

104TH CONGRESS
1ST SESSION

H. R. 165

To make Members of Congress ineligible to participate in the Federal Employees' Retirement System.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. COBLE introduced the following bill; which was referred to the Committee on Government Reform and Oversight and, in addition, to the Committee on House 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 make Members of Congress ineligible to participate in the Federal Employees' Retirement System.

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. INELIGIBILITY TO PARTICIPATE IN FERS.**

4 (a) IN GENERAL.—Except as otherwise provided in
5 this section, effective as of the date of the enactment of
6 this Act, a Member of Congress shall be ineligible to par-
7 ticipate in the Federal Employees' Retirement System.

8 (b) EXCEPTION.—Subsection (a) shall not apply with
9 respect to any individual who, as of the date of the enact-

1 ment of this Act, satisfies the requirements of section
2 8410 of title 5, United States Code, for being considered
3 eligible for an annuity under subchapter II of chapter 84
4 of such title.

5 (c) REFUNDS OF CONTRIBUTIONS.—

6 (1) IN GENERAL.—Nothing in subsection (a)
7 shall prevent appropriate refunds from being made,
8 in accordance with applicable provisions of law, on
9 account of an individual's becoming ineligible to par-
10 ticipate in the Federal Employees' Retirement Sys-
11 tem as a result of the enactment of this Act.

12 (2) SPECIAL RULE.—For purposes of making
13 any refunds in accordance with paragraph (1), a
14 Member who becomes ineligible to participate in the
15 Federal Employees' Retirement System as a result
16 of the enactment of this Act shall be treated in the
17 same way as if separated from service.

18 (d) ANNUITANTS NOT AFFECTED.—Subsection (a)
19 shall not be considered to apply with respect to—

20 (1) any former Member of Congress who, as of
21 the date of the enactment of this Act, is entitled (or
22 would on proper application be entitled) to an annu-
23 ity computed, in whole or in part, by reference to
24 section 8415 of title 5, United States Code; or

1 (2) any individual who, as of the date of the en-
2 actment of this Act, is entitled (or would on proper
3 application be entitled) to an annuity as a survivor
4 of a former Member of Congress.

5 **SEC. 2. DEFINITION.**

6 For purposes of this Act, the terms “Member of Con-
7 gress” and “Member” have the same meaning as the term
8 “Member” under section 8401(20) of title 5, United
9 States Code.

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