

105TH CONGRESS
1ST SESSION

S. 138

To eliminate certain benefits for Members of Congress, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. FAIRCLOTH introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To eliminate certain benefits for Members of Congress, 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 “Government Reform
5 Act”.

6 **SEC. 2. LIMITATION ON RETIREMENT COVERAGE FOR**
7 **MEMBERS OF CONGRESS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, effective at the beginning of the Congress next
10 beginning after the date of the enactment of this Act, a

1 Member of Congress shall be ineligible to participate in
 2 the Civil Service Retirement System or the Federal Em-
 3 ployees' Retirement System, except as otherwise provided
 4 under this section.

5 (b) PARTICIPATION IN THE THRIFT SAVINGS
 6 PLAN.—Notwithstanding subsection (a), a Member may
 7 participate in the Thrift Savings Plan subject to section
 8 8351 of title 5, United States Code, at anytime during
 9 the 12-year period beginning on the date the Member be-
 10 gins his or her first term.

11 (c) REFUNDS OF CONTRIBUTIONS.—

12 (1) IN GENERAL.—Nothing in subsection (a)
 13 shall prevent refunds from being made, in accord-
 14 ance with otherwise applicable provisions of law (in-
 15 cluding those relating to the Thrift Savings Plan),
 16 on account of an individual's becoming ineligible to
 17 participate in the Civil Service Retirement System or
 18 the Federal Employees' Retirement System (as the
 19 case may be) as a result of the enactment of this
 20 section.

21 (2) TREATMENT OF REFUND.—For purposes of
 22 any refund referred to in paragraph (1), a Member
 23 who so becomes ineligible to participate in either of
 24 the retirement systems referred to in paragraph (1)

1 shall be treated in the same way as if separated
 2 from service.

3 (d) ANNUITIES NOT AFFECTED TO THE EXTENT
 4 BASED ON PRIOR SERVICE.—Subsection (a) shall not be
 5 considered to affect—

6 (1) any annuity (or other benefit) entitlement
 7 to which is based on a separation from service occur-
 8 ring before the date of the enactment of this Act (in-
 9 cluding any survivor annuity based on the death of
 10 the individual who so separated); or

11 (2) any other annuity (or benefit), to the extent
 12 provided under subsection (e).

13 (e) PRESERVATIONS OF RIGHTS BASED ON PRIOR
 14 SERVICE.—

15 (1) IN GENERAL.—For purposes of determining
 16 eligibility for, or the amount of, any annuity (or
 17 other benefit) referred to in subsection (d)(2) based
 18 on service as a Member of Congress—

19 (A) all service as a Member of Congress
 20 shall be disregarded except for any such service
 21 performed before the date of the enactment of
 22 this Act; and

23 (B) all pay for service performed as a
 24 Member of Congress shall be disregarded other

1 than pay for service which may be taken into
2 account under subparagraph (A).

3 (2) PRESERVATION OF RIGHTS.—To the extent
4 practicable, eligibility for, and the amount of, any
5 annuity (or other benefit) to which an individual is
6 entitled based on a separation of a Member of Con-
7 gress occurring after such Member becomes ineli-
8 gible to participate in the Civil Service Retirement
9 System or the Federal Employees’ Retirement Sys-
10 tem (as the case may be) by reason of subsection (a)
11 shall be determined in a manner that preserves any
12 rights to which the Member would have been enti-
13 tled, as of the date of the enactment of this Act, had
14 separation occurred on such date.

15 (f) REGULATIONS.—Any regulations necessary to
16 carry out this section may be prescribed by the Office of
17 Personnel Management and the Executive Director (re-
18 ferred to in section 8401(13) of title 5, United States
19 Code) with respect to matters within their respective areas
20 of responsibility.

21 (g) DEFINITION.—As used in this section, the terms
22 “Member of Congress” and “Member” mean any individ-
23 ual under section 8331(2) or 8401(20) of title 5, United
24 States Code.

1 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
 2 tion shall be considered to apply with respect to any sav-
 3 ings plan or other matter outside of subchapter III of
 4 chapter 83 or chapter 84 of title 5, United States Code.

5 **SEC. 3. DISCLOSURE OF ESTIMATES OF FEDERAL RETIRE-**
 6 **MENT BENEFITS OF MEMBERS OF CONGRESS.**

7 (a) IN GENERAL.—Section 105(a) of the Legislative
 8 Branch Appropriations Act, 1965 (2 U.S.C. 104a; Public
 9 Law 88–454; 78 Stat. 550) is amended by adding at the
 10 end thereof the following new paragraph:

11 “(4) The Secretary of the Senate and the Clerk of
 12 the House of Representatives shall include in each report
 13 submitted under paragraph (1), with respect to Members
 14 of Congress, as applicable—

15 “(A) the total amount of individual contribu-
 16 tions made by each Member to the Civil Service Re-
 17 tirement and Disability Fund and the Thrift Savings
 18 Fund under chapters 83 and 84 of title 5, United
 19 States Code, for all Federal service performed by the
 20 Member as a Member of Congress and as a Federal
 21 employee;

22 “(B) an estimate of the annuity each Member
 23 would be entitled to receive under chapters 83 and
 24 84 of such title based on the earliest possible date
 25 to receive annuity payments by reason of retirement

1 (other than disability retirement) which begins after
 2 the date of expiration of the term of office such
 3 Member is serving; and

4 “(C) any other information necessary to enable
 5 the public to accurately compute the Federal retire-
 6 ment benefits of each Member based on various as-
 7 sumptions of years of service and age of separation
 8 from service by reason of retirement.”.

9 (b) EFFECTIVE DATE.—This section shall take effect
 10 1 year after the date of the enactment of this Act.

11 **SEC. 4. ELIMINATION OF AUTOMATIC ANNUITY ADJUST-**
 12 **MENTS FOR MEMBERS OF CONGRESS.**

13 The portion of the annuity of a Member of Congress
 14 which is based solely on service as a Member of Congress
 15 shall not be subject to a cost-of-living adjustment under
 16 section 8340 or 8462 of title 5, United States Code.

17 **SEC. 5. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS**
 18 **FOR MEMBERS OF CONGRESS.**

19 (a) PAY ADJUSTMENTS.—Paragraph (2) of section
 20 601(a) of the Legislative Reorganization Act of 1946 (2
 21 U.S.C. 31) is repealed.

22 (b) CONFORMING AMENDMENT.—Section 601(a)(1)
 23 of such Act is amended—

24 (1) by striking “(a)(1)” and inserting “(a)”;

1 (2) by redesignating subparagraphs (A), (B),
 2 and (C) as paragraphs (1), (2), and (3), respectively;
 3 and
 4 (3) by striking “, as adjusted by paragraph (2)
 5 of this subsection”.

6 **SEC. 6. ROLLCALL VOTE FOR ANY CONGRESSIONAL PAY**
 7 **RAISE.**

8 It shall not be in order in the Senate or the House
 9 of Representatives to dispose of any amendment, bill, reso-
 10 lution, motion, or other matter relating to the pay of Mem-
 11 bers of Congress unless the matter is decided by a rollcall
 12 vote.

13 **SEC. 7. BAN ON MASS MAILINGS.**

14 (a) **IN GENERAL.**—Paragraph (6)(A) of section
 15 3210(a) of title 39, United States Code, is amended to
 16 read as follows:

17 “(6)(A) It is the intent of Congress that a Member
 18 of, or Member-elect to, Congress may not mail any mass
 19 mailing as franked mail.”.

20 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

21 (1) The second sentence of section 3210(c) of
 22 title 39, United States Code, is amended by striking
 23 “subsection (a) (4) and (5)” and inserting “sub-
 24 section (a) (4), (5), and (6)”.

1 (2) Section 3210 of title 39, United States
2 Code, is amended—

3 (A) in subsection (a)(3)—

4 (i) in subparagraph (G) by striking “,
5 including general mass mailings,”; and

6 (ii) in subparagraphs (I) and (J) by
7 striking “or other general mass mailing”;

8 (B) in subsection (a)(6) by repealing sub-
9 paragraphs (B), (C), and (F), and the second
10 sentence of subparagraph (D);

11 (C) by repealing paragraph (7) of sub-
12 section (a); and

13 (D) by repealing subsection (f).

14 (3) Section 316(a) of the Legislative Branch
15 Appropriations Act, 1990 (39 U.S.C. 3210 note) is
16 repealed.

17 (4) Subsection (f) of section 311 of the Legisla-
18 tive Branch Appropriations Act, 1991 (2 U.S.C.
19 59e(f)) is repealed.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect at the beginning of the Con-
22 gress next beginning after the date of the enactment of
23 this Act.

1 **SEC. 8. RESTRICTIONS ON USE OF MILITARY AIR COMMAND**
2 **BY MEMBERS OF CONGRESS.**

3 (a) RESTRICTIONS.—

4 (1) IN GENERAL.—Chapter 157 of title 10,
5 United States Code, is amended by adding at the
6 end the following:

7 **“§ 2646. Restrictions on provision of air transpor-**
8 **tation to Members of Congress**

9 “(a) RESTRICTIONS.—A Member of Congress may
10 not receive transportation in an aircraft of the Military
11 Air Command unless—

12 “(1) the transportation is provided on a space-
13 available basis as part of the scheduled operations of
14 the military aircraft unrelated to the provision of
15 transportation to Members of Congress;

16 “(2) the use of the military aircraft is necessary
17 because the destination of the Member of Congress,
18 or an airfield located within reasonable distance of
19 the destination, is not accessible by regularly sched-
20 uled flights of commercial aircraft; or

21 “(3) the use of the military aircraft is the least
22 expensive method for the Member of Congress to
23 reach the destination by aircraft, as demonstrated
24 by information released before the trip by the mem-
25 ber or committee of Congress sponsoring the trip.

1 “(b) DESTINATION.—In connection with transpor-
 2 tation provided under subsection (a)(1), the destination of
 3 the military aircraft may not be selected to accommodate
 4 the travel plans of the Member of Congress requesting
 5 such transportation.

6 “(c) AIRCRAFT DEFINED.—For purposes of this sec-
 7 tion, the term ‘aircraft’ includes both fixed-wing airplanes
 8 and helicopters.”.

9 (2) AMENDMENT TO TABLE OF SECTIONS.—
 10 The table of sections at the beginning of such chap-
 11 ter is amended by adding at the end the following:

“2643. Restrictions on provision of air transportation to Members of Congress.”.

12 (b) EFFECT ON MEMBERS CURRENTLY RECEIVING
 13 TRANSPORTATION.—Section 2646 of title 10, United
 14 States Code, as added by subsection (a), shall not apply
 15 with respect to a Member of Congress who, as of the date
 16 of the enactment of this Act, is receiving air transpor-
 17 tation or is scheduled to receive transportation in an air-
 18 craft of the Military Air Command until the Member com-
 19 pletes the travel plans for which the transportation is
 20 being provided or scheduled.

21 **SEC. 9. PROHIBITION ON USE OF MILITARY MEDICAL**
 22 **TREATMENT FACILITIES BY MEMBERS OF**
 23 **CONGRESS.**

24 (a) PROHIBITION.—

1 (1) IN GENERAL.—Chapter 55 of title 10,
 2 United States Code, is amended by adding at the
 3 end the following:

4 **“§ 1107. Prohibition on provision of medical and den-**
 5 **tal care to Members of Congress**

6 “A Member of Congress may not receive medical or
 7 dental care in any facility of any uniformed service
 8 unless—

9 “(1) the Member of Congress is eligible or enti-
 10 tled to such care as a member or former member of
 11 a uniformed service or as a covered beneficiary; or

12 “(2) such care is provided on an emergency
 13 basis unrelated to the person’s status as a Member
 14 of Congress.”.

15 (2) AMENDMENT TO TABLE OF SECTIONS.—
 16 The table of sections at the beginning of such chap-
 17 ter is amended by adding at the end the following:

“1107. Prohibition on provision of medical and dental care to Members of
 Congress.”.

18 (b) EFFECT ON MEMBERS CURRENTLY RECEIVING
 19 CARE.—Section 1107 of title 10, United States Code, as
 20 added by subsection (a), shall not apply with respect to
 21 a Member of Congress who is receiving medical or dental
 22 care in a facility of the uniformed services on the date
 23 of the enactment of this Act until the Member is dis-
 24 charged from that facility.

1 **SEC. 10. ELIMINATION OF CERTAIN RESERVED PARKING**
2 **AREAS AT WASHINGTON NATIONAL AIRPORT**
3 **AND WASHINGTON DULLES INTERNATIONAL**
4 **AIRPORT.**

5 (a) IN GENERAL.—Effective 30 days after the date
6 of the enactment of this section, the Airports Authority—

7 (1) shall not provide any reserved parking areas
8 free of charge to Members of Congress, other Gov-
9 ernment officials, or diplomats at Washington Na-
10 tional Airport or Washington Dulles International
11 Airport; and

12 (2) shall establish a parking policy for such air-
13 ports that provides equal access to the public, and
14 does not provide preferential parking privileges to
15 Members of Congress, other Government officials, or
16 diplomats.

17 (b) DEFINITIONS.—As used in this section, the terms
18 “Airports Authority”, “Washington National Airport”,
19 and “Washington Dulles International Airport” have the
20 same meanings as in section 6004 of the Metropolitan
21 Washington Airports Act of 1986 (49 U.S.C. App. 2453).

22 **SEC. 11. PHYSICAL FITNESS FACILITIES.**

23 (a) COSTS AND FEES.—Subject to the provisions of
24 subsection (c), all costs to equip, operate, and maintain
25 physical fitness facilities for use by Federal employees
26 shall be fully paid by the users of such facilities and no

1 appropriated funds made available to any executive agency
 2 shall be expended for the costs of membership or other
 3 fees for the use of physical fitness facilities, including exer-
 4 cise equipment and classes.

5 (b) ADMINISTRATIVE LEAVE.—No executive agency
 6 may grant administrative leave to Federal employees for
 7 the purpose of physical fitness activities, except with re-
 8 gard to a Federal employee described under subsection (c).

9 (c) EXCEPTION.—The provisions of subsections (a)
 10 and (b) shall not apply to any executive agency with re-
 11 gard to employees in positions which require such employ-
 12 ees to meet physical fitness standards as a condition of
 13 employment. Funds for purposes described under sub-
 14 section (a), may be expended only for the costs of main-
 15 taining the physical fitness of such employees.

16 (d) DEFINITION.—For purposes of this section the
 17 term “physical fitness facility” means any facility used for
 18 physical exercise that provides equipment and services for
 19 such use in addition to lockers and showers.

20 **SEC. 12. GOLF COURSES.**

21 (a) LIMITATION.—No funds appropriated or other-
 22 wise made available to any agency may be expended to
 23 equip, operate, or maintain any golf course owned or oper-
 24 ated by an agency. Any such golf course shall be operated

1 by concessionaire contract and open to use by the general
2 public.

3 (b) EXCEPTION.—Subsection (a) shall not apply to—

4 (1) any golf course located in a remote or iso-
5 lated area or those for the use of patients or resi-
6 dents at Veterans' Administration Hospitals, United
7 States Soldiers' and Airmen's Home, or the National
8 Institutes of Health; or

9 (2) funds made available from gift funds or rep-
10 resentation funds for activities authorized under law.

11 (c) USE OF FUNDS.—No more than 10 percent of
12 the gross revenues generated from the operations of any
13 golf course to which subsection (a) applies may be retained
14 by the contracting military base to support morale, welfare
15 or recreational purposes of the personnel at such base.
16 The Secretary of Defense shall submit annual reports to
17 the Congress which identify in detail how the funds re-
18 tained have been expended. The Secretary of Defense is
19 authorized to subsidize the golf fees for active and retired
20 enlisted personnel utilizing such contracted courses and
21 give priority access for military personnel.

22 (d) EFFECTIVE DATE.—The provisions of this sec-
23 tion shall take effect no later than June 1, 1993.

1 **SEC. 13. EXECUTIVE DINING FACILITIES.**

2 No funds appropriated or otherwise made available
3 to any executive agency may be expended to subsidize the
4 costs to equip, operate, or maintain dining rooms or kitchen
5 facilities for the exclusive use of senior Government officers
6 or to purchase or prepare food for consumption by
7 such officers. This section shall not apply to dining rooms,
8 facilities, or food for—

9 (1) the exclusive use or consumption of the
10 President of the United States or his immediate
11 family; or

12 (2) use to carry out the official representational
13 functions of the President or for those official activities
14 conducted by executive branch departments or
15 agencies for which representation funds have been
16 authorized and appropriated.

17 **SEC. 14. LUXURY VEHICLES FOR TRANSPORTING GOVERN-**
18 **MENT OFFICERS.**

19 (a) LUXURY VEHICLES.—No funds appropriated or
20 otherwise made available to any agency or the Congress
21 may be expended to acquire, through lease or purchase,
22 luxury vehicles for the purpose of transporting senior Government
23 officers, except for—

24 (1) a Government officer as authorized under
25 section 1344 of title 31, United States Code;

1 (2) a Government officer who holds the office of
2 Assistant Secretary or higher;

3 (3) the head of any executive agency and the
4 second highest ranking officer in such agency;

5 (4) officials commissioned by the President or
6 paid at a rate of pay equal to or greater than the
7 rate payable for level IV of the Executive Schedule
8 in the Executive Office of the President; or

9 (5) Members of Congress serving in leadership
10 positions (including any former President pro tem-
11 pore of the Senate) or elected or appointed officers
12 of the Congress.

13 (b) DRIVERS.—(1) Subject to paragraph (2), no
14 funds appropriated or otherwise made available to any
15 agency may be expended to employ drivers for the exclu-
16 sive use of transporting senior Government officers, except
17 the officers described under subsection (a)(1) through (5).

18 (2) The provisions of this subsection shall not be con-
19 strued to prohibit the expenditure of funds to employ driv-
20 ers of multipassenger vehicles, such as vans or buses,
21 which are not luxury vehicles.

22 (c) PURCHASE OR LEASE OF LUXURY VEHICLES.—
23 The General Services Administration, in consultation with
24 the Office of Management and Budget shall prescribe reg-
25 ulations and uniform guidelines for all executive agencies

1 for the purchase or lease of luxury vehicles for or by the
 2 United States Government, that shall ensure the least cost
 3 to the United States Government. On October 1, 1993,
 4 and on October 1 of each year thereafter, the General
 5 Services Administration shall submit a report to the Con-
 6 gress on—

7 (1) executive agency compliance with such regu-
 8 lations;

9 (2) the number of all vehicles purchased or
 10 leased by each executive agency;

11 (3) the costs of executive agency vehicle pur-
 12 chases or leases;

13 (4) the type of each such executive agency vehi-
 14 cle and the purpose for which it is used; and

15 (5) the identification of executive agency Fed-
 16 eral officers and employees who used such vehicles.

17 (d) LEGISLATIVE AGENCIES.—Each agency in the
 18 legislative branch of the Government (including each office
 19 and committee of the Congress) shall submit reports com-
 20 parable to reports submitted under subsection (c) with the
 21 appropriate administrative offices of such agency.

22 (e) DEFINITION.—For purposes of this section the
 23 term “luxury vehicle” means a vehicle that is—

1 (1) a class IV or V sedan (as classified under
2 section 101–38.101–1 of title 41 of the Code of Fed-
3 eral Regulations as in effect on the date of the en-
4 actment of this Act) or other large sedan-type vehi-
5 cle with above standard features; and

6 (2) owned or leased by the United States Gov-
7 ernment.

8 (f) EXCEPTION.—The provisions of this section shall
9 not apply with regard to emergency vehicles or vehicles
10 equipped for law enforcement purposes.

11 (g) REGULATIONS.—The Administrator of General
12 Services shall issue regulations subject to the approval of
13 the Office of Management and Budget, to implement the
14 provisions of this section for executive agencies.

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