

116TH CONGRESS
1ST SESSION

H. R. 338

To allow Federal employees excepted from furlough during the lapse in appropriations beginning on or around December 22, 2018, to make withdrawals from their Thrift Savings Plan accounts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2019

Mr. MEADOWS introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To allow Federal employees excepted from furlough during the lapse in appropriations beginning on or around December 22, 2018, to make withdrawals from their Thrift Savings Plan accounts, 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 “Essential Employees
5 Pay Certainty Act”.

1 **SEC. 2. TSP WITHDRAWALS FOR FEDERAL EMPLOYEES EX-**
2 **CEPTED FROM FURLOUGH DURING GOVERN-**
3 **MENT SHUTDOWN.**

4 (a) WITHDRAWAL.—

5 (1) IN GENERAL.—Notwithstanding any other
6 provision of law, any Federal employee excepted
7 from furlough resulting from a lapse in discretionary
8 appropriations occurring on or around December 22,
9 2018, may, during such lapse, make a withdrawal
10 from the employee’s account within the Thrift Sav-
11 ings Plan, without penalty and without being treated
12 as violating any requirement of the Internal Revenue
13 Code of 1986.

14 (2) AMOUNT.—The amount of a withdrawal
15 under paragraph (1) may not be greater than the
16 total amount of annual salary that the employee
17 would have received for the period beginning on the
18 date the employee would have received pay but for
19 such lapse and ending on the date on which the
20 withdrawal is made.

21 (b) CATCH-UP CONTRIBUTIONS.—Any employee who
22 makes a withdrawal under subsection (a) may, beginning
23 on the date that the lapse in appropriations with respect
24 to the employing agency ends, make 1 or more contribu-
25 tions in an aggregate amount not to exceed the amount
26 of such withdrawal to the employee’s account within the

1 Thrift Savings Plans. In the case of any such contribution,
2 but only to the extent of the amount thereof, the with-
3 drawal shall be treated in the same manner as having been
4 received in an eligible rollover distribution (as defined in
5 section 402(c)(4) of such Code) and the contribution as
6 having been transferred in a direct trustee to trustee
7 transfer within 60 days of an eligible rollover distribution.

○