

110TH CONGRESS
1ST SESSION

H. R. 3203

To reform the compensation system of the Foreign Service of the United States, and to amend the provision relating to the death gratuity payable to surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2007

Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. TOM DAVIS of Virginia, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Oversight and Government Reform, 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 reform the compensation system of the Foreign Service of the United States, and to amend the provision relating to the death gratuity payable to surviving dependents of Foreign Service employees who die as a result of injuries sustained in the performance of duty abroad.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Foreign Service Global Compensation Act of 2007”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROVISIONS RELATING TO COMPENSATION SYSTEM

Sec. 101. Foreign Service performance-based compensation system.

Sec. 102. Transition to performance-based compensation system.

Sec. 103. Uniform compensation for worldwide service.

Sec. 104. Technical and conforming amendments.

TITLE II—PROVISIONS RELATING TO DEATH GRATUITY

Sec. 201. Death gratuity.

3 **TITLE I—PROVISIONS RELATING**
 4 **TO COMPENSATION SYSTEM**

5 **SEC. 101. FOREIGN SERVICE PERFORMANCE-BASED COM-**
 6 **PENSATION SYSTEM.**

7 (a) PURPOSES.—The purposes of this title are—

8 (1) to improve the recruitment and retention of
 9 high-performing Foreign Service members;

10 (2) to ensure performance management that ef-
 11 fectively communicates performance expectations
 12 and makes meaningful distinctions based upon rel-
 13 ative performance; and

14 (3) to institute a worldwide pay system for the
 15 Foreign Service.

16 (b) FOREIGN SERVICE SCHEDULE.—Section 403 of
 17 the Foreign Service Act of 1980 (22 U.S.C. 3963) is
 18 amended to read as follows:

1 **“SEC. 403. FOREIGN SERVICE SCHEDULE.**

2 “(a) IN GENERAL.—The President shall establish, re-
3 view on an annual basis, and periodically adjust a Foreign
4 Service Schedule, which shall consist of 9 salary classes
5 that apply to members of the Service who are citizens of
6 the United States and for whom salary rates are not oth-
7 erwise provided under this chapter. The annual review
8 under this subsection shall include consideration of perti-
9 nent economic measures, including but not limited to
10 changes in the Employment Cost Index (within the mean-
11 ing of section 5302(2) of title 5, United States Code).

12 “(b) LIMIT.—The maximum salary rate for the high-
13 est class established under this section, which shall be des-
14 ignated class 1, may not exceed the rate of basic pay for
15 level IV of the Executive Schedule under section 5315 of
16 title 5, United States Code.”.

17 (c) WITHIN-CLASS SALARY INCREASES.—Section
18 406 of the Foreign Service Act of 1980 (22 U.S.C. 3966)
19 is amended to read as follows:

20 **“SEC. 406. WITHIN-CLASS SALARY INCREASES.**

21 “(a) DETERMINATION.—The Secretary shall deter-
22 mine, on at least an annual basis, the size of any salary
23 adjustment (expressed as a percentage or otherwise) which
24 shall be made with respect to any members within a salary
25 class in the Foreign Service Schedule, taking into account
26 individual performance, contribution to the mission of the

1 Department, or both, under a performance management
2 system that—

3 “(1) makes meaningful distinctions based upon
4 relative performance; and

5 “(2) clearly links individual salary and perform-
6 ance under precepts prescribed by the Secretary.

7 The Secretary shall determine the date as of which any
8 salary adjustment under this subsection shall take effect.

9 “(b) LIMITATION.—A performance-based salary ad-
10 justment under subsection (a) may not be made with re-
11 spect to any member of the Service whose performance
12 does not meet the standards of performance for the salary
13 class of the member for the applicable evaluation period.

14 “(c) EQUAL BASIC SALARY ADJUSTMENTS.—Not-
15 withstanding subsection (a), the Secretary may provide
16 equal basic salary adjustments, on a percentage basis, for
17 career candidates or other members of the Service—

18 “(1) whose performance has not been reviewed
19 by a selection board under section 602; and

20 “(2) who are found to meet the standards of
21 performance for their class.

22 The Secretary shall determine the date as of which any
23 salary adjustment under this subsection shall take effect.

24 “(d) FUNDING FOR PERFORMANCE-BASED SALARY
25 ADJUSTMENTS.—

1 “(1) IN GENERAL.—In order to provide funding
2 for adjustments in basic salary rates under this sec-
3 tion, the Secretary shall allocate an amount equal to
4 or greater than the sum of—

5 “(A) an amount that would be sufficient to
6 fund—

7 “(i) within-class salary step increases
8 under this section, as such increases would
9 have occurred absent the amendments
10 made pursuant to the Foreign Service
11 Global Compensation Act of 2007; and

12 “(ii) increases in salary rates under
13 the Foreign Service Schedule in accordance
14 with section 5303 of title 5, United States
15 Code, as such increases would have oc-
16 curred absent the amendments made pur-
17 suant to the Foreign Service Global Com-
18 pensation Act of 2007; and

19 “(B) the amount necessary to provide for
20 salary adjustments based on mission require-
21 ments, labor market conditions, salary adjust-
22 ments received by employees of other Federal
23 agencies, and any other relevant factors.

24 “(2) PURPOSE.—The formula set forth in para-
25 graph (1) shall ensure that members of the Service

1 who are covered by the Foreign Service Schedule es-
2 tablished under section 403, in the aggregate, are
3 not disadvantaged in terms of the overall amount of
4 salary available as a result of conversion to the per-
5 formance-based compensation system authorized by
6 this section.”.

7 (d) CESSATION OF CERTAIN PAYMENTS.—

8 (1) LOCALITY PAYMENTS.—A member of the
9 Foreign Service may not receive a locality-based
10 comparability payment under section 5304 of title 5,
11 United States Code, for service performed on or
12 after the effective date set forth in subsection (f).

13 (2) NONFOREIGN AREA ALLOWANCE.—Except
14 as provided in section 103(d), a member of the For-
15 eign Service may not receive a nonforeign area al-
16 lowance under section 5941 of title 5, United States
17 Code, for service performed on or after the effective
18 date set forth in subsection (f).

19 (e) REPORTING REQUIREMENT.—Not later than Feb-
20 ruary 1, 2011, and February 1 of each of the 4 years
21 thereafter, the Secretary of State shall submit to the ap-
22 propriate congressional committees a report on the imple-
23 mentation of this section. Each such report shall include—

24 (1) an assessment as to whether the purposes
25 of this section are being accomplished;

1 (2) the Foreign Service Schedule established
2 under section 403 of the Foreign Service Act of
3 1980 (as amended by this section) with respect to
4 the period covered by the report;

5 (3) any regulations and guidelines adopted to
6 determine salary adjustments under section 406 of
7 the Foreign Service Act of 1980 (as amended by this
8 section);

9 (4) the allocation last made by the Secretary of
10 State for purposes of section 406(d)(1) of the For-
11 eign Service Act of 1980 (as amended by this sec-
12 tion);

13 (5) a detailed description of the calculations
14 made to determine the allocation described in para-
15 graph (4);

16 (6) an assessment of all allowances provided to
17 members of the Service under the Foreign Service
18 Act of 1980 or under title 5, United States Code,
19 and in particular, how such allowances have been or
20 will be affected by the amendments to sections 403
21 and 406 of the Foreign Service Act of 1980 made
22 by this section;

23 (7) a detailed description of the size and dis-
24 tribution of any salary adjustments under section
25 406(a) of the Foreign Service Act of 1980 granted

1 with respect to members within each salary class
2 during the period covered by the report; and

3 (8) an explanation of the rationale for the size
4 and distribution of the salary adjustments referred
5 to in paragraph (7).

6 For purposes of this subsection, the term “appropriate
7 congressional committees” means the Committee on For-
8 eign Affairs, the Committee on Oversight and Government
9 Reform, and the Committee on Appropriations of the
10 House of Representatives, and the Committee on Foreign
11 Relations, the Committee on Homeland Security and Gov-
12 ernmental Affairs, and the Committee on Appropriations
13 of the Senate.

14 (f) **EFFECTIVE DATE.**—This section and the amend-
15 ments made by this section shall take effect on the first
16 day of the first pay period beginning on or after April 1,
17 2010.

18 **SEC. 102. TRANSITION TO PERFORMANCE-BASED COM-**
19 **PENSATION SYSTEM.**

20 (a) **APPLICABILITY.**—This section applies with re-
21 spect to the period—

22 (1) beginning on the first day of the first pay
23 period beginning on or after April 1, 2009; and

24 (2) ending on the day before the effective date
25 described in section 101(f).

1 (b) RULES FOR DETERMINING BASIC SALARY RATE
2 DURING PERIOD TO WHICH THIS SECTION APPLIES.—

3 (1) IN GENERAL.—Except as provided in para-
4 graph (2), the basic salary rate of any member of
5 the Foreign Service designated class 1 or below
6 shall, for purposes of computing salary payable for
7 service performed during the period described in
8 subsection (a), be determined in the same manner as
9 if this title had not been enacted.

10 (2) INTERIM SCHEDULE FOR CERTAIN MEM-
11 BERS.—

12 (A) IN GENERAL.—In the case of any
13 member of the Foreign Service designated class
14 1 or below whose official duty station is located
15 in an area for which members of the Foreign
16 Service receive neither payments under section
17 5304 of title 5, United States Code, nor pay-
18 ments under section 5941 of such title, the
19 basic salary rate payable to such member shall
20 be determined by reference to the interim
21 schedule established under subparagraph (B),
22 rather than the Foreign Service Schedule (as
23 established under section 403 of the Foreign
24 Service Act of 1980).

1 (B) INTERIM SCHEDULE.—In order to
2 carry out subparagraph (A), the Secretary of
3 State shall establish (before the start of the pe-
4 riod described in subsection (a)) and update (as
5 necessary to reflect any adjustment to the For-
6 eign Service Schedule taking effect after the
7 start of such period) an interim schedule of
8 basic salary rates which shall consist of—

9 (i) the same classes and steps as those
10 set forth in the Foreign Service Schedule
11 (as established under such section 403);
12 and

13 (ii) rates that are equal to—

14 (I) the rates for the cor-
15 responding classes and steps under
16 the Foreign Service Schedule (as so
17 established or adjusted), uniformly in-
18 creased by

19 (II) 9 percent, or such other per-
20 centage as the President may deter-
21 mine in lieu thereof.

22 (C) TREATMENT.—A basic salary rate de-
23 termined under this subsection shall, for all
24 purposes (except subparagraph (B)(ii)(I)), be
25 treated in the same way as if it were a basic

1 salary rate under the Foreign Service Schedule
2 under such section 403.

3 (c) CONVERSION RULES.—The Secretary, as defined
4 by section 102(10) of the Foreign Service Act of 1980
5 (hereinafter in this title referred to as the “Secretary con-
6 cerned”) shall establish salary conversion rules which shall
7 apply in the case of any member who, during the period
8 with respect to which this section applies, transfers be-
9 tween duty stations that are subject to the provisions of
10 subsections (b)(1) and (b)(2), respectively.

11 **SEC. 103. UNIFORM COMPENSATION FOR WORLDWIDE**
12 **SERVICE.**

13 (a) INITIAL ADJUSTMENT IN SALARIES OF MEM-
14 BERS.—Effective as of the first day of the first pay period
15 beginning on or after April 1, 2010, the basic salary rate
16 of each member of the Foreign Service designated class
17 1 or below who, as of the day before such first day, was
18 receiving a basic salary rate determined under section 102
19 shall become subject to the Foreign Service Schedule es-
20 tablished under section 403 of the Foreign Service Act of
21 1980 (as amended by section 101), and shall receive an
22 initial rate under such Schedule (as so amended) which
23 shall be determined in accordance with the following:

1 (1) Except as provided in paragraph (2) or (3),
2 the initial rate shall be fixed so as to be equal to the
3 sum of—

4 (A) the basic salary rate under the Foreign
5 Service Schedule for the class and step held by
6 such member as of the day before such first day
7 (determined by applying the Foreign Service
8 Schedule as last in effect under section 403 of
9 the Foreign Service Act of 1980 before the first
10 day of the first pay period beginning on or after
11 April 1, 2010, and disregarding any rates es-
12 tablished under section 102(b)(2)); and

13 (B) the amount derived by multiplying the
14 rate determined under subparagraph (A) by the
15 locality-based comparability percentage that, as
16 of such first day, is in effect under section 5304
17 of title 5, United States Code, with respect to
18 General Schedule positions within the locality
19 that includes the District of Columbia.

20 (2) In the case of any member who, effective as
21 of the first day of the first pay period beginning on
22 or after April 1, 2010, would otherwise have been
23 advanced to a higher step in such member's class by
24 reason of section 406(a) of the Foreign Service Act
25 of 1980 (determined by applying the provisions of

1 such Act as last in effect before such first day),
2 paragraph (1)(A) shall be applied by using the step
3 to which such member would have been so advanced
4 as of such first day, rather than the step described
5 in paragraph (1)(A).

6 (3) The Secretary concerned shall by regulation
7 determine how effect shall be given to any salary ad-
8 justment (whether in connection with a promotion, a
9 step increase under section 406(b) of the Foreign
10 Service Act of 1980 for especially meritorious serv-
11 ice, or otherwise) which, if this title had not been en-
12 acted, would otherwise have become effective begin-
13 ning on such first day, subject to paragraph (2).

14 (4) All payments under section 5304 of title 5,
15 United States Code, and, except to the extent pro-
16 vided in subsection (d), all payments under section
17 5941 of such title shall cease to be payable with re-
18 spect to any member of the Foreign Service, as re-
19 quired by section 101(d).

20 (b) MINIMUM AND MAXIMUM RATES INITIALLY ES-
21 TABLISHED.—The minimum and maximum rates initially
22 established under section 403 of the Foreign Service Act
23 of 1980 (as amended by section 101) for each of the re-
24 spective salary classes of the Foreign Service Schedule

1 shall be established in a manner consistent with the re-
2 quirements of subsection (a)(1).

3 (c) ONE-TIME ADJUSTMENT IN BASIC SALARY
4 RATES OF CERTAIN OTHER MEMBERS.—

5 (1) APPLICABILITY.—This subsection applies
6 with respect to any career candidate or other mem-
7 ber of the Foreign Service—

8 (A) whose performance has not been re-
9 viewed by a selection board under section 602
10 of the Foreign Service Act of 1980; and

11 (B) who, if this title had not been enacted,
12 would otherwise have been eligible to receive a
13 within-class step increase under section 406(a)
14 of the Foreign Service Act of 1980 (determined
15 by applying the provisions of such Act as last
16 in effect before the first day of the first pay pe-
17 riod beginning on or after April 1, 2010), effec-
18 tive as of a date occurring within the period
19 that—

20 (i) begins on the first day of the first
21 pay period beginning on or after April 1,
22 2010; and

23 (ii) ends as of September 30, 2010.

24 (2) AUTHORITY.—The Secretary concerned may
25 provide for a one-time adjustment under this sub-

1 section in the basic salary rate of any member of the
2 Foreign Service with respect to whom this sub-
3 section applies.

4 (3) CONDITIONS.—An adjustment under this
5 subsection in the basic salary rate of any member—

6 (A) shall become effective as of the first
7 day of the first pay period beginning on or after
8 April 1, 2010; and

9 (B) shall be equal to an amount deter-
10 mined by the Secretary concerned, but not more
11 than the dollar amount equivalent of the step
12 increase described in paragraph (1)(B), pro-
13 rated to reflect the ratio that—

14 (i) the number of weeks toward such
15 step increase completed by such member as
16 of the day before the first day referred to
17 in paragraph (1)(B)(i), bears to

18 (ii) the total number of weeks that
19 would have been required in order for such
20 member to qualify for the full step in-
21 crease.

22 (d) SPECIAL TRANSITIONAL RULES.—

23 (1) APPLICABILITY.—This subsection applies to
24 any member of the Foreign Service who, as of the
25 first day of the first pay period beginning on or after

1 April 1, 2010, is serving at a duty station for which,
2 if this title had not been enacted, such member
3 would, as of such first day, have been eligible to re-
4 ceive—

5 (A) a locality-based comparability payment
6 under section 5304 of title 5, United States
7 Code, equal to a percentage greater than the
8 percentage described in subsection (a)(1)(B); or

9 (B) an allowance under section 5941 of
10 title 5, United States Code, equal to a percent-
11 age greater than the percentage described in
12 subsection (a)(1)(B).

13 Any determination of eligibility under this paragraph
14 shall be made applying the same criteria, require-
15 ments, and other terms or conditions as were in ef-
16 fect, with respect to the payment or allowance in-
17 volved, at the end of the last pay period before the
18 pay period referred to in the preceding sentence.

19 (2) NONREDUCTION RULES.—The Secretary
20 concerned shall by regulation provide for the fol-
21 lowing:

22 (A) LOCALITY-BASED COMPARABILITY PAY-
23 MENT.—A member of the Foreign Service to
24 whom this subsection applies by virtue of para-
25 graph (1)(A) shall be entitled to a temporary

1 supplement equal to the amount necessary to
2 prevent a reduction in pay at the time of con-
3 version to the Foreign Service Schedule estab-
4 lished on the date described in section 101(f).
5 The temporary supplement shall be expressed
6 as an annual rate and paid biweekly. The tem-
7 porary supplement shall be considered basic pay
8 for the same purposes as a locality-based com-
9 parability payment under section 5304 of title
10 5, United States Code. The amount of the tem-
11 porary supplement shall be fixed and not sub-
12 ject to adjustment, but shall be discontinued
13 under the conditions set forth in paragraph (3).

14 (B) NONFOREIGN AREA ALLOWANCE.—A
15 member of the Foreign Service to whom this
16 subsection applies by virtue of paragraph
17 (1)(B) shall be entitled to a temporary allow-
18 ance equal to the amount necessary to prevent
19 a reduction in pay at the time of conversion to
20 the Foreign Service Schedule established on the
21 date described in section 101(f). The temporary
22 allowance shall be expressed as an annual rate
23 and paid biweekly. The temporary allowance
24 shall be treated, for all purposes, as if it were
25 an allowance under section 5941 of title 5,

1 United States Code. The amount of the tem-
2 porary allowance shall be fixed and not subject
3 to adjustment, but shall be discontinued under
4 the conditions set forth in paragraph (3).

5 (3) CONDITIONS FOR CONTINUED APPLICA-
6 BILITY.—The provisions of this subsection shall re-
7 main in effect with respect to a member only for so
8 long as such member remains—

9 (A) continuously assigned to the same duty
10 station (as described in paragraph (1)); and

11 (B) subject to the Foreign Service Sched-
12 ule established under section 403 of the For-
13 eign Service Act of 1980 (as amended by sec-
14 tion 101).

15 (e) MANAGEMENT RIGHT.—Adjustments made under
16 section 102(c) and subsections (a)(3), (c), and (d) of this
17 section—

18 (1) shall be considered a management right
19 under section 1005(a) of the Foreign Service Act of
20 1980; and

21 (2) are not grievances under section 1101(b) of
22 such Act.

1 **SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) FOREIGN SERVICE ACT OF 1980.—The Foreign
3 Service Act of 1980 (22 U.S.C. 3901 et seq.) is amend-
4 ed—

5 (1) in section 402(a)(2) (22 U.S.C.
6 3962(a)(2)), by inserting “under precepts prescribed
7 by the Secretary” after “system”;

8 (2) in section 602(a) (22 U.S.C. 4002(a)), by
9 amending paragraph (3) to read as follows:

10 “(3) approvals or denials of performance-based
11 salary adjustments under sections 402(a)(2) and
12 406(a)”;

13 (3) in section 605 (22 U.S.C. 4005)—

14 (A) in subsection (a)—

15 (i) by inserting “and performance-
16 based salary adjustments under sections
17 402(a)(2) and 406(a)” after “Rec-
18 ommendations for promotion”; and

19 (ii) by inserting “and performance-
20 based salary adjustments” after “shall
21 make promotions”; and

22 (B) in subsection (b)—

23 (i) by inserting “or precepts pre-
24 scribed by the Secretary” after “set forth
25 by regulation”; and

1 (ii) by inserting “or salary adjust-
2 ment” after “delay the promotion”;

3 (4) in section 606 (22 U.S.C. 4006)—

4 (A) in subsection (a)(4), by striking “with-
5 in-class salary increase” and inserting “per-
6 formance-based salary adjustment”; and

7 (B) in subsection (b), by striking “within-
8 class salary increases” and inserting “perform-
9 ance-based salary adjustments”;

10 (5) in section 806(a)(9) (22 U.S.C.
11 4046(a)(9)), by adding at the end the following:
12 “This paragraph shall not apply to service per-
13 formed on or after the first day of the first pay pe-
14 riod beginning on or after April 1, 2010.”;

15 (6) in section 855(a)(3) (22 U.S.C.
16 4071d(a)(3)), by adding at the end the following:
17 “This paragraph shall not apply to service per-
18 formed on or after the first day of the first pay pe-
19 riod beginning on or after April 1, 2010.”;

20 (7) in section 1005(a) (22 U.S.C. 4105(a))—

21 (A) in paragraph (6), by striking “and” at
22 the end;

23 (B) in paragraph (7), by striking the pe-
24 riod at the end and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(8) to make determinations under sections
2 402(a)(2) and 406(a), to make salary adjustments
3 under section 406(c), or to make allocations under
4 section 406(d).”; and

5 (8) in section 1101(b) (22 U.S.C. 4131(b))—

6 (A) in paragraph (3), by striking “or” at
7 the end;

8 (B) in paragraph (4), by striking the pe-
9 riod at the end and inserting “; or”; and

10 (C) by adding at the end the following:

11 “(5) judgments with respect to—

12 “(A) salary determinations under sections
13 402(a)(2) and 406(a);

14 “(B) salary adjustments under sections
15 406(c); or

16 “(C) allocations under section 406(d).”.

17 (b) TITLE 5, UNITED STATES CODE.—Title 5,
18 United States Code, is amended—

19 (1) in chapter 53—

20 (A) in section 5302(1)—

21 (i) in subparagraph (A), by adding
22 “or” at the end;

23 (ii) by striking subparagraph (B); and

24 (iii) by redesignating subparagraph
25 (C) as subparagraph (B); and

1 (B) in section 5304(h)(1)(D)—

2 (i) in clause (v), by striking “or” at
3 the end;

4 (ii) in clause (vi), by striking the pe-
5 riod at the end and inserting “; or”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(vii) a position in the Foreign Serv-
9 ice.”; and

10 (2) in chapter 57—

11 (A) in section 5753(a)(2)(A), by inserting
12 “, excluding members of the Foreign Service
13 other than chiefs of mission and ambassadors
14 at large” before the semicolon at the end; and

15 (B) in section 5754(a)(2)(A), by inserting
16 “, excluding members of the Foreign Service
17 other than chiefs of mission and ambassadors
18 at large” before the semicolon at the end.

19 (c) EFFECTIVE DATES.—The amendments made by
20 subsections (a) and (b)(1) shall take effect on the first
21 day of the first pay period beginning on or after April 1,
22 2010.

1 **TITLE II—PROVISIONS**
2 **RELATING TO DEATH GRATUITY**

3 **SEC. 201. DEATH GRATUITY.**

4 (a) **IN GENERAL.**—Section 413(a) of the Foreign
5 Service Act of 1980 (22 U.S.C. 3973(a)) is amended—

6 (1) by striking “(a)” and inserting “(a)(1)”;

7 and

8 (2) by adding at the end the following:

9 “(2) For purposes of any computation under this sec-
10 tion, the rate of basic salary payable to a Foreign Service
11 employee at time of death shall—

12 “(A) except as provided in subparagraph (B),
13 be deemed to have been equal to the rate that was
14 then payable for level II of the Executive Schedule
15 under section 5313 of title 5, United States Code;
16 or

17 “(B) if the decedent was subject to a local com-
18 pensation plan under section 408 at time of death,
19 be deemed to have been equal to the highest basic
20 salary rate that was then payable under such plan.”.

21 (b) **EFFECTIVE DATE.**—The amendment made by
22 subsection (a) shall apply with respect to deaths occurring
23 on or after the date of the enactment of this Act.

○