

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify the treatment of postal employees in non-foreign areas.

IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.

S. 3013

To provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by

Viz:

1 On page 10, strike lines 5 through 9 and insert the
2 following:

3 (b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

4 (1) IN GENERAL.—Section 1005(b) of title 39,
5 United States Code, is amended—

6 (A) by inserting “(1)” after “(b)”;

7 (B) by striking “Section 5941,” and in-
8 sserting “Except as provided under paragraph

9 (2), section 5941”;

1 (C) by striking “For purposes of such sec-
2 tion,” and inserting “Except as provided under
3 paragraph (2), for purposes of section 5941 of
4 that title,”; and

5 (D) by adding at the end the following:

6 “(2) On and after the date of enactment of the Non-
7 Foreign Area Retirement Equity Assurance Act of 2008—

8 “(A) the provisions of that Act and section 5941 of
9 title 5 shall apply to officers and employees covered by
10 section 1003(b) and (c) whose duty station is in a nonfor-
11 eign area; and

12 “(B) with respect to officers and employees of the
13 Postal Service (other than those officers and employees
14 described under subparagraph (A)) section 6(b)(2) of that
15 Act shall apply.”.

16 (2) CONTINUATION OF COST OF LIVING ALLOW-
17 ANCE.—

18 (A) IN GENERAL.—Notwithstanding any
19 other provision of this Act, any employee of the
20 Postal Service (other than an employee covered
21 by section 1003(b) and (c) of title 39, United
22 States Code, whose duty station is in a nonfor-
23 eign area) who is paid an allowance under sec-
24 tion 1005(b) of that title shall be treated for all
25 purposes as if the provisions of this Act (includ-

1 ing the amendments made by this Act) had not
2 been enacted, except that the cost-of-living al-
3 lowance rate paid to that employee—

4 (i) may result in the allowance exceed-
5 ing 25 percent of the rate of basic pay of
6 that employee; and

7 (ii) shall be the greater of—

8 (I) the cost-of-living allowance
9 rate in effect on December 31, 2008
10 for that employee; or

11 (II) the applicable locality-based
12 comparability pay percentage under
13 section 4.

14 (B) RULE OF CONSTRUCTION.—Nothing in
15 this Act shall be construed to—

16 (i) provide for an employee described
17 under subparagraph (A) to be a covered
18 employee as defined under subsection (a);
19 or

20 (ii) authorize an employee described
21 under subparagraph (A) to file an election
22 under section 7 or 8 of this Act.

23 On page 13, line 3, insert “(other than section 6(b))”
24 after “Act”.