

105TH CONGRESS
2D SESSION

H. R. 4260

To amend title 5, United States Code, to limit the number of years a Member of Congress may participate in the Civil Service Retirement System or the Federal Employees' Retirement System, to deny Federal retirement benefits to any Member convicted of a felony, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1998

Mr. SNOWBARGER 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 limit the number of years a Member of Congress may participate in the Civil Service Retirement System or the Federal Employees' Retirement System, to deny Federal retirement benefits to any Member convicted of a 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Congressional Pension
3 Limitation and Reform Act”.

4 **SEC. 2. LIMITATION RELATING TO THE NUMBER OF YEARS**

5 **A MEMBER OF CONGRESS MAY PARTICIPATE**
6 **IN A RETIREMENT SYSTEM.**

7 (a) PROVISIONS RELATING TO FERS.—

8 (1) IN GENERAL.—Chapter 84 of title 5, United
9 States Code, is amended by inserting after section
10 8410 the following:

11 **“§ 8410a. Limitation relating to Members**

12 “(a) This section shall apply with respect to any
13 Member serving as—

14 “(1) a Member of the House of Representatives
15 after completing 12 years of service as a Member of
16 the House of Representatives; or

17 “(2) a Senator after completing 12 years of
18 service as a Senator.

19 “(b) Notwithstanding any other provision of this
20 chapter, a Member to whom this section applies remains
21 subject to this chapter, subject to the following:

22 “(1) Deductions under section 8422 shall not
23 be made from any pay for service performed as such
24 a Member.

1 “(2) Government contributions under section
2 8423 shall not be made with respect to any such
3 Member.

4 “(3) Government contributions under section
5 8432(e) shall not be made with respect to any period
6 of service performed as such a Member.

7 “(4) Service performed as such a Member and
8 pay received for any such service shall not be taken
9 into account for any purpose other than to deter-
10 mine whether any age and service requirements for
11 title to an annuity under this chapter have been met.

12 “(c) For purposes of subsection (a)—

13 “(1) only service performed after the 105th
14 Congress shall be taken into account; and

15 “(2) service performed while subject to sub-
16 chapter III of chapter 83 (if any) shall be treated
17 in the same way as if it had been performed while
18 subject to this chapter.

19 “(d) For purposes of this section, the term ‘Member
20 of the House of Representatives’ includes a Delegate to
21 the House of Representatives and the Resident Commis-
22 sioner from Puerto Rico.”.

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents for chapter 84 of title 5, United States Code,

1 is amended by inserting after the item relating to
2 section 8410 the following:

“8410a. Limitation relating to Members.”.

3 (b) PROVISIONS RELATING TO CSRS.—

4 (1) IN GENERAL.—Chapter 83 of title 5, United
5 States Code, is amended by inserting after section
6 8333 the following:

7 **“§ 8333a. Limitation relating to Members**

8 “(a) This section shall apply with respect to any
9 Member serving as—

10 “(1) a Member of the House of Representatives
11 after completing 12 years of service as a Member of
12 the House of Representatives; or

13 “(2) a Senator after completing 12 years of
14 service as a Senator.

15 “(b) Notwithstanding any other provision of this sub-
16 chapter, a Member to whom this section applies remains
17 subject to this subchapter, subject to the following:

18 “(1) Deductions under the first sentence of sec-
19 tion 8334(a) shall not be made from any pay for
20 service performed as such a Member.

21 “(2) Government contributions under the sec-
22 ond sentence of section 8334(a) shall not be made
23 with respect to any such Member.

24 “(3) Service performed as such a Member and
25 pay received for any such service shall not be taken

1 into account for any purpose other than to deter-
 2 mine whether any age and service requirements for
 3 title to an annuity under this subchapter have been
 4 met.

5 “(c) For purposes of subsection (a), only service per-
 6 formed after the 105th Congress shall be taken into ac-
 7 count.

8 “(d) Nothing in subsection (b) or (c) of section 8333
 9 shall apply with respect to a Member who, at the time
 10 of separation on the basis of which title to annuity is
 11 based, is a Member to whom this section applies.

12 “(e) For purposes of this section, the term ‘Member
 13 of the House of Representatives’ includes a Delegate to
 14 the House of Representatives and the Resident Commis-
 15 sioner from Puerto Rico.”.

16 (2) CLERICAL AMENDMENT.—The table of con-
 17 tents for chapter 83 of title 5, United States Code,
 18 is amended by inserting after the item relating to
 19 section 8333 the following:

“8333a. Limitation relating to Members of the House of Representatives.”.

20 **SEC. 3. FORFEITURE OF RETIREMENT BENEFITS IF CON-**
 21 **VICTED OF A FELONY.**

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

24 (1) by striking “or” at the end of paragraph
 25 (1);

1 (2) by striking the period at the end of para-
2 graph (2) and inserting “; or”; and

3 (3) by adding after paragraph (2) the following:

4 “(3) is convicted of an offense described in sub-
5 section (d), to the extent provided by that sub-
6 section.”.

7 (b) APPLICABILITY.—The last sentence of section
8 8312(a) of title 5, United States Code, is amended—

9 (1) by striking “and” at the end of subpara-
10 graph (A);

11 (2) by striking the period at the end of sub-
12 paragraph (B) and inserting “; and”; and

13 (3) by adding after subparagraph (B) the fol-
14 lowing:

15 “(C) with respect to an offense described in
16 subsection (d), to the period after the date of convic-
17 tion.”.

18 (c) DESCRIPTION OF OFFENSES.—Section 8312 of
19 title 5, United States Code, is amended by adding at the
20 end the following:

21 “(d) An offense described in this subsection is any
22 act or omission of an individual—

23 “(1) which is a felony under Federal or State
24 law;

1 “(2) committed while the individual is a Mem-
2 ber of Congress;

3 “(3) which occurs in connection with the indi-
4 vidual’s service as a Member of Congress; and

5 “(4) which occurs after the date of enactment
6 of this subsection.”.

7 (d) ABSENCE FROM UNITED STATES TO AVOID
8 PROSECUTION.—Section 8313(a)(1) of title 5, United
9 States Code, is amended—

10 (1) by striking “or” at the end of subparagraph
11 (A);

12 (2) by striking “and” at the end of subpara-
13 graph (B) and inserting “or”; and

14 (3) by adding at the end the following:

15 “(C) after the date of enactment of sub-
16 section (d) of section 8312, for an offense de-
17 scribed in such subsection; and”.

18 (e) REFUND OF CONTRIBUTIONS AND DEPOSITS TO
19 BE WITHOUT INTEREST.—Section 8316(b) of title 5,
20 United States Code, is amended—

21 (1) by striking “or” at the end of paragraph
22 (1);

23 (2) by striking the period at the end of para-
24 graph (2) and inserting “; or”; and

25 (3) by adding at the end the following:

1 “(3) if the individual was convicted of an of-
2 fense named by subsection (d) of section 8312, for
3 the period after the conviction.”.

4 (f) RESTORATION OF ANNUITY OR RETIRED PAY.—

5 (1) EFFECT OF PARDON BY GOVERNOR.—Sec-
6 tion 8318(a) of title 5, United States Code, is
7 amended by inserting after “is pardoned by the
8 President” the following: “(or, in the case of a fel-
9 ony under State law described in section 8312(d), by
10 the Governor)”.

11 (2) LIMITATION.—Section 8318(e) of title 5,
12 United States Code, is amended by inserting after
13 “President” the following: “(or a Governor)”.

14 (g) DEFINITION.—As used in the amendments made
15 by this section, the term “Member of Congress” or “Mem-
16 ber” includes a Delegate to the House of Representatives
17 and the Resident Commissioner from Puerto Rico.

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