

107TH CONGRESS
2D SESSION

H. R. 5337

To amend title 5, United States Code, to allow periods of certain service performed as an employee under certain Cooperative Federal-State programs to be creditable for purposes of civil service retirement.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2002

Mrs. MORELLA introduced the following bill; which was referred to the
Committee on Government Reform

A BILL

To amend title 5, United States Code, to allow periods of certain service performed as an employee under certain Cooperative Federal-State programs to be creditable for purposes of civil service retirement.

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. SHORT TITLE.**

4 This Act may be cited as the “Agricultural Extended
5 Retirement Credit Act of 2002”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

1 (1) to extend creditable service, for purposes of
2 the Civil Service Retirement System, for periods of
3 service in certain qualified Federal-State cooperative
4 programs which had agricultural or related pur-
5 poses;

6 (2) to expedite the retirement of certain Fed-
7 eral Government employees by providing them im-
8 proved retirement opportunities at typical retirement
9 ages, thereby mitigating potentially adverse effects
10 of deficit control measures on the welfare of those
11 and other employees of the United States Depart-
12 ment of Agriculture; and

13 (3) to effect savings in budget authority and
14 outlays in the Department of Agriculture in such a
15 manner that the potential for adverse effects on pro-
16 gram effectiveness is minimized.

17 **SEC. 3. EXTENSION OF CREDITABLE SERVICE.**

18 (a) EXTENDED CREDIT DEFINED.—Section 8331 of
19 title 5, United States Code, is amended—

20 (1) by striking “and” after the semicolon at the
21 end of paragraph (27);

22 (2) by striking the period at the end of para-
23 graph (28) and inserting “; and”; and

24 (3) by adding after such paragraph (28) the
25 following:

1 “(29) ‘extended credit’ means creditable service
2 for periods of service in Federal-State cooperative
3 programs under section 8332(b)(18).”.

4 (b) CREDITABLE SERVICE.—Section 8332(b) of title
5 5, United States Code, is amended—

6 (1) by striking “and” after the semicolon at the
7 end of paragraph (16);

8 (2) by striking the period at the end of para-
9 graph (17) and inserting “; and”; and

10 (3) by adding after such paragraph (17) the
11 following:

12 “(18) subject to sections 8334(c) and 8339(i),
13 service performed before January 1, 1984, by an in-
14 dividual in the employ of a State or an instrumen-
15 tality of a State, if—

16 “(A) such service involved duties related to
17 the carrying out of a Federal-State cooperative
18 program described in subsection (o)(1);

19 “(B) such individual was later employed in
20 a position which was then subject to this sub-
21 chapter; and

22 “(C) such individual (or a survivor thereof)
23 makes application for certification of credit for
24 such service on or before the 180th day fol-
25 lowing the date of enactment of the Agricul-

1 tural Extended Retirement Credit Act of
2 2002.”.

3 (c) CERTIFICATION.—Section 8332(b) of title 5,
4 United States Code, is further amended by adding at the
5 end the following: “The Office of Personnel Management
6 shall accept, for purposes of this subchapter, the certifi-
7 cation of the Secretary of Agriculture, or his designee,
8 concerning service of the type described in paragraph
9 (18).”.

10 (d) COOPERATIVE PROGRAMS DESCRIBED.—Section
11 8332 of title 5, United States Code, is amended by adding
12 at the end the following:

13 “(o)(1) The Federal-State cooperative programs de-
14 scribed in this subsection for which creditable service is
15 allowable under subsection (b)(18) are—

16 “(A) the Federal-State cooperative program of
17 agricultural research of the State agricultural exper-
18 iment stations as defined in section 1 of the Act en-
19 titled ‘An Act to consolidate the Hatch Act of 1887
20 and laws supplementary thereto relating to the ap-
21 propriation of Federal funds for support of agricul-
22 tural experiment stations in the States, Alaska, Ha-
23 waii, and Puerto Rico’, approved August 11, 1955
24 (69 Stat. 671);

1 “(B) the Federal-State cooperative program of
2 forestry research at eligible institutions of the State
3 as defined in section 2 of the Act entitled ‘An Act
4 to authorize the Secretary of Agriculture to encour-
5 age and assist the several States in carrying on a
6 program of forestry research, and for other pur-
7 poses’, approved October 10, 1962 (76 Stat. 806),
8 and popularly referred to as the McIntire-Stennis
9 Act;

10 “(C) the Federal-State cooperative program of
11 agricultural research for the fiscal year ending June
12 30, 1967 and later fiscal years at the 1890 land-
13 grant colleges, including Tuskegee Institute, as de-
14 fined in subsection 1445(a) of the ‘National Agricul-
15 tural Research, Extension, and Teaching Policy Act
16 of 1977’, approved September 29, 1977 (91 Stat.
17 1009);

18 “(D) the Federal-State cooperative program of
19 agricultural extension work authorized by the Act
20 entitled ‘An Act to provide for cooperative agricul-
21 tural extension work between the agricultural col-
22 leges in the several States receiving the benefits of
23 an Act of Congress approved July second, eighteen
24 hundred and sixty-two, and of Acts supplementary
25 thereto, and the United States Department of Agri-

1 culture', approved May 8, 1914 (38 Stat. 372), and
2 acts supplementary thereto;

3 “(E) the Federal-State cooperative program of
4 vocational education, including State programs of in-
5 struction in vocational agriculture and home eco-
6 nomics authorized by the Act entitled ‘An Act to
7 provide for the promotion of vocational education; to
8 provide for cooperation with the States in the pro-
9 motion of such education in agriculture and the
10 trades and industries; to provide for cooperation
11 with the States in the preparation of teachers of vo-
12 cational subjects; and to appropriate money and reg-
13 ulate its expenditure’, approved February 23, 1917
14 (39 Stat. 929), and acts supplementary thereto;

15 “(F) the Federal-State cooperative program in
16 marketing service and research authorized by the
17 Agricultural Marketing Act of 1946, approved Au-
18 gust 14, 1946 (60 Stat. 1087), and predecessor pro-
19 grams, including programs to inspect, certify, and
20 identify the class, quality, quantity, and condition of
21 agricultural products shipped or received in inter-
22 state commerce;

23 “(G) the Federal-State cooperative program for
24 the control of plant pests and animal diseases au-
25 thorized by the subheading entitled ‘Federal Horti-

1 culture Board' under the heading entitled 'Depart-
2 ment of Agriculture' of the Act entitled 'An Act
3 making appropriations to supply urgent deficiencies
4 in appropriations for the fiscal year ending June
5 thirtieth, nineteen hundred and eighteen, and prior
6 fiscal years, on account of war expenses, and for
7 other purposes', approved October 6, 1917 (40 Stat.
8 374); by section 102 of the Department of Agri-
9 culture Organic Act of 1944, approved September
10 21, 1944 (58 Stat. 734); by the joint resolution enti-
11 tled 'Joint resolution making funds available for the
12 control of incipient or emergency outbreaks of insect
13 pests or plant diseases, including grasshoppers, mor-
14 mon crickets, and chinch bugs', approved April 6,
15 1937 (50 Stat. 57); by the Act entitled 'An Act to
16 provide for regulating, inspecting, cleaning, and,
17 when necessary, disinfecting railway cars, other vehi-
18 cles, and other materials entering the United States
19 from Mexico', approved January 31, 1942 (56 Stat.
20 40); by the Act entitled 'An Act to regulate the im-
21 portation of nursery stock and other plants and
22 plant products; to enable the Secretary of Agri-
23 culture to establish and maintain quarantine dis-
24 tricts for plant diseases and insect pests; to permit
25 and regulate the movement of fruits, plants, and

1 vegetables therefrom, and for other purposes', ap-
2 proved August 20, 1912 (37 Stat. 315); by the first
3 paragraph under the subheading entitled 'Enforce-
4 ment of the Plant-Quarantine Act' under the head-
5 ing entitled 'Miscellaneous' of the Act entitled 'An
6 Act making appropriations for the Department of
7 Agriculture for the fiscal year ending June thirtieth,
8 nineteen hundred and fourteen', approved March 4,
9 1913 (37 Stat. 853), insofar as such paragraph re-
10 lates to the importation of certain plants for sci-
11 entific purposes; by the second, third, and fourth
12 paragraphs under the subheading entitled 'Enforce-
13 ment of the Plant-Quarantine Act' under the head-
14 ing entitled 'Miscellaneous' of the Act entitled 'An
15 Act making appropriations for the Department of
16 Agriculture for the fiscal year ending June thirtieth,
17 nineteen hundred and sixteen', approved March 4,
18 1915 (38 Stat. 1113); and by section 11 of the Act
19 entitled 'An Act for the establishment of a Bureau
20 of Animal Industry, to prevent the exportation of
21 diseased cattle, and to provide for the suppression
22 and extirpation of pleuropneumonia and other con-
23 tagious diseases among domestic animals', approved
24 May 29, 1884 (23 Stat. 31);

1 “(H) the Federal-State cooperative programs of
2 forest protection, management, and improvement
3 performed under authority of the Act entitled ‘An
4 Act to provide for the protection of forest lands, for
5 the reforestation of denuded areas, for the extension
6 of national forests, and for other purposes, in order
7 to promote the continuous production of timber on
8 the lands chiefly suitable therefore’, approved June
9 7, 1924 (43 Stat. 653); of the Cooperative Forest
10 Management Act, approved August 25, 1950 (64
11 Stat. 473); and of the Forest Pest Control Act, ap-
12 proved June 25, 1947 (61 Stat. 177); and the pred-
13 ecessor programs of any Act referred to in this para-
14 graph;

15 “(I) the Federal-State cooperative programs of
16 emergency relief, including State rural rehabilitation
17 corporation programs established for the purposes of
18 the Federal Emergency Relief Act of 1933, approved
19 May 12, 1933 (48 Stat. 55); the Act entitled ‘An
20 Act making an additional appropriation to carry out
21 the purposes of the Federal Emergency Relief Act of
22 1933, for continuation of the civil works program,
23 and for other purposes’, approved February 15,
24 1934 (48 Stat. 351); and title II of the Act entitled
25 ‘An Act making appropriations to supply deficiencies

1 in certain appropriations for the fiscal year ending
2 June 30, 1934, and prior fiscal years, to provide
3 supplemental general and emergency appropriations
4 for the fiscal years ending June 30, 1934, and June
5 30, 1935, and for other purposes', approved June
6 19, 1934 (48 Stat. 1021);

7 “(J) the Federal-State Cooperative Veterans’
8 educational programs, including part-time instruc-
9 tion in on-the-farm training programs, as provided
10 for in title II, chapter IV, ‘Education of Veterans’,
11 of the Serviceman’s Readjustment Act of 1944, ap-
12 proved June 22, 1944 (58 Stat. 287), and subse-
13 quent amendments and Acts pertaining thereto;

14 “(K) the Federal-State cooperative programs in
15 wildlife restoration and in fish restoration and man-
16 agement authorized respectively by the Acts entitled
17 ‘An Act to provide that the United States shall aid
18 these States in wildlife restoration projects, and for
19 other purposes’, approved September 2, 1937 (50
20 Stat. 917), and popularly referred to as the Pitt-
21 man-Robertson Act, and ‘An Act to provide that the
22 United States shall aid the States in fish restoration
23 and management projects, and for other purposes’,
24 approved August 9, 1950, and popularly referred to
25 as the Dingell-Johnson Act (64 Stat. 431) and the

1 program of animal damage control authorized by the
2 Act entitled ‘An Act to authorize the Secretary of
3 Agriculture to carry out his ten-year cooperative pro-
4 gram for the eradication, suppression, or bringing
5 under control of predatory and other wild animals
6 injurious to agriculture, horticulture, forestry, ani-
7 mal husbandry, wild game, and other interests, and
8 for the suppression of rabies and tularemia in preda-
9 tory or other wild animals, and for other purposes’,
10 approved March 2, 1931 (46 Stat. 1468).

11 “(2) Within 60 days following the date of enactment
12 of the Agricultural Extended Retirement Credit Act of
13 2002, the Office of Personnel Management shall promul-
14 gate specific extended credit application and certification
15 instructions to be followed by the Secretary of Agriculture
16 in determining eligibility for extended credit for periods
17 of service in the Federal-State cooperative programs enu-
18 merated in subsection (b)(18), and by individuals in mak-
19 ing application for such extended credit.”.

20 (e) ANNUITY ADJUSTMENTS.—Section 8345 of title
21 5, United States Code, is amended by adding at the end
22 the following:

23 “(m) If the Secretary of Agriculture certifies to the
24 Office of Personnel Management creditable service for
25 purposes of this subchapter of the type described in sec-

tion 8332(b)(17), in response to application by an annuitant or survivor annuitant, then the annuity of the annuitant or survivor annuitant shall be adjusted on the first day of the month following the date of enactment of the Agricultural Extended Retirement Credit Act of 2002 so that the amount of the annuity shall be the same as if the total creditable service of the employee or Member, on whose creditable service the annuity was computed, had included, on the original date on which the annuity was computed, the amount of service certified.”.

SEC. 4. EXPEDITED RETIREMENT SAVINGS.

(a) IN GENERAL.—Notwithstanding any other provisions of law, the Secretary of Agriculture shall at the end of each pay period for which both the first and last days occur in the expedited retirement period transfer to the expedited retirement trust fund, out of any monies appropriated to the Department of Agriculture, an amount equal to expedited retirement savings for that pay period.

(b) DEFINITIONS.—For the purpose of this section—

(1) the term “pay period” means the biweekly Federal pay period;

(2) the term “expedited retirement period” means the period beginning on the 60th day after the date of enactment of this Act and ending at the

1 end of the fourth fiscal year which begins on or after
2 the first day of such period;

3 (3) the term “expedited retiree” means an indi-
4 vidual who retires from a position in the Department
5 of Agriculture on any day of the expedited retire-
6 ment period and who receives extended credit under
7 the amendments made by this Act;

8 (4) the term “expedited retiree pay rate” means
9 the biweekly regular pay rate of an expedited retiree
10 on his or her last day of employment before retire-
11 ment;

12 (5) the term “expedited retirement savings”
13 means, for any given pay period for which both the
14 first and last days occurred within the expedited re-
15 tirement period, the aggregate of 160 percent of the
16 expedited retiree pay rates for all expedited retirees
17 whose last day of employment prior to retirement oc-
18 curred on or before the first day of the given pay pe-
19 riod; and

20 (6) the term “expedited retirement trust fund”
21 means a trust fund of the Department of Agri-
22 culture which serves as depository for budget au-
23 thority and outlay saved in any fiscal year of the ex-
24 pedited retirement period resulting from implemen-

1 tation of this Act and amendments made by this
2 Act.

3 **SEC. 5. LIMITATION ON USE OF SAVINGS.**

4 (a) IN GENERAL.—(1) None of the budget authority
5 and outlays saved in any fiscal year by reason of the trans-
6 fer of expedited retirement savings to the expedited retire-
7 ment trust fund resulting from the implementation of this
8 Act and the amendments made by this Act may be obli-
9 gated or expended for any purpose.

10 (2) The total amount of budget authority and outlays
11 saved in any fiscal year (as described in paragraph (1))
12 shall, at the end of that fiscal year be carried to the sur-
13 plus fund of the Department of Agriculture and deposited
14 by the Secretary of Agriculture in the Treasury of the
15 United States to the credit of the Civil Service Retirement
16 and Disability Fund, as a contribution of the United
17 States Government to such Fund, under such procedures
18 as the Comptroller General may prescribe.

19 (3) The total amount of budget authority and outlays
20 saved in any fiscal year (as described in paragraph (1))
21 shall be credited against any amount of pay and other per-
22 sonnel and direct support costs required to be sequestered
23 in such fiscal year under the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985 (Public Law 99–177).

1 (b) AUDITS.—The Comptroller General shall notify
2 Congress, in writing, of each noncompliance with the re-
3 quirements of subsection (a).

4 **SEC. 6. PROGRAM REPORT.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 first day of the expedited retirement period, the Director
7 of the Office of Personnel Management shall transmit to
8 Congress a report containing an evaluation of the expe-
9 dited retirement savings program.

10 (b) CONTENTS OF REPORT.—The report under sub-
11 section (a) shall include the following:

12 (1) The number of employees who retired under
13 the expedited retirement program, stated by age
14 group of the retirees, and by grade or other position
15 classification of the retirees.

16 (2) The amount of expedited retirement savings
17 that have resulted, before the date of the report,
18 from the implementation of this Act and the amend-
19 ments made by this Act.

20 (c) ADMINISTRATIVE PROVISION.—The Director of
21 the Office of Personnel Management may obtain from any
22 agency of the Federal Government such information as the
23 Director determines necessary to prepare the report re-
24 quired by subsection (a).

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