

106TH CONGRESS  
1ST SESSION

# H. R. 1769

To eliminate certain inequities in the Civil Service Retirement System and the Federal Employees' Retirement System with respect to the computation of benefits for law enforcement officers, firefighters, air traffic controllers, nuclear materials couriers, and their survivors, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1999

Mr. CUMMINGS introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To eliminate certain inequities in the Civil Service Retirement System and the Federal Employees' Retirement System with respect to the computation of benefits for law enforcement officers, firefighters, air traffic controllers, nuclear materials couriers, and their survivors, 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       That this Act may be cited as the "Federal Employ-  
4       ees' Benefits Equity Act of 1999."

## 1 CIVIL SERVICE RETIREMENT SYSTEM

2 SEC. 2. (a) Section 8339 of title 5, United States  
3 Code, is amended—

4 (1) in subsection (d)(1)—

5 (A) by striking “(d)(1)” and inserting  
6 “(d)(1)(A)”;

7 (B) by redesignating subparagraphs (A)  
8 and (B) as clauses (i) and (ii), respectively; and

9 (C) by adding at the end the following new  
10 subparagraph:

11 “(B) If, at any age and after completing  
12 20 years of service as a law enforcement officer,  
13 firefighter, or nuclear materials courier, or any  
14 combination of such service totaling at least 20  
15 years, an employee retires under section  
16 8336(d)(1) or 8337, the annuity of such em-  
17 ployee shall be computed under subparagraph  
18 (A).”;

19 (2) in subsection (e)—

20 (A) by striking “(e)” and inserting  
21 “(e)(1)”;

22 (B) by adding at the end the following new  
23 paragraph:

24 “(2) If, at any age and after completing 20 years of  
25 service as an air traffic controller, an employee retires

1 under section 8336(d)(1) or 8337, paragraph (1) shall be  
2 applied in computing the annuity of such employee.”; and

3 (3) in subsection (q)—

4 (A) by striking “(q)” and inserting  
5 “(q)(1)”;

6 (B) by redesignating paragraphs (1) and  
7 (2) as subparagraphs (A) and (B), respectively;  
8 and

9 (C) by adding at the end the following new  
10 paragraph:

11 “(2) If, at any age and after completing 20 years of  
12 service as a member of the Capitol Police or as a law en-  
13 forcement officer (or any combination of such service to-  
14 taling at least 20 years), a member or former member of  
15 the Capitol Police retires under section 8336(d)(1) or  
16 8337, the annuity of such member or former member shall  
17 be computed under paragraph (1).”.

18 (b) Section 8341(d) of title 5, United States Code,  
19 is amended—

20 (1) by inserting the following immediately after  
21 the first sentence: “For purposes of the preceding  
22 sentence, subsections (b)-(e) and (q) of section 8339  
23 may be considered as applying with respect to the  
24 employee or Member only if the employee or Member  
25 satisfied the age and service requirements for appli-

1 cation of such subsections to the employee or Mem-  
2 ber at the date of death. For this purpose, the dece-  
3 dent shall be deemed to have been disabled for pur-  
4 poses of retirement under section 8337 at the time  
5 of death.”; and

6 (2) by striking “Notwithstanding the preceding  
7 sentence” and inserting “Notwithstanding the first  
8 sentence of this subsection”.

9 (c) Section 8342 of title 5, United States Code, is  
10 amended by adding at the end the following new sub-  
11 section:

12 “(k) When an employee—

13 “(1) has service as a law enforcement officer,  
14 firefighter, nuclear materials courier, or member of  
15 the Capitol Police for which retirement deductions  
16 were withheld under section 8334(a) or deposited  
17 under section 8334(c) at a higher percentage rate  
18 than that applicable to employees generally; and

19 “(2)(A) begins to receive an annuity which is  
20 not computed under section 8339(d) or (q) and, in  
21 the case of a member of the Capitol Police, also does  
22 not have his or her service as a member of the Cap-  
23 itol Police credited in the computation of an annuity  
24 under section 8339(b) or (c); or

1           “(B) dies before retiring under this subchapter  
2           but who leaves a survivor entitled to an annuity  
3           under section 8341 based on the deceased employ-  
4           ee’s service, provided that—

5                   “(i) such survivor annuity is not based on  
6                   an employee annuity computed under section  
7                   8339(d) or (q); and

8                   “(ii) where the decedent was a member or  
9                   former member of the Capitol Police, such sur-  
10                  vivor annuity is not based on an annuity com-  
11                  puted under section 8339(b) or (c) which in-  
12                  cludes credit for service as a member of the  
13                  Capitol Police—

14           the difference between the employee deductions for  
15           such service at the higher percentage rate and the  
16           employee deductions that would have been withheld  
17           at the rate applicable to employees generally under  
18           section 8334(a)(1), together with interest computed  
19           in accordance with paragraphs (2) and (3) of section  
20           8334(e) and applicable regulations prescribed by the  
21           Office, shall be paid to the annuitant or, in the case  
22           of a deceased employee, to the individual entitled to  
23           a lump-sum benefit under subsection (c).”.

24           FEDERAL EMPLOYEES’ RETIREMENT SYSTEM

25           SEC. 3. (a) Section 8415(d) of title 5, United States  
26           Code, is amended to read as follows—

1 “(d)(1) The annuity of an employee retiring under  
2 subsection (d) or (e) of section 8412 or under subsection  
3 (a), (b), or (c) of section 8425 is—

4 “(A)  $1\frac{7}{10}$  percent of that individual’s average  
5 pay multiplied by so much of such individual’s total  
6 service as a law enforcement officer, firefighter,  
7 member of the Capitol Police, nuclear materials cou-  
8 rier, or air traffic controller as does not exceed 20  
9 years; plus

10 “(B) 1 percent of that individual’s average pay  
11 multiplied by the remainder of such individual’s total  
12 service.

13 “(2) If, at any age and after completing 20 years of  
14 service as a law enforcement officer, firefighter, member  
15 of the Capitol Police, or nuclear materials courier, or any  
16 combination of such service totaling at least 20 years, an  
17 employee retires under section 8414(b)(1)(A) or 8451, the  
18 annuity of such employee shall be computed under para-  
19 graph (1).

20 “(3) If, at any age and after completing 20 years of  
21 service as an air traffic controller, an employee retires  
22 under section 8414(b)(1)(A) or 8451, the annuity of such  
23 employee shall be computed under paragraph (1).”.

1 (b) Section 8424 of title 5, United States Code, is  
2 amended by adding at the end the following new sub-  
3 section:

4 “(i) When an employee—

5 “(1) has service as a law enforcement officer,  
6 firefighter, member of the Capitol Police, air traffic  
7 controller, or nuclear materials courier for which re-  
8 tirement deductions were withheld under section  
9 8422(a) at a higher percentage rate than that appli-  
10 cable to employees generally; and

11 “(2)(A) begins to receive an annuity which is  
12 not computed under section 8415(d) and, in the case  
13 of a member of the Capitol Police, also does not  
14 have his or her service as a member of the Capitol  
15 Police credited in the computation of an annuity  
16 under section 8415(b) or (c); or

17 “(B) dies before having retired under this chap-  
18 ter but who leaves a survivor entitled to an annuity  
19 under subchapter IV based on the deceased employ-  
20 ee’s service provided that—

21 “(i) such survivor annuity is not based on  
22 an employee annuity computed under section  
23 8415(d); and

24 “(ii) where the decedent was a member or  
25 former member of the Capitol Police, such sur-

1           vivor annuity is not based on an annuity com-  
2           puted under section 8415 (b) or (c) which in-  
3           cludes service as a member of the Capitol  
4           Police—

5           the difference between the employee deductions for  
6           such service at the higher percentage rate and the  
7           employee deductions that would have been withheld  
8           at the rate applicable to employees generally under  
9           section 8422(a)(2), together with interest computed  
10          in accordance with paragraphs (2) and (3) of section  
11          8334(e) and applicable regulations prescribed by the  
12          Office, shall be paid to the annuitant or, in the case  
13          of a deceased employee, to the individual entitled to  
14          a lump-sum benefit under subsection (d).”.

15          (c) Section 8442 of title 5, United States Code, is  
16          amended—

17               (1) in subsection (b)(1) by adding at the end  
18               the following:

19               “For purposes of the preceding sentence, section  
20               8415(b)–(d) and (g) may be considered as applying with  
21               respect to the employee or Member only if the employee  
22               or Member satisfied the age and service requirements for  
23               application of such subsections to the employee or Member  
24               at the date of death. For this purpose, the decedent shall



1 be deemed to have been disabled for purposes of retire-  
 2 ment under section 8451 at the time of death.”; and

3 (2) in subsection (c)(2)(A)(i) by striking “sec-  
 4 tion 8415” and inserting “section 8415, but without  
 5 regard to subsection (d) of such section,”.

#### 6 EFFECTIVE DATES

7 SEC. 4. (a)(1) Except as provided in paragraph (2),  
 8 the amendments made by sections 2(a) and 3(a) shall take  
 9 effect on the date of enactment of this Act and shall apply  
 10 only with respect to individuals who separate from the  
 11 service on or after such date of enactment.

12 (2) Notwithstanding paragraph (1), a survivor annu-  
 13 ity based on the service of a law enforcement officer who  
 14 died as an employee after October 19, 1969, or a fire-  
 15 fighter who died as an employee after August 13, 1972,  
 16 shall be computed as if the amendments made by section  
 17 2(a)(1) had been in effect as of the commencing date of  
 18 such survivor annuity. However, any such survivor annuity  
 19 commencing before the date of enactment of this Act shall  
 20 be adjusted, retroactive to the commencing date of annu-  
 21 ity, only upon application by the survivor annuitant.

22 (b) The amendments made by section 2(b) shall take  
 23 effect on the date of enactment of this Act, and also, in  
 24 the case of an individual whose death occurred prior to  
 25 such date of enactment, shall apply effective at the com-  
 26 mencing date of the annuity to any annuity payable under

1 section 8341(d) of title 5, United States Code, or similar  
2 predecessor provisions of law applicable to survivor annu-  
3 ities based on the service of employees or Members who  
4 died before retiring.

5 (c) The amendments made by sections 2(c) and 3(b)  
6 shall take effect on the date of enactment of this Act and  
7 shall apply only with respect to individuals who separate  
8 from the service or die in service on or after such date  
9 of enactment.

10 (d) The amendments made by section (3)(c) shall  
11 take effect on January 1, 1987.

