

106TH CONGRESS  
1ST SESSION

# S. 297

To amend title 37, United States Code, to authorize members of the uniformed services to participate in the Thrift Savings Plan; and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 1999

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

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## A BILL

To amend title 37, United States Code, to authorize members of the uniformed services to participate 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. PARTICIPATION OF MEMBERS OF THE UNI-**  
4 **FORMED SERVICES IN THE THRIFT SAVINGS**  
5 **PLAN.**

6 (a) **AUTHORITY.**—(1) Chapter 3 of title 37, United  
7 States Code, is amended by adding at the end the follow-  
8 ing:

1 **“§ 211. Participation in Thrift Savings Plan**

2 “(a) PARTICIPATION AUTHORIZED.—(1) A member  
3 of the uniformed services may contribute to the Thrift  
4 Savings Fund out of basic pay.

5 “(2) An election to contribute to the Thrift Savings  
6 Fund under paragraph (1) may be made only during a  
7 period provided under section 8432(b) of title 5 for indi-  
8 viduals subject to chapter 84 of such title.

9 “(b) APPLICABILITY OF THRIFT SAVINGS PLAN PRO-  
10 VISIONS.—Except as otherwise provided in this section,  
11 the provisions of subchapters III and VII of chapter 84  
12 of title 5 shall apply with respect to members of the uni-  
13 formed services making contributions to the Thrift Sav-  
14 ings Fund as if such members were employees within the  
15 meaning of section 8401(11) of such title.

16 “(c) MAXIMUM CONTRIBUTION FROM BASIC PAY.—  
17 (1) The amount contributed by a member of the uni-  
18 formed services for any pay period out of basic pay may  
19 not exceed the amount equal to the maximum allowable  
20 percent of such member’s basic pay for such pay period.

21 “(2) For the purposes of paragraph (1), the maxi-  
22 mum allowable percent of basic pay applicable to a mem-  
23 ber with respect to a pay period is as follows:

24 “(A) If the member has less than 5 years of  
25 service computed under section 205 of title 37 on or  
26 before the last day of the pay period, 5 percent.

1           “(B) If the member has at least 5 years of  
2           service computed under section 205 of title 37 on or  
3           before the last day of the pay period, 10 percent.

4           “(d) AGENCY CONTRIBUTIONS.—Contributions shall  
5           be made under paragraph (2), but not any other para-  
6           graph, of section 8432(c) of title 5 for the benefit of a  
7           member of the uniformed services making contributions  
8           to the Thrift Savings Fund under subsection (a). For the  
9           purposes of this subsection, the reference in paragraph (2)  
10          of such section to contributions under paragraph (1) of  
11          such section does not apply.

12          “(e) RULES OF CONSTRUCTION.—The following rules  
13          of construction apply for the purposes of this section:

14                 “(1) In applying section 8433 of title 5 to a  
15                 member of the uniformed services who has an ac-  
16                 count balance in the Thrift Savings Fund, any ref-  
17                 erence in such section to separation from Govern-  
18                 ment employment shall be construed to refer to the  
19                 following actions:

20                         “(A) Release of the member from active-  
21                         duty service (not followed by a resumption of  
22                         active-duty service within 30 days after the ef-  
23                         fective date of the release).

24                         “(B) Transfer of the member to an inac-  
25                         tive status.

1                   “(C) Transfer of the member by the Sec-  
 2                   retary concerned to a retired list maintained by  
 3                   the Secretary.

4                   “(2) The reference in section 8433(g)(1) of title  
 5                   5 to contributions made under section 8432(a) of  
 6                   such title shall be treated as being a reference to  
 7                   contributions made to the Fund by the member,  
 8                   whether made under this section or section 8351 or  
 9                   8432(a) of title 5.”.

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

“211. Participation in Thrift Savings Plan.”.

12                  (b) RELATIONSHIP TO PARTICIPATION UNDER  
 13 OTHER AUTHORITY.—Section 8432b(b)(2)(B) of title 5,  
 14 United States Code, is amended by inserting after “section  
 15 8432(a)” the following “of this title or section 211 of title  
 16 37”.

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