

108TH CONGRESS
1ST SESSION

H. R. 1098

To provide that, if an individual is expelled from Congress, any Member service previously rendered by that individual shall be noncreditable for purposes of determining eligibility for or the amount of any benefits which might otherwise be payable out of the Civil Service Retirement and Disability Fund based on the service of that individual, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2003

Mr. MILLER of Florida (for himself, Mr. PITTS, Mr. TERRY, Ms. GINNY BROWN-WAITE of Florida, and Mr. COBLE) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Government Reform, 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 provide that, if an individual is expelled from Congress, any Member service previously rendered by that individual shall be noncreditable for purposes of determining eligibility for or the amount of any benefits which might otherwise be payable out of the Civil Service Retirement and Disability Fund based on the service of that individual, 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. PROVISIONS RELATING TO THE CIVIL SERVICE RE-**
5 **TIREMENT SYSTEM.**

6 (a) IN GENERAL.—Subchapter III of chapter 83 of
7 title 5, United States Code, is amended by inserting after
8 section 8333 the following:

9 **“§ 8333a. Expulsion from Congress**

10 “(a) NONCREDITABILITY OF MEMBER SERVICE.—If
11 an individual is expelled from Congress, all Member serv-
12 ice previously performed by such individual shall be non-
13 creditable for purposes of determining eligibility for or the
14 amount of any annuity which might otherwise be payable
15 out of the Fund based on the service of such individual
16 under this subchapter.

17 “(b) REFUND OF CONTRIBUTIONS AND DEPOSITS.—
18 If an individual’s Member service becomes noncreditable
19 by reason of subsection (a), that portion of such individ-
20 ual’s lump-sum credit which is attributable to such Mem-
21 ber service (less any amount previously refunded or paid
22 as annuity benefits) shall, on proper application, be pay-
23 able to such individual or, if deceased, to the appropriate
24 person determined under section 8342.

25 “(c) AMOUNTS PROPERLY PAID NOT AFFECTED.—
26 An individual whose Member service is made noncreditable

1 by reason of subsection (a) is not thereafter required to
2 repay any part of an annuity under this subchapter other-
3 wise properly paid to such individual before the date of
4 the expulsion, if any.

5 “(d) COORDINATION PROVISION.—Nothing in this
6 section shall be considered to supersede or otherwise affect
7 the application of subchapter II.

8 “(e) REGULATIONS.—The Office of Personnel Man-
9 agement shall prescribe any regulations necessary to carry
10 out the purposes of this section.”

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 83 of title 5, United States Code, is amended by insert-
13 ing after the item relating to section 8333 the following:
“8333a. Expulsion from Congress.”

14 **SEC. 3. PROVISIONS RELATING TO THE FEDERAL EMPLOY-**
15 **EES’ RETIREMENT SYSTEM.**

16 (a) IN GENERAL.—Chapter 84 of title 5, United
17 States Code, is amended by inserting after section 8410
18 the following:

19 **“§ 8410a. Expulsion from Congress**

20 “(a) NONCREDITABILITY OF MEMBER SERVICE.—If
21 an individual is expelled from Congress, all Member serv-
22 ice previously performed by such individual shall be non-
23 creditable for purposes of determining eligibility for or the
24 amount of any annuity which might otherwise be payable

1 out of the Fund based on the service of such individual
2 under this chapter.

3 “(b) REFUND OF CONTRIBUTIONS AND DEPOSITS.—

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

11 “(c) AMOUNTS PROPERLY PAID NOT AFFECTED.—

12 An individual whose Member service is made noncreditable
13 by reason of subsection (a) is not thereafter required to
14 repay any part of an annuity under this chapter otherwise
15 properly paid to such individual before the date of the ex-
16 pulsion, if any.

17 “(d) FORFEITURE OF GOVERNMENT CONTRIBUTIONS

18 TO THRIFT SAVINGS PLAN.—If an individual’s Member
19 service becomes noncreditable by reason of subsection (a),
20 all contributions made by the Government for the benefit
21 of that individual under section 8432(c) while that indi-
22 vidual was performing Member service, and all earnings
23 attributable to such contributions, shall be forfeited.

1 “(e) COORDINATION PROVISION.—Nothing in this
2 section shall be considered to supersede or otherwise affect
3 the application of subchapter II of chapter 83.

4 “(f) DEFINITION.—For the purpose of this section,
5 the term ‘Member service’ means, in the case of an indi-
6 vidual subject to this chapter, service performed by such
7 individual as a Member (as defined by section 8331 or
8 8401), including the period from the date of the beginning
9 of the term for which elected or appointed to the date on
10 which he takes office as such a Member.

11 “(g) REGULATIONS.—The Office of Personnel Man-
12 agement shall prescribe any regulations necessary to carry
13 out the purposes of this section, including provisions for
14 the reduction or elimination of any payment under section
15 8421 and any other similar payment under this chapter
16 supplemental to any annuity or survivor annuity reduced
17 or eliminated under subsection (a).”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 84 of title 5, United States Code, is amended by insert-
20 ing after the item relating to section 8410 the following:

“8410a. Expulsion from Congress.”.

21 **SEC. 4. CONFORMING AMENDMENTS.**

22 (a) Section 8432(g)(1) of title 5, United States Code,
23 is amended by striking “this subsection,” and inserting
24 “this subsection or section 8410a(d),”.

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

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

5 The amendments made by this Act shall apply with
6 respect to any expulsion which is based, in whole or in
7 part, on any act committed or conduct engaged in after
8 the date of the enactment of this Act.

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