

104TH CONGRESS
1ST SESSION

H. R. 804

To amend title 5, United States Code, to limit the period of service which may be credited to a Member of Congress in the computation of retirement benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1995

Mr. MILLER of Florida (for himself, Mr. STOCKMAN, Mr. CHRYSLER, Mr. SALMON, Mr. SCARBOROUGH, Mr. SANFORD, Mr. CHRISTENSEN, Mr. DAVIS, Mr. COBURN, Mrs. WALDHOLTZ, Mrs. MYRICK, Mr. ENGLISH of Pennsylvania, Mr. GANSKE, Mr. TIAHRT, Mr. NEUMANN, Mr. FOX of Pennsylvania, Mrs. SEASTRAND, Mr. BALDACCI, Mr. THORNBERRY, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. GOSS, and Mr. DEAL of Georgia) introduced the following bill; which was referred to the Committee on House Oversight and, in addition, to the Committee on Government Reform and Oversight, 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

A BILL

To amend title 5, United States Code, to limit the period of service which may be credited to a Member of Congress in the computation of retirement benefits, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Congressional Mem-
3 bers’ Pension Limitation Act of 1995”.

4 **SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.**

5 (a) LIMITATION.—

6 (1) IN GENERAL.—Section 8334(a) of title 5,
7 United States Code, is amended by adding at the
8 end the following:

9 “(3) Deductions and withholdings from the pay of a
10 Member may not be made with respect to any pay period
11 beginning—

12 “(A) after such Member has completed 5 years
13 of civilian service; or

14 “(B) in the case of a Member whose service (as
15 of the effective date of the Congressional Members’
16 Pension Limitation Act of 1995) exceeds the limita-
17 tion set forth in subparagraph (A), after such effec-
18 tive date.

19 Any contributions under the second sentence of paragraph
20 (1) shall be payable to the same extent and in the same
21 manner as if this paragraph had not been enacted.”.

22 (2) TECHNICAL AND CONFORMING AMEND-
23 MENTS.—

24 (A) DEPOSITS.—Section 8334(c) of title 5,
25 United States Code, is amended by adding at
26 the end the following: “A deposit under this

1 subsection may not be made with respect to any
2 service for which deductions have not been
3 made by reason of subsection (a)(3).”.

4 (B) ELIGIBILITY.—Subsection (c) of sec-
5 tion 8333 of title 5, United States Code, is re-
6 pealed.

7 (b) THRIFT SAVINGS PLAN.—Paragraph (2) of sec-
8 tion 8351(b) of title 5, United States Code, is amended—

9 (1) by striking “(2) An” and inserting “(2)(A)
10 Except as provided in subparagraph (B), an”;

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

12 “(B)(i) In the case of a Member—

13 “(I) as to whom deductions from pay may not
14 be made by reason of section 8332(a)(3), and who
15 has 12 years of member service or less, the level of
16 individual or Government contributions allowable
17 shall be the percentage specified in section 8432(a)
18 or (c), as the case may be; or

19 “(II) who has more than 12 years of member
20 service, the level of individual contributions allowable
21 shall be the percentage specified in section 8432(a),
22 but no Government contribution under section
23 8432(c) shall be allowable.

1 “(ii) The Executive Director (appointed under section
2 8474(a)) shall prescribe such regulations as may be nec-
3 essary to carry out this subparagraph, including—

4 “(I) provisions under which a Member may
5 elect to change such Member’s level of contributions
6 to the Thrift Savings Fund whenever any change is
7 to take effect under clause (i) in the level of individ-
8 ual or Government contributions allowable; and

9 “(II) provisions under which written notice
10 shall be given to a Member with respect to any such
11 change, as well as any election allowable under
12 subclause (I) in connection therewith.”.

13 **SEC. 3. FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.**

14 (a) LIMITATION.—Section 8422(a) of title 5, United
15 States Code, is amended by adding at the end the follow-
16 ing:

17 “(3)(A) Notwithstanding paragraph (2), deductions
18 and withholdings from the pay of a Member may not be
19 made—

20 “(i) with respect to any pay period beginning—

21 “(I) after such Member has completed 5
22 years of civilian service; or

23 “(II) in the case of a Member whose serv-
24 ice (as of the effective date of the Congressional
25 Members’ Pension Limitation Act of 1995) ex-

1 ceeds the limitation set forth in subclause (I),
2 after such effective date; or

3 “(ii) if that individual first becomes a Member
4 on or after the effective date of the Congressional
5 Members’ Pension Limitation Act of 1995.

6 “(B) Any period of service for which deductions may
7 not be made by reason of subparagraph (A) shall be ex-
8 cluded from the total period of service used in any com-
9 putation under section 8415 or any other provision of this
10 chapter (as identified by the Office in regulations) which
11 relates to benefits based on the service of such Member.”.

12 (b) THRIFT SAVINGS PLAN.—Section 8432(c) of title
13 5, United States Code, is amended by adding at the end
14 the following:

15 “(4)(A) Notwithstanding any other provision of this
16 subsection, no contribution under paragraph (1) or (2)
17 may be made on behalf of any Member who has more than
18 12 years of member service.

19 “(B) The Executive Director (appointed under sec-
20 tion 8474(a)) shall prescribe such regulations as may be
21 necessary to carry out this paragraph, including—

22 “(i) provisions under which a Member may elect
23 to change such Member’s level of contributions to
24 the Thrift Savings Fund whenever such Member’s

1 eligibility for Government contributions is to termi-
2 nate under subparagraph (A); and

3 “(ii) provisions under which written notice shall
4 be given to a Member with respect to any such ter-
5 mination of eligibility for Government contributions,
6 as well as any election allowable under clause (i) in
7 connection therewith.

8 “(C) For the purpose of this paragraph, the term
9 ‘member service’ means service as a Member.”.

10 **SEC. 4. MEMBERS UNDER FERS WHO WERE FORMERLY**
11 **UNDER CSRS.**

12 Section 302 of the Federal Employees’ Retirement
13 System Act of 1986 (5 U.S.C. 8331 note) is amended by
14 adding at the end the following:

15 “(e)(1) In the case of a Member with respect to whom
16 any benefits would be computed under subsection (a)(3),
17 for purposes of applying sections 8422(a)(3) (relating to
18 a limitation on the making of deductions and withholdings
19 from pay) and 8432(c)(4) (relating to contributions to the
20 Thrift Savings Plan) of title 5, United States Code, any
21 service which would be creditable for any purpose under
22 subsection (a)(1) shall be taken into account.

23 “(2) Regulations to carry out this subsection shall be
24 prescribed—

1 “(A) by the Office of Personnel Management,
2 with respect to such section 8422(a)(3); and

3 “(B) by the Executive Director (appointed
4 under section 8474(a)), with respect to such section
5 8432(c)(4).”.

6 **SEC. 5. EFFECTIVE DATE.**

7 This Act and the amendments made by this Act shall
8 take effect as of the first day of the first Congress begin-
9 ning after the date of the enactment of this Act.

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