

115TH CONGRESS  
1ST SESSION

# H. R. 1364

To amend title 5, United States Code, to limit the use of official time for political activity and to exclude certain official time from eligibility as creditable service under CSRS and FERS, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2017

Mr. JODY B. HICE of Georgia introduced the following bill; which was referred to the Committee on Oversight and Government Reform

---

## A BILL

To amend title 5, United States Code, to limit the use of official time for political activity and to exclude certain official time from eligibility as creditable service under CSRS and FERS, 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 “Official Time Reform  
5 Act of 2017”.

1 **SEC. 2. LIMITATION ON USE OF OFFICIAL TIME FOR POLIT-**  
2 **ICAL ACTIVITY.**

3 (a) IN GENERAL.—Section 7131 of title 5, United  
4 States Code, is amended—

5 (1) in subsection (d) by inserting “and sub-  
6 section (e)” after “preceding subsections”; and

7 (2) by adding at the end the following:

8 “(e) An employee may not be granted official time  
9 under this section for any time such employee would other-  
10 wise be in a duty status for purposes of engaging in any  
11 political activity, including lobbying activity.”.

12 (b) APPLICABILITY.—The amendment made by this  
13 section shall apply on the date of enactment of this Act,  
14 regardless of whether an employee is covered by a collec-  
15 tive bargaining agreement in effect on such date.

16 **SEC. 3. EXCLUSION OF CERTAIN DURATIONS OF OFFICIAL**  
17 **TIME FROM CREDITABLE SERVICE.**

18 (a) CSRS.—Section 8332 of title 5, United States  
19 Code, is amended by adding at the end the following:

20 “(p)(1) An employee may not be allowed credit under  
21 this section for any day of service spent principally on offi-  
22 cial time, as described under subsection (b), that is in ex-  
23 cess of 365 days in the aggregate.

24 “(2) For purposes of this subsection, an employee  
25 spends a day principally on official time if at least 80 per-  
26 cent of the time such employee would otherwise be in a

1 duty status during such day is spent on official time grant-  
2 ed under section 7131.

3 “(3) Notwithstanding paragraph (1), any service de-  
4 scribed under paragraph (1) for which an employee is not  
5 allowed credit under this subsection shall be treated as  
6 creditable service for purposes of calculating the average  
7 pay of the employee under section 8331(4).”.

8 (b) FERS.—Section 8411 of title 5, United States  
9 Code, is amended by—

10 (1) striking “(i)(1) Upon application” and in-  
11 sserting “(j)(1) Upon application”; and

12 (2) by adding at the end the following:

13 “(m)(1) An employee may not be allowed credit under  
14 this section for any day of service spent principally on offi-  
15 cial time, as described under subsection (b), that is in ex-  
16 cess of 365 days in the aggregate.

17 “(2) For purposes of this subsection, an employee  
18 spends a day principally on official time if at least 80 per-  
19 cent of the time such employee would otherwise be in a  
20 duty status during such day is spent on official time grant-  
21 ed under section 7131.

22 “(3) Notwithstanding paragraph (1), any service de-  
23 scribed under paragraph (1) for which an employee is not  
24 allowed credit under this subsection shall be considered

1 service for purposes of calculating the average pay of the  
2 employee under section 8401(3).”.

3 (c) APPLICABILITY.—The amendments made by this  
4 section shall apply to any applicable annuity calculated on  
5 or after October 1, 2017.

○