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COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

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FPC-96-1-11

<sup>A.</sup>  
The Honorable Abraham Ribicoff  
Chairman, Committee on Governmental  
Affairs  
United States Senate

SEN 06600

JUN 29 1979

Dear Mr. Chairman:

Your letter of March 7, 1979, requested our [comments on S.256, a bill "To amend title 5 of the United States Code] to allow congressional employees with long periods of service with the same Member of Congress to receive civil service retirement credit for employment by the Member during a break in service of the Member."

We do not recommend enactment of S.256.

Congressional employees were not covered by the civil service retirement system when it was established in 1920. The legislative history indicates that, because congressional employees had no permanent employment status as did other Federal employees, they could not be assured of an opportunity to build an adequate service base.

Elective coverage under the system was extended to congressional employees in 1937 with the same benefit provisions other employees received. However, in 1954, separate provisions were enacted whereby retiring congressional employees, with at least 5 years of such service, could elect to have their annuities computed by a special, more generous formula. The special formula provided an annuity equal to (a) 2.5 percent of high-5 year average salary for each year of service (not exceeding 15) as a legislative employee, including allowable military service, plus (b) 1.5 percent of such average salary multiplied by all other years of allowable service. At the time, the annuities of other employees were computed by multiplying all years of service by 1.5 percent of high-5 average salary.

The stated purpose of the 1954 provision was to recognize the uncertain tenure of congressional employees and their limited opportunity to establish an adequate retirement annuity based on years of service. The legislative history stated that, while special legislation had been

*Proposed legislation  
Congressional employees  
Civil Service pensions*

*Letter  
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approved from time to time to correct certain inequalities and problems in the retirement system relating to other groups of Federal employees, nothing had been done about the problem of the uncertain tenure of congressional employees.

Subsequent amendments to the civil service retirement system continued the more generous benefits for congressional employees. Under current law, the annuity of a congressional employee is computed by multiplying 2.5 percent of high-3 year average pay by the years of service as (1) a congressional employee, (2) military service not exceeding 5 years, and (3) any service as a Member of the Congress. The general formula applicable to other personnel is used to compute the annuity for all other creditable service. The annuity formula applicable to other personnel is:

- (1) 1.5 percent of high-3 multiplied by first 5 years of service, plus
- (2) 1.75 percent of high-3 multiplied by the number of years of service between 5 and 10, plus
- (3) 2 percent of high-3 multiplied by all years of service over 10 years.

We have generally not favored legislation such as S.256 which grants preferential treatment to specific groups or classes of employees under the retirement system. S.256 would allow congressional employees retirement credit for breaks in service of up to 5 years whereas other groups of employees are allowed credit for breaks in service of no more than 3 calendar days. Moreover, congressional employees are already provided more generous retirement benefits than other Federal personnel in recognition of the more tenuous nature of their employment.

Because of the inequities which would result, we would recommend against enactment of S.256.

Sincerely yours,

R.F.KELLER

[Noting]

Comptroller General  
of the United States