

Public Law 101-428
101st Congress

An Act

Oct. 15, 1990
[H.R. 5641]

To amend title 5, United States Code, with respect to retirement of members of the Capitol Police.

Capitol Police
Retirement Act.
5 USC 8331 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the “Capitol Police Retirement Act”.

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 2. AMENDMENTS TO CHAPTER 83.

(a) **IMMEDIATE RETIREMENT.**—Section 8336 is amended by redesignating subsection (m) as subsection (n) and inserting after subsection (l) the following new subsection:

“(m) A member of the Capitol Police who is separated from the service after becoming 50 years of age and completing 20 years of service as a member of the Capitol Police or as a law enforcement officer, or any combination of such service totaling at least 20 years, is entitled to an annuity.”

(b) **MANDATORY SEPARATION.**—(1)(A) Section 8335 is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

“(d) A member of the Capitol Police who is otherwise eligible for immediate retirement under section 8336(m) shall be separated from the service on the last day of the month in which such member becomes 55 years of age or completes 20 years of service if then over that age. The Capitol Police Board, when in its judgment the public interest so requires, may exempt such a member from automatic separation under this subsection until that member becomes 60 years of age. The Board shall notify the member in writing of the date of separation at least 60 days in advance thereof. Action to separate the member is not effective, without the consent of the member, until the last day of the month in which the 60-day notice expires.”

(B) The amendment made by subparagraph (A) shall take effect 2 years after the date of enactment of this Act.

(2) Section 8335(e), as so redesignated by paragraph (1)(A), is amended by inserting “(other than a member of the Capitol Police)” after “employee”.

(c) **COMPUTATION.**—(1) Section 8339 is amended by adding at the end the following new subsection:

“(q) The annuity of a member of the Capitol Police, or former member of the Capitol Police, retiring under this subchapter is computed in accordance with subsection (b), except that, in the case

Effective date.
5 USC 8335 note.

of a member who retires under section 8335(d) or 8336(m), and who meets the requirements of subsection (b)(2), the annuity of such member is—

“(1) 2½ percent of the member’s average pay multiplied by so much of such member’s total service as does not exceed 20 years; plus

“(2) 2 percent of the member’s average pay multiplied by so much of such member’s total service as exceeds 20 years.”.

(2)(A) The amendment made by paragraph (1) shall take effect 4 years after the date of enactment of this Act, and shall apply with respect to any annuity, entitlement to which is based on a separation occurring on or after that effective date, subject to subparagraph (B).

Effective date.
5 USC 8339 note.

(B) Nothing in this subsection or in the amendment made by this subsection shall, with respect to any service performed before the effective date of such amendment, have the effect of reducing the percentage applicable in computing any portion of an annuity based on such service below the percentage which would otherwise apply if this Act had not been enacted.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 8337(a) is amended in the last sentence by striking “8339(a)–(e) or (n)” and inserting “8339(a)–(e), (n), or (q)”.

(2) Subsections (f) and (m) of section 8339 are each amended by striking “(a)–(e) and (n)” and inserting “(a)–(e), (n), and (q)”.

(3) Section 8339(g) is amended—

(A) in paragraph (2), by striking “(a)–(c) or (n)” and inserting “(a)–(c), (n), or (q)”;

(B) in the matter following paragraph (2), by striking “(c), or (n)” each place it appears and inserting “(c), (n), or (q)”.

(4) Section 8339(i) is amended by striking “(a)–(h) and (n)” and inserting “(a)–(h), (n), and (q)”.

(5) Sections 8339(j), 8339(k)(1), and 8343a are each amended by striking “(a)–(i) and (n)” each place it appears and inserting “(a)–(i), (n), and (q)”.

(6) Section 8339(l) is amended by striking “(a)–(k) and (n)” and inserting “(a)–(k), (n), and (q)”.

(7) Subsections (b)(1) and (d) of section 8341 are each amended by striking “(n), and (o)” and inserting “(n), (o), and (q)”.

(8) Section 8344(a)(A) is amended by striking “(i), and (n)” and inserting “(i), (n), and (q)”.

SEC. 3. AMENDMENTS TO CHAPTER 84.

(a) IMMEDIATE RETIREMENT.—Section 8412(d) is amended by striking “officer” each place it appears and inserting “officer, member of the Capitol Police.”.

(b) MANDATORY SEPARATION.—(1)(A) Section 8425(b) is amended by striking “officer” each place it appears and inserting “officer, member of the Capitol Police.”.

(B) Nothing in section 8425(b) of title 5, United States Code, as amended by subparagraph (A), shall require the automatic separation of any member of the Capitol Police before the end of the 2-year period beginning on the date of enactment of this Act.

5 USC 8425 note.

(2) Section 8425(c) is amended by inserting “(other than a member of the Capitol Police)” after “employee”.

Approved October 15, 1990.

LEGISLATIVE HISTORY—H.R. 5641:

CONGRESSIONAL RECORD, Vol. 136 (1990):

Sept. 27, considered and passed House.

Oct. 2, considered and passed Senate.