

AMENDMENT TO H.R. 1401, AS REPORTED
OFFERED BY MR. BUYER OF INDIANA
OR MR. ABERCROMBIE OF HAWAII

Page 207, after line 5, add the following new subtitle (and redesignate the succeeding subtitle accordingly):

1 **Subtitle F—Eligibility to Participate in the Thrift Savings Plan**

2
3 **SEC. 661. AUTHORITY FOR MEMBERS OF THE UNIFORMED**
4 **SERVICES TO CONTRIBUTE TO THE THRIFT**
5 **SAVINGS FUND.**

6 (a) AUTHORITY FOR MEMBERS OF THE UNIFORMED
7 SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS
8 FUND.—(1) Subchapter III of chapter 84 of title 5,
9 United States Code, is amended by adding at the end the
10 following:

11 **“§ 8440e. Members of the uniformed services**

12 “(a)(1) A member of the uniformed services perform-
13 ing active service may elect to contribute to the Thrift
14 Savings Fund—

15 “(A) a portion of such individual’s basic pay; or

16 “(B) a portion of any special or incentive pay

17 payable to such individual under chapter 5 of title

18 37.

1 Any contribution under subparagraph (B) shall be made
2 by direct transfer to the Thrift Savings Fund by the Sec-
3 retary concerned.

4 “(2)(A) Except as provided in subparagraph (B), an
5 election under paragraph (1) may be made only during
6 a period provided under section 8432(b), subject to the
7 same conditions as prescribed under paragraph (2)(A)–
8 (D) thereof.

9 “(B)(i) Notwithstanding subparagraph (A), a mem-
10 ber of the uniformed services performing active service on
11 the effective date of this section may make the first such
12 election during the 60–day period beginning on such effec-
13 tive date.

14 “(ii) An election made under this subparagraph shall
15 take effect on the first day of the first applicable pay pe-
16 riod beginning after the close of the 60–day period re-
17 ferred to in clause (i).

18 “(b)(1) Except as otherwise provided in this sub-
19 section, the provisions of this subchapter and subchapter
20 VII shall apply with respect to members of the uniformed
21 services making contributions to the Thrift Savings Fund.

22 “(2)(A) The amount contributed by a member of the
23 uniformed services under subsection (a)(1)(A) for any pay
24 period shall not exceed 5 percent of such member’s basic
25 pay for such pay period.

1 “(B) Nothing in this section or section 211 of title
2 37 shall be considered to waive any dollar limitation under
3 the Internal Revenue Code of 1986 which otherwise ap-
4 plies with respect to the Thrift Savings Fund.

5 “(3) No contributions under section 8432(c) shall be
6 made for the benefit of a member of the uniformed serv-
7 ices making contributions to the Thrift Savings Fund
8 under subsection (a).

9 “(4) In applying section 8433 to a member of the
10 uniformed services who has an account balance in the
11 Thrift Savings Fund, the reference in subsection (g)(1)
12 or (h)(3) of section 8433 to contributions made under sec-
13 tion 8432(a) shall be considered a reference to contribu-
14 tions made under any of sections 8351, 8432(a),
15 8432b(b), or 8440a–8440e.

16 “(c) For purposes of this section—

17 “(1) the term ‘basic pay’ has the meaning given
18 such term by section 204 of title 37;

19 “(2) the term ‘active service’ means—

20 “(A) active duty for a period of more than
21 30 days, as defined by section 101(d)(2) of title
22 10; and

23 “(B) full-time National Guard duty, as de-
24 fined by section 101(d)(5) of title 10;

1 “(3) the term ‘Secretary concerned’ has the
2 meaning given such term by section 101 of title 37;
3 and

4 “(4) any reference to ‘separation from Govern-
5 ment employment’ shall be considered a reference to
6 a release from active duty (not followed by a re-
7 sumption of active duty, or an appointment to a po-
8 sition covered by chapter 83 or 84 of title 5 or an
9 equivalent retirement system, as identified by the
10 Executive Director in regulations) before the end of
11 the 31-day period beginning on the day following the
12 date of separation), a transfer to inactive status, or
13 a transfer to a retired list pursuant to any provision
14 of title 10.”.

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 uniformed services.”.

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 8432b(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 (3)(A) Section 8439(a)(1) of title 5, United States
15 Code, is amended—

16 (i) by inserting “or 8432b(d)” after
17 “8432(c)(1)”; and

18 (ii) by striking “8351” and inserting “8351,
19 8432b(b), or 8440a–8440e”.

20 (B) Section 8439(a)(2)(A)(i) of title 5, United States
21 Code, is amended by striking “8432(a) or 8351” and in-
22 serting “8351, 8432(a), 8432b(b), or 8440a–8440e”.

23 (C) Section 8439(a)(2)(A)(ii) of title 5, United States
24 Code, is amended by striking “title;” and inserting “title
25 (including subsection (c) or (d) of section 8432b);”.

1 (D) Section 8439(a)(2)(A) of title 5, United States
2 Code, is amended by striking “and” at the end of clause
3 (ii), by striking “, over” at the end of clause (iii) and in-
4 serting “; and”, and by adding after clause (iii) the follow-
5 ing:

6 “(iv) any other amounts paid, allocated, or
7 otherwise credited to such individual’s account,
8 over”.

9 **SEC. 662. CONTRIBUTIONS TO THRIFT SAVINGS FUND.**

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

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

14 “A member of the uniformed services who is perform-
15 ing active service may elect to contribute, in accordance
16 with section 8440e of title 5, a portion of the basic pay
17 of the member for that service (or of any special or incen-
18 tive pay under chapter 5 of this title which relates to that
19 service) to the Thrift Savings Fund established by section
20 8437 of title 5.”.

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

“211. Contributions to Thrift Savings Fund.”.

23 **SEC. 663. REGULATIONS.**

24 Not later than 180 days after the date of the enact-
25 ment of this Act, the Executive Director (appointed by the

1 Federal Retirement Thrift Investment Board) shall issue
2 regulations to implement sections 8351 and 8440e of title
3 5, United States Code (as amended by section 661) and
4 section 211 of title 37, United States Code (as amended
5 by section 662).

6 **SEC. 664. EFFECTIVE DATE.**

7 (a) IN GENERAL.—Except as otherwise provided in
8 this section, the amendments made by this subtitle shall
9 take effect one year after the date of the enactment of
10 this Act, or on July 1, 2000, whichever is later.

11 (b) EXCEPTION.—Nothing in this subtitle (or any
12 amendment made by this subtitle) shall be considered to
13 permit the making of any contributions under section
14 8440e(a)(1)(B) of title 5, United States Code (as amended
15 by section 661), before December 1, 2000.

16 (c) EFFECTIVENESS CONTINGENT ON OFFSETTING
17 LEGISLATION.—(1) This subtitle shall be effective only
18 if—

19 (A) the President, in the budget of the Presi-
20 dent for fiscal year 2001, proposes legislation which
21 if enacted would be qualifying offsetting legislation;
22 and

23 (B) there is enacted during the second session
24 of the 106th Congress qualifying offsetting legisla-
25 tion.

1 (2) If the conditions in paragraph (1) are met, then,
2 this section shall take effect on the date on which qualify-
3 ing offsetting legislation is enacted or, if later, the effec-
4 tive date determined under subsection (a).

5 (3) For purposes of this subsection:

6 (A) The term “qualifying offsetting legislation”
7 means legislation (other than an appropriations Act)
8 that includes provisions that—

9 (i) offset fully the increased outlays for
10 each of fiscal years 2000 through 2009 to be
11 made by reason of the amendments made by
12 this subtitle;

13 (ii) expressly state that they are enacted
14 for the purpose of the offset described in clause
15 (i); and

16 (iii) are included in full on the PayGo
17 scorecard.

18 (B) The term “PayGo scorecard” means the es-
19 timates that are made with respect to fiscal years
20 through fiscal year 2009 by the Director of the Con-
21 gressional Budget Office and the Director of the Of-
22 fice of Management and Budget under section
23 252(d) of the Balanced Budget and Emergency Def-
24 icit Control Act of 1985.