

104TH CONGRESS  
2D SESSION

# H. R. 3310

To amend title 5, United States Code, to deny Federal retirement annuities to Members of Congress convicted of any felony, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 1996

Mr. DICKEY introduced the following bill; which was referred to the Committee on House Oversight

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## A BILL

To amend title 5, United States Code, to deny Federal retirement annuities to Members of Congress convicted of any felony, 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. CONVICTION OF CERTAIN OFFENSES.**

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

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

1           “(3) was convicted of an offense described in  
2           subsection (e), to the extent provided by that sub-  
3           section.”; and

4           (2) by striking “and” at the end of subpara-  
5           graph (A), by striking the period at the end of sub-  
6           paragraph (B) and inserting “; and”, and by adding  
7           after subparagraph (B) the following:

8           “(C) with respect to an offense described in  
9           subsection (e), to the period after the date of the  
10          conviction.”.

11          (b) DESCRIPTION OF OFFENSES.—Section 8312 of  
12          title 5, United States Code, is amended by adding at the  
13          end the following:

14          “(e) An offense described in this subsection is any  
15          offense—

16                 “(1) which is a felony under Federal or State  
17                 law;

18                 “(2) which was committed while the individual  
19                 was a Member of Congress (including a Delegate to  
20                 Congress); and

21                 “(3) which was committed after the date of the  
22                 enactment of this subsection.”.

1 **SEC. 2. ABSENCE FROM THE UNITED STATES TO AVOID**  
2 **PROSECUTION.**

3 Section 8313(a)(1) of title 5, United States Code, is  
4 amended by striking “or” at the end of subparagraph (A),  
5 by striking “and” at the end of subparagraph (B) and  
6 inserting “or”, and by adding at the end the following:

7 “(C) for an offense described in section  
8 8312(e); and”.

9 **SEC. 3. REFUND OF CONTRIBUTIONS AND DEPOSITS.**

10 (a) GENERAL RULE.—

11 (1) APPLICABILITY TO OFFENSES DESCRIBED  
12 IN SECTION 8312(E).—Section 8316(b) of title 5,  
13 United States Code, is amended by striking “or” at  
14 the end of paragraph (1), by striking the period at  
15 the end of paragraph (2) and inserting “; or”, and  
16 by adding at the end the following:

17 “(3) if the individual was convicted of an of-  
18 fense described in section 8312(e), for the period  
19 after the conviction.”.

20 (2) CONFORMING AMENDMENT.—Section  
21 8316(a) of title 5, United States Code, is amended  
22 by inserting “(or described in)” after “an offense  
23 named by”.

24 (b) TREATMENT OF CONTRIBUTIONS TO THE THRIFT  
25 SAVINGS PLAN.—

1           (1) IN GENERAL.—Section 8316 of title 5,  
2           United States Code, is amended by adding at the  
3           end the following:

4           “(c)(1) When payment of annuity or retired pay is  
5           denied under this chapter because an individual was con-  
6           victed of an offense named by (or described in) section  
7           8312, to the extent provided by that section, or violated  
8           section 8314 or 8415, the amount standing to such indi-  
9           vidual’s credit in the Thrift Savings Plan at the time of  
10          the conviction or violation (as the case may be) shall, on  
11          appropriate application therefor, be refunded or otherwise  
12          made available to such individual, at such time, in such  
13          manner, to such extent, and otherwise in accordance with  
14          such regulations as the Executive Director shall prescribe  
15          consistent, to the extent practicable, with subsections (a)  
16          and (b).

17          “(2) For the purpose of this subsection—

18                 “(A) the term ‘Thrift Savings Plan’ means the  
19                 Thrift Savings Plan under subchapter III of chapter  
20                 84; and

21                 “(B) the term ‘Executive Director’ means the  
22                 Executive Director appointed under section  
23                 8474(a).”.

24          (2) CONFORMING AMENDMENT.—Section  
25          8318(d) of title 5, United States Code, is amended

1 by adding at the end the following: “The Executive  
2 Director shall prescribe regulations to effectuate the  
3 application of this subsection in any case in which  
4 the pardoned individual is an individual with respect  
5 to whom the regulations under section 8316(c) were  
6 applied.”.

7 **SEC. 4. RESTORATION OF ANNUITY OR RETIRED PAY.**

8 (a) **IN GENERAL.**—Section 8318 of title 5, United  
9 States Code, is amended in subsections (a) and (c) by in-  
10 serting “(or by the Governor, in the case of a felony under  
11 State law described in section 8312(e))” after “by the  
12 President”.

13 (b) **CONFORMING AMENDMENT.**—Section 8318(a)(1)  
14 of title 5, United States Code, is amended by inserting  
15 “(or described in)” after “an offense named by”.

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