

118TH CONGRESS  
1ST SESSION

# H. R. 4926

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2023

Mr. MASSIE introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Accountability, 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

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Members of Congress  
5 Pension Opt Out Clarification Act”.

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

7 (a) IN GENERAL.—

1           (1) AMENDMENT.—Section 8401(20) of title 5,  
2           United States Code, is amended by striking “, and  
3           who (in the case” and all that follows through  
4           “2004”.

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

11          (b) CONTINUED PARTICIPATION IN TSP.—

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

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

17                           “(A) has”;

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

20                           (C) by adding “and” after the semicolon at  
21                           the end; and

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

23                                   “(B) for purposes of subchapter III, has the  
24                                   same meaning as provided in section 2106, without  
25                                   regard to whether the individual elects not to partici-

1       pate in the Federal Employees' Retirement Sys-  
2       tem;”.

3           (2) CONFORMING AMENDMENT TO TSP.—Sec-  
4       tion 8431(a) of title 5, United States Code, is  
5       amended by inserting “except as provided in section  
6       8401(20)(B),” after “subchapter,”.

7           (3) APPLICABILITY.—The amendments made  
8       by this subsection shall apply with respect to an in-  
9       dividual who makes an election described in section  
10      8401(20) of title 5, United States Code, not to par-  
11      ticipate in the Federal Employees' Retirement Sys-  
12      tem before, on, or after the date of enactment of this  
13      Act.

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