

Public Law 101-86
101st Congress

An Act

To provide that a Federal annuitant or former member of a uniformed service who returns to Government service, under a temporary appointment, to assist in carrying out the 1990 decennial census of population shall be exempt from certain provisions of title 5, United States Code, relating to offsets from pay and other benefits.

Aug. 16, 1989
[H.R. 1860]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS; DESCRIPTION OF TEMPORARY POSITIONS.

13 USC 23 note.

(a) DEFINITIONS.—For purposes of this Act—

(1) the term “annuitant” means an annuitant within the meaning of section 8331(9) or 8401(2) of title 5, United States Code;

(2) the term “temporary” is used in the same way as described in section 24(b) of title 13, United States Code;

(3) the term “census of population” has the meaning given that term by section 141(g) of title 13, United States Code;

(4) the term “active employee” means an employee within the meaning of section 8331(1) or 8401(11) of title 5, United States Code;

(5) the term “retired or retainer pay” has the meaning given that term by section 5531(3) of title 5, United States Code; and

(6) the term “uniformed services” has the meaning given that term by section 2101(3) of title 5, United States Code.

(b) DESCRIPTION OF TEMPORARY POSITIONS.—This Act applies with respect to service in any temporary position within the Bureau of the Census established for purposes relating to the 1990 decennial census of population (as determined under regulations which the Secretary of Commerce shall prescribe).

SEC. 2. EXEMPTION FOR REEMPLOYED ANNUITANTS.

13 USC 23 note.

(a) GENERALLY.—Subject to subsection (b), an annuitant who becomes reemployed in a temporary position described in section 1(b) shall, with respect to any period of service in such position, be exempt from section 8344 or 8468 of title 5, United States Code (as otherwise applicable).

(b) EXCEPTIONS.—This section—

(1) shall not apply with respect to any annuitant who, immediately before being placed in the temporary position, was employed in a Government position in which pay for that annuitant was being reduced under either of the provisions referred to in subsection (a); and

(2) shall not have the effect of exempting a reemployed annuitant from section 8344 or 8468 of title 5, United States Code, after the expiration of the period described in section 4.

(c) CLARIFICATION.—Nothing in this section shall have the effect of causing a reemployed annuitant to be treated as an active employee

for purposes of any provision of chapter 83 or 84 of title 5, United States Code.

13 USC 23 note. **SEC. 3. EXEMPTION FOR FORMER MEMBERS OF THE UNIFORMED SERVICES.**

(a) Subject to subsection (b), the retired or retainer pay of a former member of a uniformed service employed in a temporary position described in section 1(b) shall, with respect to any period of service in such position, be exempt from section 5532 of title 5, United States Code.

(b) This section—

(1) shall not apply with respect to any former member of a uniformed service if, immediately before being placed in the temporary position, the retired or retainer pay of such former member was being reduced under section 5532 of title 5, United States Code (or would have been reduced but for subsection (d)(2) of such section); and

(2) shall not have the effect of exempting a former member of a uniformed service from section 5532 of title 5, United States Code, after the expiration of the period described in section 4.

(c) For purposes of this section, the term “former member of a uniformed service” means a member or former member of a uniformed service.

13 USC 23 note. **SEC. 4. LIMITATION.**

An exemption under section 2 or 3 shall not, in the case of any individual, apply longer than—

(A) the first period of 6 calendar months for which the individual receives pay for service in any temporary position described in section 1(b), if the individual serves under not more than one appointment; or

(B) if the individual serves under more than one appointment, the first period of 6 calendar months (determined in the aggregate) for which the individual receives pay for service in any temporary position described in section 1(b).

13 USC 23 note. **SEC. 5. APPLICABILITY.**

This Act applies with respect to appointments made on or after the date of enactment of this Act, but does not apply with respect to any service performed after December 31, 1990.

Approved August 16, 1989.

LEGISLATIVE HISTORY—H.R. 1860:

HOUSE REPORTS: No. 101-142 (Comm. on Post Office and Civil Service), CONGRESSIONAL RECORD, Vol. 135 (1989):

July 17, considered and passed House.

Aug. 4, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):

Aug. 16, Presidential statement.