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116TH CONGRESS
1ST SESSION

S. 439

AN ACT

To allow Members of Congress to opt out of the Federal Employees Retirement System, and allow Members who opt out of the Federal Employees Retirement System to continue to participate in the Thrift Savings Plan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Members of Congress Pension Opt Out Clarification Act''.

SEC. 2. MAKING FERS OPTIONAL FOR MEMBERS.

(a) IN GENERAL.—

(1) AMENDMENT.—Section 8401(20) of title 5, United States Code, is amended by striking '', and who (in the case'' and all that follows through ''2004''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply with respect to an individual who first serves as a Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress, on or after the date of enactment of this Act.

(b) CONTINUED PARTICIPATION IN TSP.—

(1) AMENDMENT.—Section 8401(20) of title 5, United States Code, as amended by subsection (a), is further amended—

(A) by striking ''term 'Member' has'' and inserting the following: ''term 'Member'—

''(A) has'';

(B) by inserting '', subject to subparagraph (B),'' after ''except that'';

(C) by adding ''and'' after the semicolon at the end; and

(D) by adding at the end the following:

''(B) for purposes of subchapter III, has the same meaning as provided in section 2106, without regard to whether the individual elects not to participate in the Federal Employees' Retirement System;''.

(2) CONFORMING AMENDMENT TO TSP.—Section 8431(a) of title 5, United States Code, is amended by inserting ''except as provided in section 8401(20)(B),'' after ''subchapter,''.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to an individual who makes an election described in section 8401(20) of title 5, United States Code, not to participate in the Federal Employees' Retirement System before, on, or after the date of enactment of this Act.

Passed the Senate December 19, 2019.

Attest:

Secretary.

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