

112TH CONGRESS
1ST SESSION

S. 261

To amend chapter 81 of title 5, United States Code, to provide for reform relating to Federal employees workers compensation.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2011

Ms. COLLINS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend chapter 81 of title 5, United States Code, to provide for reform relating to Federal employees workers compensation.

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 Employees’
5 Compensation Reform Act of 2011”.

6 **SEC. 2. FEDERAL WORKERS COMPENSATION REFORMS FOR**
7 **RETIREMENT ELIGIBLE EMPLOYEES.**

8 (a) TRANSITION TO RETIREMENT.—

1 (1) IN GENERAL.—Chapter 81 of title 5, United
2 States Code, is amended by inserting after section
3 8106 the following:

4 **“§ 8106a. Transition to retirement**

5 “(a) DEFINITIONS.—In this section—

6 “(1) the term ‘covered employee’ means an em-
7 ployee who—

8 “(A) is paid compensation under section
9 8105 or 8106; and

10 “(B) on or after attaining retirement age
11 is eligible for an annuity under chapter 83 or
12 84 (other than a survivor annuity); and

13 “(2) the term ‘retirement age’ has the meaning
14 given under section 216(l)(1) of the Social Security
15 Act (42 U.S.C. 416(l)(1)).

16 “(b) Notwithstanding any other provision of this
17 chapter, the payment of compensation under section 8105
18 or 8106 to a covered employee shall terminate on the date
19 that the covered employee—

20 “(1) attains retirement age and is eligible for
21 an annuity under chapter 83 or 84 (other than a
22 survivor annuity); or

23 “(2) after attaining retirement age becomes eli-
24 gible for an annuity under chapter 83 or 84 (other
25 than a survivor annuity).

1 “(c) Not later than 1 year before the date that a cov-
 2 ered employee attains retirement age or subsequently be-
 3 comes eligible for an annuity under chapter 83 or 84
 4 (other than a survivor annuity), the Secretary of Labor
 5 shall provide notice of this section to—

6 “(1) the covered employee;

7 “(2) the employing agency of that covered em-
 8 ployee; and

9 “(3) the Office of Personnel Management.

10 “(d) The employing agency of a covered employee
 11 shall file an application for an annuity with the Office of
 12 Personnel Management in accordance with section 8352
 13 or 8471.”.

14 (2) TECHNICAL AND CONFORMING AMEND-
 15 MENT.—The table of sections for chapter 81 of title
 16 5, United States Code, is amended by inserting after
 17 the item relating to section 8106 the following:

“Sec. 8106a. Transition to retirement.”.

18 (b) FILING OF APPLICATIONS.—

19 (1) CIVIL SERVICE RETIREMENT SYSTEM.—

20 (A) IN GENERAL.—Chapter 83 of title 5,
 21 United States Code, is amended by inserting
 22 after section 8351 the following:

1 (A) IN GENERAL.—Chapter 84 of title 5,
 2 United States Code, is amended by inserting
 3 after section 8470 the following:

4 **“§ 8471. Employees transitioning from workers com-
 5 pensation**

6 “(a) DEFINITION.—In this section, the term ‘covered
 7 employee’ means an employee who is a covered employee
 8 as defined under section 8106a(a)(1) and is eligible for
 9 an annuity under this chapter.

10 “(b) APPLICATIONS.—Not later than 1 year before
 11 the date of the termination of payments of compensation
 12 under section 8106a(b) to a covered employee who is eligi-
 13 ble for an annuity under this chapter, the employing agen-
 14 cy of that covered employee shall file an application for
 15 an annuity for that covered employee under this chapter
 16 with the Office of Personnel Management.

17 “(c) REGULATIONS.—The Office of Personnel Man-
 18 agement shall prescribe regulations to carry out this sec-
 19 tion.”.

20 (B) TECHNICAL AND CONFORMING AMEND-
 21 MENT.—The table of sections for chapter 84 of
 22 title 5, United States Code, is amended by in-
 23 serting after the item relating to section 8456
 24 the following:

“Sec. 8471. Employees transitioning from workers compensation.”.

1 **SEC. 3. REGULATIONS.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Secretary of Labor, after consultation with
4 the Director of the Office of Personnel Management, shall
5 prescribe regulations to carry out this Act.

6 **SEC. 4. EFFECTIVE DATE.**

7 (a) **IN GENERAL.**—Except as provided under sub-
8 section (b), this Act (including the amendments made by
9 this Act) shall take effect on the date of enactment of this
10 Act.

11 (b) **TERMINATION OF COMPENSATION.**—Section
12 8106a(b) of title 5, United States Code, (as added by sec-
13 tion 2 of this Act) shall take effect 1 year after the date
14 regulations are prescribed under section 3.

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