

115TH CONGRESS  
1ST SESSION

# H. R. 145

To terminate pensions for Members of Congress, to prohibit a single bill or joint resolution presented by Congress to the President from containing multiple subjects, to require the equal application of laws to Members of Congress, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

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

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## A BILL

To terminate pensions for Members of Congress, to prohibit a single bill or joint resolution presented by Congress to the President from containing multiple subjects, to require the equal application of laws to Members of Congress, 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 “Citizen Legislature  
5 Anti-Corruption Reform Act” or the “CLEAN Act”.

1 **SEC. 2. TERMINATION OF FURTHER RETIREMENT BENE-**  
2 **FITS FOR MEMBERS OF CONGRESS.**

3 (a) AMENDMENTS RELATING TO THE CIVIL SERVICE  
4 RETIREMENT SYSTEM.—

5 (1) IN GENERAL.—Subchapter III of chapter  
6 83 of title 5, United States Code, is amended by in-  
7 serting after section 8335 the following:

8 **“§ 8335a. Termination of further retirement coverage**  
9 **of Members of Congress**

10 “(a) IN GENERAL.—Notwithstanding any other pro-  
11 vision of this subchapter and subject to subsection (f), ef-  
12 fective on the date that is 90 days after the date of enact-  
13 ment of this section—

14 “(1) a Member shall not be subject to this sub-  
15 chapter for any further period of time; and

16 “(2) no further Government contributions or  
17 deductions from basic pay may be made with respect  
18 to such Member for deposit in the Treasury of the  
19 United States to the credit of the Fund.

20 “(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in  
21 subsection (a) shall be considered to nullify, modify, or  
22 otherwise affect any right, entitlement, or benefit under  
23 this subchapter with respect to any Member covering any  
24 period prior to the date of enactment of this section.

25 “(c) RIGHT TO PARTICIPATE IN THRIFT SAVINGS  
26 PLAN NOT AFFECTED.—Nothing in subsection (a) shall

1 affect the eligibility of a Member to participate in the  
2 Thrift Savings Plan in accordance with otherwise applica-  
3 ble provisions of law.

4 “(d) REGULATIONS.—Any regulations necessary to  
5 carry out this section may—

6 “(1) except with respect to matters relating to  
7 the Thrift Savings Plan, be prescribed by the Direc-  
8 tor of the Office of Personnel Management; and

9 “(2) with respect to matters relating to the  
10 Thrift Savings Plan, be prescribed by the Executive  
11 Director (as defined by section 8401(13)).

12 “(e) EXCLUSION.—For purposes of this section, the  
13 term ‘Member’ does not include the Vice President.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-  
15 tions at the beginning of chapter 83 of title 5,  
16 United States Code, is amended by inserting after  
17 the item relating to section 8335 the following:

“8335a. Termination of further retirement coverage of Members of Congress.”.

18 (b) AMENDMENTS RELATING TO THE FEDERAL EM-  
19 PLOYEES RETIREMENT SYSTEM.—

20 (1) IN GENERAL.—Subchapter II of chapter 84  
21 of title 5, United States Code, is amended by insert-  
22 ing after section 8425 the following:

1 **“§ 8425a. Termination of further retirement coverage**  
2 **of Members of Congress**

3 “(a) IN GENERAL.—Notwithstanding any other pro-  
4 vision of this chapter, effective on the date that is 90 days  
5 after the date of enactment of this section—

6 “(1) subject to subsection (f), in the case of an  
7 individual who first becomes a Member before such  
8 date of enactment—

9 “(A) such Member shall not be subject to  
10 this chapter for any further period of time after  
11 such date of enactment; and

12 “(B) no further Government contributions  
13 or deductions from basic pay may be made with  
14 respect to such Member for deposit in the  
15 Treasury of the United States to the credit of  
16 the Fund; and

17 “(2) in the case of an individual who first be-  
18 comes a Member on or after such date of enact-  
19 ment—

20 “(A) such Member shall not be subject to  
21 this chapter; and

22 “(B) no Government contributions or de-  
23 ductions from basic pay may be made with re-  
24 spect to such Member for deposit in the Treas-  
25 ury of the United States to the credit of the  
26 Fund.

1       “(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in  
2 subsection (a) shall be considered to nullify, modify, or  
3 otherwise affect any right, entitlement, or benefit under  
4 this chapter with respect to any Member covering any pe-  
5 riod prior to the date of enactment of this section.

6       “(c) RIGHT TO PARTICIPATE IN THRIFT SAVINGS  
7 PLAN NOT AFFECTED.—Nothing in subsection (a) shall  
8 affect the eligibility of a Member to participate in the  
9 Thrift Savings Plan in accordance with otherwise applica-  
10 ble provisions of law.

11       “(d) REGULATIONS.—

12               “(1) IN GENERAL.—Any regulations necessary  
13 to carry out this section may—

14                       “(A) except with respect to matters relat-  
15 ing to the Thrift Savings Plan, be prescribed by  
16 the Director of the Office of Personnel Manage-  
17 ment; and

18                       “(B) with respect to matters relating to  
19 the Thrift Savings Plan, be prescribed by the  
20 Executive Director (as defined by section  
21 8401(13)).

22               “(2) REFUNDS.—Notwithstanding subsection  
23 (b), the regulations under paragraph (1)(A) shall, in  
24 the case of a Member who has not completed at  
25 least 5 years of civilian service as of the date of en-

1 actment of this section, provide that the lump-sum  
2 credit shall be payable to such Member to the same  
3 extent and in the same manner as if such Member  
4 satisfied paragraphs (1) through (4) of section  
5 8424(a) as of such date of enactment.

6 “(e) EXCLUSIONS.—For purposes of this section, the  
7 term ‘Member’ does not include the Vice President.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-  
9 tions at the beginning of chapter 84 of title 5,  
10 United States Code, is amended by inserting after  
11 the item relating to section 8425 the following:

“8425a. Termination of further retirement coverage of Members of Congress.”.

12 **SEC. 3. PROHIBITING MULTIPLE SUBJECTS IN SINGLE**  
13 **BILL.**

14 (a) IN GENERAL.—Each bill, order, resolution, or  
15 vote submitted by Congress to the President under section  
16 7 of article I of the Constitution of the United States shall  
17 embrace no more than one subject, and that subject shall  
18 be clearly and descriptively expressed in the title of the  
19 bill, order, resolution or vote.

20 (b) EFFECTIVE DATE.—Subsection (a) shall apply  
21 with respect to the One Hundred Fifteenth Congress and  
22 each succeeding Congress.

1 **SEC. 4. REQUIRING EQUAL APPLICATION OF LAWS TO MEM-**  
2 **BERS OF CONGRESS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-  
4 sion of law, any provision of law that provides an exception  
5 in its application to a Member of Congress or an employee  
6 of the office of a Member of Congress shall have no effect.

7 (b) CLARIFICATION RELATING TO EXERCISE OF OF-  
8 FICIAL OR REPRESENTATIONAL DUTIES.—Subsection (a)  
9 shall not be construed to apply to provisions of law or rules  
10 which permit Members of Congress or employees of offices  
11 of Members of Congress to carry out official duties that  
12 are tied directly to lawmaking, including provisions or  
13 rules permitting Members and employees to enter and use  
14 the United States Capitol, the United States Capitol  
15 grounds, and other buildings and facilities.

16 (c) DEFINITION.—In this section, the term “Member  
17 of Congress” means a Senator or a Representative in, or  
18 Delegate or Resident Commissioner to, the Congress.

19 **SEC. 5. REQUIRING USE OF INDEPENDENT NONPARTISAN**  
20 **COMMISSIONS TO CARRY OUT REDIS-**  
21 **TRICTING.**

22 (a) REQUIREMENT.—

23 (1) CONGRESSIONAL REDISTRICTING.—Each  
24 State shall conduct Congressional redistricting (be-  
25 ginning with the redistricting carried out pursuant  
26 to the decennial census conducted during 2020) in

1 accordance with a redistricting plan developed by a  
2 nonpartisan independent redistricting commission.

3 (2) REDISTRICTING FOR STATE LEGISLATIVE  
4 DISTRICTS.—Notwithstanding any other provision of  
5 law, a State may not use any funds provided by the  
6 Federal Government directly for election administra-  
7 tion purposes unless the State certifies to the Elec-  
8 tion Assistance Commission that the State conducts  
9 redistricting for State legislative districts in the  
10 State (beginning with the first such redistricting  
11 carried out after the date of the enactment of this  
12 Act) in accordance with a redistricting plan devel-  
13 oped by a nonpartisan independent redistricting  
14 commission.

15 (b) NONPARTISAN INDEPENDENT STATUS.—For  
16 purposes of this section, a commission shall be considered  
17 to be a nonpartisan independent commission if—

18 (1) the number of its members who are affili-  
19 ated with the political party with the largest percent-  
20 age of the registered voters in the State who are af-  
21 filiated with a political party (as determined with re-  
22 spect to the most recent Statewide election for Fed-  
23 eral office held in the State for which such informa-  
24 tion is available) is equal to the number of its mem-  
25 bers who are affiliated with the political party with



1 the second largest percentage of the registered vot-  
2 ers in the State who are affiliated with a political  
3 party (as so determined); and

4 (2) none of its members is an elected public of-  
5 ficial.

6 (c) STATE DEFINED.—In this section, the term  
7 “State” means each of the several States.

8 **SEC. 6. REQUIRING OPEN PRIMARIES.**

9 (a) IN GENERAL.—

10 (1) ELECTIONS FOR FEDERAL OFFICE.—Each  
11 State shall hold open primaries for elections for Fed-  
12 eral office held in the State.

13 (2) ELECTIONS FOR STATE AND LOCAL OF-  
14 FICE.—Notwithstanding any other provision of law,  
15 a State may not use any funds provided by the Fed-  
16 eral Government directly for election administration  
17 purposes unless the State certifies to the Election  
18 Assistance Commission that the State holds open  
19 primaries for elections for State and local office.

20 (b) OPEN PRIMARIES DESCRIBED.—For purposes of  
21 this section, a State holds open primaries for an election  
22 for an office if any individual who is registered to vote  
23 in a general election for such office in the State may cast  
24 a ballot in any primary election (including a primary elec-  
25 tion held for the selection of delegates to a national nomi-

1 nating convention of a political party and a primary elec-  
2 tion held for the expression of a preference for the nomina-  
3 tion of individuals for election to the office of President)  
4 held by any political party to nominate candidates for elec-  
5 tion for that office, including a convention or caucus of  
6 a political party which has authority to nominate a can-  
7 didate.

8 (c) STATE DEFINED.—In this section, the term  
9 “State” has the meaning given such term in section 901  
10 of the Help America Vote Act of 2002 (52 U.S.C. 21141).

11 (d) EFFECTIVE DATE.—Subsection (a) shall apply  
12 with respect to elections held after the date of the enact-  
13 ment of this Act.

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