

117TH CONGRESS  
1ST SESSION

# H. R. 4222

To amend title 5, United States Code, to include certain overtime pay received by members of the Capitol Police in the computation of annuities for such members, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2021

Mr. CONNOLLY (for himself, Mr. RYAN, and Ms. WEXTON) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Reform, 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 include certain overtime pay received by members of the Capitol Police in the computation of annuities for such members, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Capitol Police Retire-  
5 ment Reform Act of 2021”.

1 **SEC. 2. FLSA OVERTIME COMPENSATION INCLUDED AS**  
2 **BASIC PAY OF MEMBERS OF CAPITOL PO-**  
3 **LICE.**

4 (a) IN GENERAL.—Section 8331(3) of title 5, United  
5 States Code, is amended—

6 (1) in subparagraph (H), by striking “and” at  
7 the end;

8 (2) in subparagraph (I), by inserting “and”  
9 after the semicolon;

10 (3) by inserting after subparagraph (I) the fol-  
11 lowing:

12 “(J) with respect to a member of the Cap-  
13 itol Police, overtime pay received on or after the  
14 date of enactment of this subparagraph for  
15 overtime under the Fair Labor Standards Act  
16 of 1938 (29 U.S.C. 201 et seq.) by operation of  
17 section 102(a)(1) of the Congressional Account-  
18 ability Act of 1995 (2 U.S.C. 1302(a)(1)), for  
19 up to an amount equal to 50 percent of any an-  
20 nual statutory maximum in overtime pay for  
21 customs officers set pursuant to section 5(c)(1)  
22 of the Act of February 13, 1911 (19 U.S.C.  
23 267(c)(1));” and

24 (4) in the undesignated matter following sub-  
25 paragraph (J) (as added by paragraph (3)), by strik-  
26 ing “subparagraphs (B) through (I) of this para-

1 graph” and inserting “subparagraphs (B) through  
2 (J) of this paragraph,”.

3 (b) IMPLEMENTATION.—

4 (1) IN GENERAL.—Section 8415 of title 5,  
5 United States Code, is amended by adding at the  
6 end the following:

7 “(o)(1) No part of overtime pay (as described in sec-  
8 tion 8331(3)(J)) paid to a member of the Capitol Police  
9 shall be treated as basic pay for purposes of any computa-  
10 tion of an annuity under this section, unless, before the  
11 date of the separation on which entitlement to annuity is  
12 based, the separating individual has completed at least 15  
13 years of service (whether performed before, on, or after  
14 the date of the enactment of this subsection).

15 “(2) If the condition under paragraph (1) is met,  
16 then any amounts received by the individual in the form  
17 of such overtime pay shall (for the purposes referred to  
18 in paragraph (1)) be treated as basic pay, but only to the  
19 extent that such amounts are attributable to service per-  
20 formed on or after the date of the enactment of this sub-  
21 section, and only to the extent of the percentage allowable,  
22 which shall be determined as follows:

<b>“If the total amount of service performed, on or after the date of enactment of this subsection is:</b>	<b>Then, the percentage allowable is:</b>
Less than 4 years .....	50
At least 4 but less than 8 years .....	75
At least 8 years .....	100.

1 “(3) Notwithstanding any other provision of this sub-  
2 section, 100 percent of all amounts received as overtime  
3 pay (as described in section 8331(3)(J)) shall, to the ex-  
4 tent attributable to service performed on or after the date  
5 of the enactment of this subsection, be treated as basic  
6 pay for purposes of computing—

7 “(A) an annuity under section 8452; and

8 “(B) a survivor annuity under subchapter IV, if  
9 based on the service of an individual who dies before  
10 separating from service.”.

11 (2) INFORMATION.—Not less than once every  
12 year following the date of enactment of this section,  
13 the United States Capitol Police shall provide infor-  
14 mation to the Office of Personnel Management for  
15 the purposes of carrying out this section and the  
16 amendments made by this section, including infor-  
17 mation used to determine the normal-cost percent-  
18 age (as that term is defined in section 8401 of title  
19 5, United States Code).

20 (c) TECHNICAL AMENDMENT.—The second instance  
21 of subsection (s) (relating to physician comparability al-  
22 lowance) of section 8339 of title 5, United States Code,  
23 is redesignated as subsection (t).

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