

105TH CONGRESS
1ST SESSION

H. R. 1765

To amend title 5, United States Code, to provide that, for purposes relating to retirement, Members of Congress and congressional employees shall be treated in the same manner as are employees in the executive branch generally.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 1997

Mr. MINGE (for himself, Mr. SHAYS, Mr. BARRETT of Wisconsin, Mr. McHALE, Mr. POMEROY, Mr. KLUG, Mr. DEAL of Georgia, Mr. DICKEY, Mr. COLLINS, and Mr. LOBIONDO) introduced the following bill; which was referred to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 5, United States Code, to provide that, for purposes relating to retirement, Members of Congress and congressional employees shall be treated in the same manner as are employees in the executive branch generally.

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. SHORT TITLE.**

4 This Act may be cited as the “Congressional Pension
5 Reform Act of 1997”.

1 **SEC. 2. AMENDMENT OF TITLE 5, UNITED STATES CODE.**

2 Except as otherwise expressly provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of title 5, United States Code.

7 **SEC. 3. CIVIL SERVICE RETIREMENT SYSTEM.**

8 (a) DEDUCTIONS AND DEPOSITS.—

9 (1) DEDUCTIONS.—The first sentence of section
 10 8334(a)(1) is amended to read as follows: “The em-
 11 ploying agency shall deduct and withhold 7 percent
 12 of the basic pay of an employee and a Member, 7½
 13 percent of the basic pay of a law enforcement officer
 14 and a firefighter, and 8 percent of the basic pay of
 15 a Claims Court judge, a United States magistrate,
 16 a judge of the United States Court of Appeals for
 17 the Armed Forces, and a bankruptcy judge.”.

18 (2) DEPOSITS.—

19 (A) FOR MEMBER SERVICE.—Section
 20 8334(c) is amended in the matter relating to a
 21 Member for Member service by striking

“8 After December 31,
 1969.”

22 and inserting the following:

“8 January 1, 1970, to
(but not including)
the effective date of
the Congressional
Pension Reform Act
of 1997.

“7 On and after the effec-
tive date of the Con-
gressional Pension
Reform Act of
1997.”.

1 (B) FOR CONGRESSIONAL EMPLOYEE
2 SERVICE.—Section 8334(c) is amended in the
3 matter relating to a Member or employee for
4 Congressional employee service by striking

“7½ After December 31,
1969.”

5 and inserting the following:

“7½ January 1, 1970, to
(but not including)
the effective date of
the Congressional
Pension Reform Act
of 1997.

“7 On and after the effec-
tive date of the Con-
gressional Pension
Reform Act of
1997.”.

6 (b) IMMEDIATE RETIREMENT.—

7 (1) AT AGE 55 WITH 30 YEARS OF SERVICE, AGE
8 60 WITH 20 YEARS OF SERVICE, OR AGE 62 WITH 5
9 YEARS OF SERVICE.—Subsections (a), (b), and (f) of

1 section 8336 are amended by inserting “or Member”
2 after “employee”.

3 (2) AT AGE 50 WITH 20 YEARS OF SERVICE OR
4 ANY AGE WITH 25 YEARS OF SERVICE.—Section
5 8336(g) is amended to read as follows:

6 “(g) A Member who is separated from the service,
7 except by resignation or expulsion—

8 “(1) after completing 25 years of service, or

9 “(2) after becoming 50 years of age and com-
10 pleting 20 years of service,

11 is entitled to an annuity.”.

12 (3) APPLICABILITY.—The amendments made
13 by this subsection shall apply with respect to any an-
14 nuity eligibility for which is based on a separation
15 occurring on or after the effective date of this Act.

16 (4) SAVINGS PROVISION.—

17 (A) IN GENERAL.—Eligibility for an imme-
18 diate annuity under section 8336 of title 5,
19 United States Code, shall, in the case of an in-
20 dividual described in subparagraph (B), be de-
21 termined in accordance with the provisions of
22 such section, as they would read if paragraphs
23 (1) and (2) of this subsection had not been en-
24 acted.

1 (B) DESCRIPTION.—This paragraph ap-
2 plies with respect to any individual who—

3 (i) performs service as a Member of
4 Congress on or after the effective date of
5 this Act; and

6 (ii) as of the day before the effective
7 date of this Act, satisfies the age and serv-
8 ice requirements for title to an immediate
9 annuity under section 8336(g) of such
10 title, as then in effect.

11 (C) LENGTH OF SERVICE.—Any deter-
12 mination under subparagraph (B) relating to
13 length of service shall be made without regard
14 to—

15 (i) any deposit or redeposit require-
16 ment;

17 (ii) any requirement that the individ-
18 ual become subject to this subchapter after
19 performing the service involved (including
20 for a specified minimum period of time); or

21 (iii) any requirement that the individ-
22 ual give notice in writing to the official by
23 whom such individual is paid of such indi-
24 vidual's desire to become subject to this
25 subchapter.

1 (c) DEFERRED RETIREMENT.—

2 (1) AT AGE 62 WITH 5 YEARS OF SERVICE.—

3 Section 8338(a) is amended by inserting “or Mem-
4 ber” after “employee”.

5 (2) REPEALER.—Section 8338(b) is repealed.

6 (3) APPLICABILITY.—The amendments made
7 by this subsection shall apply with respect to any an-
8 nuity eligibility for which is based on a separation
9 occurring on or after the effective date of this Act.

10 (4) SAVINGS PROVISION.—

11 (A) IN GENERAL.—Eligibility for a de-
12 ferred annuity under section 8338 of title 5,
13 United States Code, shall, in the case of an in-
14 dividual described in subparagraph (B), be de-
15 termined in accordance with the provisions of
16 such section, as they would read if paragraphs
17 (1) and (2) of this subsection had not been en-
18 acted.

19 (B) DESCRIPTION.—This paragraph ap-
20 plies with respect to any individual who—

21 (i) performs service as a Member of
22 Congress on or after the effective date of
23 this Act; and

24 (ii) as of the day before the effective
25 date of this Act, satisfies the age and serv-

1 ice requirements for title to a deferred an-
2 nuity under section 8338(b) of such title,
3 as then in effect.

4 (C) LENGTH OF SERVICE.—Any deter-
5 mination under subparagraph (B) relating to
6 length of service shall be made without regard
7 to—

8 (i) any deposit or redeposit require-
9 ment;

10 (ii) any requirement that the individ-
11 ual become subject to this subchapter after
12 performing the service involved (including
13 for a specified minimum period of time); or

14 (iii) any requirement that the individ-
15 ual give notice in writing to the official by
16 whom such individual is paid of such indi-
17 vidual's desire to become subject to this
18 subchapter.

19 (d) COMPUTATION OF ANNUITY.—

20 (1) MEMBERS.—

21 (A) IN GENERAL.—Section 8339(c) is
22 amended by striking all that follows “with re-
23 spect to—” and inserting the following:

1 “(1) so much of his service as a Member as is
2 or was performed before the effective date of the
3 Congressional Pension Reform Act of 1997;

4 “(2) so much of his military service as—

5 “(A) is creditable for the purpose of this
6 paragraph; and

7 “(B) is or was performed before the date
8 referred to in paragraph (1); and

9 “(3) so much of his Congressional employee
10 service as is or was performed before the date re-
11 ferred to in paragraph (1);

12 by multiplying 2½ percent of his average pay by the years
13 of that service.”.

14 (B) TECHNICAL AMENDMENT.—Section

15 8332(d) is amended by striking “section
16 8339(c)(1)” and inserting “section 8339(c)”.

17 (2) CONGRESSIONAL EMPLOYEES.—Section
18 8339(b) is amended—

19 (A) by inserting “so much of” after “is
20 computed with respect to”; and

21 (B) by inserting “as is or was performed
22 before the effective date of the Congressional
23 Pension Reform Act of 1997,” before “by mul-
24 tiplying”.

1 (3) REDUCTION FOR RETIREMENT BEFORE A
2 CERTAIN AGE.—

3 (A) IN GENERAL.—Section 8339(h) is
4 amended—

5 (i) by striking the second sentence;
6 and

7 (ii) in the first sentence by striking
8 “subsections (a), (b), (d)(5), and (f) of this
9 section for an employee retiring under sec-
10 tion 8336 (d), (h), or (j) of this title” and
11 inserting “subsections (a), (b), (c), (d)(5),
12 and (f) of this section for an employee re-
13 tiring under section 8336 (d), (h), or (j) of
14 this title, or for a Member retiring under
15 section 8336(g) of this title.”.

16 (B) APPLICABILITY.—The amendments
17 made by subparagraph (A) shall apply with re-
18 spect to the computation of any benefits eligi-
19 bility for which is based on a separation occur-
20 ring on or after the effective date of this Act.

21 (e) ANNUITY FOR THE SURVIVING SPOUSE OF A
22 FORMER MEMBER WITH TITLE TO A DEFERRED ANNU-
23 ITY.—

24 (1) IN GENERAL.—Section 8341(f) is repealed.

1 (2) SAVINGS PROVISION.—Nothing in para-
2 graph (1) shall affect any person’s eligibility for a
3 survivor annuity based on the death of an individual
4 whose separation from service with title to a de-
5 ferred annuity occurs or occurred before the effective
6 date of this Act.

7 (f) ANNUITIES AND PAY ON REEMPLOYMENT.—

8 (1) IN GENERAL.—Section 8344 is amended—

9 (A) by repealing subsection (d);

10 (B) in subsection (a)—

11 (i) by inserting “or” at the end of
12 paragraph (2), by striking “or” at the end
13 of paragraph (3), and by striking para-
14 graph (4); and

15 (ii) in subparagraph (A) by striking
16 “(if the employee so elects),” and inserting
17 “(if the annuitant so elects),” and by in-
18 serting “(c),” after “(b),”;

19 (C)(i) in subsections (b) and (c) by strik-
20 ing “, other than a Member receiving an annu-
21 ity from the Fund,”; and

22 (ii) in subsection (f) by striking “, except
23 a Member receiving annuity from the Fund,”;
24 and

1 (D) in subsection (b) by adding at the end
2 the following: “The Office shall prescribe regu-
3 lations for applying this subsection with respect
4 to a Member.”.

5 (2) SAVINGS PROVISIONS.—

6 (A) IN GENERAL.—Section 8344(d) of title
7 5, United States Code, as last in effect before
8 the effective date of this Act, shall continue to
9 apply after such effective date with respect to
10 any former Member of Congress serving in an
11 appointive or elective position as of such date.

12 (B) TERMINATION.—Subparagraph (A)
13 shall not apply with respect to any position to
14 which such former Member is appointed or
15 elected after the effective date of this Act.

16 (g) ELIGIBILITY FOR ANNUITY.—

17 (1) IN GENERAL.—Section 8333(c) is repealed.

18 (2) APPLICABILITY.—The amendment made by
19 paragraph (1) shall apply with respect to any deter-
20 mination of eligibility for an annuity based on a sep-
21 aration occurring on or after the effective date of
22 this Act.

23 **SEC. 4. FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.**

24 (a) ELECTION NOT TO PARTICIPATE.—

1 (1) IN GENERAL.—Section 8401(20) is amend-
2 ed by striking “2106,” and all that follows through
3 the semicolon and inserting “2106;”.

4 (2) SAVINGS PROVISION.—The amendment
5 made by paragraph (1) shall not affect any election
6 made before the effective date of this Act.

7 (b) COMPUTATION OF BASIC ANNUITY.—

8 (1) MEMBERS.—Section 8415(b) is amended by
9 striking “shall” and inserting “shall, to the extent
10 that such service is or was performed before the ef-
11 fective date of the Congressional Pension Reform
12 Act of 1997,”.

13 (2) CONGRESSIONAL EMPLOYEES.—Section
14 8415(c) is amended by striking “shall” and inserting
15 “shall, to the extent that such service is or was per-
16 formed before the effective date of the Congressional
17 Pension Reform Act of 1997,”.

18 (3) PROVISIONS RELATING TO THE 1.1 PER-
19 CENT ACCRUAL RATE.—Section 8415(g) is amend-
20 ed—

21 (A) in paragraph (1) by striking “an em-
22 ployee under paragraph (2),” and inserting “an
23 employee or Member under paragraph (2),”;

1 (B) in paragraph (2) by inserting “or
2 Member” after “in the case of an employee”
3 and by striking “Congressional employee,”; and

4 (C) by adding at the end the following:

5 “(3) Notwithstanding any other provision of this sub-
6 section—

7 “(A) this subsection shall not apply in the case
8 of a Member or Congressional employee whose sepa-
9 ration (on which entitlement to annuity is based) oc-
10 curs before the effective date of the Congressional
11 Pension Reform Act of 1997; and

12 “(B) in the case of a Member or Congressional
13 employee to whom this subsection applies, the 1.1
14 percent accrual rate shall apply only with respect to
15 any period of service other than a period with re-
16 spect to which the 1.7 percent accrual rate applies
17 under subsection (b) or (c).”.

18 (c) DEDUCTIONS FROM PAY.—Section 8422(a)(2) is
19 amended—

20 (1) in subparagraph (A) by striking “air traffic
21 controller, or Congressional employee)” and insert-
22 ing “or air traffic controller) or Member,”; and

23 (2) in subparagraph (B) by striking “a Mem-
24 ber, law enforcement officer, firefighter, air traffic
25 controller, or Congressional employee,” and inserting

1 “a law enforcement officer, firefighter, or air traffic
2 controller,”.

3 (d) GOVERNMENT CONTRIBUTIONS.—Section
4 8423(a)(1) is amended—

5 (1) in subparagraph (A)(i) by striking “sub-
6 paragraph (B)),” and inserting “subparagraph (B))
7 and Members,”;

8 (2) in subparagraph (B)(i) by striking “Mem-
9 bers, Congressional employees,”; and

10 (3) in subparagraph (B)(ii) by striking “and
11 Members”.

12 **SEC. 5. EFFECTIVE DATE.**

13 This Act shall take effect on the first day of the first
14 Congress beginning after the date of the enactment of this
15 Act.

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