENT.—Section 8906a  
 20 of title 5, United States Code, is amended by adding  
 21 at the end the following:

1 “(c) Nothing in this section shall be considered to  
2 apply with respect to any temporary employee described  
3 in section 8913(b)(4)(B).”.

4 **SEC. 3. LIFE INSURANCE.**

5 (a) NON-EXCLUDABILITY OF CERTAIN TEMPORARY  
6 EMPLOYEES.—Section 8716(b) of title 5, United States  
7 Code, is amended—

8 (1) by striking “or” at the end of paragraph  
9 (2);

10 (2) by striking “3401(2) of this title.” at the  
11 end of paragraph (3) and inserting “3401(2)); or”;  
12 and

13 (3) by adding at the end the following:

14 “(4) a temporary employee who—

15 “(A) is eligible to be insured under this  
16 chapter under section 8709a; or

17 “(B) in the aggregate, has completed 4  
18 years of service as a temporary employee (in  
19 the same or different positions), as determined  
20 under chapter 90.”.

21 (b) MINIMUM PERIOD OF SERVICE REQUIRED TO BE  
22 INSURED.—

23 (1) IN GENERAL.—Chapter 87 of title 5, United  
24 States Code, is amended by inserting after section  
25 8709 the following:

1 **“§ 8709a. Temporary employees**

2 “(a)(1) The Office of Personnel Management shall  
3 prescribe regulations under which temporary employees  
4 meeting the requirements of paragraph (2) shall be eligible  
5 for insurance under this chapter.

6 “(2) To be eligible for insurance under this chapter,  
7 a temporary employee must have completed 6 months of  
8 current continuous employment, excluding any break in  
9 service of 5 days or less.

10 “(b) Notwithstanding any provision of section 8707  
11 or 8708—

12 “(1) during each period in which a temporary  
13 employee is insured under a policy purchased by the  
14 Office under section 8709, based on such employee’s  
15 meeting the requirements for eligibility under sub-  
16 section (a), there shall be withheld from the employ-  
17 ee’s pay an amount equal to the withholdings re-  
18 quired under section 8707 and the Government con-  
19 tribution required under section 8708 in connection  
20 with the employee’s group life insurance and acci-  
21 dental death and dismemberment insurance; and

22 “(2) the employing agency of the employee shall  
23 not pay the Government contribution under section  
24 8708 for such employee for any period referred to in  
25 paragraph (1).

1       “(c) Nothing in this section shall be considered to  
2 apply with respect to any temporary employee described  
3 in section 8716(b)(4)(B).”.

4           (2) CONFORMING AMENDMENT.—The table of  
5 sections for chapter 87 of title 5, United States  
6 Code, is amended by inserting after the item relating  
7 to section 8709 the following:

“8709a. Temporary employees.”.

8 **SEC. 4. RETIREMENT.**

9           (a) CIVIL SERVICE RETIREMENT SYSTEM.—The sec-  
10 ond sentence of section 8347(g) of title 5, United States  
11 Code, is amended by striking “3401(2) of this title.” and  
12 inserting “3401(2)) or any temporary employee who, in  
13 the aggregate, has completed 4 years of service as a tem-  
14 porary employee (in the same or different positions), as  
15 determined under chapter 90.”.

16           (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—  
17 Section 8402(c)(1) of title 5, United States Code, is  
18 amended by striking “3401(2).” and inserting “3401(2))  
19 or a temporary employee who, in the aggregate, has com-  
20 pleted 4 years of service as a temporary employee (in the  
21 same or different positions), as determined under chapter  
22 90.”.

1 **SEC. 5. PROCEDURES FOR DETERMINING AGGREGATE**  
2 **SERVICE.**

3 (a) IN GENERAL.—Subpart G of part III of title 5,  
4 United States Code, is amended by adding at the end the  
5 following:

6 **“CHAPTER 90—TEMPORARY EMPLOYMENT**

“Sec.

“9001. Definitions; applicability.

“9002. Regulations.

7 **“§ 9001. Definitions; applicability**

8 “(a) For the purpose of this chapter—

9 “(1) the term ‘service performed as a tem-  
10 porary employee’ means, with respect to a benefit,  
11 service performed as a temporary employee which is  
12 creditable for purposes of determining eligibility for  
13 such benefit; and

14 “(2) the terms ‘eligible’ and ‘eligibility’, as used  
15 with respect to a benefit, include being eligible or  
16 having eligibility by virtue of satisfying the require-  
17 ments for being considered a non-excludable em-  
18 ployee for purposes of such benefit.

19 “(b) This chapter applies with respect to any benefit,  
20 eligibility for which is based on the completion, in the ag-  
21 gregate, of at least a certain amount of service as a tem-  
22 porary employee (in the same or different positions), but  
23 only if the provisions of this chapter are specifically cited

1 as the means for determining whether that service require-  
2 ment has been met.

3 **“§ 9002. Regulations**

4 “(a) The Office of Personnel Management shall pre-  
5 scribe regulations for determining, for purposes of any  
6 benefit with respect to which this chapter applies, whether  
7 an employee satisfies the service requirement necessary to  
8 be eligible for such benefit.

9 “(b) The regulations shall accomplish at least the  
10 following:

11 “(1) Establish procedures setting forth the  
12 time, form, and manner in which a temporary em-  
13 ployee may apply for any benefit with respect to  
14 which this chapter applies, including provisions re-  
15 lating to any documentation or other supporting evi-  
16 dence which may be necessary to establish that the  
17 service requirement has been met.

18 “(2) Require agencies to take such measures,  
19 both on an intraagency and interagency basis, as  
20 may be necessary to allow current or prospective  
21 temporary employees to readily ascertain, and obtain  
22 supporting evidence as to, the aggregate amount of  
23 temporary service such employee has performed in  
24 any agency.

1           “(3) Require agencies to take appropriate  
2 measures to ensure that temporary employees are  
3 notified as to—

4                   “(A) any benefits for which they may be  
5 eligible by virtue of the amendments made by  
6 the James Hudson Temporary Employee Eq-  
7 uity Act of 1993, and the procedures for estab-  
8 lishing eligibility (if appropriate); and

9                   “(B) any resources or assistance which  
10 may be available to them in connection with ob-  
11 taining those benefits.

12           “(4) Establish procedures to ensure that appli-  
13 cations are considered, and that final decisions on  
14 applications are rendered, in the most expeditious  
15 manner possible.

16           “(5) Consistent with applicable provisions of  
17 law, specify the time and manner in which a benefit  
18 begins or becomes available if a favorable decision  
19 under paragraph (4) is rendered.”.

20           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
21 The analysis for part III of title 5, United States Code,  
22 is amended by inserting after the item relating to chapter  
23 89 the following:

**“90. Temporary Employment ..... 9001”.**



1 **SEC. 6. EFFECTIVE DATE; SPECIAL RULES; REGULATIONS.**

2 (a) EFFECTIVE DATE.—The amendments made by  
3 this Act shall take effect as of the 90th day after the date  
4 of the enactment of this Act, subject to subsection (b).

5 (b) SPECIAL RULES.—

6 (1) CONTRIBUTIONS TO FEHBP.—In the case of  
7 a temporary employee who, immediately before the  
8 effective date under subsection (a), is contributing to  
9 the Employees Health Benefits Fund under section  
10 8906a of title 5, United States Code, any change in  
11 the contributions payable by or on behalf of such  
12 employee into such fund as a result of the amend-  
13 ments made by section 2 shall become effective as of  
14 the first applicable pay period beginning on or after  
15 such date.

16 (2) CREDITABILITY OF PRIOR SERVICE.—

17 (A) IN GENERAL.—Subject to subpara-  
18 graph (B), in administering the amendments  
19 made by this Act, service may be taken into ac-  
20 count whether performed before, on, or after  
21 the date of the enactment of this Act.

22 (B) RETIREMENT.—For purposes of the  
23 amendments made by section 4, any service  
24 performed as a temporary employee before the  
25 effective date under subsection (a) which, but  
26 for such section, would otherwise be excluded

1 from the operation of the retirement system in-  
2 volved, may not be taken into account except  
3 for purposes of determining whether or not an  
4 employee may be excluded under section  
5 8347(g) or 8402(c)(1) of title 5, United States  
6 Code, as applicable.

7 (c) REGULATIONS.—Any regulations necessary to  
8 carry out the amendments made by this Act shall be pre-  
9 scribed by the Office of Personnel Management not later  
10 than the effective date under subsection (a).

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