

111TH CONGRESS
2D SESSION

H. R. 5746

To amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2010

Mr. LYNCH introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend the provisions of title 5, United States Code, relating to the methodology for calculating the amount of any Postal surplus or supplemental liability under the Civil Service Retirement System.

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 “United States Postal
5 Service’s CSRS Obligation Modification Act of 2010”.

6 **SEC. 2. MODIFIED METHODOLOGY.**

7 Section 8348(h) of title 5, United States Code, is
8 amended by adding at the end the following:

1 “(4)(A) To the extent that a determination under
2 paragraph (1)(A), relating to future benefits attributable
3 to civilian employment with the United States Postal Serv-
4 ice, is based on the first sentence of section 8339(a), such
5 determination shall be made in accordance with such sen-
6 tence and otherwise applicable provisions of law, subject
7 to the following:

8 “(i) The ‘average pay’ used in the case of any
9 individual shall be a single amount, determined in
10 accordance with section 8331(4), taking into account
11 the rates of basic pay in effect for such individual
12 during the periods of creditable service performed by
13 such individual. Nothing in this subsection shall be
14 considered to permit or require—

15 “(I) one determination of average pay with
16 respect to service performed with the United
17 States Postal Service; and

18 “(II) a separate determination of average
19 pay with respect to service performed with its
20 predecessor entity in function.

21 “(ii) To determine the portion of an annuity at-
22 tributable to civilian employment with the United
23 States Postal Service, the appropriate percentage to
24 apply under the provisions of section 8339(a) with
25 respect to such employment is, in the case of—

1 “(I) any period of employment with the
2 United States Postal Service which follows

3 “(II) any other period of employment cred-
4 itable under section 8332 (whether with the en-
5 tity referred to in clause (i)(II) or otherwise),
6 the applicable percentage under such provisions, de-
7 termined after taking into account any periods of
8 employment described in subclause (II) which pre-
9 cede the period of employment (described in sub-
10 clause (I)) as to which the determination of the ap-
11 propriate percentage to apply under section 8339(a)
12 is being made.

13 “(B)(i) Not later than the date which occurs 6
14 months after the date of enactment of this paragraph, the
15 Office shall determine (or, if applicable, redetermine) the
16 amount of the Postal surplus or supplemental liability as
17 of the close of the fiscal year most recently ending before
18 such date of enactment, in conformance with the method-
19 ology required under subparagraph (A).

20 “(ii) If the result of the determination (or redeter-
21 mination) under clause (i) is a surplus, the Office shall
22 transfer the amount of such surplus to the Postal Service
23 Retiree Health Benefits Fund in such manner as the Of-
24 fice shall, within 90 days after the date of such determina-
25 tion (or redetermination), by regulation prescribe.

1 “(iii) For purposes of clause (ii), the term ‘Postal
2 Service Retiree Health Benefits Fund’ refers to the fund
3 described in section 8909a.”.

4 **SEC. 3. EFFECTIVE DATE.**

5 (a) IN GENERAL.—This Act and the amendment
6 made by this Act shall take effect on the date of enactment
7 of this Act.

8 (b) RULE OF CONSTRUCTION.—Nothing in this Act
9 shall be considered to require a redetermination with re-
10 spect to any fiscal year preceding the fiscal year referred
11 to in section 8348(h)(4)(B)(i) of title 5, United States
12 Code, as amended by this Act.

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