

104TH CONGRESS
1ST SESSION

H. R. 2244

To amend title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member or employee of Congress who is convicted of an offense relating to the official duties of that individual.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1995

Mr. RIGGS (for himself, Mr. TAYLOR of North Carolina, Mr. CANADY of Florida, Mr. BROWNBACK, Mr. GOSS, Ms. RIVERS, Mr. KLUG, Mr. DOOLITTLE, Mr. LOBIONDO, and Mr. SOUDER) introduced the following bill; which was referred to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, 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 amend title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member or employee of Congress who is convicted of an offense relating to the official duties of that individual.

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 “Congressional Pension
5 Forfeiture Act”.

1 **SEC. 2. CONVICTION OF CERTAIN OFFENSES.**

2 (a) IN GENERAL.—Section 8312(a) of title 5, United
3 States Code, is amended—

4 (1) by striking “or” at the end of paragraph
5 (1), by striking the period at the end of paragraph
6 (2) and inserting “; or”, and by adding after para-
7 graph (2) the following:

8 “(3) is convicted of an offense named by sub-
9 section (d), to the extent provided by that sub-
10 section.”; and

11 (2) by striking “and” at the end of subpara-
12 graph (A), by striking the period at the end of sub-
13 paragraph (B) and inserting “; and”, and by adding
14 after subparagraph (B) the following:

15 “(C) with respect to the offenses named by sub-
16 section (d) of this section, to the period after the
17 date of the conviction.”.

18 (b) IDENTIFICATION OF OFFENSES.—Section 8312
19 of title 5, United States Code, is amended by redesignat-
20 ing subsection (d) as subsection (e) and by inserting after
21 subsection (c) the following:

22 “(d)(1) The offenses under paragraph (2) are the of-
23 fenses to which subsection (a) of this section applies, but
24 only if (A) the individual is convicted of such offense after
25 the date of the enactment of the Congressional Pension
26 Forfeiture Act, (B) the individual was a Member of Con-

1 gress (excluding the Vice President) or a Congressional
2 employee at the time of committing the offense, and (C)
3 the offense is one which is punishable by imprisonment
4 for more than one year.

5 “(2) The offenses under this paragraph are as fol-
6 lows:

7 “(A) An offense within the purview of —

8 “(i) section 201 of title 18 (bribery of pub-
9 lic officials and witnesses);

10 “(ii) section 203 of title 18 (compensation
11 to Members of Congress, officers, and others in
12 matters affecting the Government);

13 “(iii) section 204 of title 18 (practice in
14 United States Court of Federal Claims or the
15 United States Court of Appeals for the Federal
16 Circuit by Members of Congress);

17 “(iv) section 205 of title 18 (activities of
18 officers and employees in claims against and
19 other matters affecting the Government);

20 “(v) section 207 of title 18 (restrictions on
21 former officers, employees, and elected officials
22 of the executive and legislative branches);

23 “(vi) section 287 of title 18 (false, ficti-
24 tious or fraudulent claims);

1 “(vii) section 597 of title 18 (expenditures
2 to influence voting);

3 “(viii) section 599 of title 18 (promise of
4 appointment by candidate);

5 “(ix) section 601 of title 18 (deprivation of
6 employment or other benefit for political con-
7 tribution);

8 “(x) section 602 of title 18 (solicitation of
9 political contributions);

10 “(xi) section 606 of title 18 (intimidation
11 to secure political contributions);

12 “(xii) section 607 of title 18 (place of solici-
13 tation);

14 “(xiii) section 641 of title 18 (public
15 money, property or records);

16 “(xiv) section 1001 of title 18 (statements
17 or entries generally);

18 “(xv) section 286 of title 18 (conspiracy to
19 defraud the Government with respect to
20 claims); or

21 “(xvi) section 371 of title 18 (conspiracy to
22 commit offense or to defraud United States).

23 “(B) Perjury committed under the statutes of
24 the United States in falsely denying the commission

1 of an act which constitutes an offense within the
2 purview of a statute named by subparagraph (A).

3 “(C) Subornation of perjury committed in con-
4 nection with the false denial of another individual as
5 specified by subparagraph (B).”.

6 **SEC. 3. ABSENCE FROM THE UNITED STATES TO AVOID**
7 **PROSECUTION.**

8 (a) IN GENERAL.—Section 8313 of title 5, United
9 States Code, is amended by redesignating subsection (b)
10 as subsection (c) and by inserting after subsection (a) the
11 following:

12 “(b) An individual, or his survivor or beneficiary, may
13 not be paid annuity or retired pay on the basis of the serv-
14 ice of the individual which is creditable toward the annuity
15 or retired pay, subject to the exceptions in section 8311(2)
16 and (3) of this title, if the individual—

17 “(1) is under indictment, after the date of the
18 enactment of the Congressional Pension Forfeiture
19 Act, for an offense named by section 8312(d)(2) of
20 this title, but only if such offense satisfies paragraph
21 (1)(C) thereof;

22 “(2) willfully remains outside the United
23 States, or its territories and possessions including
24 the Commonwealth of Puerto Rico, for more than 1

1 year with knowledge of the indictment or charges, as
2 the case may be; and

3 “(3) is an individual described in section
4 8312(d)(1)(B).”.

5 (b) CONFORMING AMENDMENT.—Subsection (c) of
6 section 8313 of title 5, United States Code (as so des-
7 ignated by subsection (a)) is amended by inserting “or
8 (b)” after “subsection (a)”.

9 **SEC. 4. REFUND OF CONTRIBUTIONS AND DEPOSITS.**

10 Section 8316(b) of title 5, United States Code, is
11 amended by striking “or” at the end of paragraph (1),
12 by striking the period at the end of paragraph (2) and
13 inserting “; or”, and by adding at the end the following:

14 “(3) if the individual was convicted of an of-
15 fense named by section 8312(d) of this title, for the
16 period after the conviction of the violation.”.

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