

105TH CONGRESS
1ST SESSION

H. R. 1873

To amend chapter 84 of title 5, United States Code, to make certain temporary Federal service creditable for retirement purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 1997

Mr. KANJORSKI (for himself and Mrs. MORELLA) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To amend chapter 84 of title 5, United States Code, to make certain temporary Federal service 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. SHORT TITLE.**

4 This Act may be cited as the “FERS Buyback Act
5 of 1997”.

6 **SEC. 2. CREDITABILITY OF SERVICE.**

7 (a) IN GENERAL.—Section 8411(b) of title 5, United
8 States Code, is amended—

9 (1) by striking “and” at the end of paragraph
10 (3);

1 (2) by striking the period at the end of para-
2 graph (4) and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(5) subject to section 8411(i), service as a
5 temporary or intermittent employee not otherwise
6 creditable for purposes of this chapter, performed
7 after December 31, 1988, and before January 1,
8 1997, of at least 1 year’s duration (whether per-
9 formed over a continuous period or otherwise), but
10 only if the individual performing such service later
11 becomes subject to this chapter, and such service is
12 not credited for purposes of any benefit under any
13 other retirement system established by a law of the
14 United States (disregarding the Social Security Act
15 and chapter 83 of this title).”.

16 (b) DEPOSIT REQUIREMENT.—Section 8411 of title
17 5, United States Code, is amended by adding at the end
18 the following:

19 “(i)(1) An employee or Member shall, with respect
20 to any service described in subsection (b)(5) performed by
21 such employee or Member, be required to deposit to the
22 credit of the Fund an amount equal to 1.3 percent of basic
23 pay for such service.

24 “(2) Any deposit under paragraph (1) made more
25 than 5 years after the later of—

1 “(A) October 1, 1997, or

2 “(B) the date on which the employee or Mem-
3 ber making the deposit first becomes an employee or
4 Member following the period of temporary or inter-
5 mittent service for which such deposit is due,

6 shall include interest on such amount, computed in the
7 manner described in subsection (f)(3) and compounded
8 annually beginning on the date of the expiration of the
9 5-year period.

10 “(3) If the deposit under paragraph (1) is not made
11 or if less than the entire amount of such deposit is made—

12 “(A) service of the employee or Member de-
13 scribed in subsection (b)(5) shall be fully creditable;
14 but

15 “(B) any annuity under this chapter based on
16 the service of such employee or Member shall be re-
17 duced in a manner similar to that described in sec-
18 tion 8418(b).”.

19 **SEC. 3. PROVISIONS RELATING TO PERSONS WHO HAVE**
20 **SEPARATED.**

21 (a) IN GENERAL.—The Office of Personnel Manage-
22 ment shall prescribe regulations under which credit for
23 service, as described in section 8411(b)(5) of title 5, Unit-
24 ed States Code, as amended by this Act, which was per-

1 formed by an individual who has separated from Govern-
2 ment service may be obtained.

3 (b) REQUIREMENTS.—Under the regulations, credit
4 shall not be given under this section unless appropriate
5 written application is submitted, not later than December
6 31, 1999, in such form and manner as the regulations re-
7 quire.

8 (c) RECOMPUTATION OF ANNUITY.—

9 (1) IN GENERAL.—Any annuity or survivor an-
10 nuity payable as of when an application under this
11 subsection is submitted shall be recomputed to take
12 into account any service described in section
13 8411(b)(5) of title 5, United States Code (performed
14 by the individual on whose service the annuity is
15 based), effective with respect to amounts accruing
16 for months beginning more than 30 days after the
17 date on which such application is submitted.

18 (2) CONDITION.—If the full amount of the de-
19 posit required under section 8411(i) of such title 5
20 is not timely made (before such deadline as the Of-
21 fice shall by regulation prescribe) with respect to
22 any service as to which the application under para-
23 graph (1) relates, an appropriate reduction shall be
24 made in the recomputed annuity in accordance with
25 paragraph (3) of such section 8411(i). Interest shall

1 not be included as part of any deposit under this
2 subsection.

3 **SEC. 4. NOTIFICATION AND OTHER DUTIES OF THE OFFICE**
4 **OF PERSONNEL MANAGEMENT.**

5 (a) NOTICE.—The Office of Personnel Management
6 shall take such action as may be necessary and appro-
7 priate to inform individuals of any rights they might have
8 as a result of the enactment of this Act.

9 (b) ASSISTANCE.—The Office shall, on request, assist
10 any individual in obtaining from any department, agency,
11 or other instrumentality of the United States any informa-
12 tion in the possession of such instrumentality which may
13 be necessary to verify the entitlement of such individual
14 to have any service credited under section 8411(b)(5) of
15 title 5, United States Code, as amended by this Act, or
16 to have an annuity recomputed under section 3(c).

17 (c) INFORMATION.—Any department, agency, or
18 other instrumentality of the United States which possesses
19 any information with respect to an individual's perform-
20 ance of any service described in such section 8411(b)(5)
21 shall, at the request of the Office, furnish such informa-
22 tion to the Office.

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