

**AMENDMENT TO H.R. 471, AS REPORTED  
OFFERED BY MR. HARDER OF CALIFORNIA**

Add at the end the following:

**1 TITLE V—CONTINUING ACCRUAL  
2 OF SERVICE FOR FIREFIGHTERS**

**3 SEC. 501. CONTINUING ACCRUAL OF SERVICE FOR FIRE-  
4 FIGHTERS.**

**5 (a) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—**

**6 Section 8401(14) of title 5, United States Code, is amend-  
7 ed to read as follows:**

**8 “(14) the term ‘firefighter’ means—**

**9 “(A) an employee, the duties of whose po-  
10 sition—**

**11 “(i) are primarily to perform work di-  
12 rectly connected with the control and extin-  
13 guishment of nonwildland fires; and**

**14 “(ii) are sufficiently rigorous that em-  
15 ployment opportunities should be limited to  
16 young and physically vigorous individuals,  
17 as determined by the Director considering  
18 the recommendations of the employing  
19 agency;**

1           “(B) an employee, the duties of whose po-  
2           sition—

3                   “(i) are primarily to perform work di-  
4                   rectly connected with the control and extin-  
5                   guishment of wildland fires; and

6                   “(ii) are sufficiently rigorous that em-  
7                   ployment opportunities should be limited to  
8                   young and physically vigorous individuals,  
9                   as determined by the Director considering  
10                  the recommendations of the employing  
11                  agency;

12           “(C) an employee who—

13                   “(i) is transferred directly to a super-  
14                   visory or administrative position after per-  
15                   forming duties described in subparagraph  
16                   (A) for at least 3 years; and

17                   “(ii) while serving in such supervisory  
18                   or administrative position, has no break in  
19                   service; or

20           “(D) an employee who—

21                   “(i) occupies a supervisory or admin-  
22                   istrative position after performing duties  
23                   described in subparagraph (B) for not less  
24                   than 3 years; and

1 “(ii) has not more than 24 months in  
2 total time of breaks in service;”.

3 (b) SERVICE BEFORE DATE OF ENACTMENT.—

4 (1) IN GENERAL.—Subject to the requirements  
5 under paragraph (2), service performed before the  
6 date of enactment of this Act by an individual who,  
7 on the date of enactment of this Act, is an employee  
8 (as defined in section 8401(11) of title 5, United  
9 States Code) shall, for the purposes of chapter 84 of  
10 title 5, United States Code, be treated as service  
11 performed by a firefighter if—

12 (A) such service was performed during the  
13 period beginning on October 1, 2003, and end-  
14 ing on the day before the date of enactment of  
15 this Act;

16 (B) at the time of performing such serv-  
17 ice—

18 (i) the individual did not meet the re-  
19 quirements to be a firefighter under sec-  
20 tion 8401(14) of title 5, United States  
21 Code, because of a break in service; and

22 (ii) would have met the requirements  
23 to be a firefighter under section  
24 8401(14)(D) of title 5, United States  
25 Code, as amended by this Act; and

1 (C) appropriate deductions and  
2 withholdings under sections 8422 and 8423 of  
3 title 5, United States Code, were made during  
4 such service.

5 (2) CREDIT FOR SERVICE.—To receive credit  
6 for eligible service under paragraph (1), the applica-  
7 ble individual shall—

8 (A) before the date on which the individual  
9 separates from service in the agency in which  
10 the individual holds a position on the date of  
11 enactment of this Act, submit a written election  
12 to the agency employing the individual;

13 (B) if the individual is not employed by the  
14 agency that employed the individual when the  
15 service described in paragraph (1) was per-  
16 formed, submit a written election to such agen-  
17 cy; and

18 (C) remit to the agency that employed the  
19 individual when such service was performed the  
20 additional amount that would have been de-  
21 ducted during the period of prior service under  
22 section 8422 of title 5, United States Code,  
23 from the pay of the individual if the amend-  
24 ments made by subsection (a) had been in ef-  
25 fect during the prior service, plus any applicable

1 interest computed under section 8334(e) of title  
2 5, United States Code.

3 (3) GOVERNMENT CONTRIBUTIONS.—If an indi-  
4 vidual remits payment under paragraph (2)(C) with  
5 respect to service described in paragraph (1), the  
6 agency that employed the individual when such serv-  
7 ice was performed shall remit to the Office of Per-  
8 sonnel Management (for deposit in the Treasury of  
9 the United States to the credit of the Civil Service  
10 Retirement and Disability Fund) the total additional  
11 amount of Federal contributions that would have  
12 been paid under section 8423 of title 5, United  
13 States Code, if the amendments made by subsection  
14 (a) had been in effect during the prior service, plus  
15 any applicable interest computed in accordance with  
16 section 8334(e) of title 5, United States Code.

17 (4) NOTIFICATION AND ASSISTANCE REQUIRE-  
18 MENTS.—The Director of the Office of Personnel  
19 Management shall—

20 (A) take such action as may be necessary  
21 and appropriate to inform individuals entitled  
22 to have any service credited under this sub-  
23 section, or to have any annuity computed under  
24 this subsection, of the entitlement to the credit  
25 or computation; and

1 (B) upon request, assist any individual de-  
2 scribed in subparagraph (A) in obtaining such  
3 information in the possession of the Secretary  
4 of Agriculture or the Secretary of the Interior,  
5 as applicable, as may be necessary to verify the  
6 entitlement of the individual to have any service  
7 credited, or to have any annuity computed, pur-  
8 suant to this subsection.

9 (5) RULE OF CONSTRUCTION.—Nothing in this  
10 section shall be construed to permit or require the  
11 making of any contribution to the Thrift Savings  
12 Fund that would not otherwise have been permitted  
13 or required but for the enactment of this section.

