

Public Law 97-346  
97th Congress

An Act

To amend title 5, United States Code, to provide training opportunities for employees under the Office of the Architect of the Capitol and the Botanic Garden, and for other purposes.

Oct. 15, 1982  
[H.R. 5145]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 41 of title 5, United States Code, relating to employee training programs, is amended by adding at the end thereof the following new section:

Office of the  
Architect of the  
Capitol and  
Botanic Garden.  
Employee  
training.  
5 USC 4101 *et*  
*seq.*  
5 USC 4119.

**“§ 4119. Training for employees under the Office of the Architect of the Capitol and the Botanic Garden**

“(a) The Architect of the Capitol may, by regulation, make applicable such provisions of this chapter as the Architect determines necessary to provide for training of (1) individuals employed under the Office of the Architect of the Capitol and the Botanic Garden and (2) other congressional employees who are subject to the administrative control of the Architect. The regulations shall provide for training which, in the determination of the Architect, is consistent with the training provided by agencies under the preceding sections of this chapter.

“(b) The Office of Personnel Management shall provide the Architect of the Capitol with such advice and assistance as the Architect may request in order to enable the Architect to carry out the purposes of this section.”.

(b) The table of sections for chapter 41 of title 5, United States Code, is amended by adding at the end thereof the following new item:

“4119. Training for employees under the Office of the Architect of the Capitol and the Botanic Garden.”.

SEC. 2. Section 5401(b) of title 5, United States Code, is amended by striking out “paragraph (2)” in paragraph (1) and inserting in lieu thereof “paragraphs (2) and (3)”, and by adding at the end thereof the following:

“(3) This chapter shall not apply to individuals employed under the Office of the Architect of the Capitol or the Botanic Garden.”.

SEC. 3. (a) Sections 8332(c)(1)(A), 8332(j)(2)(A), and 8334(j)(1) of title 5, United States Code, as amended by title III of the Omnibus Budget Reconciliation Act of 1982, are each amended by striking out “month” and inserting in lieu thereof “period”.

*Ante*, pp. 795,  
796.

(b) Section 8332(c)(1)(B) of such title 5 (as so amended) is amended to read as follows:

*Ante*, p. 795.

“(B) the service of an individual who first becomes an employee or Member on or after October 1, 1982, shall include credit for—

“(i) each period of military service performed before January 1, 1957, and

“(ii) each period of military service performed after December 31, 1956, and before the separation on which the entitlement to annuity under this subchapter is based, only if a deposit (with interest, if any) is made with respect to that period, as provided in section 8334(j) of this title.”

*Ante*, p. 796.  
*Ante*, p. 793.

(c) Section 8334(e)(3) of such title 5 (as so amended) is amended by striking out “calendar” the second and third times such term appears and inserting in lieu thereof “fiscal”.

*Ante*, p. 796.

(d) Section 8334(h) of such title 5 (as so amended) is amended by striking out “and (d)” and inserting in lieu thereof “, (d), and (j)”.

(e)(1) Section 8334(j)(1) of such title 5 (as so amended) is amended by striking out “within 90 days after the effective date of this subsection”, and by striking out all that follows “December 1956” and inserting in lieu thereof a period and the following: “The amount of such payments shall be based on such evidence of basic pay for military service as the employee or Member may provide, or if the Office determines sufficient evidence has not been so provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Office under paragraph (4).”

5 USC 8331 note.  
*Ante*, p. 795.

(2) Section 306(g) of the Omnibus Budget Reconciliation Act of 1982 is amended by striking out the period and inserting the following: “; except that any employee or Member who retired after the date of the enactment of this Act and before October 1, 1983, or is entitled to an annuity under chapter 83 of title 5, United States Code, based on a separation from service occurring during such period, or a survivor of such individual, may make a payment under section 8334(j)(1) of title 5, United States Code. Regulations required to be issued under section 8334(j)(1) of title 5, United States Code, shall be issued by the Office of Personnel Management within 90 days after such effective date.”

5 USC 8301 *et seq.*  
Regulations.  
*Ante*, p. 796.

*Ante*, p. 794.

(f) Section 8342(a)(1)(B) of such title 5 (as so amended) is amended by striking out “such position” and inserting in lieu thereof “such a position”.

(g) Section 8348(a)(1)(B) of such title 5 is amended by inserting after “title” the following: “and in withholding taxes pursuant to section 3405 of title 26”.

5 USC 5532 note.  
*Ante*, p. 790.

(h)(1) Section 301(d)(1) of the Omnibus Budget Reconciliation Act of 1982 is amended by inserting after “such position” the following: “, in accordance with regulations issued by the Office of Personnel Management,” and by inserting after the first sentence the following: “For purposes of the preceding sentence, the amount of any increase in any individual’s retired or retainer pay which takes effect during any fiscal year shall be determined on the basis of the additional amount such individual receives after the application of the preceding provisions of this section and section 5532 (b) and (c) of title 5, United States Code.”

(2) Section 301(d)(4) of such Act is amended by striking out “reduction in” and inserting in lieu thereof “deduction from”.

5 USC 5532 note.

(3) Section 301(d) of such Act is amended by adding at the end thereof the following new paragraph:

Information disclosure.

“(5) The Secretary of Commerce, the Secretary of Defense, the Secretary of Health and Human Services, or the Secretary of Transportation, as appropriate, shall furnish such information to employing agencies, the Secretary of the Senate, and the Clerk of the House of Representatives as may be necessary for the administration of this subsection.”

(i) Section 302(c) of such Act is amended in paragraph (1) by striking out “, and shall apply with respect to individuals retiring on or after such date” and in paragraph (3) by inserting after “who” the following: “is separated from employment as a technician on or after October 1, 1982. Such subsection (h) shall also apply to any technician”.

*Ante*, p. 792.  
5 USC 8337 note.

(j)(1) Section 303(d)(1) of such Act is amended by striking out “made” and inserting in lieu thereof “for which application is received by either the employing agency or the Office of Personnel Management” and by adding at the end thereof the following: “Notwithstanding the preceding two sentences, the amendments made by subsection (a) shall apply in the case of any deposit for military service under section 8334(j) of title 5, United States Code (as added by section 306(d) of this Act), regardless of whether such military service was performed before or after October 1, 1982.”.

*Ante*, p. 793.  
5 USC 8334 note.

(2) Section 8344(a) of such title 5 is amended in the second sentence by inserting after “pay” the following: “unless the individual elects to have such deductions withheld under subparagraph (A)”, in subparagraph (A), by inserting before “his annuity” the following: “deductions for the Fund may be withheld from his pay (if the employee so elects), and”, and, in the eighth sentence, by inserting after “Fund” the following: “(to the extent deposits or deductions have not otherwise been made)”.

*Ante*, p. 796.

(k)(1) Section 307(a) of such Act is amended by inserting after “this Act” the following: “or who is entitled to an annuity based on a separation from service occurring on or before such date of enactment”.

*Ante*, p. 797.  
5 USC 8332 note.

(2) Section 307(b) of such Act is amended by striking out “insurance benefits under section 202(a)” and inserting in lieu thereof “or survivors’ insurance benefits under section 202” and by inserting after “such old-age” the following: “or survivors’”.

(3) Section 307(d)(1) of such Act is amended by striking out “insurance benefits under section 202(a)” and inserting in lieu thereof “or survivors’ insurance benefits under section 202”.

(l) Section 310(b)(1) of such Act is amended by inserting “pay periods beginning in” before “fiscal years” and by striking out “under the General Schedule” and inserting in lieu thereof “as defined in section 5504(b) of title 5, United States Code”.

*Ante*, p. 799.  
5 USC 5504 note.

(m) Section 351 of such Act is amended—

(1) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d),

(2) in subsection (c), as so redesignated—

(A) by striking out “The” and inserting in lieu thereof “(1) Except as provided in paragraph (2), the”, and

(B) by adding at the end thereof the following new paragraph:

“(2) The amendments made by this section shall not apply to any employee who is serving a tour of duty at a post of duty in Alaska or Hawaii on the date of the enactment of this Act during—

“(A) such tour of duty, and

“(B) any other consecutive tour of duty following such tour of duty.”, and

(3) by striking out “subsections (c) and (d)” in subsection (d), as so redesignated, and inserting in lieu thereof “subsection (c)”.

*Ante*, p. 800.  
5 USC 5728 note.

Effective date.  
5 USC 8332 note.  
Ante, p. 763.  
5 USC 8906 note.

(n) The amendments made by this section shall take effect as of the date of the enactment of the Omnibus Budget Reconciliation Act of 1982.

SEC. 4. (a) The Office of Personnel Management shall determine the amount by which the Government contribution under section 8906(b) of title 5, United States Code, for the 1983 contract year is less than the Government contribution which would have been determined under such section 8906(b) for such contract year if the Government contribution had been calculated by using the two employee organization plans which in 1981 satisfied the standard set forth in section 8906(a)(3) of such title.

(b) The Government shall pay the amount of the difference determined under subsection (a) to the contingency reserves of all health benefits plans for contract year 1983 in proportion to the estimated number of individuals enrolled in such plans during 1983. Such payments shall be paid by the appropriate agencies (including the Postal Service and the Postal Rate Commission) from the appropriations referred to in section 8906 (f) and (g) of title 5, United States Code, in the same manner as if such payments were Government contributions, and in amounts determined appropriate by the Office of Personnel Management.

95 Stat. 756.

SEC. 5. (a) Subparagraph (B) of section 3595(b)(3) of title 5, United States Code, is amended by inserting "(i)" after "entitled" and by inserting after "that position" the following: "or (ii) be detailed by the Office to any vacant Senior Executive Service position for which the Office deems the employee to be qualified in any agency for a period not to exceed 60 days, and be placed in such position by the Office after the period of such detail, unless the head of the agency determines that the career appointee is not qualified for such position."

(b) Paragraph (3) of section 3595(c) of such title is amended to read as follows:

"(3) in the event the career appointee is not placed under subsection (b)(3) of this section—

"(A) whether the Office of Personnel Management took all reasonable steps to achieve such placement, and

"(B) the decision of an agency under subsection (b)(3)(B) of this section that the career appointee is not qualified to be placed in a position."

Effective date.  
5 USC 3595 note.

(c)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by this section shall apply to an individual who is a career appointee on or after September 30, 1982, except that any individual who is a career appointee on September 30, 1982, and who is described in section 3595(b)(3) of title 5, United States Code, may not be removed before December 15, 1982, due to a reduction in force, unless the removal is under section 3595(b)(4)(A) of such title on the grounds the individual declined a reasonable placement offer.

Effective date.

*Ante*, p. 1650.

95 Stat. 756.

Approved October 15, 1982.

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**LEGISLATIVE HISTORY—H.R. 5145:**

HOUSE REPORT No. 97-473 (Comm. on Post Office and Civil Service).  
CONGRESSIONAL RECORD, Vol. 128 (1982):

May 11, considered and passed House.  
Sept. 29, considered and passed Senate, amended.  
Oct. 1, House concurred in Senate amendments.