

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO COMMITTEE PRINT**  
**OFFERED BY MR. COMER OF KENTUCKY**

Strike line 1, page 1, and all that follows and insert  
the following:

**1 TITLE IX—COMMITTEE ON OVER-**  
**2 SIGHT AND GOVERNMENT RE-**  
**3 FORM**

**4 SEC. 90001. INCREASE IN FERS EMPLOYEE CONTRIBUTION**  
**5 REQUIREMENTS.**

**6** Section 8422(a)(3) of title 5, United States Code, is  
**7** amended—

**8** (1) in subparagraph (A), by amending the table  
**9** to read as follows:

“Employee	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	January 1, 2001, to December 31, 2025.
	8.8	January 1, 2026, to December 31, 2026.
Congressional employee	10.6	After December 31, 2026.
	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	January 1, 2001, to December 31, 2025.
	9.3	January 1, 2026, to December 31, 2026.

Member	11.1	After December 31, 2026.
	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	8	January 1, 2001, to December 31, 2002.
	7.5	January 1, 2003, to December 31, 2025.
	9.3	January 1, 2026, to December 31, 2026.
Law enforcement officer, Firefighter, member of the Capitol Police, member of the Supreme Court Police, or air traffic controller	11.1	After December 31, 2026.
	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
	7	January 1, 1987, to October 16, 1998.
	7.5	October 17, 1998, to December 31, 1998.
Nuclear materials courier	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
	7	January 1, 1987, to October 16, 1998.
	7.5	October 17, 1998, to December 31, 1998.
Customs and border protection officer	7.5	After June 29, 2008.”; and

1 (2) in subparagraph (B), by amending the table

2 to read as follows:

“Employee	9.3	January 1, 2013, to December 31, 2025.
	9.95	January 1, 2026, to December 31, 2026.
	10.6	After December 31, 2026.
Congressional employee	9.3	January 1, 2013, to December 31, 2025.
	9.95	January 1, 2026, to December 31, 2026.
	10.6	After December 31, 2026.
Member	9.3	January 1, 2013, to December 31, 2025.
	9.95	January 1, 2026, to December 31, 2026.
	10.6	After December 31, 2026.
Law enforcement officer, Firefighter, member of the Capitol Police, member of the Supreme Court Police, or air traffic controller	9.8	After December 31, 2012.
	9.8	After December 31, 2012.”.
Nuclear materials courier	9.8	After December 31, 2012.
Customs and border protection officer	9.8	After December 31, 2012.”.

1 **SEC. 90002. ELIMINATION OF FERS ANNUITY SUPPLEMENT.**

2 (a) IN GENERAL.—Section 8421(a) of title 5, United  
3 States Code, is amended—

4 (1) in paragraph (1), by inserting “separated  
5 from service under section 8425” after “individual”;  
6 and

7 (2) in paragraph (2), by inserting “separated  
8 from service under section 8425” after “an indi-  
9 vidual”.

10 (b) APPLICABILITY.—The amendments made by this  
11 section shall not apply with respect to any individual enti-  
12 tled to an annuity supplement under section 8421 of title  
13 5, United States Code, prior to the date of the enactment  
14 of this Act.

15 **SEC. 90003. HIGH-5 AVERAGE PAY FOR CALCULATING CSRS**  
16 **AND FERS PENSION.**

17 (a) CSRS.—Section 8331(4) of title 5, United States  
18 Code, is amended to read as follows:

19 “(4) ‘average pay’ means—

20 “(A) except as provided under subpara-  
21 graph (B), the largest annual rate resulting  
22 from averaging an employee’s or Member’s  
23 rates of basic pay in effect over any 3 consecu-  
24 tive years of creditable service or, in the case of  
25 an annuity under subsection (d) or (e)(1) of  
26 section 8341 of this title based on service of

1 less than 3 years, over the total service, with  
2 each rate weighted by the time it was in effect;  
3 and

4 “(B) with respect to an employee or Mem-  
5 ber who retires on or after January 1, 2027,  
6 other than an individual entitled to an annuity  
7 under subsection (c) or (e) of section 8336, the  
8 largest annual rate resulting from averaging an  
9 employee’s or Member’s rates of basic pay in ef-  
10 fect over any 5 consecutive years of creditable  
11 service or, in the case of an annuity under sub-  
12 section (d) or (e)(1) of section 8341 of this title  
13 based on service of less than 5 years, over the  
14 total service, with each rate weighted by the  
15 time it was in effect;”.

16 (b) FERS.—Section 8401(3) of title 5, United States  
17 Code, is amended to read as follows:

18 “(3) the term ‘average pay’ means—

19 “(A) except as provided under subpara-  
20 graph (B), the largest annual rate resulting  
21 from averaging an employee’s or Member’s  
22 rates of basic pay in effect over any 3 consecu-  
23 tive years of service or, in the case of an annu-  
24 ity under this chapter based on service of less

1           than 3 years, over the total service, with each  
2           rate weighted by the period it was in effect; and

3           “(B) with respect to an employee or Mem-  
4           ber who retires on or after January 1, 2027,  
5           other than an individual entitled to an annuity  
6           under subsection (d) or (e) of section 8412, the  
7           largest annual rate resulting from averaging the  
8           employee’s or Member’s rates of basic pay in ef-  
9           fect over any 5 consecutive years of service or,  
10          in the case of an annuity under this chapter  
11          based on service of less than 5 years, over the  
12          total service, with each rate weighted by the pe-  
13          riod it was in effect;”.

14          (c) CONFORMING AMENDMENT.—Section 302(a) of  
15          the Federal Employee’s Retirement System Act of 1986  
16          (5 U.S.C. 8331 note) is amended by striking paragraph  
17          (6) and inserting the following:

18                 “(6)(A) For purposes of any computation under  
19                 paragraph (4) or (5), the average pay to be used  
20                 shall be—

21                         “(i) except as provided under clause (ii),  
22                         the largest annual rate resulting from averaging  
23                         the individual’s rates of basic pay in effect over  
24                         any 3 consecutive years of creditable service or,  
25                         in the case of an annuity based on service of

1 less than 3 years, over the total period of serv-  
2 ice so creditable, with each rate weighted by the  
3 period it was in effect; and

4 “(ii) with respect to an individual who re-  
5 tires on or after January 1, 2027, other than  
6 an individual entitled to an annuity under sub-  
7 section (d) or (e) of section 8412 of title 5,  
8 United States Code, the largest annual rate re-  
9 sulting from averaging the individual’s rates of  
10 basic pay in effect over any 5 consecutive years  
11 of creditable service or, in the case of an annu-  
12 ity based on service of less than 5 years, over  
13 the total period of service so creditable, with  
14 each rate weighted by the period it was in ef-  
15 fect.

16 “(B) For purposes of subparagraph (A), service  
17 shall be considered creditable if it would be consid-  
18 ered creditable for purposes of determining average  
19 pay under chapter 83 or 84 of title 5, United States  
20 Code.”.

21 **SEC. 90004. ELECTION FOR AT-WILL EMPLOYMENT AND**  
22 **LOWER FERS CONTRIBUTIONS FOR NEW FED-**  
23 **ERAL CIVIL SERVICE HIRES.**

24 (a) ELECTION.—

1 (1) IN GENERAL.—Subchapter I of chapter 33  
2 of title 5, United States Code, is amended by adding  
3 at the end the following:

4 **“§ 3330g. Election for at-will employment and lower**  
5 **FERS contributions**

6 “(a) ELECTION.—

7 “(1) IN GENERAL.—Not later than the last day  
8 of the probationary period (if any) for an individual  
9 initially appointed to a covered position after the  
10 date of the enactment of this section, such individual  
11 may make an irrevocable election to be employed on  
12 an at-will basis, subject to the requirements of this  
13 section.

14 “(2) FAILURE TO MAKE ELECTION.—An indi-  
15 vidual who does not make the election under para-  
16 graph (1) shall be subject to the requirements of  
17 section 8422(a)(3)(D).

18 “(b) AT-WILL EMPLOYMENT.—Notwithstanding any  
19 other provision of law, including chapters 43 and 75 of  
20 this title, any individual who makes an affirmative election  
21 under subsection (a)(1) shall—

22 “(1) be considered an at-will employee; and

23 “(2) may be subject to an adverse action up to  
24 and including removal, without notice or right to ap-  
25 peal, by the head of the agency at which the indi-

vidual is employed for good cause, bad cause, or no cause at all.

“(c) APPLICATION OF OTHER LAWS.—Notwithstanding any other requirement of this section, this section shall not be construed to reduce, extinguish, or otherwise effect any right or remedy available to any individual who elects to be an at-will employee under subsection (a)(1) under any of the following provisions of law:

“(1) The protections relating to prohibited personnel practices (as that term is defined in section 2302).

“(2) The Congressional Accountability Act of 1995, in the case of employees of the legislative branch who are subject to this section.

“(d) COVERED POSITION.—In this section, the term ‘covered position’—

“(1) means—

“(A) any position in the competitive service;

“(B) a career appointee position in the Senior Executive Service;

“(C) a position in the excepted service; and

“(2) does not include any position—

“(A) excepted from the competitive service because of its confidential, policy-determining,



1 policy-making, or policy-advocating character;  
2 or

3 “(B) excluded from the coverage of section  
4 2302 (by operation of subsection (a)(2)(B) of  
5 such section) or chapter 75.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions for such subchapter is amended by adding  
8 after the item relating to section 3330f the fol-  
9 lowing:

“3330g. Election for at-will employment and lower FERS contributions.”.

10 (b) INCREASE IN FERS CONTRIBUTIONS.—Section  
11 8422(a) of title 5, United States Code, is amended by add-  
12 ing at the end the following:

13 “(D) The applicable percentage under this  
14 paragraph for civilian service by any individual  
15 who elects not to be employed on an at-will  
16 basis under section 3330g shall be equal to the  
17 percentage required under subparagraph (C),  
18 increased by 5 percentage points.”.

19 (c) APPLICATION.—This section and the amendments  
20 made by this section shall apply to individuals initially ap-  
21 pointed to positions in the civil service subject to such sec-  
22 tion and amendments appointed on or after the date of  
23 the enactment of this Act.

1   **SEC. 90005. FILING FEE FOR MERIT SYSTEMS PROTECTION**

2                   **BOARD CLAIMS AND APPEALS.**

3           (a) IN GENERAL.—Section 7701 of title 5, United  
4 States Code, is amended—

5                   (1) in redesignating subsection (k) as sub-  
6 section (l); and

7                   (2) by inserting after subsection (j) the fol-  
8 lowing:

9           “(k)(1) The Board shall establish and collect a filing  
10 fee to be paid by any employee, former employee, or appli-  
11 cant for employment filing a claim or appeal with the  
12 Board under this title, or under any other law, rule, or  
13 regulation, consistent with the requirements of this sub-  
14 section.

15           “(2) The filing fee under paragraph (1) shall—

16                   “(A) be in an amount equal to the filing fee for  
17 a civil action, suit, or proceeding under section  
18 1914(a) of title 28;

19                   “(B) be paid on the date the individual submits  
20 a claim or appeal to the Board; and

21                   “(C) if the individual is the prevailing party  
22 under such claim or appeal, be returned to such in-  
23 dividual.

24           “(3) The filing fee under this subsection shall not be  
25 required for any—

1 “(A) action brought by the Special Counsel  
2 under section 1214, 1215, or 1216; or

3 “(B) any claim or appeal of a prohibited per-  
4 sonnel practice described in section 2302(b)(8) or  
5 2302(b)(9)(A)(i), (B), (C), or (D) or in section  
6 1221.

7 “(4) On the date that a claim or appeal with respect  
8 to which the individual is not the prevailing party has not  
9 been appealed and is no longer appealable because the  
10 time for taking an appeal has expired, or which has been  
11 appealed under section 7703 and the appeals process for  
12 which is completed, the fee collected under paragraph (1)  
13 shall, except as provided in paragraph (2)(C), be deposited  
14 into the miscellaneous receipts of the Treasury.”.

15 (b) APPLICATION.—The fee required under the  
16 amendment made by subsection (a) shall apply to any  
17 claim or appeal filed with the Merit Systems Protection  
18 Board after the date that is 3 months after the date of  
19 the enactment of this section.

20 **SEC. 90006. FEHB PROTECTION.**

21 (a) FEHB IMPROVEMENTS.—

22 (1) DEFINITIONS.—In this subsection:

23 (A) DIRECTOR.—The term “Director”  
24 means the Director of the Office of Personnel  
25 Management.

1 (B) EMPLOYING OFFICE.—The term “em-  
2 ploying office” has the meaning given the term  
3 in section 890.101(a) of title 5, Code of Federal  
4 Regulations, or any successor regulation.

5 (C) HEALTH BENEFITS PLAN; MEMBER OF  
6 FAMILY.—The terms “health benefits plan” and  
7 “member of family” have the meanings given  
8 those terms in section 8901 of title 5, United  
9 States Code.

10 (D) INSPECTOR GENERAL.—The term “In-  
11 spector General” means the Inspector General  
12 of the Office of Personnel Management.

13 (E) OPEN SEASON.—The term “open sea-  
14 son” means an open season described in section  
15 890.301(f) of title 5, Code of Federal Regula-  
16 tions, or any successor regulation.

17 (F) PROGRAM.—The term “Program”  
18 means the health insurance programs carried  
19 out under chapter 89 of title 5, United States  
20 Code, including the program carried out under  
21 section 8903c of that title.

22 (G) QUALIFYING LIFE EVENT.—The term  
23 “qualifying life event” has the meaning given  
24 the term in section 892.101 of title 5, Code of

1 Federal Regulations, or any successor regula-  
2 tion.

3 (2) VERIFICATION REQUIREMENTS.—

4 (A) IN GENERAL.—Not later than 1 year  
5 after the date of the enactment of this Act, the  
6 Director shall issue regulations and implement  
7 a process to verify—

8 (i) the veracity of any qualifying life  
9 event through which an enrollee in the  
10 Program seeks to add a member of family  
11 with respect to the enrollee to a health  
12 benefits plan under the Program; and

13 (ii) that, when an enrollee in the Pro-  
14 gram seeks to add a member of family  
15 with respect to the enrollee to the health  
16 benefits plan of the enrollee under the Pro-  
17 gram, including during any open season,  
18 the individual so added is a qualifying  
19 member of family with respect to the en-  
20 rollee.

21 (B) RECORD RETENTION.—The process  
22 implemented under subparagraph (A) shall re-  
23 quire the records used for a verification de-  
24 scribed in such subparagraph under such proc-  
25 ess with respect to an individual enrolled in a

1 health benefits plan under the Program to be  
2 provided to the Office of Personnel Manage-  
3 ment and retained by the Office of Personnel  
4 Management until the expiration of a six-year  
5 period beginning after the date of such  
6 verification in which such individual is not en-  
7 rolled in a health benefits plan under the Pro-  
8 gram.

9 (3) FRAUD RISK ASSESSMENT.—In any fraud  
10 risk assessment conducted with respect to the Pro-  
11 gram on or after the date of the enactment of this  
12 Act, the Director shall include an assessment of in-  
13 dividuals who are enrolled in, or covered under, a  
14 health benefits plan under the Program even though  
15 those individuals are not eligible to be so enrolled or  
16 covered.

17 (4) FAMILY MEMBER ELIGIBILITY  
18 VERIFICATION AUDIT.—

19 (A) IN GENERAL.—During the 5-year pe-  
20 riod beginning 1 year after the date of the en-  
21 actment of this Act, the Director, in coordina-  
22 tion with the head of each employing office,  
23 shall conduct a comprehensive audit regarding  
24 members of family who are covered under an

1 enrollment in a health benefits plan under the  
2 Program.

3 (B) CONTENTS.—In conducting an audit  
4 required by subparagraph (A), the Director, in  
5 coordination with the head of each employing  
6 office, shall review marriage certificates, birth  
7 certificates, and other appropriate documents  
8 that are necessary to determine eligibility to en-  
9 roll in a health benefits plan under the Pro-  
10 gram.

11 (C) RECORD RETENTION.—All records per-  
12 taining to the eligibility of an individual to be  
13 enrolled in, or covered under, a health benefits  
14 plan under the Program obtained by the Direc-  
15 tor or the head of the relevant employing office  
16 in the audit required by subparagraph (A) shall  
17 be retained by the Office of Personnel Manage-  
18 ment until the expiration of a six-year period  
19 beginning after the date of such audit in which  
20 such individual is not enrolled in, or covered  
21 under, a health benefits plan under the Pro-  
22 gram.

23 (D) REFERRAL TO INSPECTOR GEN-  
24 ERAL.—The Director shall refer any instances  
25 of individuals enrolled in, or covered under, a

1 health benefits plan under the Program who are  
2 not eligible to be so enrolled or covered that are  
3 identified in the audit required by subparagraph  
4 (A) to the Inspector General.

5 (5) DISENROLLMENT OR REMOVAL.—

6 (A) IN GENERAL.—Not later than 6  
7 months after the date of the enactment of this  
8 Act, the Director shall develop a process by  
9 which any individual enrolled in, or covered  
10 under, a health benefits plan under the Pro-  
11 gram who is not eligible to be so enrolled or  
12 covered shall be disenrolled or removed from en-  
13 rollment in a health benefits plan under the  
14 Program.

15 (B) NOTIFY INSPECTOR GENERAL.—The  
16 Director shall notify the Inspector General of  
17 each individual disenrolled or removed from en-  
18 rollment in a health benefits plan under the  
19 Program under the process developed under  
20 subparagraph (A).

21 (b) EARNED BENEFITS AND HEALTHCARE ADMINIS-  
22 TRATIVE SERVICES ASSOCIATED OVERSIGHT AND AUDIT  
23 FUNDING.—

24 (1) IN GENERAL.—Section 8909(a)(2) of title  
25 5, United States Code, is amended by striking “Con-



1       gress.” and inserting “Congress, except that the  
2       amounts authorized under subsection (b)(2) for the  
3       Office shall not be subject to the limitations that  
4       may be specified annually by Congress.”.

5           (2) OVERSIGHT.—Section 8909(b) of title 5,  
6       United States Code, is amended—

7                   (A) by redesignating paragraph (2) as  
8       paragraph (5); and

9                   (B) by inserting after paragraph (1) the  
10      following:

11           “(2) In addition to the funds provided under  
12      paragraph (1), amounts of all contributions shall be  
13      available for the Office to develop, maintain, and  
14      conduct ongoing eligibility verification and oversight  
15      over the enrollment and eligibility systems with re-  
16      spect to benefits under this chapter, including the  
17      Postal Service Health Benefits Program under sec-  
18      tion 8903c. Amounts for the Office under this para-  
19      graph shall not be available in excess of the fol-  
20      lowing amounts in the following fiscal years:

21                   “(A) In fiscal year 2026, \$36,792,000.

22                   “(B) In fiscal year 2027, \$44,733,161.

23                   “(C) In fiscal year 2028, \$50,930,778.

24                   “(D) In fiscal year 2029, \$54,198,238.

25                   “(E) In fiscal year 2030, \$54,855,425.

1 “(F) In fiscal year 2031, \$56,062,244.

2 “(G) In fiscal year 2032, \$57,295,613.

3 “(H) In fiscal year 2033, \$58,556,117.

4 “(I) In fiscal year 2034, \$59,844,351.

5 “(J) In fiscal year 2035 and each fiscal  
6 year thereafter, the amount equal to the dollar  
7 limit for the immediately preceding fiscal year,  
8 increased by 2.2. percent.

9 “(3) In fiscal year 2026, \$80,000,000, to be de-  
10 rived from all contributions and to remain available  
11 until expended, shall be available for the Office to  
12 conduct the audit required under section  
13 90006(a)(4) of the Act titled ‘An Act to provide for  
14 reconciliation pursuant to title II of H. Con. Res.  
15 14’. Of such amount, the Office may transfer funds  
16 as the Director of the Office determines necessary to  
17 an employing office (as that term is defined in sec-  
18 tion 890.101(a) of title 5, Code of Federal Regula-  
19 tions, or any successor regulation) in order to con-  
20 duct the required audit.

21 “(4) Amounts of all contributions shall be avail-  
22 able for the Office of Personnel Management Office  
23 of the Inspector General to conduct oversight associ-  
24 ated with activities under this chapter (including the  
25 Postal Service Health Benefits Program under sec-

1       tion 8903e), including activities associated with en-  
2       rollment and eligibility in these programs and any  
3       associated audit activities as required under section  
4       90006 of the Act titled ‘An Act to provide for rec-  
5       onciliation pursuant to title II of H. Con. Res. 14’.  
6       Amounts for the Office of the Inspector General  
7       under this paragraph shall not be available in excess  
8       of the following amounts in the following fiscal  
9       years:

10               “(A) In fiscal year 2026, \$5,090,278.

11               “(B) In fiscal year 2027 and each fiscal  
12       year thereafter, the amount equal to the dollar  
13       limit for the immediately preceding fiscal year,  
14       increased by 2.2 percent.”.

