

104TH CONGRESS
2D SESSION

H. R. 4011

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 1996

Received

AN ACT

To amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits based on that individual's service as a Member, 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 Forfeiture Act of 1996”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) Members of Congress pledge to uphold the
7 Constitution and the laws of the United States;

8 (2) Members of Congress are elected to serve in
9 the public trust and pledge to uphold the public
10 trust;

11 (3) a breach of the public trust by a Member
12 of Congress is a serious offense that should have se-
13 rious consequences; and

14 (4) taxpayers should not pay for the retirement
15 benefits of Members of Congress who have breached
16 the public trust.

17 **SEC. 3. FORFEITURE.**

18 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
19 8332 of title 5, United States Code, is amended by adding
20 at the end the following:

21 “(o)(1) Notwithstanding any other provision of this
22 subchapter, the service of an individual convicted of an
23 offense described in paragraph (2) shall not, if or to the
24 extent rendered as a Member (irrespective of when ren-
25 dered), be taken into account for purposes of this sub-
26 chapter. Any such individual (or other person determined

1 under section 8342(c), if applicable) shall be entitled to
2 be paid so much of such individual's lump-sum credit as
3 is attributable to service to which the preceding sentence
4 applies.

5 “(2)(A) An offense described in this paragraph is any
6 offense described in subparagraph (B) for which the fol-
7 lowing apply:

8 “(i) The offense is committed by the individual
9 (referred to in paragraph (1)) while a Member.

10 “(ii) The conduct on which the offense is based
11 is directly related to the individual's service as a
12 Member.

13 “(iii) The offense is committed during the One
14 Hundred Fifth Congress or later.

15 “(B) The offenses described in this subparagraph are
16 as follows:

17 “(i) An offense within the purview of—

18 “(I) section 201 of title 18 (bribery of pub-
19 lic officials and witnesses);

20 “(II) section 203 of title 18 (compensation
21 to Members of Congress, officers, and others in
22 matters affecting the Government);

23 “(III) section 204 of title 18 (practice in
24 United States Court of Federal Claims or the

1 United States Court of Appeals for the Federal
2 Circuit by Members of Congress);

3 “(IV) section 207 of title 18 (restrictions
4 on former officers, employees, and elected offi-
5 cials of the executive and legislative branches);

6 “(V) section 219 of title 18 (officers and
7 employees acting as agents of foreign prin-
8 cipals);

9 “(VI) section 286 of title 18 (conspiracy to
10 defraud the Government with respect to
11 claims);

12 “(VII) section 287 of title 18 (false, ficti-
13 tious, or fraudulent claims);

14 “(VIII) section 371 of title 18 (conspiracy
15 to commit offense or to defraud the United
16 States;

17 “(IX) section 597 of title 18 (expenditures
18 to influence voting);

19 “(X) section 599 of title 18 (promise of
20 appointment by candidate);

21 “(XI) section 602 of title 18 (solicitation
22 of political contributions);

23 “(XII) section 606 of title 18 (intimidation
24 to secure political contributions);

1 “(XIII) section 607 of title 18 (place of so-
2 licitation);

3 “(XIV) section 641 of title 18 (public
4 money, property or records);

5 “(XV) section 1001 of title 18 (statements
6 or entries generally);

7 “(XVI) section 1341 of title 18 (frauds
8 and swindles);

9 “(XVII) section 1343 of title 18 (fraud by
10 wire, radio, or television);

11 “(XVIII) section 1503 of title 18 (influen-
12 cing or injuring officer or juror);

13 “(XIX) section 1951 of title 18 (inter-
14 ference with commerce by threats or violence);

15 “(XX) section 1952 of title 18 (interstate
16 and foreign travel or transportation in aid of
17 racketeering enterprises);

18 “(XXI) section 1962 of title 18 (prohibited
19 activities); or

20 “(XXII) section 7201 of the Internal Reve-
21 nue Code of 1986 (attempt to evade or defeat
22 tax).

23 “(ii) 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 clause (i).

3 “(iii) Subornation of perjury committed in con-
4 nection with the false denial of another individual as
5 specified by clause (ii).

6 “(3) An individual convicted of an offense described
7 in paragraph (2) shall not, after the date of the conviction,
8 be eligible to participate in the retirement system under
9 this subchapter while serving as a Member.

10 “(4) Except as provided in paragraph (5), the Office
11 shall prescribe such regulations as may be necessary to
12 carry out this subsection, including provisions under which
13 interest on any lump-sum payment under the second sen-
14 tence of paragraph (1) shall be limited in a manner similar
15 to that specified in the last sentence of section 8316(b).

16 “(5) The Executive Director (within the meaning of
17 section 8401(13)) shall prescribe such regulations as may
18 be necessary to carry out the purposes of this subsection
19 with respect to the Thrift Savings Plan. Regulations under
20 this paragraph shall include provisions requiring the re-
21 turn of all vested amounts.

22 “(6) Nothing in this subsection shall restrict any au-
23 thority under subchapter II or any other provision of law
24 to deny or withhold benefits authorized by statute.

1 “(7) For purposes of this subsection, the term ‘Mem-
2 ber’ has the meaning given such term by section 2106,
3 notwithstanding section 8331(2).”.

4 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—
5 Section 8411 of title 5, United States Code, is amended
6 by adding at the end the following:

7 “(i)(1) Notwithstanding any other provision of this
8 chapter, the service of an individual convicted of an of-
9 fense described in paragraph (2) shall not, if or to the
10 extent rendered as a Member (irrespective of when ren-
11 dered), be taken into account for purposes of this chapter.
12 Any such individual (or other person determined under
13 section 8424(d), if applicable) shall be entitled to be paid
14 so much of such individual’s lump-sum credit as is attrib-
15 utable to service to which the preceding sentence applies.

16 “(2) An offense described in this paragraph is any
17 offense described in section 8332(o)(2)(B) for which the
18 following apply:

19 “(A) The offense is committed by the individual
20 (referred to in paragraph (1)) while a Member.

21 “(B) The conduct on which the offense is based
22 is directly related to the individual’s service as a
23 Member.

24 “(C) The offense is committed during the One
25 Hundred Fifth Congress or later.

1 “(3) An individual convicted of an offense described
2 in paragraph (2) shall not, after the date of the conviction,
3 be eligible to participate in the retirement system under
4 this chapter while serving as a Member.

5 “(4) Except as provided in paragraph (5), the Office
6 shall prescribe such regulations as may be necessary to
7 carry out this subsection, including provisions under which
8 interest on any lump-sum payment under the second sen-
9 tence of paragraph (1) shall be limited in a manner similar
10 to that specified in the last sentence of section 8316(b).

11 “(5) The Executive Director shall prescribe such reg-
12 ulations as may be necessary to carry out the purposes
13 of this subsection with respect to the Thrift Savings Plan.
14 Regulations under this paragraph shall include provisions
15 requiring the return of all vested amounts.

16 “(6) Nothing in this subsection shall restrict any au-
17 thority under subchapter II of chapter 83 or any other
18 provision of law to deny or withhold benefits authorized
19 by statute.

20 “(7) For purposes of this subsection, the term ‘Mem-
21 ber’ has the meaning given such term by section 2106,
22 notwithstanding section 8401(20).”.

Passed the House of Representatives September 26,
1996.

Attest:

ROBIN H. CARLE,
Clerk.