

Committee Print

(Providing for reconciliation pursuant to H. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2025)

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.
	7.9	January 1, 2026, to December 31, 2026.
	8.8	January 1, 2027, to December 31, 2027.
	9.7	January 1, 2028, to December 31, 2028.
	10.6	After December 31, 2028.
Congressional employee	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.
	8.4	January 1, 2026, to December 31, 2026.

	9.3	January 1, 2027, to December 31, 2027.
	10.2	January 1, 2028, to December 31, 2028.
	11.1	After December 31, 2028.
Member	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.
	8.4	January 1, 2026, to December 31, 2026.
	9.3	January 1, 2027, to December 31, 2027.
	10.2	January 1, 2028, to December 31, 2028.
	11.1	After December 31, 2028.
Law enforcement officer, firefighter, member of the Capitol Police, member of the Supreme Court Police, or air traffic controller	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.
	8.4	January 1, 2026, to December 31, 2026.
	9.3	January 1, 2027, to December 31, 2027.
	10.2	January 1, 2028, to December 31, 2028.
	11.1	After December 31, 2028.
Nuclear materials courier	7	January 1, 1987, to October 16, 1998.
	7.5	October 17, 1998, 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.
	8.4	January 1, 2026, to December 31, 2026.
	9.3	January 1, 2027, to December 31, 2027.
	10.2	January 1, 2028, to December 31, 2028.
	11.1	After December 31, 2028.
Customs and border protection officer	7.5	June 30, 2008, to December 31, 2025.
	8.4	January 1, 2026, to December 31, 2026.
	9.3	January 1, 2027, to December 31, 2027.

10.2 January 1, 2028, to
December 31, 2028.
11.1 After December 31,
2028.”; and

1 (2) in subparagraph (B), by amending the table
2 to read as follows:

“Employee	9.3	January 1, 2013, to Decem- ber 31, 2025.
	9.63	January 1, 2026, to Decem- ber 31, 2026.
	9.95	January 1, 2027, to Decem- ber 31, 2027.
	10.28	January 1, 2028, to Decem- ber 31, 2028.
	10.6	After December 31, 2028.
Congressional employee	9.3	January 1, 2013, to Decem- ber 31, 2025.
	9.63	January 1, 2026, to Decem- ber 31, 2026.
	9.95	January 1, 2027, to Decem- ber 31, 2027.
	10.28	January 1, 2028, to Decem- ber 31, 2028.
	10.6	After December 31, 2028.
Member	9.3	January 1, 2013, to Decem- ber 31, 2025.
	9.63	January 1, 2026, to Decem- ber 31, 2026.
	9.95	January 1, 2027, to Decem- ber 31, 2027.
	10.28	January 1, 2028, to Decem- ber 31, 2028.
	10.6	After December 31, 2028.
Law enforcement officer, firefighter, member of the Capitol Police, mem- ber of the Supreme Court Police, or air traffic controller	9.8	January 1, 2013, to Decem- ber 31, 2025.
	10.13	January 1, 2026, to Decem- ber 31, 2026.
	10.45	January 1, 2027, to Decem- ber 31, 2027.
	10.78	January 1, 2028, to Decem- ber 31, 2028.
	11.1	After December 31, 2028.
Nuclear materials courier	9.8	January 1, 2013, to Decem- ber 31, 2025.
	10.13	January 1, 2026, to Decem- ber 31, 2026.
	10.45	January 1, 2027, to Decem- ber 31, 2027.
	10.78	January 1, 2028, to Decem- ber 31, 2028.
	11.1	After December 31, 2028.
Customs and border protection officer	9.8	January 1, 2013, to Decem- ber 31, 2025.
	10.13	January 1, 2026, to Decem- ber 31, 2026.
	10.45	January 1, 2027, to Decem- ber 31, 2027.
	10.78	January 1, 2028, to Decem- ber 31, 2028.

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

1 an annuity under subsection (d) or (e)(1) of
2 section 8341 of this title based on service of
3 less than 3 years, over the total service, with
4 each rate weighted by the time it was in effect;
5 and

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

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

19 “(3) the term ‘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 service or, in the case of an annu-
25 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 after the date of the enactment
5 of this subparagraph, the largest annual rate
6 resulting from averaging the employee’s or
7 Member’s rates of basic pay in effect over any
8 5 consecutive years of service or, in the case of
9 an annuity under this chapter based on service
10 of less than 5 years, over the total service, with
11 each rate weighted by the period it was in ef-
12 fect;”.

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

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

20 “(i) except as provided under clause
21 (ii), the largest annual rate resulting from aver-
22 aging the individual’s rates of basic pay in ef-
23 fect over any 3 consecutive years of creditable
24 service or, in the case of an annuity based on
25 service of less than 3 years, over the total pe-

1 riod of service so creditable, with each rate
2 weighted by the period it was in effect; and

3 “(ii) with respect to an individual who re-
4 tires after the date of the enactment of this
5 clause, the largest annual rate resulting from
6 averaging the individual’s rates of basic pay in
7 effect over any 5 consecutive years of creditable
8 service or, in the case of an annuity based on
9 service of less than 5 years, over the total pe-
10 riod of service so creditable, with each rate
11 weighted by the period it was in effect.

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

17 **SEC. 90004. ELECTION FOR AT-WILL EMPLOYMENT AND**
18 **LOWER FERS CONTRIBUTIONS FOR NEW FED-**
19 **ERAL CIVIL SERVICE HIRES.**

20 (a) ELECTION.—

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

1 **“§ 3330g. Election for at-will employment and lower**
2 **FERS contributions**

3 “(a) ELECTION.—

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

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

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

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

20 “(2) may be subject to an adverse action up to
21 and including removal, without notice or right to ap-
22 peal, by the head of the agency at which the indi-
23 vidual is employed for good cause, bad cause, or no
24 cause at all.

25 “(c) APPLICATION OF OTHER LAWS.—Notwith-
26 standing any other requirement of this section, this section

1 shall not be construed to reduce, extinguish, or otherwise
2 effect any right or remedy available to any individual who
3 elects to be an at-will employee under subsection (a)(1)
4 under any of the following provisions of law:

5 “(1) The protections relating to prohibited per-
6 sonnel practices (as that term is defined in section
7 2302).

8 “(2) The Congressional Accountability Act of
9 1995, in the case of employees of the legislative
10 branch who are subject to this section.

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

13 “(1) means—

14 “(A) any position in the competitive serv-
15 ice;

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

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

19 “(2) does not include any position—

20 “(A) excepted from the competitive service
21 because of its confidential, policy-determining,
22 policy-making, or policy-advocating character;
23 or

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

3 (2) by inserting after subsection (j) the fol-
4 lowing:

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

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

12 “(A) be in an amount equal to the filing fee for
13 a civil action, suit, or proceeding under section
14 1914(a) of title 28;

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

17 “(C) if the individual is the prevailing party
18 under such claim or appeal, be returned to such in-
19 dividual.

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

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

24 “(B) any claim or appeal of a prohibited per-
25 sonnel practice described in section 2302(b)(8) or

1 2302(b)(9)(A)(i), (B), (C), or (D) or in section
2 1221.

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

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

16 **SEC. 90006. FEHB PROTECTION.**

17 (a) FEHB IMPROVEMENTS.—

18 (1) DEFINITIONS.—In this subsection:

19 (A) DIRECTOR.—The term “Director”
20 means the Director of the Office of Personnel
21 Management.

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

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

6 (D) INSPECTOR GENERAL.—The term “In-
7 spector General” means the Inspector General
8 of the Office of Personnel Management.

9 (E) OPEN SEASON.—The term “open sea-
10 son” means an open season described in section
11 890.301(f) of title 5, Code of Federal Regula-
12 tions, or any successor regulation.

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

18 (G) QUALIFYING LIFE EVENT.—The term
19 “qualifying life event” has the meaning given
20 the term in section 892.101 of title 5, Code of
21 Federal Regulations, or any successor regula-
22 tion.

23 (2) VERIFICATION REQUIREMENTS.—

24 (A) IN GENERAL.—Not later than 1 year
25 after the date of the enactment of this Act, the

1 Director shall issue regulations and implement
2 a process to verify—

3 (i) the veracity of any qualifying life
4 event through which an enrollee in the
5 Program seeks to add a member of family
6 with respect to the enrollee to a health
7 benefits plan under the Program; and

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

16 (B) RECORD RETENTION.—The process
17 implemented under subparagraph (A) shall re-
18 quire the records used for a verification de-
19 scribed in such subparagraph under such proc-
20 ess with respect to an individual enrolled in a
21 health benefits plan under the Program to be
22 provided to the Office of Personnel Manage-
23 ment and retained by the Office of Personnel
24 Management until the expiration of a six-year
25 period beginning after the date of such

1 verification in which such individual is not en-
2 rolled in a health benefits plan under the Pro-
3 gram.

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

12 (4) FAMILY MEMBER ELIGIBILITY
13 VERIFICATION AUDIT.—

14 (A) IN GENERAL.—During the 5-year pe-
15 riod beginning 1 year after the date of the en-
16 actment of this Act, the Director, in coordina-
17 tion with the head of each employing office,
18 shall conduct a comprehensive audit regarding
19 members of family who are covered under an
20 enrollment in a health benefits plan under the
21 Program.

22 (B) CONTENTS.—In conducting an audit
23 required by subparagraph (A), the Director, in
24 coordination with the head of each employing
25 office, shall review marriage certificates, birth

1 certificates, and other appropriate documents
2 that are necessary to determine eligibility to en-
3 roll in a health benefits plan under the Pro-
4 gram.

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

17 (D) REFERRAL TO INSPECTOR GEN-
18 ERAL.—The Director shall refer any instances
19 of individuals enrolled in, or covered under, a
20 health benefits plan under the Program who are
21 not eligible to be so enrolled or covered that are
22 identified in the audit required by subparagraph
23 (A) to the Inspector General.

24 (5) DISENROLLMENT OR REMOVAL.—

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

10 (B) NOTIFY INSPECTOR GENERAL.—The
11 Director shall notify the Inspector General of
12 each individual disenrolled or removed from en-
13 rollment in a health benefits plan under the
14 Program under the process developed under
15 subparagraph (A).

16 (b) EARNED BENEFITS AND HEALTHCARE ADMINIS-
17 TRATIVE SERVICES ASSOCIATED OVERSIGHT AND AUDIT
18 FUNDING.—

19 (1) IN GENERAL.—Section 8909(a)(2) of title
20 5, United States Code, is amended by striking “Con-
21 gress.” and inserting “Congress, except that the
22 amounts authorized under subsection (b)(2) for the
23 Office shall not be subject to the limitations that
24 may be specified annually by Congress.”.

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

3 (A) by redesignating paragraph (2) as
4 paragraph (5); and

5 (B) by inserting after paragraph (1) the
6 following:

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

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

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

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

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

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

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

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

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

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

1 “(J) In fiscal year 2035 and each fiscal
2 year thereafter, the amount equal to the dollar
3 limit for the immediately preceding fiscal year,
4 increased by 2.2. percent.

5 【“(3) In fiscal year 2026, \$80,000,000, to be
6 derived from all contributions and to remain avail-
7 able until expended, shall be available for the Office
8 to conduct the audit required under section
9 10007(a)(4) of 【the Act titled ‘An Act to provide for
10 reconciliation pursuant to title II of H. Con. Res.
11 14’】. Of such amount, the Office may transfer funds
12 as the Director of the Office determines necessary to
13 an employing office (as that term is defined in sec-
14 tion 890.101(a) of title 5, Code of Federal Regula-
15 tions, or any successor regulation) in order to con-
16 duct the required audit.】

17 【“(4) Amounts of all contributions shall be
18 available for the Office of Personnel Management
19 Office of the Inspector General to conduct oversight
20 associated with activities under this chapter (includ-
21 ing the Postal Service Health Benefits Program
22 under section 8903c), including activities associated
23 with enrollment and eligibility in these programs and
24 any associated audit activities as required under sec-
25 tion 10007 of the 【the Act titled ‘An Act to provide

1 for reconciliation pursuant to title II of H. Con. Res.
2 14’**】**. Amounts for the Office of the Inspector Gen-
3 eral under this paragraph shall not be available in
4 excess of the following amounts in the following fis-
5 cal years:**】**

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

7 “(B) In fiscal year 2027 and each fiscal
8 year thereafter, the amount equal to the dollar
9 limit for the immediately preceding fiscal year,
10 increased by 2.2 percent.”**】**