

108TH CONGRESS
1ST SESSION

H. R. 3267

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, members of the Supreme Court and Capitol police, and their survivors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2003

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

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, members of the Supreme Court and Capitol police, 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 Employees’
4 Benefits Equity Act of 2001”.

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, nuclear materials courier, or mem-
14 ber of the Supreme Court Police, or any com-
15 bination of such service totaling at least 20
16 years, an employee retires under section
17 8336(d)(1), or 8337, the annuity of such em-
18 ployee shall be computed under subparagraph
19 (A).”;

20 (2) in subsection (e)—

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

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

1 “(2) If, at any age and after completing 20
2 years of service as an air traffic controller, an em-
3 ployee retires under section 8336(d)(1) or 8337,
4 paragraph (1) shall be applied in computing the an-
5 nuity of such employee.”; and

6 (3) in subsection (q)—

7 (A) by striking “(q)” and inserting
8 “(q)(1)”;

9 (B) by redesignating paragraphs (1) and
10 (2) as subparagraphs (A) and (B), respectively;
11 and

12 (C) by adding at the end the following new
13 paragraph:

14 “(2) If, at any age and after completing 20
15 years of service as a member of the Capitol Police
16 or as a law enforcement officer (or any combination
17 of such service totaling at least 20 years), a member
18 or former member of the Capitol Police retires under
19 section 8336(d)(1) or 8337, the annuity of such
20 member or former member shall be computed under
21 paragraph (1).”.

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

24 (1) by inserting the following immediately after
25 the first sentence: “For purposes of the preceding

1 sentence, subsections (b)–(e), (q), and (r) of section
2 8339 shall be considered as applying with respect to
3 the employee or Member only if the employee or
4 Member satisfied the age and service requirements
5 for application of such subsections to the employee
6 or Member at the date of death. For this purpose,
7 the decedent shall be deemed to have been disabled
8 for purposes of retirement under section 8337 at the
9 time of death.”; and

10 (2) by striking “Notwithstanding the preceding
11 sentence” and inserting “Notwithstanding the first
12 sentence of this subsection”.

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

16 “(k) When an employee—

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

24 “(2)(A) begins to receive an annuity which is
25 not computed under section 8339 (d) or (q) and, in

1 the case of a member or former member of the Cap-
2 itol Police, also does not have his or her service as
3 a member of the Capitol Police credited in the com-
4 putation of an annuity under section 8339 (b) or
5 (c); or

6 “(B) dies before retiring under this subchapter
7 but leaves a survivor entitled to an annuity under
8 section 8341 based on the deceased employee’s serv-
9 ice, provided that—

10 “(i) such survivor annuity is not based on
11 an employee annuity computed under section
12 8339 (d) or (q); and

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

19 the difference between the employee deductions for
20 such service at the higher percentage rate and the
21 employee deductions that would have been withheld
22 at the rate applicable to employees generally under
23 section 8334(a)(1), together with interest computed
24 in accordance with paragraphs (2) and (3) of section
25 8334(e) and applicable regulations prescribed by the

1 Office, shall be paid to the annuitant or, in the case
2 of a deceased employee, to the individual entitled to
3 a lump-sum benefit under subsection (c).”.

4 FEDERAL EMPLOYEES’ RETIREMENT SYSTEM

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

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

10 “(A) $1\frac{7}{10}$ percent of that individual’s average
11 pay multiplied by so much of such individual’s total
12 service as a law enforcement officer, firefighter,
13 member of the Capitol Police or Supreme Court Po-
14 lice, nuclear materials courier, or air traffic con-
15 troller as does not exceed 20 years; plus

16 “(B) 1 percent of that individual’s average pay
17 multiplied by the remainder of such individual’s total
18 service.

19 “(2) If, at any age and after completing 20 years of
20 service as a law enforcement officer, firefighter, member
21 of the Capitol Police or Supreme Court Police, or nuclear
22 materials courier, or any combination of such service total-
23 ing at least 20 years, an employee retires under section
24 8414(b)(1)(A) or 8451, the annuity of such employee shall
25 be computed under paragraph (1).

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

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

8 “(i) When an employee—

9 “(1) has service as a law enforcement officer,
10 firefighter, member of the Capitol Police or Supreme
11 Court Police, air traffic controller, or nuclear mate-
12 rials courier for which retirement deductions were
13 withheld under section 8422(a) at a higher percent-
14 age rate than that applicable to employees generally;
15 and

16 “(2)(A) begins to receive an annuity which is
17 not computed under section 8415(d) and, in the case
18 of a member or former member of the Capitol Po-
19 lice, also does not have his or her service as a mem-
20 ber of the Capitol Police credited in the computation
21 of an annuity under section 8415 (b) or (c); or

22 “(B) dies before having retired under this chap-
23 ter but leaves a survivor entitled to an annuity
24 under subchapter IV based on the deceased employ-
25 ee’s service, provided that—

1 “(i) such survivor annuity is not based on
2 an employee annuity computed under section
3 8415(d); and

4 “(ii) where the decedent was a member or
5 former member of the Capitol Police, such sur-
6 vivor annuity is not based on an annuity com-
7 puted under section 8415 (b) or (c) which in-
8 cludes service as a member of the Capitol Po-
9 lice—

10 the difference between the employee deductions for
11 such service at the higher percentage rate and the
12 employee deductions that would have been withheld
13 at the rate applicable to employees generally under
14 section 8422(a)(2), together with interest computed
15 in accordance with paragraphs (2) and (3) of section
16 8334(e) and applicable regulations prescribed by the
17 Office, shall be paid to the annuitant or, in the case
18 of a deceased employee, to the individual entitled to
19 a lump-sum benefit under subsection (d).”.

20 (c) Section 8442 of title 5, United States Code, is
21 amended—

22 (1) in subsection (b)(1) by adding at the end
23 the following:

24 “For purposes of the preceding sentence, section 8415
25 (b)–(d) and (g) shall be considered as applying with re-

1 spect to the employee or Member only if the employee or
2 Member satisfied the age and service requirements for ap-
3 plication of such subsections to the employee or Member
4 at the date of death. For this purpose, the decedent shall
5 be deemed to have been disabled for purposes of retire-
6 ment under section 8451 at the time of death.”; and

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

10 EFFECTIVE DATE

11 SEC. 4. The amendments made by this Act shall take
12 effect on the date of enactment of this Act and shall apply
13 only with respect to individuals who, on or after such date
14 of enactment, separate from employment subject to sub-
15 chapter III of chapter 83, or chapter 84, of title 5, United
16 States Code.

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