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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To provide that, if an individual is expelled from Congress or resigns from Congress in certain cases involving misconduct, any Member service previously rendered by that individual shall be noncreditable for purposes of determining eligibility for an annuity under the Civil Service Retirement System or the Federal Employees Retirement System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NUNN of Iowa introduced the following bill; which was referred to the Committee on _____

A BILL

To provide that, if an individual is expelled from Congress or resigns from Congress in certain cases involving misconduct, any Member service previously rendered by that individual shall be noncreditable for purposes of determining eligibility for an annuity under the Civil Service Retirement System or the Federal Employees Retirement System, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Congressional Pension
3 Accountability Act”.

4 **SEC. 2. FORFEITURE OF ANNUITY AFTER EXPULSION FROM**
5 **CONGRESS OR FINDING OF SERIOUS MIS-**
6 **CONDUCT.**

7 (a) CSRS.—

8 (1) IN GENERAL.—Subchapter III of chapter
9 83 of title 5, United States Code, is amended by in-
10 serting after section 8333 the following:

11 **“§ 8333a. Expulsion or resignation from Congress**

12 **“(a) NONCREDITABILITY OF MEMBER SERVICE.—**

13 **“(1) EXPULSION.—**If an individual is expelled
14 from Congress, all Member service previously per-
15 formed by such individual shall be noncreditable for
16 purposes of determining eligibility for an annuity
17 which would otherwise be payable under this sub-
18 chapter based on the service of such individual.

19 **“(2) RESIGNATION.—**If an individual resigns
20 from Congress and prior to such resignation an in-
21 vestigative subcommittee of the Committee on Ethics
22 of the House of Representatives or the Select Com-
23 mittee on Ethics of the Senate adopts, by a majority
24 vote of its members, a Statement of Alleged Viola-
25 tion upon a determination that there is substantial
26 reason to believe that a violation of the Code of Offi-

1 cial Conduct, or of a law, rule, regulation, or other
2 standard of conduct applicable to the performance of
3 official duties or the discharge of official responsibil-
4 ities by a Member, officer, or employee of the House
5 of Representatives has occurred with respect to the
6 individual, all Member service previously performed
7 by such individual shall be noncreditable for pur-
8 poses of determining eligibility for an annuity which
9 would otherwise be payable under this subchapter
10 based on the service of such individual.

11 “(b) REFUND OF CONTRIBUTIONS AND DEPOSITS.—
12 If an individual’s Member service becomes noncreditable
13 by operation of subsection (a), that portion of such indi-
14 vidual’s lump-sum credit which is attributable to such
15 Member service (less any amount previously refunded or
16 paid as annuity benefits) shall, on proper application, be
17 payable to such individual or, if deceased, to the appro-
18 priate person determined under section 8342.

19 “(c) AMOUNTS PROPERLY PAID NOT AFFECTED.—
20 An individual whose Member service is made noncreditable
21 by reason of subsection (a) is not thereafter required to
22 repay any part of an annuity under this subchapter other-
23 wise properly paid to such individual before the date of
24 the expulsion, if any.

1 “(d) RECORDS.—The Committee on Ethics of the
2 House of Representatives or the Select Committee on Eth-
3 ics of the Senate, as the case may be, shall preserve all
4 documents and investigative materials related to any viola-
5 tions or alleged violations described in subsection (a)(2).

6 “(e) PARDON.—The issuance of a pardon or the com-
7 mutation of any criminal sentence by the President with
8 respect to an individual whose annuity was forfeited under
9 this section shall not restore or otherwise provide such an-
10 nuity to such individual.

11 “(f) REGULATIONS.—The Office of Personnel Man-
12 agement shall prescribe any regulations necessary to carry
13 out the purposes of this section.”.

14 (2) CLERICAL AMENDMENT.—The analysis for
15 chapter 83 of title 5, United States Code, is amend-
16 ed by inserting after the item relating to section
17 8333 the following:

“8333a. Expulsion or resignation from Congress.”.

18 (b) FERS.—

19 (1) IN GENERAL.—Chapter 84 of title 5, United
20 States Code, is amended by inserting after section
21 8410 the following:

22 **“§ 8410a. Expulsion or resignation from Congress**

23 “(a) NONCREDITABILITY OF MEMBER SERVICE.—

24 “(1) EXPULSION.—If an individual is expelled
25 from Congress, all Member service previously per-

1 formed by such individual shall be noncreditable for
2 purposes of determining eligibility for or the amount
3 of any annuity which might otherwise be payable out
4 of the Fund based on the service of such individual
5 under this chapter.

6 “(2) RESIGNATION.—If an individual resigns
7 from Congress and prior to such resignation an in-
8 vestigative subcommittee of the Committee on Ethics
9 of the House of Representatives or the Select Com-
10 mittee on Ethics of the Senate adopts, by a majority
11 vote of its members, a Statement of Alleged Viola-
12 tion upon a determination that there is substantial
13 reason to believe that a violation of the Code of Offi-
14 cial Conduct, or of a law, rule, regulation, or other
15 standard of conduct applicable to the performance of
16 official duties or the discharge of official responsibil-
17 ities by a Member, officer, or employee of the House
18 of Representatives has occurred with respect to the
19 individual, all Member service previously performed
20 by such individual shall be noncreditable for pur-
21 poses of determining eligibility for an annuity which
22 would otherwise be payable under this subchapter
23 based on the service of such individual.

24 “(b) REFUND OF CONTRIBUTIONS AND DEPOSITS.—
25 If an individual’s Member service becomes noncreditable

1 by reason of subsection (a), that portion of such individ-
2 ual's lump-sum credit which is attributable to such Mem-
3 ber service (less any amount previously refunded or paid
4 as annuity benefits) shall, on proper application, be pay-
5 able to such individual or, if deceased, to the appropriate
6 person determined under section 8424.

7 “(c) AMOUNTS PROPERLY PAID NOT AFFECTED.—
8 An individual whose Member service is made noncreditable
9 by reason of subsection (a) is not thereafter required to
10 repay any part of an annuity under this chapter otherwise
11 properly paid to such individual before the date of the ex-
12 pulsion, if any.

13 “(d) FORFEITURE OF GOVERNMENT CONTRIBUTIONS
14 TO THRIFT SAVINGS PLAN.—If an individual's Member
15 service becomes noncreditable by reason of subsection (a),
16 all contributions made by the Government for the benefit
17 of that individual under section 8432(c) while that indi-
18 vidual was performing Member service, and all earnings
19 attributable to such contributions, shall be forfeited.

20 “(e) RECORDS.—The Committee on Ethics of the
21 House of Representatives or the Select Committee on Eth-
22 ics of the Senate, as the case may be, shall preserve all
23 documents and investigative materials related to any viola-
24 tions or alleged violations described in subsection (a)(2).

1 “(f) PARDON.—The issuance of a pardon or the com-
2 mutation of any criminal sentence by the President with
3 respect to an individual whose annuity was forfeited under
4 this section shall not restore or otherwise provide such an-
5 nuity to such individual.

6 “(g) REGULATIONS.—The Office of Personnel Man-
7 agement shall prescribe any regulations necessary to carry
8 out the purposes of this section, including provisions for
9 the reduction or elimination of any payment under section
10 8421 and any other similar payment under this chapter
11 supplemental to any annuity or survivor annuity reduced
12 or eliminated under subsection (a).

13 “(h) DEFINITION.—For the purpose of this section,
14 the term ‘Member service’ means, in the case of an indi-
15 vidual subject to this chapter, service performed by such
16 individual as a Member (as defined by section 8331 or
17 8401), including the period from the date of the beginning
18 of the term for which elected or appointed to the date on
19 which he takes office as such a Member.”.

20 (2) CLERICAL AMENDMENT.—The analysis for
21 chapter 84 of title 5, United States Code, is amend-
22 ed by inserting after the item relating to section
23 8410 the following:

“8410a. Expulsion or resignation from Congress.”.

1 **SEC. 3. CONFORMING AMENDMENTS.**

2 Sections 8433(a) and 8437(d) of title 5, United
3 States Code, are amended by inserting “or 8410a(d)”
4 after “8432(g)”.

5 **SEC. 4. EFFECTIVE DATE.**

6 The amendments made by this Act shall apply with
7 respect to any expulsion or any Statement of Alleged Vio-
8 lation adopted by the Committee on Ethics of the House
9 of Representatives or the Select Committee on Ethics of
10 the Senate which is based, in whole or in part, on any
11 act committed or conduct engaged in after the date of the
12 enactment of this Act.