

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4865

To amend title 5, United States Code, to provide that an employee of the Federal Government or member of the uniformed services may contribute to the Thrift Savings Fund any payment that the employee or member receives for accumulated and accrued annual or vacation leave, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2010

Mr. LYNCH (for himself and Mr. CHAFFETZ) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend title 5, United States Code, to provide that an employee of the Federal Government or member of the uniformed services may contribute to the Thrift Savings Fund any payment that the employee or member receives for accumulated and accrued annual or vacation leave, 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 “Federal Employees and  
5 Uniformed Services Retirement Equity Act of 2010”.

1 **SEC. 2. CONTRIBUTIONS TO THRIFT SAVINGS FUND OF**  
2 **PAYMENTS FOR ACCRUED OR ACCUMULATED**  
3 **LEAVE.**

4 (a) AMENDMENTS RELATING TO CSRS.—Section  
5 8351(b) of title 5, United States Code, is amended—

6 (1) by striking paragraph (2)(A) and inserting  
7 the following:

8 “(2)(A) An employee or Member may contribute to  
9 the Thrift Savings Fund in any pay period any amount  
10 of such employee’s or Member’s basic pay for such pay  
11 period, and may contribute (by direct transfer to the  
12 Fund) any part of any payment that the employee or  
13 Member receives for accumulated and accrued annual or  
14 vacation leave under sections 5551 or 5552. Notwith-  
15 standing section 2105(e), in this paragraph the term ‘em-  
16 ployee’ includes an employee of the United States Postal  
17 Service or of the Postal Regulatory Commission.”;

18 (2) by striking subparagraph (B) of paragraph  
19 (2); and

20 (3) by redesignating subparagraph (C) of para-  
21 graph (2) as subparagraph (B).

22 (b) AMENDMENTS RELATING TO FERS.—

23 (1) IN GENERAL.—Section 8432(a) of title 5,  
24 United States Code, is amended—

25 (A) by striking paragraphs (1) and (2) and  
26 inserting the following:

1 “(1) An employee or Member—

2 “(A) may contribute to the Thrift Savings  
3 Fund in any pay period, pursuant to an election  
4 under subsection (b), any amount of such employee’s  
5 or Member’s basic pay for such pay period; and

6 “(B) may contribute (by direct transfer to the  
7 Fund) any part of any payment that the employee  
8 or Member receives for accumulated and accrued an-  
9 nual or vacation leave under sections 5551 or 5552.

10 “(2) Contributions made under paragraph (1)(A)  
11 pursuant to an election under subsection (b) shall, with  
12 respect to each pay period for which such election remains  
13 in effect, be made in accordance with a program of regular  
14 contributions provided in regulations prescribed by the  
15 Executive Director.”; and

16 (B) by adding at the end the following new  
17 paragraph:

18 “(4) Notwithstanding section 2105(e), in this sub-  
19 section the term ‘employee’ includes an employee of the  
20 United States Postal Service or of the Postal Regulatory  
21 Commission.”.

22 (2) MEMBERS OF THE UNIFORMED SERV-  
23 ICES.—Section 8440e(d) of title 5, United States  
24 Code, is amended—

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

3 (B) by inserting after paragraph (2) the  
4 following:

5 “(3) A member making contributions to the Thrift  
6 Savings Fund out of basic pay, or out of compensation  
7 under section 206 of title 37, may also contribute (by di-  
8 rect transfer to the Fund) all or part of any payment that  
9 such member receives for unused accrued leave under sec-  
10 tion 501 of such title.”.

11 (c) REGULATIONS.—

12 (1) IN GENERAL.—The Executive Director of  
13 the Federal Retirement Thrift Investment Board  
14 shall promulgate regulations to carry out the amend-  
15 ments made by this section.

16 (2) AUTHORITY TO PERMIT CONTRIBUTIONS BY  
17 INDIVIDUALS SUBJECT TO OTHER RETIREMENT SYS-  
18 TEMS.—Under the authority to promulgate regula-  
19 tions under paragraph (1), the Executive Director  
20 may permit an employee of the Federal Government  
21 or a member of the uniformed services who is not  
22 given the authority under any of the amendments  
23 made by this Act to contribute a payment for accu-  
24 mulated and accrued annual or vacation leave to the

1 Thrift Savings Fund to contribute all or part of any  
2 such payment to the Fund if—

3 (A) the employee or member is authorized  
4 under law to receive such a payment;

5 (B) the employee or member is covered by  
6 an equivalent Federal employee retirement sys-  
7 tem; and

8 (C) the employee or member is authorized  
9 under law to contribute to the Fund.

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