

Mr. EATON. I am not an expert on it, but if he retires as a military person after 20 years, he could not, obviously, count that on a judicial retirement. Now, if he had not retired and had 20 years in the military service, I assume under this law that it could be counted.

Judge HYDE. If I may interrupt—excuse me.

Mr. WHITENER. What about what Judge Hyde said about the five-year maximum for military service?

Judge HYDE. Under the congressional retirement, the maximum amount of credit for military service you can get is five years. I think that is the same under—

Mr. FARBER. Barney Farber. There is limitation in the retirement act as it affects survivors that they cannot use more than five years military service; but that limitation is not in the part that is the judge's retirement, nor is it effective in a civil service retiree unless he uses that military service for another retirement.

Judge GREENE. That is my understanding, Mr. Chairman.

Mr. WHITENER. Let's go to him again.

Mr. Farber, the man with the 20 years military service which entitles him to military retirement—there is no way, is there, under the proposed legislation or under existing law where this individual could draw his military retirement based on 20 years plus civilian retirement which gave credit for the 20 years?

Mr. FARBER. No, sir, this bill makes the military and civil service retirements that apply to a civil service retiree the same as for a judge. So any restriction that would be on a civil service retiree as deals with military service or previous service would also apply under the judge's retirement act.

Mr. WHITENER. Now, I have no other questions specifically to ask now about it.

Mr. STEIGER. Yes, I have a few questions, Mr. Chairman, if I may.

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Judge Greene, you used in your colloquy the figure 6½ percent that you currently pay in. It is my understanding it is 3½ percent. Where did you get the other 3 percent?

Judge GREENE. Well, we pay 6½ percent—just 6½ percent is deducted from our salary just as it is from the salaries of civil service employees.

My understanding is that 3½ percent goes to the retirement fund and 3 percent goes to the survivorship fund; but the total that is deducted is 6½ percent just as it is in the case of civil service employees.

Mr. STEIGER. But on that portion of your pay which you have not contributed on, and which you now have the option of paying on, that amount is only 3½ percent, is that correct?

Judge GREENE. Well, that is probably correct with respect to those judges who have elected to participate in the annuity provisions of the Retirement Act, which I would think that probably most of them are, or perhaps all of them. They would have already contributed 3 percent. If they want to participate in the retirement portion of this new statute, they would have to contribute the additional 3½ percent so it would again add up to 6½ percent.