

PUBLIC LAW 100-238—JAN. 8, 1988

101 STAT. 1749

(b) The amendment made by this section shall be effective as of October 1, 1987.

SEC. 110. CREDITABILITY UNDER CSRS OF CERTAIN SERVICE PERFORMED UNDER A PERSONAL SERVICE CONTRACT WITH THE UNITED STATES.

5 USC 8332 note.

(a) IN GENERAL.—

(1) **CONDITIONS FOR RECEIVING CREDIT.**—Subject to the making of a deposit under section 8334(c) of title 5, United States Code, upon application to the Office of Personnel Management within 2 years after the date of the enactment of this Act, any individual who is an employee (as defined by section 8331(1) or 8401(11) of such title) on such date shall be allowed credit under subchapter III of chapter 83 of such title for any service if such service was performed—

(A) before November 5, 1985; and

(B) under a personal service contract with the United States, except as provided in paragraph (3).

(2) **CERTIFICATION.**—

(A) **IN GENERAL.**—The Office shall, with respect to any service for which credit is sought under this subsection, accept the certification of the head of the agency which was party to the contract referred to in paragraph (1)(B), but only if such certification—

(i) states that the agency had intended, through such contract, that the individual involved (or that persons like the individual involved) be considered as having been appointed to a position in which such individual would be subject to subchapter III of chapter 83 of title 5, United States Code; and

(ii) indicates the period of service which was performed under the contract by the individual involved, and includes copies of appropriate records or other documentation to support the determination as to the length of such period.

(B) **FINALITY.**—A decision by an agency head concerning whether or not to make a certification under this paragraph in any particular instance shall be at the sole discretion of the agency head, and shall not be subject to administrative or judicial review.

(3) **EXCEPTION.**—Nothing in this subsection shall apply with respect to any service performed under—

(A) a contract for which any appropriations, allocations, or funds were used under section 636(a)(3) of the Foreign Assistance Act of 1961;

(B) a contract entered into under section 10(a)(5) of the Peace Corps Act;

(C) a contract under which the services of an individual may be terminated by a person other than the individual or the Government; or

(D) a contract for a single transaction or a contract under which services are paid for in a single payment.

(b) APPLICABILITY TO ANNUITANTS.—

(1) **IN GENERAL.**—In the case of any individual who—

(A) performed service for which credit is allowable under subsection (a), and