

104TH CONGRESS
1ST SESSION

H. R. 2487

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 1995

Mr. ROSE introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committees on Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 5, United States Code, to allow periods of certain service performed as an employee under certain Federal-State cooperative 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”.

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, thereby mitigating po-
8 tentially adverse effects of deficit control measures
9 on the welfare of those and other employees of the
10 Department of Agriculture; and

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

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

16 (a) DEFINITION.—Section 8331 of title 5, United
17 States Code, is amended—

18 (1) by striking “and” after the semicolon at the
19 end of paragraph (25);

20 (2) by striking the period at the end of para-
21 graph (26) and inserting “; and”; and

22 (3) by adding after such paragraph (26) the
23 following:

1 “(27) ‘extended credit’ means creditable service
2 for periods of service in Federal-State cooperative
3 programs under section 8332(b)(17).”.

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 (15);

8 (2) by striking the period at the end of para-
9 graph (16) and inserting “; and”; and

10 (3) by adding after such paragraph (16) the
11 following:

12 “(17) 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 who performed du-
15 ties related to the carrying out of a Federal-State
16 cooperative program described in subsection (o)(1)
17 of this section—

18 “(A) only if (i) the individual was later em-
19 ployed in a position which at that time was sub-
20 ject to this subchapter, and (ii) the individual,
21 or the individual’s survivor, makes application
22 for certification of credit for such service on or
23 before the 150th day following the date of the
24 enactment of the Agricultural Extended Retire-
25 ment Credit Act; and

1 “(B) if the individual is an employee of the
2 Federal Government on the date of enactment
3 of the Agricultural Extended Retirement Credit
4 Act, other than as a reemployed annuitant, and
5 if, after having received extended credit, the in-
6 dividual is, or becomes eligible for immediate
7 retirement on or before August 1 of the fiscal
8 year in which the ‘hiring limitation period’
9 (within the meaning of section 4 of the Agricul-
10 tural Extended Retirement Credit Act) ends,
11 only if the individual retires either on or before
12 the 240th day following the date of enactment
13 of the Agricultural Extended Retirement Credit,
14 or on or before the 60th day following the date
15 on which eligibility for immediate retirement is
16 attained, whichever occurs later.”.

17 (c) CERTIFICATION.—Section 8332(b) of title 5,
18 United States Code, is further amended by adding at the
19 end the following: “The Office of Personnel Management
20 shall accept the certification of the Secretary of Agri-
21 culture, or his designee, concerning service for the pur-
22 poses of this subchapter of the type described in para-
23 graph (17).”.

1 (d) DESCRIPTION OF FEDERAL-STATE COOPERATIVE
2 PROGRAMS.—Section 8332 of title 5, United States Code,
3 is amended by adding at the end the following:

4 “(o)(1) The Federal-State cooperative programs de-
5 scribed in this subsection for which creditable service is
6 allowable under subsection (b)(17) of this section are as
7 follows:

8 “(A) The Federal-State cooperative program of
9 agricultural research of the State agricultural exper-
10 iment stations as defined in section 1 of the Act en-
11 titled ‘An Act to consolidate the Hatch Act of 1887
12 and laws supplementary thereto relating to the ap-
13 propriation of Federal funds for support of agricul-
14 tural experiment stations in the States, Alaska, Ha-
15 waii, and Puerto Rico’, approved August 11, 1955,
16 as amended (69 Stat. 671).

17 “(B) The Federal-State cooperative program of
18 forestry research at eligible institutions of the State
19 as defined in section 2 of the Act entitled ‘An Act
20 to authorize the Secretary of Agriculture to encour-
21 age and assist the several States in carrying on a
22 program of forestry research, and for other pur-
23 poses’, approved October 10, 1962, as amended (76
24 Stat. 806), and popularly referred to as the
25 McIntire-Stennis Act.

1 “(C) The Federal-State cooperative program of
2 agricultural research for the fiscal year ending June
3 30, 1967, and later fiscal years at the 1890 land-
4 grant colleges, including Tuskegee Institute, as de-
5 fined in section 1445(a) of the Act entitled the ‘Na-
6 tional Agricultural Research, Extension, and Teach-
7 ing Policy Act of 1977’, approved September 29,
8 1977, as amended (91 Stat. 1009).

9 “(D) The Federal-State cooperative program of
10 agricultural extension work authorized by the Act
11 entitled ‘An Act to provide for cooperative agricul-
12 tural extension work between the agricultural col-
13 leges in the several States receiving the benefits of
14 an Act of Congress approved July 2, 1862, and of
15 Acts supplementary thereto, and the United States
16 Department of Agriculture’, approved May 8, 1914
17 (38 Stat. 372), and Acts supplementary thereto.

18 “(E) The Federal-State cooperative program of
19 vocational education, including, but not limited to,
20 State programs of instruction in vocational agri-
21 culture and home economics, authorized by the Act
22 entitled ‘An Act to provide for the promotion of vo-
23 cational education; to provide for cooperation with
24 the States in the promotion of such education in ag-
25 riculture and the trades and industries; to provide

1 for cooperation with the States in the preparation of
2 teachers of vocational subjects; and to appropriate
3 money and regulate its expenditure', approved Feb-
4 ruary 23, 1917 (39 Stat. 929), and Acts supple-
5 mentary thereto.

6 “(F) The Federal-State cooperative program in
7 marketing service and research authorized by the
8 Act entitled the ‘Agricultural Marketing Act of
9 1946’, approved August 14, 1946 (60 Stat. 1087),
10 and predecessor programs, including, but not limited
11 to, programs to inspect, certify, and identify the
12 class, quality, quantity, and condition of agricultural
13 products shipped or received in interstate commerce.

14 “(G) The Federal-State cooperative program
15 for the control of plant pests and animal diseases
16 authorized by the subheading ‘Federal Horticulture
17 Board’ under the heading ‘Department of Agri-
18 culture’ of the Act entitled ‘An Act making appro-
19 priations to supply urgent deficiencies in appropria-
20 tions for the fiscal year ending June 30, 1918, and
21 prior fiscal years, on account of war expenses, and
22 for other purposes’, approved October 6, 1917 (40
23 Stat. 374); by section 102 of the Act entitled the
24 ‘Department of Agriculture Organic Act of 1944’,
25 approved September 21, 1944 (58 Stat. 734); by the

1 joint resolution entitled 'Joint resolution making
2 funds available for the control of incipient or emer-
3 gency outbreaks of insect pests or plant diseases, in-
4 cluding grasshoppers, mormon crickets, and chinch
5 bugs', approved April 6, 1937 (50 Stat. 57); by the
6 Act entitled 'An Act to provide for regulating, in-
7 specting, cleaning, and, when necessary, disinfecting
8 railway cars, other vehicles, and other materials en-
9 tering the United States from Mexico', approved
10 January 31, 1942 (56 Stat. 40); by the Act entitled
11 'An Act to regulate the importation of nursery stock
12 and other plants and plant products; to enable the
13 Secretary of Agriculture to establish and maintain
14 quarantine districts for plant diseases and insect
15 pests; to permit and regulate the movement of
16 fruits, plants, and vegetables therefrom, and for
17 other purposes', approved August 20, 1912 (37 Stat.
18 315); by the first paragraph under the subheading
19 'Enforcement of the Plant-Quarantine Act' under
20 the heading 'Miscellaneous' of the Act entitled 'An
21 Act making appropriations for the Department of
22 Agriculture for the fiscal year ending June 30,
23 1914', approved March 4, 1913 (37 Stat. 853), inso-
24 far as such paragraph relates to the importation of
25 certain plants for scientific purposes; by the second,

1 third, and fourth paragraphs under the subheading
2 ‘Enforcement of the Plant Quarantine Act’ under
3 the heading ‘Miscellaneous’ of the Act ‘An Act mak-
4 ing appropriations for the Department of Agri-
5 culture for the fiscal year ending June 30, 1916’,
6 approved March 4, 1915 (38 Stat. 1113); and by
7 section 11 of the Act entitled ‘An Act for the estab-
8 lishment of a Bureau of Animal Industry, to prevent
9 the exportation of diseased cattle, and to provide for
10 the suppression and extirpation of pleuropneumonia
11 and other contagious diseases among domestic ani-
12 mals’, approved May 29, 1884 (23 Stat. 31).

13 “(H) The Federal-State cooperative programs
14 of forest protection, management, and improvement
15 performed under authority of the Act entitled ‘An
16 Act to provide for the protection of forest lands, for
17 the reforestation of denuded areas, for the extension
18 of national forests, and for other purposes, in order
19 to promote the continuous production of timber on
20 the lands chiefly suitable therefore’, approved June
21 7, 1924 (43 Stat. 653); of the ‘Cooperative Forest
22 Management Act’ approved August 25, 1950 (64
23 Stat. 473); and of the ‘Forest Pest Control Act’, ap-
24 proved June 25, 1947 (61 Stat. 177); and the pred-

1 ecessor programs of any Act referred to in this sub-
2 paragraph.

3 “(I) The Federal-State cooperative programs of
4 emergency relief, including, but not limited to, State
5 rural rehabilitation corporation programs, estab-
6 lished for the purposes of the Federal Emergency
7 Relief Act of 1933, approved May 12, 1933 (48
8 Stat. 55); the Act entitled ‘An Act making an addi-
9 tional appropriation to carry out the purposes of the
10 Federal Emergency Relief Act of 1933, for continu-
11 ation of the civil works program, and for other pur-
12 poses’, approved February 15, 1934 (48 Stat. 351);
13 and title 11 of the Act entitled ‘An Act making ap-
14 propriations to supply deficiencies in certain appro-
15 priations for the fiscal year ending June 30, 1934,
16 and prior fiscal years, to provide supplemental gen-
17 eral and emergency appropriations for the fiscal
18 years ending June 30, 1934, and June 30, 1935,
19 and for other purposes’, approved June 19, 1934
20 (48 Stat. 1021).

21 “(J) The Federal-State Cooperative Veterans’
22 educational programs, including, but not limited to,
23 part-time instruction in on-the-farm training pro-
24 grams, as provided for in title II, chapter IV, ‘Edu-
25 cation of Veterans’, of the ‘Serviceman’s Readjust-

1 ment Act of 1944', approved June 22, 1944 (58
2 Stat. 287), and subsequent amendments and Acts
3 pertaining thereto.

4 “(K) The Federal-State cooperative programs
5 in wildlife restoration and in fish restoration and
6 management authorized respectively by the Acts en-
7 titled ‘An Act to provide that the United States shall
8 aid these States in wildlife restoration projects, and
9 for other purposes’, approved September 2, 1937
10 (50 Stat. 917) and popularly referred to as the Pitt-
11 man-Robertson Act, and ‘An Act to provide that the
12 United States shall aid the States in fish restoration
13 and management projects, and for other purposes’,
14 approved August 9, 1950 and popularly referred to
15 as the Dingell-Johnson Act (64 Stat. 431) and the
16 program of animal damage control authorized by the
17 Act entitled ‘An Act to authorize the Secretary of
18 Agriculture to carry out his ten year cooperative
19 program for the eradication, suppression, or bring-
20 ing under control of predatory and other wild ani-
21 mals injurious to agriculture, horticulture, forestry,
22 animal husbandry, wild game, and other interests,
23 and for the suppression of rabies and tularemia in
24 predatory or other wild animals, and for other pur-

1 poses', approved March 2, 1931 (46 Stat. 1468) as
2 amended and supplemented.

3 “(2) Within 60 days following the date of enactment
4 of the Agricultural Extended Requirement Credit Act, the
5 Office of Personnel Management shall prescribe specific
6 instructions to be followed by the Secretary of Agriculture
7 in determining eligibility for extended credit for periods
8 of service in the Federal-State cooperative programs enu-
9 merated in paragraph (1), and by individuals in making
10 application for such extended credit.”.

11 (e) ANNUITY ADJUSTMENTS.—Section 8345 of title
12 5, United States Code, is amended by adding at the end
13 the following:

14 “(m) If the Secretary of Agriculture certifies to the
15 Office of Personnel Management creditable service for
16 purposes of this subchapter of the type described in sec-
17 tion 8332(b)(17) in response to application by an annu-
18 itant or survivor annuitant, then the annuity of the annu-
19 itant or survivor annuitant shall be adjusted on the first
20 day of the month following the date of enactment of the
21 Agricultural Extended Retirement Credit Act so that the
22 amount of the annuity shall be the same as if the total
23 creditable service of the employee or Member, on whose
24 creditable service the annuity was computed, had included,

1 on the original date on which the annuity was computed,
2 the amount of service certified.”.

3 **SEC. 4. LIMITATION ON REPLACEMENT OF RETIREES.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, except as provided in subsection (b), an ap-
6 pointment may not be made to a position of civilian em-
7 ployment in the Department of Agriculture on any day
8 during the hiring limitation period, unless the full-time
9 employee equivalent of the total number of civilian employ-
10 ees in the Department, after such appointment on such
11 day does not exceed the maximum authorized full-time em-
12 ployee equivalent number determined for such day, as pro-
13 vided in subsection (e)(2).

14 (b) WAIVER.—The Secretary of Agriculture or his
15 designate may waive the application of subsection (a) in
16 the case of a position or a category of positions in the
17 Department of Agriculture if the Secretary (or his des-
18 ignee) determines that the estimated aggregate cost of
19 such position or positions during the hiring limitation pe-
20 riod does not exceed the estimated aggregate amount of
21 user fees that will be collected by the Federal Government
22 for services performed under a Federal Government pro-
23 gram or programs during such period by an employee in
24 such position or employees in such positions.

1 (c) INAPPLICABILITY OF LIMITATION TO INTER-
2 AGENCY TRANSFER.—Subsection (a) does not prohibit the
3 transfer of employees within the Department of Agri-
4 culture for the purpose of filling a vacancy in a Depart-
5 ment of Agriculture position.

6 (d) INAPPLICABILITY OF LIMITATION DURING A PE-
7 RIOD OF WAR OR NATIONAL EMERGENCY.—Subsection
8 (a) shall not apply during a period of war declared by the
9 Congress or for a period of national emergency declared
10 by the Congress or the President.

11 (e) DEFINITIONS.—For the purposes of this sec-
12 tion—

13 (1) the term “employee” has the same meaning
14 as provided in section 2105 of title 5, United States
15 Code;

16 (2) the term “maximum authorized full-time
17 employee equivalent number” means the excess of—

18 (A) the smaller of the full-time employee
19 equivalent number that describes the total num-
20 ber of employees employed in positions in the
21 Department of Agriculture on the day before
22 the hiring limitation retirement period com-
23 mences, or the full-time employee equivalent
24 number that describes the maximum number of
25 employees authorized to be employed in the De-

1 partment of Agriculture under authority of the
2 Act appropriating funds to the Department of
3 Agriculture for the fiscal year in which occurs
4 the day for which the maximum authorized full-
5 time employee equivalent number is computed,
6 over,

7 (B) the full-time employee equivalent num-
8 ber that describes the total number of such em-
9 ployees who, on or before the day for which the
10 maximum authorized number is computed, have
11 retired during such period and who received ex-
12 tended credit under provisions of this Act; and

13 (3) the term “hiring limitation period” means
14 the period beginning on the date 60 days after the
15 date of enactment of this Act and ending at the end
16 of the fourth fiscal year which begins on or after the
17 first day of such period.

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

19 (a) IN GENERAL.—(1) None of the budget authority
20 and outlays saved in any fiscal year by reason of the re-
21 duced pay and other personnel costs and by reason of re-
22 duced direct support costs for personnel resulting from the
23 implementation of this Act and the amendments made by
24 this Act may be obligated or expended for any purpose.
25 For purposes of this paragraph, “reduced direct support

1 costs for personnel'' shall be 60 percent of pay and other
2 personnel costs.

3 (2) The total amount of budget authority and outlays
4 saved in any fiscal year (as described in paragraph (1))
5 shall, at the end of that fiscal year be carried to the sur-
6 plus fund of the Department of Agriculture and deposited
7 by the Secretary of Agriculture in the Treasury of the
8 United States to the credit of the Civil Service Retirement
9 and Disability Fund, as a contribution of the United
10 States Government to such Fund, under such procedures
11 as the Comptroller General of the United States may pre-
12 scribe.

13 (3) The total amount of budget authority and outlays
14 saved in any fiscal year (as described in paragraph (1))
15 shall be credited against any amount of pay and other per-
16 sonnel and direct support costs required to be sequestered
17 in such fiscal year under the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985 (Public Law 99-177).

19 (b) AUDITS.—The Comptroller General of the United
20 States shall notify Congress, in writing, of each non-
21 compliance with the requirements of subsection (a).

22 **SEC. 6. PROGRAM REPORT.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 first day of the extended credit retirement period, the Di-
25 rector of the Office of Personnel Management shall trans-

1 mit to Congress a report containing an evaluation of the
2 extended credit retirement program and the limitation on
3 replacement of retirees provided in this Act.

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

6 (1) The number of employees who retired under
7 the extended credit retirement program, stated by
8 age group of the retirees, and by grade or other po-
9 sition classification of the retirees.

10 (2) The amount of savings in pay, other person-
11 nel costs, and direct costs that have resulted, before
12 the date of the report, from the implementation of
13 this Act and the amendments made by this Act.

14 (c) ADMINISTRATIVE PROVISION.—The Director of
15 the Office of Personnel Management may obtain from any
16 agency of the Federal Government such information as the
17 Director determines necessary to prepare the report re-
18 quired by subsection (a).

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