

108TH CONGRESS
1ST SESSION

H. R. 3054

IN THE SENATE OF THE UNITED STATES

OCTOBER 14, 2003

Received; read twice and referred to the Committee on Governmental Affairs

AN ACT

To amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for 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. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia
5 Military Retirement Equity Act of 2003”.

6 **SEC. 2. PERMITTING INCLUSION OF PREVIOUS MILITARY**
7 **SERVICE AS CREDITABLE SERVICE FOR CER-**
8 **TAIN DISTRICT OF COLUMBIA RETIREES.**

9 Subsection (c)(8) of the Policemen and Firemen’s Re-
10 tirement and Disability Act (sec. 5–704(h), D.C. Official
11 Code) is amended—

12 (1) by striking “(8) Notwithstanding” and in-
13 sserting “(8)(A) Except as provided in subparagraph
14 (B), notwithstanding”; and

15 (2) by adding at the end the following new sub-
16 paragraph:

17 “(B)(i)(I) Except as provided in subclause (II), and
18 subject to clause (iv), each member or former member who
19 has performed military service before the date of the sepa-
20 ration on which the entitlement to any annuity under this
21 Act is based may elect to retain credit for the service by
22 paying (in accordance with such regulations as the Mayor
23 shall issue) to the office by which the member is employed

1 (or, in the case of a former member, to the appropriate
2 benefits administrator) an amount equal to 7 percent of
3 the amount of the basic pay paid under section 204 of
4 title 37, United States Code, to the member for each pe-
5 riod of military service after December 1956. The amount
6 of such payments shall be based on such evidence of basic
7 pay for military service as the member may provide, or,
8 if the Mayor determines sufficient evidence has not been
9 so provided to adequately determine basic pay for military
10 service, such payment shall be based upon estimates of
11 such basic pay provided to the Mayor under clause (iii).
12 Payment of such amount by an active member must be
13 completed prior to the member's date of retirement or Oc-
14 tober 1, 2006, whichever is later, for the member to retain
15 credit for the service.

16 “(II) In any case where military service interrupts
17 creditable service under this subsection and reemployment
18 pursuant to chapter 43 of title 38, United States Code,
19 occurs on or after August 1, 1990, the deposit payable
20 under this clause may not exceed the amount that would
21 have been deducted and withheld under this Act from
22 basic pay during the period of creditable service if the
23 member had not performed the period of military service.

1 “(ii) Any deposit made under clause (i) more than
2 2 years after the later of—

3 “(I) October 1, 2004; or

4 “(II) the date on which the member making the
5 deposit first becomes a member following the period
6 of military service for which such deposit is due,
7 shall include interest on such amount computed and com-
8 pounded annually beginning on the date of the expiration
9 of the 2-year period. The interest rate that is applicable
10 in computing interest in any year under this paragraph
11 shall be equal to the interest rate that is applicable for
12 such year under paragraph (5)(B).

13 “(iii) The Secretary of Defense, the Secretary of
14 Transportation, the Secretary of Commerce, or the Sec-
15 retary of Health and Human Services, as appropriate,
16 shall furnish such information to the Mayor as the Mayor
17 may determine to be necessary for the administration of
18 this subsection.

19 “(iv) Effective with respect to any period of military
20 service after November 10, 1996, the percentage of basic
21 pay under section 204 of title 37, United States Code,
22 payable under clause (i) shall be equal to the same per-
23 centage as would be applicable under subsection (d) of this
24 section for that same period for service as a member sub-
25 ject to clause (i)(II).”.

1 **SEC. 3. ADJUSTMENT IN FEDERAL BENEFIT PAYMENTS TO**
2 **CERTAIN POLICE AND FIRE RETIREES TO**
3 **TAKE MILITARY SERVICE ADJUSTMENT INTO**
4 **ACCOUNT.**

5 (a) IN GENERAL.—Section 11012 of the National
6 Capital Revitalization and Self-Government Improvement
7 Act of 1997 (sec. 1–803.02, D.C. Official Code) is amend-
8 ed by adding at the end the following new subsection:

9 “(f) TREATMENT OF MILITARY SERVICE CREDIT
10 PURCHASED BY CERTAIN POLICE AND FIRE RETIREES.—
11 For purposes of subsection (a), in determining the amount
12 of a Federal benefit payment made to an officer or mem-
13 ber, the benefit payment to which the officer or member
14 is entitled under the District Retirement Program shall
15 include any amounts which would have been included in
16 the benefit payment under such Program if the amend-
17 ments made by the District of Columbia Military Retire-
18 ment Equity Act of 2003 had taken effect prior to the
19 freeze date.”.

20 (b) CONFORMING AMENDMENT.—Section 11003(5)
21 of such Act (sec. 1–801.02(5), D.C. Official Code) is
22 amended by inserting “and (f)” after “section 11012(e)”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to Federal benefit

1 payments made after the date of the enactment of this
2 Act.

Passed the House of Representatives October 8,
2003.

Attest:

JEFF TRANDAHL,

Clerk.