

106TH CONGRESS
2D SESSION

S. 2674

To amend title 5, United States Code to provide for realignment of the Department of Defense workforce.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2000

Mr. VOINOVICH (for himself and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend title 5, United States Code to provide for realignment of the Department of Defense workforce.

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 “Department of Defense
5 Civilian Workforce Realignment Act of 2000”.

6 **SEC. 2. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPA-**
7 **RATIONS IN REDUCTIONS IN FORCE.**

8 Section 3502(f)(5) of title 5, United States Code, is
9 amended by striking “September 30, 2001” and inserting
10 “September 30, 2005”.

1 **SEC. 3. EXTENSION, REVISION, AND EXPANSION OF AU-**
2 **THORITIES FOR USE OF VOLUNTARY SEPARA-**
3 **TION INCENTIVE PAY AND VOLUNTARY**
4 **EARLY RETIREMENT.**

5 (a) **EXTENSION OF AUTHORITY.**—Subsection (e) of
6 section 5597 of title 5, United States Code, is amended
7 by striking “September 30, 2003” and inserting “Sep-
8 tember 30, 2005”.

9 (b) **REVISION AND ADDITION OF PURPOSES FOR DE-**
10 **PARTMENT OF DEFENSE VSIP.**—Subsection (b) of such
11 section is amended by inserting after “transfer of func-
12 tion,” the following: “restructuring of the workforce (to
13 meet mission needs, to achieve one or more strength re-
14 ductions, to correct skill imbalances, or to reduce the num-
15 ber of high-grade, managerial, or supervisory positions),”.

16 (c) **INSTALLMENT PAYMENTS.**—Subsection (d) of
17 such section is amended—

18 (1) by striking paragraph (1) and inserting the
19 following:

20 “(1) shall be paid in a lump-sum or in install-
21 ments;”;

22 (2) by striking “and” at the end of paragraph
23 (3);

24 (3) by striking the period at the end of para-
25 graph (4) and inserting “; and”; and

26 (4) by adding at the end the following:

1 “(ii) has not declined a reasonable offer of an-
2 other position in the Department of Defense for
3 which the employee is qualified, which is not lower
4 than 2 grades (or pay levels) below the employee’s
5 grade (or pay level), and which is within the employ-
6 ee’s commuting area.

7 “(B) For the purposes of paragraph (2)(A)(i), a sepa-
8 ration for failure to accept a directed reassignment to a
9 position outside the commuting area of the employee con-
10 cerned or to accompany a position outside of such area
11 pursuant to a transfer of function may not be considered
12 to be a removal for cause.

13 “(3) An employee referred to in paragraph (1) is eli-
14 gible for an immediate annuity under this paragraph if
15 the employee satisfies all of the following conditions:

16 “(A) The employee is separated from the serv-
17 ice voluntarily during a period in which the organi-
18 zation within the Department of Defense in which
19 the employee is serving is undergoing a major orga-
20 nizational adjustment, as determined by the Sec-
21 retary of Defense.

22 “(B) The employee has been employed continu-
23 ously by the Department of Defense for more than
24 30 days before the date on which the head of the

1 employee's organization requests the determinations
2 required under subparagraph (A).

3 “(C) The employee is serving under an appoint-
4 ment that is not limited by time.

5 “(D) The employee is not in receipt of a deci-
6 sion notice of involuntary separation for misconduct
7 or unacceptable performance.

8 “(E) The employee is within the scope of an
9 offer of voluntary early retirement, as defined on the
10 basis of one or more of the following objective cri-
11 teria:

12 “(i) One or more organizational units.

13 “(ii) One or more occupational groups, se-
14 ries, or levels.

15 “(iii) One or more geographical locations.

16 “(iv) Any other similar criteria that the
17 Secretary of Defense determines appropriate.

18 “(4) The determinations necessary for establishing
19 the eligibility of a person for an immediate annuity under
20 paragraph (2) or (3) shall be made in accordance with
21 regulations prescribed by the Secretary of Defense.

22 “(5) In this subsection, the term ‘major organiza-
23 tional adjustment’ means any of the following:

24 “(A) A major reorganization.

25 “(B) A major reduction in force.

1 “(C) A major transfer of function.

2 “(D) A workforce restructuring—

3 “(i) to meet mission needs;

4 “(ii) to achieve one or more reductions in
5 strength;

6 “(iii) to correct skill imbalances; or

7 “(iv) to reduce the number of high-grade,
8 managerial, supervisory, or similar positions.”.

9 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

10 Section 8414 of such title is amended—

11 (1) in subsection (b)(1)(B), by inserting “except
12 in the case of an employee described in subsection
13 (d)(1),” after “(B)”; and

14 (2) by adding at the end the following:

15 “(d)(1) An employee of the Department of Defense
16 who, before October 1, 2005, is separated from the service
17 after completing 25 years of service or after becoming 50
18 years of age and completing 20 years of service is entitled
19 to an immediate annuity under this subchapter if the em-
20 ployee is eligible for the annuity under paragraph (2) or
21 (3).

22 “(2)(A) An employee referred to in paragraph (1) is
23 eligible for an immediate annuity under this paragraph if
24 the employee—

1 “(i) is separated from the service involuntarily
2 other than for cause; and

3 “(ii) has not declined a reasonable offer of an-
4 other position in the Department of Defense for
5 which the employee is qualified, which is not lower
6 than 2 grades (or pay levels) below the employee’s
7 grade (or pay level), and which is within the employ-
8 ee’s commuting area.

9 “(B) For the purposes of paragraph (2)(A)(i), a sepa-
10 ration for failure to accept a directed reassignment to a
11 position outside the commuting area of the employee con-
12 cerned or to accompany a position outside of such area
13 pursuant to a transfer of function may not be considered
14 to be a removal for cause.

15 “(3) An employee referred to in paragraph (1) is eli-
16 gible for an immediate annuity under this paragraph if
17 the employee satisfies all of the following conditions:

18 “(A) The employee is separated from the serv-
19 ice voluntarily during a period in which the organi-
20 zation within the Department of Defense in which
21 the employee is serving is undergoing a major orga-
22 nizational adjustment, as determined by the Sec-
23 retary of Defense.

24 “(B) The employee has been employed continu-
25 ously by the Department of Defense for more than

1 30 days before the date on which the head of the
2 employee's organization requests the determinations
3 required under subparagraph (A).

4 “(C) The employee is serving under an appoint-
5 ment that is not limited by time.

6 “(D) The employee is not in receipt of a deci-
7 sion notice of involuntary separation for misconduct
8 or unacceptable performance.

9 “(E) The employee is within the scope of an
10 offer of voluntary early retirement, as defined on the
11 basis of one or more of the following objective cri-
12 teria:

13 “(i) One or more organizational units.

14 “(ii) One or more occupational groups, se-
15 ries, or levels.

16 “(iii) One or more geographical locations.

17 “(iv) Any other similar criteria that the
18 Secretary of Defense determines appropriate.

19 “(4) The determinations necessary for establishing
20 the eligibility of a person for an immediate annuity under
21 paragraph (2) or (3) shall be made in accordance with
22 regulations prescribed by the Secretary of Defense.

23 “(5) In this subsection, the term ‘major organiza-
24 tional adjustment’ means any of the following:

25 “(A) A major reorganization.

1 “(B) A major reduction in force.

2 “(C) A major transfer of function.

3 “(D) A workforce restructuring—

4 “(i) to meet mission needs;

5 “(ii) to achieve one or more reductions in
6 strength;

7 “(iii) to correct skill imbalances; or

8 “(iv) to reduce the number of high-grade,
9 managerial, supervisory, or similar positions.”.

10 (c) CONFORMING AMENDMENTS.—(1) Section
11 8339(h) of such title is amended by striking out “or (j)”
12 in the first sentence and inserting “(j), or (o)”.

13 (2) Section 8464(a)(1)(A)(i) of such title is amended
14 by striking out “or (b)(1)(B)” and “, (b)(1)(B), or (d)”.

15 (d) EFFECTIVE DATE; APPLICABILITY.—The amend-
16 ments made by this section—

17 (1) shall take effect on October 1, 2000; and

18 (2) shall apply with respect to an approval for
19 voluntary early retirement made on or after that
20 date.

21 **SEC. 5. RESTRICTIONS ON PAYMENTS FOR ACADEMIC**
22 **TRAINING.**

23 (a) SOURCES OF POSTSECONDARY EDUCATION.—
24 Subsection (a) of section 4107 of title 5, United States
25 Code, is amended—

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

3 (2) by striking the period at the end of para-
4 graph (2) and inserting “; or”; and

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

6 “(3) any course of postsecondary education that
7 is administered or conducted by an institution not
8 accredited by a national or regional accrediting body
9 (except in the case of a course or institution for
10 which standards for accrediting do not exist or are
11 determined by the head of the employee’s agency as
12 being inappropriate), regardless of whether the
13 course is provided by means of classroom instruc-
14 tion, electronic instruction, or otherwise.”.

15 (b) WAIVER OF RESTRICTION ON DEGREE TRAIN-
16 ING.—Subsection (b)(1) of such section is amended by
17 striking “if necessary” and all that follows through the
18 end and inserting “if the training provides an opportunity
19 for an employee of the agency to obtain an academic de-
20 gree pursuant to a planned, systematic, and coordinated
21 program of professional development approved by the head
22 of the agency.”.

23 (c) CONFORMING AND CLERICAL AMENDMENTS.—
24 The heading for such section is amended to read as fol-
25 lows:

1 **“§ 4107. Restrictions”.**

2 (3) The item relating to such section in the table of
3 sections at the beginning of chapter 41 of title 5, United
4 States Code, is amended to read as follows:

“4107. Restrictions.”.

5 **SEC. 6. STRATEGIC PLAN.**

6 (a) **REQUIREMENT FOR PLAN.**—Not later than six
7 months after the date of the enactment of this Act, the
8 Secretary of Defense shall submit to the appropriate com-
9 mittees of Congress a strategic plan for the exercise of
10 the authorities provided or extended by the amendments
11 made by this Act. The plan shall include an estimate of
12 the number of Department of Defense employees that
13 would be affected by the uses of authorities as described
14 in the plan.

15 (b) **CONSISTENCY WITH DOD PERFORMANCE AND**
16 **REVIEW STRATEGIC PLAN.**—The strategic plan submitted
17 under subsection (a) shall be consistent with the strategic
18 plan of the Department of Defense that is in effect under
19 section 306 of title 5, United States Code.

20 (c) **APPROPRIATE COMMITTEES.**—For the purposes
21 of this section, the appropriate committees of Congress are
22 as follows:

23 (1) The Committee on Armed Services and the
24 Committee on Governmental Affairs of the Senate.

1 (2) The Committee on Armed Services and the
2 Committee on Government Reform of the House of
3 Representatives.

4 “(C) A major transfer of function.

5 “(D) A workforce restructuring—

6 “(i) to meet mission needs;

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8 strength;

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