

107TH CONGRESS
1ST SESSION

H. R. 2355

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

JUNE 28, 2001

Mr. TOM 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 (a) IN GENERAL.—Section 8332 of title 5, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(o)(1) Subject to paragraph (2), upon application to
8 the Office of Personnel Management, any individual who

1 is an employee or Member on the date of the enactment
2 of this subsection, and who has on such date or thereafter
3 acquires 5 or more years of creditable civilian service
4 under this section (exclusive of service for which credit is
5 allowed under this subsection) shall be allowed credit for
6 service performed, after December 31, 1965, and before
7 January 1, 1987, as an employee described in section
8 2105(c).

9 “(2)(A) An employee or Member may, with respect
10 to any period of service for which such employee or Mem-
11 ber is allowed credit under this subsection, deposit to the
12 credit of the Fund an amount equal to the deductions
13 from basic pay which would have been required under sec-
14 tion 8334(a) if such service were service as an employee.

15 “(B) An employee or Member who makes the deposit
16 described in subparagraph (A) shall be allowed full retire-
17 ment credit for the period of service involved.

18 “(C) If an employee or Member does not make the
19 deposit or makes less than the full amount of the deposit
20 described in subparagraph (A), retirement credit shall be
21 allowed, but the resulting annuity shall be reduced in a
22 manner similar to the method provided under section
23 8339(j)(3) to make up the amount of any deposit de-
24 scribed in the second sentence thereof. In no event shall
25 the application of this subparagraph cause an annuity to

1 be less than it would have been if this subsection had not
2 been enacted.

3 “(D) For the purpose of survivor annuities, any de-
4 posit authorized by subparagraph (A) may also be made
5 by a survivor of an employee or Member.

6 “(3) The Office shall accept the certification of the
7 appropriate Secretary or his designee concerning the serv-
8 ice of, and the amount of compensation received by, an
9 employee or Member with respect to which credit is sought
10 under this subsection. For purposes of the preceding sen-
11 tence, the ‘appropriate Secretary’ is—

12 “(A) the Secretary of Defense, to the extent
13 that service in or under the Department of Defense
14 is involved; and

15 “(B) the Secretary of Transportation, to the ex-
16 tent that service in or under the Coast Guard is in-
17 volved.

18 “(4) An individual receiving credit for service for any
19 period under this subsection shall not be granted credit
20 for such service under any retirement system for employ-
21 ees of a nonappropriated fund instrumentality.

22 “(5) An application for retirement credit under this
23 subsection may be submitted no later than 2 years after
24 the effective date of the regulations prescribed by the Of-
25 fice to carry out this subsection.”.

1 (b) REGULATIONS.—The Office of Personnel Man-
2 agement shall prescribe regulations to carry out this Act
3 and the amendment made by subsection (a). Such
4 regulations—

5 (1) shall take effect not later than 12 months
6 after the date of the enactment of this Act; and

7 (2) shall include provisions to provide for the
8 application of such amendment in the case of—

9 (A) any employee or Member (as defined
10 by the following sentence) who, upon separation
11 (at the time described in paragraph (1) or (2)
12 of subsection (c)), would otherwise be entitled
13 to an annuity under chapter 84 of title 5,
14 United States Code, that is partially computed
15 under subchapter III of chapter 83 of such
16 title; and

17 (B) any survivor of an employee or Mem-
18 ber described in subparagraph (A).

19 For purposes of this subsection, the terms ‘employee’,
20 ‘Member’, and ‘survivor’ have the meanings set forth in
21 section section 8401 of such title 5.

22 (c) APPLICABILITY.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), the amendment made by subsection (a)
25 shall apply only in the case of any annuity entitle-

1 ment to which is based on a separation from service
2 occurring on or after the effective date of the regula-
3 tions prescribed under subsection (b).

4 (2) LIMITED EXCEPTION FOR ANNUITIES
5 BASED ON SEPARATIONS OCCURRING AFTER DATE
6 OF ENACTMENT AND BEFORE EFFECTIVE DATE OF
7 IMPLEMENTING REGULATIONS.—

8 (A) RECOMPUTATION REQUIREMENT.—In
9 the case of any individual—

10 (i) who is entitled to an annuity enti-
11 tlement to which is based on a separation
12 from service occurring after the date of the
13 enactment of this Act and before the effec-
14 tive date of the regulations prescribed
15 under subsection (b), and

16 (ii) whose annuity would be increased
17 by the application of section 8332(o) of
18 title 5, United States Code (as amended by
19 subsection (a)),

20 the Office of Personnel Management shall, upon
21 receipt of an appropriate application submitted
22 before the deadline specified in section
23 8332(o)(5) of such title 5 (as so amended), re-
24 compute the amount of such annuity so as to
25 take such section 8332(o) into account. In car-

1 rying out the preceding sentence, any deposit
2 timely made shall be treated as if it had been
3 made before the commencement date of the an-
4 nuity involved.

5 (B) NO PAYMENT FOR ANY EARLIER PERI-
6 ODS.—Any change in an annuity resulting from
7 a recomputation under subparagraph (A) shall
8 be payable only with respect to amounts accru-
9 ing for months beginning after the date on
10 which the application (referred to in subpara-
11 graph (A)) is received.

12 **SEC. 2. NOTIFICATION AND ASSISTANCE.**

13 (a) NOTIFICATION.—The Office of Personnel Man-
14 agement shall take such measures as it considers appro-
15 priate to inform individuals entitled to have any service
16 credited under section 8332(o) of title 5, United States
17 Code (as amended by section 1(a)), or to have any
18 amounts recomputed under section 1(c)(2), of their enti-
19 tlement to such credit or recomputation.

20 (b) ASSISTANCE FROM THE OFFICE OF PERSONNEL
21 MANAGEMENT.—The Office of Personnel Management
22 shall, on request, assist any individual referred to in sub-
23 section (a) in obtaining from any department, agency, or
24 other instrumentality of the United States such informa-
25 tion in the possession of such instrumentality as may be

1 necessary to verify the entitlement of such individual to
2 have any service credited under section 8332(o) of title
3 5, United States Code (as amended by section 1(a)) or
4 to have any amounts recomputed under section 1(c)(2).

5 (c) ASSISTANCE FROM OTHER AGENCIES.—Any de-
6 partment, agency, or other instrumentality of the United
7 States which possesses any information with respect to
8 any service of an individual described in section 8332(o)
9 of title 5, United States Code (as amended by section
10 1(a)) shall—

11 (1) at the request of such individual (or an ap-
12 propriate survivor), furnish such information to that
13 individual (or survivor); and

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

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