

107TH CONGRESS  
1ST SESSION

**S. 1138**

To allow credit under the Federal Employees' Retirement System for certain Government service which was performed abroad after December 31, 1988, and before May 24, 1998.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2001

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

# A BILL

To allow credit under the Federal Employees' Retirement System for certain Government service which was performed abroad after December 31, 1988, and before May 24, 1998.

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. RETIREMENT CREDIT FOR CERTAIN GOVERN-

## 4 MENT SERVICE PERFORMED ABROAD.

5 Subject to section 2(a), credit under chapter 84 of

6 title 5, United States Code, shall be allowed for any service

7 performed by an individual if or to the extent that—

8 (1) it was performed by such individual—

1 (A) after December 31, 1988, and before  
2 May 24, 1998;

(B) at a United States diplomatic mission, consular mission (other than a consular agency), or other Foreign Service post abroad; and

6 (C) under a temporary appointment purs-  
7 ant to sections 309 and 311 of the Foreign  
8 Service Act of 1980 (22 U.S.C. 3949 and  
9 3951);

20 (3) such service would have been creditable  
21 under section 8411(b)(3) of such title 5 if—

22 (A) it had been performed before January  
23 1, 1989; and

1 (B) the deposit requirements of section  
2 8411(f) of such title 5 had been met with re-  
3 spect to such service;

## 12 SEC. 2. REQUIREMENTS.

13 (a) REQUIREMENTS OF THE INDIVIDUAL.—In order  
14 to receive credit under chapter 84 of title 5, United States  
15 Code, for any service described in section 1, the individual  
16 who performed such service (or, if deceased, any person  
17 who is or would be eligible for a survivor annuity under  
18 the Federal Employees' Retirement System based on the  
19 service of such individual)—

8 (b) GOVERNMENT CONTRIBUTIONS.—

8 (c) RELATED REQUIREMENTS.—Any remittance  
9 under subsection (a) or (b)—

10 (1) shall be made in such time, form, and man-  
11 ner as the Office of Personnel Management may by  
12 regulation require; and

17 (d) NOTIFICATION AND ASSISTANCE REQUIRE-  
18 MENTS.—

## 16 SEC. 3. DEFINITIONS.

17 For purposes of this Act—

22 (2) the term “abroad” has the meaning given  
23 such term under section 102 of the Foreign Service  
24 Act of 1980 (22 U.S.C. 3902);

4 (4) the term “basic pay” has the meaning given  
5 such term under section 8401 of title 5, United  
6 States Code.

## 7 SEC. 4. RULE OF CONSTRUCTION.

8 Nothing in this Act shall be considered to permit or  
9 require the making of any contributions to the Thrift Sav-  
10 ings Fund that would not otherwise have been permitted  
11 or required had this Act not been enacted.

## 12 SEC. 5. APPLICABILITY.

13 (a) ANNUITIES COMMENCING ON OR AFTER EFFEC-  
14 TIVE DATE OF IMPLEMENTING REGULATIONS.—An annu-  
15 ity or survivor annuity—

16 (1) which is based on the service of an individual  
17 who performed service described in section 1,  
18 and

22 shall (subject to section 2(a)) be computed taking into ac-  
23 count all service described in section 1 that was performed  
24 by such individual.

1       (b) ANNUITIES WITH COMMENCEMENT DATE PRE-  
2 CEDING EFFECTIVE DATE OF IMPLEMENTING REGULA-  
3 TIONS.—

4               (1) RECOMPUTATION CASES.—An annuity or  
5 survivor annuity—

6                       (A) which is based on the service of an in-  
7 dividual who performed service described in sec-  
8 tion 1, and

9                       (B) which commences before the effective  
10 date referred to in subsection (a)(2),  
11 shall (subject to section 2(a)) be recomputed taking  
12 into account all service described in section 1 that  
13 was performed by such individual.

14               (2) OTHER CASES.—An annuity or survivor  
15 annuity—

16                       (A) which is based on the service of an in-  
17 dividual who performed service described in sec-  
18 tion 1,

19                       (B) the requirements for entitlement to  
20 which could not be met without taking into ac-  
21 count service described in section 1, and

22                       (C) which (if service described in section 1  
23 had been taken into account, and an appro-  
24 priate application been submitted) would have

1                   commenced before the effective date referred to  
2                   in subsection (a)(2),  
3                   shall (subject to section 2(a)) be computed taking  
4                   into account all service described in section 1 that  
5                   was performed by such individual.

12 (B) if pursuant to paragraph (2), be effec-  
13 tive as of the commencement date that would  
14 have applied if application for the annuity or  
15 survivor annuity involved had been submitted  
16 on the earliest date possible in order for it to  
17 have been approved.

1       be) shall be payable in the form of a lump-sum pay-  
2       ment.

3                   (5) ORDER OF PRECEDENCE.—Section 8424(d)  
4       of title 5, United States Code, shall apply in the  
5       case of any payment under paragraph (4) payable to  
6       an individual who has died.

7 **SEC. 6. IMPLEMENTATION.**

8       The Office of Personnel Management, in consultation  
9       with the Secretary of State, shall prescribe such regula-  
10      tions and take such action as may be necessary and appro-  
11      priate to implement this Act.

