

104TH CONGRESS  
1ST SESSION

# H. R. 2456

To amend title 5, United States Code, to limit the number of years that a Member of Congress may participate in either the Civil Service Retirement System or the Federal Employees' Retirement System.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 1995

Mr. THORNBERRY introduced the following bill; which was referred to the Committee on House Oversight, and in addition to the Committee on Government Reform and 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

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## A BILL

To amend title 5, United States Code, to limit the number of years that a Member of Congress may participate in either the Civil Service Retirement System or 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. SHORT TITLE.**

4 This Act may be cited as the "Limited Congressional  
5 Pension Act of 1995".

1 **SEC. 2. AMENDMENTS RELATING TO THE CIVIL SERVICE**  
2 **RETIREMENT SYSTEM.**

3 (a) IN GENERAL.—Subchapter III of chapter 83 of  
4 title 5, United States Code, is amended by adding at the  
5 end the following:

6 **“§ 8352. Limitations relating to Members**

7 “(a)(1) For the purpose of this section—

8 “(A) the term ‘maximum allowable period of  
9 member service’ means the greater of—

10 “(i) 12 years of member service; or

11 “(ii) the total number of years of member  
12 service completed by the Member before the ef-  
13 fective date of this section (expressed in terms  
14 of the full years and twelfth parts thereof, ex-  
15 cluding from the aggregate the fractional part  
16 of a month, if any);

17 “(B) the term ‘deemed separation date’, as  
18 used with respect to a Member, means the date such  
19 Member is deemed under subsection (b)(1)(A) or  
20 (B), as the case may be, to have separated from  
21 service as a Member; and

22 “(C) the term ‘deemed separation’ means a sep-  
23 aration deemed to have occurred under subsection  
24 (b)(1)(A) or (B).

25 “(2) This section shall apply with respect to any indi-  
26 vidual serving as a Member on or after the effective date

1 of this section, excluding a reemployed annuitant whose  
2 annuity commenced before such effective date.

3 “(b) Except as otherwise provided in this section—

4 “(1)(A) any Member who has completed the  
5 maximum allowable period of member service before  
6 the effective date of this section shall, for purposes  
7 of this subchapter, be deemed to have separated  
8 from service on the day before such effective date;  
9 and

10 “(B) any Member who completes the maximum  
11 allowable period of member service on or after the  
12 effective date of this section shall, for purposes of  
13 this subchapter, be deemed to have separated from  
14 service on the date on which such Member completes  
15 the maximum allowable period of member service;  
16 and

17 “(2) any Member who is deemed to have sepa-  
18 rated from service under subparagraph (A) or (B) of  
19 paragraph (1)—

20 “(A) may not thereafter remain or become  
21 subject to either the Civil Service Retirement  
22 System or the Federal Employees’ Retirement  
23 System as a Member of Congress (as defined by  
24 section 2106); and

1           “(B) for purposes of this subchapter, shall,  
2           while thereafter serving as a Member of Con-  
3           gress (as so defined), be treated in the same  
4           way as a former Member not then performing  
5           Government service.

6           “(c)(1) This subsection shall apply with respect to  
7 any Member described in subsection (b)(1)(A) or (B).

8           “(2) A Member to whom this subsection applies shall  
9 not be eligible for an immediate or deferred annuity based  
10 on any deemed separation. Rather, actual separation must  
11 occur in order to be eligible for such an annuity.

12          “(3) For purposes of determining whether a Member  
13 satisfies the age and service requirements for title to an  
14 annuity—

15           “(A) the Member’s age as of the Member’s  
16 deemed separation date shall be used; and

17           “(B) the Member’s total service as of the Mem-  
18 ber’s deemed separation date shall be used, subject  
19 to paragraph (7).

20          “(4) The requirements of subsections (b) and (c) of  
21 section 8333 shall be considered met if the Member would  
22 satisfy those requirements as of the Member’s deemed sep-  
23 aration date (assuming the Member actually separated on  
24 that date).

25          “(5) For purposes of any computation of annuity—

1           “(A) average pay shall be determined disregard-  
2           ing pay for any member service performed after the  
3           Member’s deemed separation date;

4           “(B) any reduction under section 8339(h) shall  
5           be made using the age determined under paragraph  
6           (3)(A); and

7           “(C) the Member’s total service shall be equal  
8           to the total service determined under paragraph  
9           (3)(B).

10 For purposes of applying the respective limitations under  
11 sections 8339(f) and 8340(g), the average pay and final  
12 pay (or final basic pay) of a Member shall likewise be de-  
13 termined based on the Member’s deemed separation date.

14           “(6)(A) Any deadline (such as for making an election  
15 or making a deposit) which is fixed by reference to date  
16 of separation shall be applied using the Member’s actual  
17 separation date.

18           “(B) Any determination as to the marital status of  
19 the Member as of date of separation shall be made based  
20 on the Member’s actual separation date.

21           “(7) For purposes of determining any period of mili-  
22 tary service which is creditable for purposes of section  
23 8339(c)(1), the date of final separation from service as  
24 a Member (as referred to in section 8332(d)) shall be the  
25 Member’s actual separation date.

1 “(d)(1) No contribution to the Thrift Savings Fund  
2 may be made by any Member with respect to any pay pe-  
3 riod beginning on or after the effective date of this section.

4 “(2) Except as provided in paragraph (1), nothing  
5 in this section shall be considered to permit or require that  
6 a Member be treated as having separated before such  
7 Member’s actual separation date for purposes of the  
8 Thrift Savings Plan.

9 “(e) Regulations to carry out this section may be pre-  
10 scribed by the Office of Personnel Management and the  
11 Executive Director (within the meaning of section  
12 8401(13)) with respect to matters within their respective  
13 areas of jurisdiction.

14 “(f) This section shall take effect as of the first day  
15 of the Congress next beginning after the date of the enact-  
16 ment of the Limited Congressional Pension Act of 1995.”.

17 (b) CONFORMING AMENDMENT.—The table of sec-  
18 tions for chapter 83 of title 5, United States Code, is  
19 amended by adding at the end the following:

“8352. Limitations relating to Members.”.

20 **SEC. 3. AMENDMENTS RELATING TO THE FEDERAL EM-**  
21 **PLOYEES’ RETIREMENT SYSTEM.**

22 (a) IN GENERAL.—Subchapter I of chapter 84 of title  
23 5, United States Code, is amended by adding at the end  
24 the following:

1 **“§ 8404. Limitations relating to Members**

2 “(a)(1) For the purpose of this section—

3 “(A) the term ‘maximum allowable period of  
4 member service’ means the greater of—

5 “(i) 12 years of member service; or

6 “(ii) the total number of years of member  
7 service completed by the Member before the ef-  
8 fective date of this section (expressed in terms  
9 of the full years and twelfth parts thereof, ex-  
10 cluding from the aggregate the fractional part  
11 of a month, if any);

12 “(B) the term ‘deemed separation date’, as  
13 used with respect to a Member, means the date such  
14 Member is deemed under subsection (b)(1)(A) or  
15 (B), as the case may be, to have separated from  
16 service as a Member;

17 “(C) the term ‘deemed separation’ means a sep-  
18 aration deemed to have occurred under subsection  
19 (b)(1)(A) or (B); and

20 “(D) the term ‘member service’ means any  
21 service as a Member and any service constituting  
22 member service within the meaning of section  
23 8331(14).

24 “(2) This section shall apply with respect to any indi-  
25 vidual serving as a Member on or after the effective date

1 of this section, excluding a reemployed annuitant whose  
2 annuity commenced before such effective date.

3 “(b) Except as otherwise provided in this section—

4 “(1)(A) any Member who has completed the  
5 maximum allowable period of member service before  
6 the effective date of this section shall, for purposes  
7 of this chapter, be deemed to have separated from  
8 service on the day before such effective date; and

9 “(B) any Member who completes the maximum  
10 allowable period of member service on or after the  
11 effective date of this section shall, for purposes of  
12 this chapter, be deemed to have separated from serv-  
13 ice on the date on which such Member completes the  
14 maximum allowable period of member service; and

15 “(2) any Member who is deemed to have sepa-  
16 rated from service under subparagraph (A) or (B) of  
17 paragraph (1)—

18 “(A) may not thereafter remain or become  
19 subject to the Federal Employees’ Retirement  
20 System as a Member of Congress (as defined by  
21 section 2106); and

22 “(B) for purposes of this chapter, shall,  
23 while thereafter serving as a Member of Con-  
24 gress (as so defined), be treated in the same

1           way as a former Member not then performing  
2           Government service.

3           “(c)(1) This subsection shall apply with respect to  
4 any Member described in subsection (b)(1)(A) or (B).

5           “(2) A Member to whom this subsection applies shall  
6 not be eligible for an immediate or deferred annuity based  
7 on any deemed separation. Rather, actual separation must  
8 occur in order to be eligible for such an annuity.

9           “(3) For purposes of determining whether a Member  
10 satisfies the age and service requirements for title to an  
11 annuity—

12           “(A) the Member’s age as of the Member’s  
13 deemed separation date shall be used; and

14           “(B) the Member’s total service as of the Mem-  
15 ber’s deemed separation date shall be used, subject  
16 to paragraph (6).

17 However, for purposes of determining eligibility for an an-  
18 nuity supplement under section 8421, the Member’s actual  
19 age shall be used.

20           “(4) For purposes of any computation of annuity—

21           “(A) average pay shall be determined disregard-  
22 ing pay for any member service performed after the  
23 Member’s deemed separation date; and

1           “(B) the Member’s total service shall be equal  
2           to the total service determined under paragraph  
3           (3)(B).

4 Any annuity supplement under section 8421 shall be com-  
5 puted in a manner consistent with the preceding sentence.

6           “(5)(A) Any deadline (such as for making an election  
7 or making a deposit) which is fixed by reference to date  
8 of separation shall be applied using the Member’s actual  
9 separation date.

10          “(B) Any determination as to the marital status of  
11 the Member and any similar determination shall be made  
12 based on the Member’s actual separation date.

13          “(6) For purposes of determining any period of mili-  
14 tary service which is creditable for purposes of section  
15 8411(c), the date of separation from service as a Member  
16 shall be the Member’s actual separation date.

17          “(d)(1) No contribution to the Thrift Savings Fund  
18 may be made by or for the benefit of any Member (includ-  
19 ing under section 8432(c)(1)) with respect to any pay pe-  
20 riod beginning on or after the effective date of this section.

21          “(2) Except as provided in paragraph (1), nothing  
22 in this section shall be considered to permit or require that  
23 a Member be treated as having separated before such  
24 Member’s actual separation date for purposes of the  
25 Thrift Savings Plan.

1       “(e) Regulations to carry out this section may be pre-  
2 scribed by the Office of Personnel Management and the  
3 Executive Director with respect to matters within their re-  
4 spective areas of jurisdiction.

5       “(f) This section shall take effect as of the first day  
6 of the Congress next beginning after the date of the enact-  
7 ment of the Limited Congressional Pension Act of 1995.”.

8       (b) CONFORMING AMENDMENT.—The table of sec-  
9 tions for chapter 83 of title 5, United States Code, is  
10 amended by adding at the end the following:

“8404. Limitations relating to Members.”.

