

ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR  
PROFESSIONAL LIABILITY INSURANCE

Pub. L. 106-567, title IV, Sec. 406, Dec. 27, 2000, 114 Stat. 2849, as amended by Pub. L. 107-108, title IV, Sec. 404, Dec. 28, 2001, 115 Stat. 1404, provided that:

"(a) In General. - Notwithstanding any provision of title VI, section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 [Pub. L. 104-208, div. A, title I, Sec. 101(f)] (5 U.S.C. prec. 5941 note), the Director of Central Intelligence may -

"(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

"(2) use appropriated funds available to the Director to reimburse employees within categories so designated for 100 percent of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

"(b) Reports. - The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection."

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a) and (b) of Pub. L. 108-458, set out as a note under section 401 of Title 50, War and National Defense.]

Pub. L. 106-346, Sec. 101(a) [title III, Sec. 348], Oct. 23, 2000, 114 Stat. 1356, 1356A-33, provided that: "In addition to the authority provided in section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as included in Public Law 104-208, title I, section 101(f), as amended [set out as a note below], beginning in fiscal year 2001 and thereafter, amounts appropriated for salaries and expenses for the Department of Transportation may be used to reimburse an employee whose position is that of safety inspector for not to exceed one-half the costs incurred by such employee for professional liability insurance. Any payment under this section shall be contingent upon the submission of such information or documentation as the Department may require."

REIMBURSEMENTS RELATING TO PROFESSIONAL LIABILITY INSURANCE

Pub. L. 104-208, div. A, title I, Sec. 101(f) [title VI, Sec. 636], Sept. 30, 1996, 110 Stat. 3009-314, 3009-363, as amended by Pub. L. 105-277, div. A, Sec. 101(h) [title VI, Sec. 644], Oct. 21, 1998, 112 Stat. 2681-480, 2681-526; Pub. L. 106-58, title VI, Sec. 642(a), Sept. 29, 1999, 113 Stat. 477, provided that:

"(a) Authority. - Notwithstanding any other provision of law,

amounts appropriated by this Act (or any other Act for fiscal year 1997 or any fiscal year thereafter) for salaries and expenses shall be used to reimburse any qualified employee for not to exceed one-half the costs incurred by such employee for professional liability insurance. A payment under this section shall be contingent upon the submission of such information or documentation as the employing agency may require.

"(b) Qualified Employee. - For purposes of this section, the term 'qualified employee' means an agency employee whose position is that of -

"(1) a law enforcement officer; or

"(2) a supervisor or management official.

"(c) Definitions. - For purposes of this section -

"(1) the term 'agency' means an Executive agency, as defined by section 105 of title 5, United States Code, any agency or court in the Judicial Branch, and any agency of the Legislative Branch of Government including any office or committee of the Senate or the House of Representatives;

"(2) the term 'law enforcement officer' means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, detention, or supervision of individuals suspected or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of such title 5, or under section 4823 of title 22, United States Code;

"(3) the terms 'supervisor' and 'management official' have the respective meanings given them by section 7103(a) of such title 5, and, with regard to the Judicial Branch, mean a justice or judge of the United States as defined in 28 U.S.C. 451 in regular active service or retired from regular active service, other judicial officers as authorized by the Judicial Conference of the United States, and supervisors and managers within the Judicial Branch as authorized by the Judicial Conference of the United States, and

"(4) the term 'professional liability insurance' means insurance which provides coverage for -

"(A) legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory, or constitutional) while in the performance of such individual's official duties as a qualified employee; and

"(B) the cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to any such administrative or judicial proceeding.

"(d) Applicability. - The amendments made by this section [this note] shall take effect on the date of the enactment of this Act [Sept. 30, 1996] and shall apply thereafter."

[Pub. L. 106-58, title VI, Sec. 642(b), Sept. 29, 1999, 113 Stat. 477, provided that: "The amendment made by subsection (a) [amending section 101(f) [title VI, 3636] of Pub. L. 104-208, set out above]

shall take effect on October 1, 1999, or the date of the enactment of this Act [Sept. 29, 1999], whichever is later."]