

104TH CONGRESS
2D SESSION

H. R. 4011

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.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1996

Mr. TATE (for himself, Mr. RIGGS, Mr. DICKEY, Mr. HORN, Mr. MILLER of Florida, Mr. BALDACCI, Mrs. KELLY, Mr. HAYWORTH, Mr. SANFORD, Mr. COBLE, Mr. FUNDERBURK, Mr. WELDON of Florida, Mr. METCALF, Mrs. SMITH of Washington, Mr. BROWNBACK, Mr. INGLIS of South Carolina, Mr. COBURN, Mr. BARRETT of Wisconsin, Mr. HAYES, Mr. LINDER, Mr. WELLER, Mr. CHRISTENSEN, Mr. GREENWOOD, Mr. MCKEON, Mr. TAYLOR of North Carolina, Mr. LOBIONDO, Mr. SOUDER, Mrs. MEYERS of Kansas, Mr. POMEROY, Mr. RAMSTAD, Mr. LAZIO of New York, Mr. REED, Mr. FOX of Pennsylvania, Mr. FRELINGHUYSEN, Mr. FOLEY, Mr. BEREUTER, Mr. PORTER, Mr. GOSS, Mr. MCCOLLUM, Mr. KLUG, Ms. RIVERS, Mr. DORNAN, Mrs. MYRICK, Mr. HOEKSTRA, Mr. SHAYS, Mr. BLILEY, Mr. PACKARD, Mr. FRANKS of New Jersey, Mr. MCINTOSH, Mr. NEUMANN, Mr. LARGENT, Mr. SENSENBRENNER, Mr. CHRYSLER, Mr. ENSIGN, Mrs. VUCANOVICH, Mrs. FOWLER, Mr. JOHNSON of South Dakota, Mr. CANADY of Florida, Mr. WATTS of Oklahoma, Mrs. SEASTRAND, and Mr. HUTCHINSON) introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on House 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Congressional Pension
5 Forfeiture Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

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

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

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

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

19 **SEC. 3. FORFEITURE.**

20 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
21 8332 of title 5, United States Code, is amended by adding
22 at the end the following:

1 “(o)(1) Notwithstanding any other provision of this
2 subchapter, the service of an individual convicted of an
3 offense described in paragraph (2) shall not, if or to the
4 extent rendered as a Member (irrespective of when ren-
5 dered), be taken into account for purposes of this sub-
6 chapter. Any such individual (or other person determined
7 under section 8342(c), if applicable) shall be entitled to
8 be paid so much of such individual’s lump-sum credit as
9 is attributable to service to which the preceding sentence
10 applies.

11 “(2) An offense described in this paragraph is any
12 felony (within the meaning of section 3156(a) of title 18)
13 committed—

14 “(A) by the individual (referred to in paragraph
15 (1)) while a Member; and

16 “(B) during the One Hundred Fifth Congress
17 or later.

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

22 “(4) Except as provided in paragraph (5), the Office
23 shall prescribe such regulations as may be necessary to
24 carry out this subsection, including provisions under which
25 interest on any lump-sum payment under the second sen-

1 tence of paragraph (1) shall be limited in a manner similar
2 to that specified in the last sentence of section 8316(b).

3 “(5) The Executive Director (within the meaning of
4 section 8401(13)) shall prescribe such regulations as may
5 be necessary to carry out the purposes of this subsection
6 with respect to the Thrift Savings Plan. Regulations under
7 this paragraph shall include provisions in accordance with
8 which appropriate dispositions shall be made.

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

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

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

18 “(i)(1) Notwithstanding any other provision of this
19 chapter, the service of an individual convicted of an of-
20 fense described in paragraph (2) shall not, if or to the
21 extent rendered as a Member (irrespective of when ren-
22 dered), be taken into account for purposes of this chapter.
23 Any such individual (or other person determined under
24 section 8424(d), if applicable) shall be entitled to be paid

1 so much of such individual's lump-sum credit as is attrib-
2 utable to service to which the preceding sentence applies.

3 “(2) An offense described in this paragraph is any
4 felony (within the meaning of section 3156(a) of title 18)
5 committed—

6 “(A) by the individual (referred to in paragraph
7 (1)) while a Member; and

8 “(B) during the One Hundred Fifth Congress
9 or later.

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

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

20 “(5) The Executive Director shall prescribe such reg-
21 ulations as may be necessary to carry out the purposes
22 of this subsection with respect to the Thrift Savings Plan.
23 Regulations under this paragraph shall include provisions
24 in accordance with which appropriate dispositions shall be
25 made.

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

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

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