

116TH CONGRESS
1ST SESSION

S. 438

To amend title 5, United States Code, to provide for the termination of certain retirement benefits for Members of Congress, except the right to continue participating in the Thrift Savings Plan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2019

Mr. BRAUN (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 5, United States Code, to provide for the termination of certain retirement benefits for Members of Congress, except the right to continue participating in the Thrift Savings Plan, 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 “End Pensions in Con-
5 gress Act” or the “EPIC Act”.

1 **SEC. 2. AMENDMENTS RELATING TO THE CIVIL SERVICE**
2 **RETIREMENT SYSTEM.**

3 (a) IN GENERAL.—Subchapter III of chapter 83 of
4 title 5, United States Code, is amended by inserting after
5 section 8335 the following:

6 **“§ 8335A. Termination of further retirement coverage**
7 **of Members of Congress**

8 “(a) IN GENERAL.—Notwithstanding any other pro-
9 vision of this subchapter and subject to subsection (f), ef-
10 fective as of the date of enactment of this section—

11 “(1) a Member shall not be subject to this sub-
12 chapter for any further period of time; and

13 “(2) no further Government contributions or
14 deductions from basic pay may be made with respect
15 to such Member for deposit in the Treasury of the
16 United States to the credit of the Fund.

17 “(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in
18 subsection (a) shall be considered to nullify, modify, or
19 otherwise affect any right, entitlement, or benefit under
20 this subchapter of any Member with respect to any period
21 before the date of enactment of this section.

22 “(c) RIGHT TO PARTICIPATE IN THRIFT SAVINGS
23 PLAN NOT AFFECTED.—Nothing in subsection (a) shall
24 affect the eligibility of a Member to participate in the
25 Thrift Savings Plan in accordance with otherwise applica-
26 ble provisions of law.

1 “(d) REGULATIONS.—Any regulations necessary to
2 carry out this section may—

3 “(1) except with respect to matters under para-
4 graph (2), be prescribed by the Director; and

5 “(2) with respect to matters relating to the
6 Thrift Savings Plan, be prescribed by the Executive
7 Director (as defined under section 8401).

8 “(e) EXCLUSION.—For purposes of this section, the
9 term ‘Member’ does not include the Vice President.

10 “(f) OPT-IN.—Not later than 90 days after the date
11 of enactment of this section, a Member covered by this
12 subchapter as of such date of enactment may elect, by giv-
13 ing notice in writing to the official that disburses the pay
14 of such Member, to remain subject to this subchapter.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 83 of title 5, United States Code, is amended
17 by inserting after the item relating to section 8335 the
18 following:

“8335A. Termination of further retirement coverage of Members of Congress.”.

19 **SEC. 3. AMENDMENTS RELATING TO THE FEDERAL EM-**
20 **PLOYEES RETIREMENT SYSTEM.**

21 (a) IN GENERAL.—Subchapter II of chapter 84 of
22 title 5, United States Code, is amended by inserting after
23 section 8425 the following:

1 **“§ 8426. Termination of further retirement coverage**
2 **of Members of Congress**

3 “(a) IN GENERAL.—Notwithstanding any other pro-
4 vision of this chapter, effective as of the date of enactment
5 of this section—

6 “(1) in the case of an individual who first be-
7 comes a Member before such date of enactment,
8 subject to subsection (f)—

9 “(A) such Member shall not be subject to
10 this chapter for any further period of time after
11 such date of enactment; and

12 “(B) no further Government contributions
13 or deductions from basic pay may be made with
14 respect to such Member for deposit in the
15 Treasury of the United States to the credit of
16 the Fund; and

17 “(2) in the case of an individual who first be-
18 comes a Member on or after such date of enact-
19 ment—

20 “(A) such Member shall not be subject to
21 this chapter; and

22 “(B) no Government contributions or de-
23 ductions from basic pay may be made with re-
24 spect to such Member for deposit in the Treas-
25 ury of the United States to the credit of the
26 Fund.

1 “(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in
2 subsection (a) shall be considered to nullify, modify, or
3 otherwise affect any right, entitlement, or benefit under
4 this chapter of any Member with respect to any period
5 before the date of enactment of this section.

6 “(c) RIGHT TO PARTICIPATE IN THRIFT SAVINGS
7 PLAN NOT AFFECTED.—Nothing in subsection (a) shall
8 affect the eligibility of a Member to participate in the
9 Thrift Savings Plan in accordance with otherwise applica-
10 ble provisions of law.

11 “(d) REGULATIONS.—

12 “(1) IN GENERAL.—Any regulations necessary
13 to carry out this section may—

14 “(A) except with respect to matters under
15 subparagraph (B), be prescribed by the Direc-
16 tor; and

17 “(B) with respect to matters relating to
18 the Thrift Savings Plan, be prescribed by the
19 Executive Director.

20 “(2) REFUNDS.—Notwithstanding subsection
21 (b), the regulations under paragraph (1)(A) shall, in
22 the case of a Member who has not completed at
23 least 5 years of civilian service creditable under sec-
24 tion 8411 as of the date of enactment of this sec-
25 tion, provide that the lump-sum credit shall be pay-

1 able to such Member to the same extent and in the
 2 same manner as if such Member satisfied para-
 3 graphs (1) through (4) of section 8424(a) as of such
 4 date of enactment.

5 “(e) EXCLUSIONS.—For purposes of this section, the
 6 term ‘Member’ does not include the Vice President.

7 “(f) OPT-IN FOR MEMBERS.—Not later than 90 days
 8 after the date of enactment of this section, a Member cov-
 9 ered by this chapter as of such date may elect, by giving
 10 notice in writing to the official that disburses the pay of
 11 such Member, to remain subject to this chapter.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 for chapter 84 of title 5, United States Code, is amended
 14 by inserting after the item relating to section 8425 the
 15 following:

“8426. Termination of further retirement coverage of Members of Congress.”.

16 **SEC. 4. CONFORMING AMENDMENT TO TSP.**

17 Section 8431(a) of title 5, United States Code, is
 18 amended by inserting “except as provided in section
 19 8335A(c) and section 8426(c),” after “subchapter,”.

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