

**AMENDMENT TO H.R. 8790, AS REPORTED
OFFERED BY MR. HARDER OF CALIFORNIA**

At the end of the bill add the following:

**1 TITLE IV—CONTINUING AC-
2 CRUAL OF SERVICE FOR
3 FIREFIGHTERS**

4 SEC. 401. IN GENERAL.

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 non-wildland 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.

