

105TH CONGRESS  
2D SESSION

# H. R. 3933

To amend titles 5 and 37 of the United States Code to allow members of the armed forces to participate in the Thrift Savings Plan.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 21, 1998

Mr. MICA (for himself and Mr. PICKETT) introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, 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

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## A BILL

To amend titles 5 and 37 of the United States Code to allow members of the armed forces to participate in the Thrift Savings Plan.

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. AMENDMENTS TO TITLE 5, UNITED STATES**  
4 **CODE.**

5 (a) **AUTHORITY FOR MEMBERS OF THE ARMED**  
6 **FORCES TO CONTRIBUTE TO THE THRIFT SAVINGS**  
7 **FUND.**—(1) Subchapter III of chapter 84 of title 5,

1 United States Code, is amended by adding at the end the  
2 following:

3 **“§ 8440e. Members of the Armed Forces**

4 “(a)(1) A member of the armed forces may elect to  
5 contribute an amount of such individual’s basic pay to the  
6 Thrift Savings Fund.

7 “(2) An election may be made under paragraph (1)  
8 only during a period provided under section 8432(b) for  
9 individuals subject to this chapter, except that a member  
10 of the armed forces who is on active duty on the effective  
11 date of this section may make the first such election dur-  
12 ing the first such period commencing after the effective  
13 date of this section.

14 “(b)(1) Except as otherwise provided in this sub-  
15 section, the provisions of this subchapter and subchapter  
16 VII shall apply with respect to members of the armed  
17 forces making contributions to the Thrift Savings Fund.

18 “(2) The amount contributed by a member of the  
19 armed forces for any pay period shall not exceed 5 percent  
20 of such member’s basic pay for such pay period.

21 “(3) No contributions under section 8432(c) shall be  
22 made for the benefit of a member of the armed forces  
23 making contributions to the Thrift Savings Fund under  
24 subsection (a).

1 “(4) In applying section 8433 to a member of the  
2 armed forces who has an account balance in the Thrift  
3 Savings Fund—

4 “(A) any reference in such section to separation  
5 from Government employment shall be construed in  
6 the same manner as set forth in section 211(b) of  
7 title 37; and

8 “(B) the reference in section 8433(g)(1) to con-  
9 tributions made under section 8432(a) shall be con-  
10 sidered a reference to contributions made under sec-  
11 tions 8351, 8432(a), and this section, respectively.

12 “(c) For purposes of this section, the term ‘basic pay’  
13 has the meaning given such term by section 204 of title  
14 37.”.

15 (2) The table of sections at the beginning of chapter  
16 84 of title 5, United States Code, is amended by adding  
17 after the item relating to section 8440d the following:

“8440e. Members of the Armed Forces.”.

18 (b) AMENDMENTS RELATING TO THE EMPLOYEE  
19 THRIFT ADVISORY COUNCIL.—Section 8473 of title 5,  
20 United States Code, is amended—

21 (1) in subsections (a) and (b) by striking “14  
22 members” and inserting “15 members”; and

23 (2) in subsection (b) by striking “and” at the  
24 end of paragraph (8), by striking the period at the

1 end of paragraph (9) and inserting “; and”, and by  
2 adding at the end the following:

3 “(10) 1 shall be appointed to represent partici-  
4 pants who are members of the uniformed services  
5 (within the meaning of section 8440e).”.

6 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) Paragraph (11) of section 8351(b) of title 5, United  
8 States Code, is amended by redesignating such paragraph  
9 as paragraph (8).

10 (2) Subparagraph (B) of section 8432(b)(2) of title  
11 5, United States Code, is amended by striking “section  
12 8432(a)” and inserting “sections 8432(a) and 8440e, re-  
13 spectively,”.

14 **SEC. 2. AMENDMENTS TO TITLE 37, UNITED STATES CODE.**

15 (a) IN GENERAL.—(1) Chapter 3 of title 37, United  
16 States Code, is amended by adding at the end the follow-  
17 ing:

18 **“§ 211. Contributions to Thrift Savings Fund**

19 “(a) AUTHORITY OF MEMBERS TO CONTRIBUTE.—  
20 A member of the armed forces who is performing active  
21 service may elect to contribute, in accordance with section  
22 8440e of title 5, a portion of the basic pay of the member  
23 for that service to the Thrift Savings Fund established  
24 by section 8437 of title 5.

1       “(b) SEPARATION FROM SERVICE.—The release of a  
2 member from active service (not followed by a resumption  
3 of active service within 30 consecutive calendar days), the  
4 transfer of a member to inactive status, or the transfer  
5 of a member to a retired list pursuant to title 10 shall  
6 be considered a separation from service for purposes of  
7 section 8440e of title 5.”.

8       (2) The table of sections at the beginning of such  
9 chapter is amended by adding at the end the following:

“211. Contributions to Thrift Savings Fund.”.

10       (b) REGULATIONS.—Not later than 180 days after  
11 the date of the enactment of this Act, the Secretary of  
12 Defense shall issue regulations to implement section 211  
13 of title 37, United States Code, as added by subsection  
14 (a).

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