

Calendar No. 400

111TH CONGRESS
2D SESSION**S. 3066**

To correct the application of the Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) to employees paid saved or retained rates.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2010

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

MAY 24, 2010

Reported by Mr. LIEBERMAN, without amendment

A BILL

To correct the application of the Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) to employees paid saved or retained rates.

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. TREATMENT FOR CERTAIN EMPLOYEES PAID**

4 **SAVED OR RETAINED RATES.**

5 (a) IN GENERAL.—Section 1918(a)(3) of the Non-
6 Foreign Area Retirement Equity Assurance Act of 2009

1 (5 U.S.C. 5304 note) is amended by striking “January
2 1, 2012” and inserting “January 1, 2010”.

3 (b) INTERIM PAY ADJUSTMENTS.—

4 (1) ADJUSTMENTS.—

5 (A) IN GENERAL.—Until the Director of
6 the Office of Personnel Management prescribes
7 regulations in accordance with the amendment
8 made by subsection (a), for employees receiving
9 a cost-of-living allowance under section 5941 of
10 title 5, United States Code, and a retained rate
11 under section 5363 of that title, agencies
12 shall—

13 (i) calculate the adjustment under sec-
14 tion 5363(b)(2)(B) of that title based on a
15 maximum rate of basic pay, excluding any
16 locality-based comparability payment; and

17 (ii) provide an additional adjustment
18 reflecting the full increase in the locality-
19 based comparability payment that would
20 apply to the employee but for receipt of a
21 retained rate.

22 (B) GUIDANCE.—Not later than 30 days
23 after the date of enactment of this Act, the Di-
24 rector of the Office of Personnel Management

1 shall issue guidance for carrying out paragraph
2 (1).

3 (C) OTHER PAY SYSTEMS.—For employees
4 in another pay system that receive a retained
5 rate equivalent to a retained rate under section
6 5363 of title 5, United States Code, equivalent
7 treatment shall be provided, consistent with sec-
8 tion 1918(b) of the Non-Foreign Area Retire-
9 ment Equity Assurance Act of 2009.

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