

115TH CONGRESS  
2D SESSION

# H. R. 5389

To amend title 5, United States Code, to provide that civilian service as a temporary employee after December 31, 1988, may be creditable service under the Federal Employees Retirement System, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2018

Mr. KILMER (for himself, Mr. JONES, and Mr. CARBAJAL) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend title 5, United States Code, to provide that civilian service as a temporary employee after December 31, 1988, may be creditable service under the Federal Employees Retirement System, and for other 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 “Federal Retirement  
5 Fairness Act”.

1 **SEC. 2. CREDITABLE SERVICE FOR TEMPORARY EMPLOY-**  
2 **EES SERVING AFTER 1988.**

3 (a) IN GENERAL.—Section 8411 of title 5, United  
4 States Code, is amended—

5 (1) in subsection (b)—

6 (A) by striking “and” at the end of para-  
7 graph (5);

8 (B) by striking the period at the end of  
9 paragraph (6) and inserting “; and”; and

10 (C) by adding at the end the following new  
11 paragraph:

12 “(7) subject to subsection (m), service as a tem-  
13 porary or intermittent employee, not otherwise cred-  
14 itable for purposes of this chapter, performed after  
15 December 31, 1988.”; and

16 (2) by adding at the end the following new sub-  
17 section:

18 “(m)(1) Upon application to the Office of Personnel  
19 Management, an employee or Member shall be allowed  
20 credit for any service described in subsection (b)(7) if such  
21 employee or Member deposits to the credit of the Fund  
22 an amount equal to—

23 “(A) 1.3 percent of the base pay for such serv-  
24 ice, with interest; plus

25 “(B) the applicable Government contribution,  
26 as determined by the Director.

1 “(2) Interest shall be computed in the manner de-  
2 scribed in subsection (f)(3).”.

3 (b) REQUIREMENTS.—

4 (1) LIMITATION ON ELIGIBILITY.—An indi-  
5 vidual who is not an employee or Member (as those  
6 terms are defined in paragraphs (11) and (20), re-  
7 spectively, of section 8401 of title 5, United States  
8 Code) on the date of enactment of this Act is not  
9 eligible to make any deposit under subsection (m) of  
10 section 8411 of such title (as added by subsection  
11 (a)).

12 (2) NOTIFICATION.—The Director of the Office  
13 of Personnel Management shall notify agency Chief  
14 Human Capital Officers or other appropriate agency  
15 officials for purposes of providing notice to eligible  
16 employees and Members of the option to make a de-  
17 posit under such subsection (m).

18 (c) REGULATIONS.—The Director of the Office of  
19 Personnel Management shall promulgate regulations to  
20 carry out this Act and the amendments made by this Act.

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