

118TH CONGRESS  
2D SESSION

# H. R. 10158

To extend the break-in-service consideration for firefighter retirements, and other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2024

Mr. HARDER of California (for himself and Mr. SCOTT FRANKLIN of Florida) introduced the following bill; which was referred to the Committee on Oversight and Accountability

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## A BILL

To extend the break-in-service consideration for firefighter retirements, and other purposes.

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. 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—

1 “(i) are primarily to perform work di-  
2 rectly connected with the control and extin-  
3 guishment of nonwildland fires; and

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

10 “(B) an employee, the duties of whose po-  
11 sition—

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

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

21 “(C) an employee who—

22 “(i) is transferred directly to a super-  
23 visory or administrative position after per-  
24 forming duties described in subparagraph  
25 (A) for at least 3 years; and

1           “(ii) while serving in such supervisory  
2           or administrative position, has no break in  
3           service; or

4           “(D) an employee who—

5           “(i) occupies a supervisory or admin-  
6           istrative position after performing duties  
7           described in subparagraph (B) for not less  
8           than 3 years; and

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

11       (b) SERVICE BEFORE DATE OF ENACTMENT.—

12           (1) IN GENERAL.—Subject to the requirements  
13          under paragraph (2), service performed before the  
14          date of enactment of this Act by an individual who,  
15          on the date of enactment of this Act, is an employee  
16          (as defined in section 8401(11) of title 5, United  
17          States Code) shall, for the purposes of chapter 84 of  
18          title 5, United States Code, be treated as service  
19          performed by a firefighter if—

20           (A) such service was performed during the  
21          period beginning on October 1, 2003, and end-  
22          ing on the day before the date of enactment of  
23          this Act;

24           (B) at the time of performing such serv-  
25          ice—

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

5 (ii) would have met the requirements  
6 to be a firefighter under section  
7 8401(14)(D) of title 5, United States  
8 Code, as amended by this Act; and

9 (C) appropriate deductions and  
10 withholdings under sections 8422 and 8423 of  
11 title 5, United States Code, were made during  
12 such service.

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

16 (A) before the date on which the individual  
17 separates from service in the agency in which  
18 the individual holds a position on the date of  
19 enactment of this Act, submit a written election  
20 to the agency employing the individual;

21 (B) if the individual is not employed by the  
22 agency that employed the individual when the  
23 service described in paragraph (1) was per-  
24 formed, submit a written election to such agen-  
25 cy; and

1           (C) remit to the agency that employed the  
2 individual when such service was performed the  
3 additional amount that would have been de-  
4 ducted during the period of prior service under  
5 section 8422 of title 5, United States Code,  
6 from the pay of the individual if the amend-  
7 ments made by subsection (a) had been in ef-  
8 fect during the prior service, plus any applicable  
9 interest computed under section 8334(e) of title  
10 5, United States Code.

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

1           (4) NOTIFICATION AND ASSISTANCE REQUIRE-  
2           MENTS.—The Director of the Office of Personnel  
3           Management shall—

4                   (A) take such action as may be necessary  
5                   and appropriate to inform individuals entitled  
6                   to have any service credited under this sub-  
7                   section, or to have any annuity computed under  
8                   this subsection, of the entitlement to the credit  
9                   or computation; and

10                   (B) upon request, assist any individual de-  
11                   scribed in subparagraph (A) in obtaining such  
12                   information in the possession of the Secretary  
13                   of Agriculture or the Secretary of the Interior,  
14                   as applicable, as may be necessary to verify the  
15                   entitlement of the individual to have any service  
16                   credited, or to have any annuity computed, pur-  
17                   suant to this subsection.

18           (5) RULE OF CONSTRUCTION.—Nothing in this  
19           section shall be construed to permit or require the  
20           making of any contribution to the Thrift Savings  
21           Fund that would not otherwise have been permitted  
22           or required but for the enactment of this section.

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