

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.

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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

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## 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  
7 (5 U.S.C. 5304 note) is amended by striking “January  
8 1, 2012” and inserting “January 1, 2010”.

9 (b) INTERIM PAY ADJUSTMENTS.—

1 (1) ADJUSTMENTS.—

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

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

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

19 (B) GUIDANCE.—Not later than 30 days  
20 after the date of enactment of this Act, the Di-  
21 rector of the Office of Personnel Management  
22 shall issue guidance for carrying out paragraph  
23 (1).

24 (C) OTHER PAY SYSTEMS.—For employees  
25 in another pay system that receive a retained

1 rate equivalent to a retained rate under section  
2 5363 of title 5, United States Code, equivalent  
3 treatment shall be provided, consistent with sec-  
4 tion 1918(b) of the Non-Foreign Area Retire-  
5 ment Equity Assurance Act of 2009.

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