

Mr. WHITENER. Let me ask you this: Suppose Judge Hyde would like to participate under the congressional retirement fund on the basis of the six years that he paid in and whatever military time he had and also wants to participate under the Judicial Retirement?

Judge GREENE. He could not do that, Mr. Chairman. I believe there is a specific provision in the statute which prohibits double counting for these services.

Mr. WHITENER. What is the situation now in that case?

Judge HYDE. If I may, sir, I can still draw under the present law, I can still draw what I have earned in Congress. Incidentally, to be further personal, I have left the money in, but I can still draw my retirement for that at age 62 in addition to the Judicial Retirement Law.

Mr. WHITENER. Now, if this proposal goes into effect where would you stand—where would you be? Would you still do that?

Judge HYDE. Yes.

Mr. WHITENER. If you did elect, then, to draw on those sources you could not then use your congressional time to beef up your retirement under the judicial plan?

Judge HYDE. That is right. I couldn't do both.

Mr. WHITENER. Under the proposed law you couldn't. I think this is a rather important thing to have in the record.

Now, suppose—let's say Mr. Moyer—how long have you worked for the District Government?

Mr. MOYER. Almost 11 years, Mr. Chairman.

Mr. WHITENER. Suppose that he is under a civil service retirement. Again, perhaps we shouldn't use individuals, but suppose Mr. Moyer went on the bench, served for 10 years or 20 years, whatever the case would be, what would then be the effect of this taking into account that he had built up some 11 years of good retirement years under the Civil Service Act?

Judge GREENE. Mr. Chairman, under the present retirement law—take that first—he would not get credit at the time of his retirement from the bench. He would not get credit for this 11 years. He would eventually get credit for the 11 years, that is, when he reaches the age of 62 by way of a so-called deferred annuity, but if at the time he completes his judicial service he happens not to be 62 years old, he would then receive only his judicial annuity and he would not be able to count the 11 years at that point. Under the proposed law if a judge is eligible to retire under the Judicial Retirement Act, he would, at that point, receive credit not only for his judicial time but also for his prior civil service or congressional time.

I might add, if I may, Mr. Chairman, that perhaps the most graphic illustration that I can give of what the effect of this dividing up of these various retirement systems is, which we are trying to join together concerns disability. Under the Civil Service Retirement Act, which members of Congress and congressional employees and civil service employers are subject to, the person can retire on disability after having served five years. Likewise, under the Judicial Retirement Act, a judge is eligible to retire on disability after he has served five years.

Now, if, taking Mr. Moyer as an example again, supposing he served 11 years in the civil service, and prior to his retiring from that service