

108TH CONGRESS
1ST SESSION

H. R. 2316

To enhance the terms of the retirement annuities of administrative law judges.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2003

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

A BILL

To enhance the terms of the retirement annuities of administrative law judges.

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; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Administrative Law Judges Retirement Act of 2003”.

6 (b) REFERENCES.—Whenever in this Act an amend-
7 ment is expressed in terms of an amendment to a section
8 or other provision, the reference shall be considered to be
9 made to a section or other provision of title 5, United
10 States Code.

1 **SEC. 2. PROVISIONS RELATING TO THE CIVIL SERVICE RE-**
2 **TIREMENT SYSTEM.**

3 (a) DEFINITION.—Section 8331 of title 5, United
4 States Code, is amended—

5 (1) in paragraph (27), by striking “and” at the
6 end;

7 (2) in paragraph (28), by striking the period
8 and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(29) ‘administrative law judge’ means an ad-
11 ministrative law judge appointed under section 3105
12 or a similar prior provision of law.”.

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

15 (1) in the first sentence of subsection (a)(1), by
16 striking “or nuclear materials courier,” and insert-
17 ing “nuclear materials courier, or administrative law
18 judge,”;

19 (2) in the second sentence of subsection (a)(1),
20 by striking the period and inserting the following:
21 “; however, the amount to be contributed under this
22 sentence with respect to service performed as an ad-
23 ministrative law judge after the effective date of the
24 Administrative Law Judges Retirement Act of 2003
25 shall be the amount equal to the product of basic
26 pay paid for that service multiplied by the percent-

1 age that is 1 percentage point less than the percent-
 2 age applicable under subsection (c).”; and
 3 (3) in subsection (c), by adding after the item
 4 relating to a nuclear materials courier the following:

“Administrative law judge	5	June 11, 1947, to June 30, 1948.
	6	July 1, 1948, to October 31, 1956.
	6.5	November 1, 1956, to December 31, 1969.
	7	January 1, 1970, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	January 1, 2001, to (but not including) the effective date of the Administrative Law Judges Retirement Act of 2003.
	8	The effective date of the Administrative Law Judges Retirement Act of 2003 and thereafter.”.

5 (c) IMMEDIATE RETIREMENT.—Section 8336 is
 6 amended by adding at the end the following:
 7 “(q) An administrative law judge who is separated
 8 from the service after completing 10 years of service as
 9 an administrative law judge and becoming 55 years of age
 10 is entitled to an annuity. An administrative law judge who
 11 is separated from the service voluntarily after completing
 12 10 years of service as an administrative law judge but be-
 13 fore becoming 55 years of age is entitled to a reduced an-

1 nuity. An administrative law judge is entitled to an annu-
 2 ity if such judge would be entitled to an annuity under
 3 subsection (d) (taking into account any amendments
 4 deemed to be in effect with respect thereto) if such sub-
 5 section were applied by substituting ‘5’ for ‘25 years of
 6 service or after becoming 50 years of age and completing
 7 20’, and the reference to ‘removal for cause on charges
 8 of misconduct or delinquency’ in paragraph (1) thereof
 9 were considered to refer to a removal under section 1215,
 10 7521, or 7532.”.

11 (d) COMPUTATION OF ANNUITY.—Section 8339 is
 12 amended—

13 (1) in subsection (f), by striking “(r), and (s)”
 14 and inserting “(r), (s), and (v)”;

15 (2) in the first sentence of subsection (h), by
 16 striking “subsections (a), (b), (d)(5), and (f) of this
 17 section for an employee retiring under section
 18 8336(d), (h), (j), or (o) of this title” and inserting
 19 “subsections (a), (b), (d)(5), (f), and (v) for an em-
 20 ployee retiring under section 8336(d), (h), (j), or
 21 (o), or the second sentence of section 8336(q),”;

22 (3) in subsection (i), by striking “(r), or (s)”
 23 and inserting “(r), (s), or (v)”;

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

1 “(v) The annuity of an employee retiring under sec-
 2 tion 8336(q) is computed under such provisions of this
 3 section as would (but for this subsection) otherwise apply,
 4 except that, with respect to such employee’s—

5 “(1) service as an administrative law judge; and

6 “(2) military service not exceeding 5 years;

7 such employee’s annuity is computed by multiplying 2½
 8 percent of such employee’s average pay by the years of
 9 that service.”.

10 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

11 (1) Sections 8337(a) and 8339(g) are amended by striking
 12 “or (s)” each place it appears and inserting “(s), or (v)”.

13 (2) Subsections (j), (k)(1), (l), and (m) of section
 14 8339, subsections (b)(1) and (d) of section 8341, and sec-
 15 tion 8344(a)(A) are amended by striking “and (s)” each
 16 place it appears and inserting “(s), and (v)”.

17 (3) Subsections (j)(3) (in the matter before subpara-
 18 graph (A)), (j)(5)(C)(iii), and (k)(2)(C) of section 8339
 19 and section 8343a(c) are amended by striking “and (q)”
 20 each place it appears and inserting “(q), and (v)”.

21 **SEC. 3. PROVISIONS RELATING TO THE FEDERAL EMPLOY-**

22 **EES’ RETIREMENT SYSTEM.**

23 (a) DEFINITION.—Section 8401 is amended—

24 (1) in paragraph (33), by striking “and” at the
 25 end;

1 (2) in paragraph (34), by striking the period
2 and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(35) ‘administrative law judge’ means an ad-
5 ministrative law judge appointed under section 3105
6 or a similar prior provision of law.”.

7 (b) IMMEDIATE RETIREMENT.—Section 8412 is
8 amended by adding at the end the following:

9 “(i) An administrative law judge who is separated
10 from the service after completing 10 years of service as
11 an administrative law judge and becoming 55 years of age
12 is entitled to an annuity.”.

13 (c) EARLY RETIREMENT.—Section 8414 is amended
14 by adding at the end the following:

15 “(e) An administrative law judge who is separated
16 from the service voluntarily after completing 10 years of
17 service as an administrative law judge but before becoming
18 55 years of age is entitled to a reduced annuity. An admin-
19 istrative law judge is entitled to an annuity if such judge
20 would be entitled to an annuity under subsection (b) (tak-
21 ing into account any amendments deemed to be in effect
22 with respect thereto) if such subsection were applied by
23 substituting ‘5 years of service’ for ‘25 years of service,
24 or after becoming 50 years of age and completing 20 years
25 of service,’ and the reference to ‘removal for cause on

1 charges of misconduct or delinquency’ in paragraph (1)(A)
2 thereof were considered to refer to a removal under section
3 1215, 7521, or 7532.”.

4 (d) COMPUTATION OF ANNUITY.—Section 8415 is
5 amended—

6 (1) in subsection (g)(2), by striking “or air
7 traffic controller.” and inserting “air traffic con-
8 troller, or administrative law judge (with respect to
9 any service as to which the percentage set forth in
10 the first sentence of subsection (l) applies).”; and

11 (2) by adding at the end the following:

12 “(l) The annuity of an employee retiring under sec-
13 tion 8412(i) or 8414(e) is computed under such provisions
14 of this section as would (but for this subsection) otherwise
15 apply, except that, with respect to such employee’s—

16 “(1) service as an administrative law judge; and

17 “(2) military service not exceeding 5 years;

18 such employee’s annuity is computed by multiplying $1\frac{7}{10}$
19 percent of such employee’s average pay by the years of
20 that service. The annuity computed under this section for
21 an employee retiring under the first sentence of section
22 8414(e) is reduced by $\frac{1}{6}$ of 1 percent for each full month
23 the employee is under 55 years of age at the date of sepa-
24 ration.”.

1 (e) DEDUCTIONS FROM PAY.—Section 8422(a)(3) is
 2 amended by adding after the item relating to a nuclear
 3 materials courier the following:

“Administrative law judge	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	January 1, 2001, to (but not including) the effective date of the Administrative Law Judges Retirement Act of 2003.
	8	The effective date of the Administrative Law Judges Retirement Act of 2003 and thereafter.”.

4 (f) GOVERNMENT CONTRIBUTIONS.—Section 8423 is
 5 amended—

6 (1) in subsection (a)(1)(B)(i), by striking “and
 7 employees under sections 302 and 303 of the Central
 8 Intelligence Agency Retirement Act, multiplied
 9 by” and inserting “employees under sections 302
 10 and 303 of the Central Intelligence Agency Retirement
 11 Act, and administrative law judges, multiplied
 12 by”;

13 (2) by amending paragraph (2) of subsection
 14 (a) to read as follows:

15 “(2) In determining any normal-cost percentage to
 16 be applied under this subsection—

1 “(A) amounts provided for under section 8422
2 shall be taken into account; and

3 “(B) amounts provided by or for administrative
4 law judges under subchapter III of chapter 83 (in-
5 cluding sections 8334 and 8348, and whether pro-
6 vided before, on, or after the effective date of this
7 subparagraph) shall, to the extent they exceed the
8 normal cost of the benefits which are (i) provided for
9 under subchapter III of chapter 83, and (ii) attrib-
10 utable to service performed as an administrative law
11 judge (within the meaning of such subchapter), be
12 taken into account as if they had been provided by
13 or for administrative law judges under this chap-
14 ter.”; and

15 (3) in subsection (a)(3), by inserting “adminis-
16 trative law judges,” after “military reserve techni-
17 cians,” each place it appears.

18 **SEC. 4. EFFECTIVE DATE; APPLICABILITY.**

19 (a) **EFFECTIVE DATE.**—This Act and the amend-
20 ments made by this Act shall take effect as of the first
21 day of the first pay period beginning on or after the date
22 of the enactment of this Act.

23 (b) **APPLICABILITY.**—Nothing in this Act shall be
24 considered to apply with respect to any annuity entitle-

- 1 ment to which is based on a separation from service occur-
- 2 ring before the effective date of this Act.

