

106TH CONGRESS  
1ST SESSION

# S. 1881

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

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 1999

Mr. DODD introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## 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 1999”.

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 subsection (i), service as a tem-  
5           porary or intermittent employee not otherwise cred-  
6           itable for purposes of this chapter, performed after  
7           December 31, 1988, and before January 1, 1999, of  
8           at least 1 year’s duration (whether performed over  
9           a continuous period or otherwise), but only if the in-  
10          dividual performing such service later becomes sub-  
11          ject to this chapter, and such service is not credited  
12          for purposes of any benefit under any other retire-  
13          ment system established by a law of the United  
14          States (disregarding the Social Security Act and  
15          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, 1999, 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,  
 24 United States Code, as amended by this Act, which was

1 performed by an individual who has separated from Gov-  
 2 ernment 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, 2001, 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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