

REFERENCES IN TEXT

Section 7447 of the Internal Revenue Code of 1986, referred to in subsec. (f)(2)(C), is classified to section 7447 of Title 26, Internal Revenue Code.

AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court” in subsec. (a) and “Court of Federal Claims” for “Claims Court” in section catchline and wherever appearing in text.

1991—Subsec. (f)(2)(A). Pub. L. 102-198, §7(a)(1), inserted “(except for subchapters III and VII)” after “chapter 84”.

Subsec. (f)(2)(D). Pub. L. 102-40 substituted “section 7296 of title 38” for “section 4096 of title 38”.

Subsec. (j)(1). Pub. L. 102-198, §7(a)(2)(A), substituted “paragraph (4)” for “paragraph (2)” and “engages in any such activity” for “so practices law”.

Subsec. (j)(2). Pub. L. 102-198, §7(a)(2)(B), substituted “Subject to paragraph (4), if” for “If”.

Subsec. (j)(3). Pub. L. 102-198, §7(a)(2)(C), inserted “for” after “(other than)”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE

Section applicable to judges of, and senior judges in active service with, the United States Court of Federal Claims on or after Dec. 1, 1990, see section 306(f) of Pub. L. 101-650, as amended, set out as an Effective Date of 1990 Amendment note under section 8331 of Title 5, Government Organization and Employees.

§ 179. Personnel application and insurance programs

(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an “officer” under section 2104(a) of such title.

(b)(1)(A) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

(i) is retired under subsection (b) of section 178 of this title, and

(ii) at the time of becoming such a retired judge—

(I) was enrolled in a health benefits plan under chapter 89 of title 5, but

(II) did not satisfy the requirements of section 8905(b)(1) of title 5 (relating to eligibility to continue enrollment as an annuitant),

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, in accordance with the succeeding provisions of this paragraph, if the judge gives timely written notification to the chief judge of the court that the judge is willing to be called upon to perform judicial duties under section 178(d) of this title during the period of continued eligibility for enrollment, as described in subparagraph (B)(ii) or (C)(ii) (whichever applies).

(B) Except as provided in subparagraph (C)—

(i) in order to be eligible for continued enrollment under this paragraph, notification under subparagraph (A) shall be made before the first day of the open enrollment period preceding the calendar year referred to in clause (ii)(II); and

(ii) if such notification is timely made, the retired judge shall be eligible for continued enrollment under this paragraph for the period—

(I) beginning on the date on which eligibility would otherwise cease, and

(II) ending on the last day of the calendar year next beginning after the end of the open enrollment period referred to in clause (i).

(C) For purposes of applying this paragraph for the first time in the case of any particular judge—

(i) subparagraph (B)(i) shall be applied by substituting “the expiration of the term of office of the judge” for the matter following “before”; and

(ii)(I) if the term of office of such judge expires before the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility for enrollment shall be as described in subparagraph (B)(ii); but

(II) if the term of office of such judge expires on or after the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility shall not end until the last day of the calendar year next beginning after the end of the next full open enrollment period beginning after the date on which the term expires.

(2) In the event that a retired judge remains enrolled under chapter 89 of title 5 for a period of 5 consecutive years by virtue of paragraph (1) (taking into account only periods of coverage as an active judge immediately before retirement and as a retired judge pursuant to paragraph (1)), then, effective as of the day following the last day of that 5-year period—

(A) the provisions of chapter 89 of title 5 shall be applied as if such judge had satisfied the requirements of section 8905(b)(1)¹ on the last day of such period; and

(B) the provisions of paragraph (1) shall cease to apply.

(3) For purposes of this subsection, the term “open enrollment period” refers to a period described in section 8905(g)(1) of title 5.

(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge of the United States Court of Federal Claims in regular active service or who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.

(Added Pub. L. 106-518, title III, §309(a), Nov. 13, 2000, 114 Stat. 2419.)

[§ 180. Repealed. Pub. L. 106-398, § 1 [[div. A], title VI, §654(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-165]

Section, added Pub. L. 102-572, title IX, §903(a), Oct. 29, 1992, 106 Stat. 4517, related to military retirement pay for retired judges.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1999, see section 1 [[div. A], title VI, §654(c)] of Pub. L. 106-398, set out as an Effective Date of Repeal note under section 171 of this title.

¹ So in original. Probably should be followed by “of title 5”.