

“(D) the term ‘Executive Order No. 13150’ refers to Executive Order No. 13150 (5 U.S.C. 7905 note);

“(E) the term ‘Federal agency’ is used in the same way as under section 2 of Executive Order No. 13150; and

“(F) any determination as to whether or not one is a ‘qualified Federal employee’ shall be made applying the same criteria as would apply under section 2 of Executive Order No. 13150.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to require that a covered agency—

“(A) terminate any program or benefits in existence on the date of the enactment of this Act, or postpone any plans to implement (before the effective date referred to in paragraph (1)) any program or benefits permitted or required under any other provision of law; or

“(B) discontinue (on or after the effective date referred to in paragraph (1)) any program or benefits referred to in subparagraph (A), so long as such program or benefits satisfy the requirements of paragraphs (1) through (3).”

#### TRANSPORTATION SUBSIDY FOR EMPLOYEES OF THE SENATE

Pub. L. 107-68, title I, §112, Nov. 12, 2001, 115 Stat. 569, authorized an employing office of an employee of the Senate to provide a monthly transportation subsidy to such employee up to the maximum monthly amount authorized under section 132(f)(2)(A) of Title 26, Internal Revenue Code.

#### TRANSIT SUBSIDIES; APPROPRIATIONS

Pub. L. 105-277, div. A, §101(f) [title II, §210], Oct. 21, 1998, 112 Stat. 2681-337, 2681-359, provided that: “Funds appropriated in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, for the National Institutes of Health may be used to provide transit subsidies in amounts consistent with the transportation subsidy programs authorized under section 629 of Public Law 101-509 [see note preceding section 7901 of this title] to non-FTE bearing positions including trainees, visiting fellows and volunteers.”

Similar provisions were contained in the following prior appropriations act:

Pub. L. 105-78, title II, §210, Nov. 13, 1997, 111 Stat. 1489.

#### PURPOSE OF PUB. L. 103-172

Section 1(b) of Pub. L. 103-172 provided that: “The purpose of this Act [enacting this section and provisions set out as notes under this section and section 7901 of this title] is to improve air quality and to reduce traffic congestion by providing for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.”

#### EX. ORD. NO. 13150. FEDERAL WORKFORCE TRANSPORTATION

Ex. Ord. No. 13150, Apr. 21, 2000, 65 F.R. 24613, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Transportation Equity Act for the 21st Century (Public Law 105-178) [see Tables for classification], section 1911 of the Energy Policy Act of 1992 (Public Law 102-486) [amending section 132 of Title 26, Internal Revenue Code], section 531(a)(1) of the Deficit Reduction Act of 1984 (26 U.S.C. 132), and the Federal Employees Clean Air Incentives Act (Public Law 103-172) [enacting this section and provisions set out as notes above], and in order to reduce Federal employees’ contribution to traffic congestion and air pollution and to expand their commuting alternatives, it is hereby ordered as follows:

SECTION 1. *Mass Transportation and Vanpool Transportation Fringe Benefit Program.* (a) By no later than Octo-

ber 1, 2000, Federal agencies shall implement a transportation fringe benefit program that offers qualified Federal employees the option to exclude from taxable wages and compensation, consistent with section 132 of title 26, United States Code, employee commuting costs incurred through the use of mass transportation and vanpools, not to exceed the maximum level allowed by law (26 U.S.C. 132 (f)(2)). These agency programs shall comply with the requirements of Internal Revenue Service regulations for qualified transportation fringe benefits under section 1.132-9 of title 26, Code of Federal Regulations, and other guidance.

(b) Federal agencies are encouraged to use any non-monetary incentive that the agencies may otherwise offer under any other provision of law or other authority to encourage mass transportation and vanpool use, as provided for in section 7905(b)(2)(C) of title 5, United States Code.

SEC. 2. *Federal Agencies in the National Capital Region.* Federal agencies in the National Capital Region shall implement a “transit pass” transportation fringe benefit program for their qualified Federal employees by no later than October 1, 2000. Under this program, agencies shall provide their qualified Federal employees, in addition to current compensation, transit passes as defined in section 132(f)(5) of title 26, United States Code, in amounts approximately equal to employee commuting costs, not to exceed the maximum level allowed by law (26 U.S.C. 132(f)(2)). The National Capital Region is defined as the District of Columbia; Montgomery, Prince George’s, and Frederick Counties in Maryland; Arlington, Fairfax, Loudon, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties.

SEC. 3. *Nationwide Pilot Program.* The Department of Transportation, the Environmental Protection Agency, and the Department of Energy shall implement a “transit pass” transportation fringe benefit program, as described in section 2 of this order, for all of their qualified Federal employees as a 3 year pilot program by no later than October 1, 2000. Before determining whether the program should be extended to other Federal employees nationwide, it shall be analyzed by an entity determined by the agencies identified in section 4 of this order to ascertain, among other things, if it is effective in reducing single occupancy vehicle travel and local area traffic congestion.

SEC. 4. *Guidance.* Federal agencies shall develop plans to implement this order in consultation with the Department of the Treasury, the Department of Transportation, the Environmental Protection Agency, the Office of Personnel Management, the General Services Administration, and the Office of Management and Budget. Federal agencies that currently have more generous programs or benefits in place may continue to offer those programs or benefits. Agencies shall absorb the costs of implementing this order within the sums received pursuant to the President’s FY 2001 budget request to the Congress.

SEC. 5. *Judicial Review.* This order is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

#### § 7906. Services of post-combat case coordinators

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

(1) the terms “employee”, “agency”,<sup>1</sup> “injury”, “war-risk hazard”, and “hostile force or individual” have the meanings given those terms in section 8101; and

(2) the term “qualified employee” means an employee as described in subsection (b).

<sup>1</sup> So in original. The definition of “agency” does not appear in section 8101 of this title.

(b) REQUIREMENT.—The head of each agency shall, in a manner consistent with the guidelines prescribed under subsection (c), provide for the assignment of a post-combat case coordinator in the case of any employee of such agency who suffers an injury or disability incurred, or an illness contracted, while in the performance of such employee's duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

(c) GUIDELINES.—The Office of Personnel Management shall, after such consultation as the Office considers appropriate, prescribe guidelines for the operation of this section. Under the guidelines, the responsibilities of a post-combat case coordinator shall include—

(1) acting as the main point of contact for qualified employees seeking administrative guidance or assistance relating to benefits under chapter 81 or 89;

(2) assisting qualified employees in the collection of documentation or other supporting evidence for the expeditious processing of claims under chapter 81 or 89;

(3) assisting qualified employees in connection with the receipt of prescribed medical care and the coordination of benefits under chapter 81 or 89;

(4) resolving problems relating to the receipt of benefits under chapter 81 or 89; and

(5) ensuring that qualified employees are properly screened and receive appropriate treatment—

(A) for post-traumatic stress disorder or other similar disorder stemming from combat trauma; or

(B) for suicidal or homicidal thoughts or behaviors.

(d) DURATION.—The services of a post-combat case coordinator shall remain available to a qualified employee until—

(1) such employee accepts or declines a reasonable offer of employment in a position in the employee's agency for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level) before the occurrence or onset of the injury, disability, or illness (as referred to in subsection (a)), and which is within the employee's commuting area; or

(2) such employee gives written notice, in such manner as the employing agency prescribes, that those services are no longer desired or necessary.

(Added Pub. L. 112–81, div. A, title XI, §1106(a), Dec. 31, 2011, 125 Stat. 1613.)

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**AMENDMENTS**

2008—Pub. L. 110–181, div. A, title XI, §1105(b), Jan. 28, 2008, 122 Stat. 349, added item 8102a.

<sup>1</sup> So in original. Does not conform to section catchline.