

Public Law 100-366
100th Congress

An Act

July 13, 1988
[S. 2188]

To amend section 307 of the Federal Employees' Retirement System Act of 1986.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF "NORMAL-COST PERCENTAGE".

5 USC 8401 note. Section 307 of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 607) is amended to read as follows:

"SEC. 307. USE OF 'NORMAL-COST PERCENTAGE'.

Contracts.

"Notwithstanding any other provision of law, the normal-cost percentage (as defined by section 8401(23) of title 5, United States Code, as added by this Act) of the Federal Employees' Retirement System shall be used to value the cost of such System to the Civil Service Retirement and Disability Fund for all purposes in which the cost of the System is required to be determined by the Federal Government. For any comparisons between the cost of performing commercial activities under the contract with commercial sources and the cost of performing such activities using Government facilities and personnel, the cost of the System shall include the cost of such System to the Civil Service Retirement and Disability Fund as specified in the preceding sentence, the cost of the thrift savings plan under subchapter III of chapter 84 of title 5, United States Code, and the cost of social security."

SEC. 2. TECHNICAL AMENDMENT TO SECTION 8438 OF TITLE 5, UNITED STATES CODE.

(a) AMENDMENT.—Section 8438(e)(3)(A) of title 5, United States Code, is amended by striking "and the earnings attributable to the investment of such sums".

Effective date.
5 USC 8438 note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to earnings attributable to contributions made to the Thrift Savings Fund on or after April 1, 1987.

SEC. 3. TECHNICAL AMENDMENT TO SECTION 8477 OF TITLE 5, UNITED STATES CODE.

(a) AMENDMENT.—Section 8477(e) of title 5, United States Code, is amended—

(1) in paragraph (3)(C)(ii)—

(A) by striking "28, if" and inserting "28, provided that"; and

(B) by striking "is exclusive of" and inserting "shall be exclusive of"; and

(2) in paragraph (5), by striking "paragraphs (3) and (4)" and inserting "paragraph (3)".

Effective date.
5 USC 8477 note.

(b) APPLICABILITY.—Section 8477(e) of title 5, United States Code, as amended by subsection (a), shall apply to any civil action or

proceeding arising from any act or omission occurring on or after October 1, 1986.

Approved July 13, 1988.

LEGISLATIVE HISTORY—S. 2188:

CONGRESSIONAL RECORD, Vol. 134 (1988):

June 6, considered and passed Senate.

June 20, considered and passed House, amended.

June 28, Senate concurred in House amendments.