

Calendar No. 274

116TH CONGRESS
1ST SESSION

S. 439

[Report No. 116–153]

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2019

Mr. BRAUN (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 28, 2019

Reported by Mr. JOHNSON, without amendment

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “End Plush Retirements
3 Act”.

4 **SEC. 2. MAKING FERS OPTIONAL FOR MEMBERS.**

5 (a) IN GENERAL.—

6 (1) AMENDMENT.—Section 8401(20) of title 5,
7 United States Code, is amended by striking “, and
8 who (in the case” and all that follows through
9 “2004”.

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

16 (b) CONTINUED PARTICIPATION IN TSP.—

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

20 (A) by striking “term ‘Member’ has” and
21 inserting the following: “term ‘Member’—

22 “(A) has”;

23 (B) by inserting “, subject to subpara-
24 graph (B),” after “except that”;

25 (C) by adding “and” after the semicolon at
26 the end; and

1 (D) by adding at the end the following:

2 “(B) for purposes of subchapter III, has the
3 same meaning as provided in section 2106, without
4 regard to whether the individual elects not to partici-
5 pate in the Federal Employees’ Retirement Sys-
6 tem;”.

7 (2) CONFORMING AMENDMENT TO TSP.—Sec-
8 tion 8431(a) of title 5, United States Code, is
9 amended by inserting “except as provided in section
10 8401(20)(B),” after “subchapter,”.

11 (3) APPLICABILITY.—The amendments made
12 by this subsection shall apply with respect to an in-
13 dividual who makes an election described in section
14 8401(20) of title 5, United States Code, not to par-
15 ticipate in the Federal Employees’ Retirement Sys-
16 tem before, on, or after the date of enactment of this
17 Act.

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