

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5054

To amend title 5, United States Code, to conform the retirement coverage of Members and congressional employees to that of employees of the executive branch.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 1994

Mr. SANTORUM introduced the following bill; which was referred jointly to the Committees on House Administration and Post Office and Civil Service

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## A BILL

To amend title 5, United States Code, to conform the retirement coverage of Members and congressional employees to that of employees of the executive branch.

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. REFERENCE.**

4       Whenever in this Act a section or other provision is  
5       amended or repealed, such amendment or repeal shall be  
6       considered to be made to that section or other provision  
7       of title 5, United States Code.

1 **SEC. 2. EQUAL TREATMENT OF MEMBERS OF CONGRESS**  
 2 **WITH FEDERAL EMPLOYEES GENERALLY**  
 3 **UNDER CSRS.**

4 (a) CREDITABLE SERVICE.—Section 8332 is amend-  
 5 ed by striking out subsections (d) and (h).

6 (b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-  
 7 ITS.—Section 8334 is amended—

8 (1) in paragraph (1), by amending the first sen-  
 9 tence to read as follows: “The employing agency  
 10 shall deduct and withhold 7 percent of the basic pay  
 11 of a employee or Member, 7½ percent of the basic  
 12 pay of a law enforcement officer and a firefighter,  
 13 and 8 percent of the basic pay of a Claims Court  
 14 judge, a United States magistrate, a judge of the  
 15 United States Court of Military Appeals, and a  
 16 bankruptcy judge.”; and

17 (2) in the table contained in subsection (c), by  
 18 amending the items relating to Member or employee  
 19 for congressional employee service and Member for  
 20 Member service to read as follows:

Member or employee for congressional		
employee service .....	2½ .....	August 1, 1920, to June 30, 1926.

	3½ .....	July 1, 1926, to June 30, 1942.
	5 .....	July 1, 1942, to June 30, 1948.
	6 .....	July 1, 1948, to October 31, 1956.
	6½ .....	November 1, 1956, to December 31, 1969.
	7½ .....	December 31, 1969, to December 31, 1994.
	7 .....	After December 31, 1994.
Member for Member service .....	2½ .....	August 1, 1920, to June 30, 1926.
	3½ .....	July 1, 1926, to June 30, 1942.
	5 .....	July 1, 1942, to August 1, 1946.
	6 .....	August 2, 1946, to October 31, 1956.
	7½ .....	November 1, 1956, to December 31, 1969.
	8 .....	December 31, 1969, to December 31, 1994.
	7 .....	After December 31, 1994.

1 (c) IMMEDIATE RETIREMENT.—Section 8336 is  
 2 amended—

- 3 (1) by striking out subsection (g); and
- 4 (2) in subsections (a), (b), and (f), by inserting
- 5 “or Member” after “employee” each place it occurs.

6 (d) DEFERRED RETIREMENT.—Section 8338 is  
 7 amended by striking out subsection (b).

8 (e) COMPUTATION OF ANNUITY.—Section 8339 is  
 9 amended—

- 10 (1) by striking out subsections (b) and (c);
- 11 (2) in subsection (f), by striking out “of—” and
- 12 all that follows through the end thereof and insert-

1 ing in lieu thereof “of the average pay of the em-  
2 ployee or Member.”;

3 (3) in subsection (h), by striking out the second  
4 sentence; and

5 (4) in subsection (j)—

6 (A) by striking out paragraph (2); and

7 (B) in paragraph (4), by striking out “(f),  
8 and (h)” and inserting in lieu thereof “and (f)”.

9 (f) SURVIVOR ANNUITY.—Section 8341 is amended  
10 by striking out subsection (f).

11 (g) ANNUITIES AND PAY ON REEMPLOYMENT.—Sec-  
12 tion 8344 is amended—

13 (1) in subsection (a)—

14 (A) by inserting “or” at the end of para-  
15 graph (2);

16 (B) by striking out “or” at the end of  
17 paragraph (3);

18 (C) by striking out paragraph (4); and

19 (D) by inserting “or Member” after “em-  
20 ployee”;

21 (2) in subsection (b), by striking out “, other  
22 than a Member receiving an annuity from the  
23 fund,”;

1           (3) in subsection (c), by striking out “, other  
2           than a Member receiving an annuity from the  
3           fund,”; and

4           (4) by striking out subsection (d).

5 **SEC. 3. EQUAL TREATMENT OF MEMBERS OF CONGRESS**  
6                           **WITH FEDERAL EMPLOYEES GENERALLY**  
7                           **UNDER FERS.**

8           (a) IMMEDIATE RETIREMENT.—Section 8412 is  
9 amended by striking out subsection (f).

10          (b) COMPUTATION OF BASIC ANNUITY.—Section  
11 8415 is amended—

12           (1) in subsections (a) and (e), by inserting “or  
13 Member” after “employee” each place it occurs;

14           (2) by striking out subsections (b) and (c);

15           (3) in subsection (f)(2)(A), by striking out  
16 “(e)(2), or (f)(2),” and inserting in lieu thereof  
17 “(e)(2),”; and

18           (4) in the matter after subparagraph (B) in  
19 subsection (g)(2), by striking out “Congressional  
20 employee,”.

21          (c) ANNUITY SUPPLEMENT.—Section 8421(a)(2) is  
22 amended by striking out “section 8412(f), or under”.

23          (d) DEDUCTIONS FROM PAY; CONTRIBUTIONS FOR  
24 MILITARY SERVICE.—Section 8422 is amended—

25           (1) in subsection (a)(2)(A)—

1 (A) by inserting “or Member” after “em-  
2 ployee”; and

3 (B) by striking out “, or Congressional em-  
4 ployee”; and

5 (2) in subsection (a)(2)(B), by striking out  
6 “Member” and “or Congressional employee.”.

7 (e) GOVERNMENT CONTRIBUTIONS.—Section  
8 8423(a)(1) is amended—

9 (1) in subparagraph (A)(i), by inserting “or  
10 Members” after “employees” the first place it ap-  
11 pears; and

12 (2) in subparagraph (B)—

13 (A) by striking out “Members, Congres-  
14 sional employees,” in clause (i); and

15 (B) by striking out “and Members” in  
16 clause (ii).

17 **SEC. 4. EFFECTIVE DATE.**

18 (a) IN GENERAL.—This Act shall take effect on Jan-  
19 uary 1, 1995.

20 (b) APPLICATION TO PERIODS OF SERVICE BEFORE  
21 AND AFTER EFFECTIVE DATE.—

22 (1) SERVICE AFTER DECEMBER 31, 1994.—The  
23 amendments made by this Act shall apply with re-  
24 spect to an individual serving as a Member of Con-

1 gress or a congressional employee after December  
2 31, 1994.

3 (2) SERVICE BEFORE JANUARY 1, 1995.—The  
4 portion of any annuity under chapter 83 or chapter  
5 84, as the case may be, of title 5, United States  
6 Code, relating to a period of service of an individual  
7 serving as a Member of Congress or a congressional  
8 employee that occurs before January 1, 1995, shall  
9 be determined under either such chapter as such  
10 chapters were in effect on December 31, 1994.

11 (3) ELECTION TO TREAT SERVICE UNDER RE-  
12 FORMED SYSTEM.—A Member of Congress or a con-  
13 gressional employee may make an irrevocable elec-  
14 tion to treat service creditable under chapter 83 or  
15 chapter 84, as applicable, of title 5, United States  
16 Code, before January 1, 1995, as service under the  
17 applicable chapter as if the amendments made by  
18 this Act were in effect during such creditable service.

19 (4) MEMBER OF CONGRESS AND CONGRES-  
20 SIONAL EMPLOYEE DEFINED.—For the purposes of  
21 this section, the terms “Member of Congress” and  
22 “congressional employee” have the meaning given  
23 such terms in sections 2106 and 2107 of title 5,  
24 United States Code, respectively.

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