

106TH CONGRESS
1ST SESSION

H. R. 2686

To amend subchapter III of chapter 83 of title 5, United States Code, to make service performed as an employee of a nonappropriated fund instrumentality after 1965 and before 1987 creditable for retirement purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1999

Mr. DAVIS of Virginia introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend subchapter III of chapter 83 of title 5, United States Code, to make service performed as an employee of a nonappropriated fund instrumentality after 1965 and before 1987 creditable for retirement purposes.

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. CREDITABILITY OF SERVICE.**

4 Section 8332 of title 5, United States Code, is
5 amended by adding at the end the following:

6 “(o)(1) Upon application to the Office of Personnel
7 Management, any employee or Member shall be allowed
8 credit for service performed, after December 31, 1965,

1 and before January 1, 1987, as an employee described in
2 section 2105(c), but only if that individual has completed
3 or thereafter completes at least 5 years of creditable civil-
4 ian service under this section (exclusive of service for
5 which credit is allowed under this subsection).

6 “(2)(A) Except as provided in subparagraph (C),
7 credit for a period of service shall not be allowed under
8 this subsection unless the employee or Member deposits
9 to the credit of the Fund an amount equal to the deduc-
10 tions from pay which would have been required under sec-
11 tion 8334 with respect to such service if such employee
12 or Member had been subject to this subchapter at the time
13 of performing such service.

14 “(B) An employee or Member who makes the deposit
15 shall be allowed full retirement credit for the period or
16 periods of service involved. If the employee or Member
17 dies, a survivor as defined by section 8331(10) may make
18 the deposit.

19 “(C) If the deposit is not made in full, retirement
20 credit shall be allowed, but the annuity shall be reduced
21 in a manner similar to that described in section 8418(b).
22 In no event shall the resulting annuity be less than would
23 be the case if this subsection had not been enacted.

24 “(3) The Office shall accept the certification of the
25 head of the relevant nonappropriated fund instrumentality

1 of the United States concerning the service of, and the
2 amount of compensation received by, an employee or Mem-
3 ber with respect to which credit is sought under this sub-
4 section.

5 “(4) An individual receiving credit for service for any
6 period under this subsection shall not be granted credit
7 for such service under any retirement system for employ-
8 ees of a nonappropriated fund instrumentality.

9 “(5) The Office shall prescribe regulations for the ap-
10 plication of this subsection in the case of an employee or
11 Member (within the meaning of chapter 84) who, upon
12 separation, would otherwise be entitled to an annuity that
13 is partially computed under this subchapter (determined
14 disregarding service for which credit is allowed under this
15 subsection) or a survivor of such an employee or Member.

16 “(6) An application under this subsection may be
17 submitted no later than 2 years after the effective date
18 of regulations which the Office shall prescribe to carry out
19 this subsection.”.

20 **SEC. 2. APPLICABILITY TO ANNUITANTS AND DEFERRED**
21 **ANNUITANTS.**

22 (a) IN GENERAL.—An annuity or survivor annuity
23 based on the service of an individual who performed serv-
24 ice creditable under section 8332(o) of title 5, United
25 States Code (as amended by this Act) shall, upon applica-

1 tion to the Office of Personnel Management, be recom-
2 puted in accordance with such section 8332(o).

3 (b) ACTUARIAL REDUCTION.—Notwithstanding any
4 other provision of this Act, no deposit under section
5 8332(o) of title 5, United States Code (as amended by
6 this Act) shall be permitted or required under this section,
7 and any recomputation under this section shall reflect the
8 appropriate actuarial reduction.

9 (c) PROSPECTIVE EFFECT.—Any recomputation
10 under this section shall apply with respect to benefits for
11 months beginning later than 30 days after the date on
12 which application for such recomputation is received by
13 the Office.

14 (d) SAME DEADLINE.—An application under this sec-
15 tion shall not be accepted after the end of the 2-year pe-
16 riod referred to in section 8332(o)(6) of title 5, United
17 States Code (as amended by this Act).

18 **SEC. 3. NOTIFICATION AND ASSISTANCE.**

19 (a) NOTIFICATION.—The Office of Personnel Man-
20 agement shall take such measures as it considers appro-
21 priate to inform individuals entitled to have any service
22 credited under section 8332(o) of title 5, United States
23 Code (as amended by this Act), or to have any amounts
24 recomputed under section 2, of their entitlement to such
25 credit or recomputation.

1 (b) ASSISTANCE FROM THE OFFICE OF PERSONNEL
2 MANAGEMENT.—The Office of Personnel Management
3 shall, on request, assist any individual referred to in sub-
4 section (a) in obtaining from any department, agency, or
5 other instrumentality of the United States such informa-
6 tion possessed by such instrumentality as may be nec-
7 essary to verify the entitlement of such individual to have
8 any service credited under section 8332(o) of title 5,
9 United States Code (as amended by this Act) or to have
10 any amounts recomputed under section 2.

11 (c) ASSISTANCE FROM OTHER AGENCIES.—Any de-
12 partment, agency, or other instrumentality of the United
13 States which possesses any information with respect to
14 any service of an individual described in section 8332(o)
15 of title 5, United States Code (as amended by this Act)
16 shall—

17 (1) at the request of such individual (or an ap-
18 appropriate survivor), furnish such information to that
19 individual (or survivor); and

20 (2) at the request of the Office of Personnel
21 Management, furnish such information to the Office.

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