

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.

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## 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

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## 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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