

117TH CONGRESS
1ST SESSION

H. R. 3768

To require the disclosure of pension records under the Freedom of Information Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2021

Mr. HICE of Georgia introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To require the disclosure of pension records under the Freedom of Information Act, 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 “Federal Employee Dis-
5 closure (FED) Transparency Act”.

6 **SEC. 2. DISCLOSURE OF PENSION RECORDS UNDER THE**
7 **FREEDOM OF INFORMATION ACT.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, the pension record of an individual who is
10 an annuitant under chapter 83 or 84 of title 5, United

1 States Code, shall be considered a record for purposes of
2 section 552 of title 5, United States Code (commonly re-
3 ferred to as the Freedom of Information Act), and shall
4 be made available in accordance with subsection (a)(3) of
5 such section.

6 (b) DEFINITIONS.—In this section:

7 (1) ANNUITANT.—The term “annuitant” means
8 an annuitant as defined in—

9 (A) section 8331 of title 5, United States
10 Code; or

11 (B) section 8401 of such title.

12 (2) PENSION RECORD.—

13 (A) IN GENERAL.—The term “pension
14 record” means any record containing any infor-
15 mation concerning an annuitant receiving an
16 annuity under chapter 83 or 84 of title 5,
17 United States Code, including, with respect to
18 the annuitant—

19 (i) full name;

20 (ii) the most recent position of the an-
21 nuitant, including the agency and division
22 for such position, position title, location,
23 and ZIP code of the place of employment
24 for such position;

- 1 (iii) date of appointment to such posi-
2 tion;
3 (iv) monthly annuity amount;
4 (v) last plan grade, if applicable;
5 (vi) total employee annuity contribu-
6 tion;
7 (vii) total reported wages;
8 (viii) total service credits;
9 (ix) retirement date; and
10 (x) with respect to an annuitant who
11 was an employee of the United States
12 Postal Service, the name of the facility
13 that was the last place of employment of
14 the annuitant.

15 (B) EXCLUSIONS.—Such term does not in-
16 clude—

- 17 (i) information regarding a medical
18 condition of the annuitant; or
19 (ii) any information identifying a des-
20 ignated beneficiary of the individual.

21 (c) UPDATE OF REGULATIONS.—Not later than 30
22 days after the date of the enactment of this Act, the Direc-
23 tor of the Office of Personnel Management shall update
24 section 293.311 of title 5, Code of Federal Regulations,
25 in accordance with the requirements of this section.

1 **SEC. 3. DISCLOSURE, DOCUMENTATION, AND REPORTING**
2 **OF PERFORMANCE AWARDS.**

3 (a) IN GENERAL.—Subchapter I of chapter 45 of title
4 5, United States Code, is amended by adding at the end
5 the following:

6 **“§ 4510. Disclosure, documentation, and reporting of**
7 **performance awards**

8 “(a)(1) Not later than 30 days after the end of fiscal
9 year 2021 and each fiscal year thereafter, the head of each
10 agency shall submit a report to the Director of the Office
11 of Personnel Management describing each performance
12 bonus awarded to an employee of the agency during the
13 most recently ended fiscal year, the name of the employee
14 receiving the bonus, and the amount of the bonus.

15 “(2) With respect to any performance bonus included
16 in a report submitted under paragraph (1) that was equal
17 to or greater than \$10,000, the agency head shall include
18 in the report a detailed description of the reasons why the
19 bonus was awarded and the metrics used to determine that
20 such bonus was appropriate.

21 “(b) Not later than January 1 of each fiscal year,
22 the Director of the Office of Personnel Management
23 shall—

24 “(1) publish, on the Office’s public internet
25 website, a list containing the name of any employee
26 receiving a performance bonus in the most recently

1 ended fiscal year, the agency that awarded the
2 bonus, and the amount of the bonus; and

3 “(2) submit a report to Congress containing a
4 list of each performance bonus awarded in the most
5 recently ended fiscal year that was equal to or great-
6 er than \$10,000, including the reasons why the
7 bonus was awarded and the metrics used to deter-
8 mine that the bonus was appropriate, as provided
9 under subsection (a)(2).

10 “(c) For purposes of this section—

11 “(1) the term ‘agency’ has the meaning given
12 such term in section 4501 and includes—

13 “(A) the United States Postal Service and
14 the Postal Regulatory Commission; and

15 “(B) notwithstanding the matter following
16 subparagraph (G) of such section, the Ten-
17 nessee Valley Authority and the Central Bank
18 for Cooperatives; and

19 “(2) the term ‘performance bonus’ includes any
20 performance-based bonus, including a bonus under
21 this subchapter or section 5384.”.

22 (b) APPLICATION.—The amendment made by sub-
23 section (a) shall apply to any performance bonus (as that
24 term is described in section 4510 of title 5, United States

1 Code, as added by such subsection) made on or after the
2 date of enactment of this Act.

3 (c) CLERICAL AMENDMENT.—The table of sections
4 for subchapter I of chapter 45 of title 5, United States
5 Code, is amended by inserting after the item relating to
6 section 4509 the following:

“4510. Disclosure, documentation, and reporting of performance awards.”.

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