

110TH CONGRESS  
1ST SESSION

# H. R. 476

To amend title 5, United States Code, to make noncreditable for Federal retirement purposes any Member service performed by an individual who is convicted of any of certain offenses committed by that individual while serving as a Member of Congress, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2007

Mrs. BOYDA of Kansas introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, 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

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## A BILL

To amend title 5, United States Code, to make noncreditable for Federal retirement purposes any Member service performed by an individual who is convicted of any of certain offenses committed by that individual while serving as a Member of Congress, 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. LOSS OF PENSIONS ACCRUED DURING SERVICE**  
2 **AS A MEMBER OF CONGRESS FOR ABUSING**  
3 **THE PUBLIC TRUST.**

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

7 “(o)(1) Notwithstanding any other provision of this  
8 subchapter, the service of an individual finally convicted  
9 of an offense described in paragraph (2) shall not be taken  
10 into account for purposes of this subchapter, except that  
11 this sentence applies only to service rendered as a Member  
12 (irrespective of when rendered). Any such individual (or  
13 other person determined under section 8342(c), if applica-  
14 ble) shall be entitled to be paid so much of such individ-  
15 ual’s lump-sum credit as is attributable to service to which  
16 the preceding sentence applies.

17 “(2)(A) An offense described in this paragraph is any  
18 offense described in subparagraph (B) for which the fol-  
19 lowing apply:

20 “(i) Every act or omission of the individual (re-  
21 ferred to in paragraph (1)) that is needed to satisfy  
22 the elements of the offense occurs while the indi-  
23 vidual is a Member.

24 “(ii) Every act or omission of the individual  
25 that is needed to satisfy the elements of the offense

1 directly relates to the performance of the individual’s  
2 official duties as a Member.

3 “(iii) The offense is committed after the date of  
4 enactment of this subsection.

5 “(B) An offense described in this subparagraph is  
6 only the following, and only to the extent that the offense  
7 is a felony under title 18:

8 “(i) An offense under section 201 of title 18  
9 (bribery of public officials and witnesses).

10 “(ii) An offense under section 219 of title 18  
11 (officers and employees acting as agents of foreign  
12 principals).

13 “(iii) An offense under section 371 of title 18  
14 (conspiracy to commit offense or to defraud United  
15 States), to the extent of any conspiracy to commit  
16 an act which constitutes—

17 “(I) an offense under clause (i) or (ii); or

18 “(II) an offense under section 207 of title  
19 18 (restrictions on former officers, employees,  
20 and elected officials of the executive and legisla-  
21 tive branches).

22 “(iv) Perjury committed under section 1621 of  
23 title 18 in falsely denying the commission of an act  
24 which constitutes—

25 “(I) an offense under clause (i) or (ii); or

1           “(II) an offense under clause (iii), to the  
2           extent provided in such clause.

3           “(3) An individual convicted of an offense described  
4 in paragraph (2) shall not, after the date of the final con-  
5 viction, be eligible to participate in the retirement system  
6 under this subchapter or chapter 84 while serving as a  
7 Member.

8           “(4) The Office of Personnel Management shall pre-  
9 scribe any regulations necessary to carry out this sub-  
10 section. Such regulations shall include—

11           “(A) provisions under which interest on any  
12 lump-sum payment under the second sentence of  
13 paragraph (1) shall be limited in a manner similar  
14 to that specified in the last sentence of section  
15 8316(b); and

16           “(B) provisions under which the Office may  
17 provide for—

18           “(i) the payment, to the spouse or children  
19 of any individual referred to in the first sen-  
20 tence of paragraph (1), of any amounts which  
21 (but for this clause) would otherwise have been  
22 nonpayable by reason of such first sentence, but  
23 only to the extent that the application of this  
24 clause is considered necessary given the totality  
25 of the circumstances; and

1           “(ii) an appropriate adjustment in the  
2           amount of any lump-sum payment under the  
3           second sentence of paragraph (1) to reflect the  
4           application of clause (i).

5           “(5) For purposes of this subsection—

6           “(A) the term ‘Member’ has the meaning given  
7           such term by section 2106, notwithstanding section  
8           8331(2); and

9           “(B) the term ‘child’ has the meaning given  
10          such term by section 8341.”.

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

14          “(1)(1) Notwithstanding any other provision of this  
15          chapter, the service of an individual finally convicted of  
16          an offense described in paragraph (2) shall not be taken  
17          into account for purposes of this chapter, except that this  
18          sentence applies only to service rendered as a Member (ir-  
19          respective of when rendered). Any such individual (or  
20          other person determined under section 8424(d), if applica-  
21          ble) shall be entitled to be paid so much of such individ-  
22          ual’s lump-sum credit as is attributable to service to which  
23          the preceding sentence applies.

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

4           “(A) Every act or omission of the individual  
5 (referred to in paragraph (1)) that is needed to sat-  
6 isfy the elements of the offense occurs while the in-  
7 dividual is a Member.

8           “(B) Every act or omission of the individual  
9 that is needed to satisfy the elements of the offense  
10 directly relates to the performance of the individual’s  
11 official duties as a Member.

12           “(C) The offense is committed after the date of  
13 enactment of this subsection.

14       “(3) An individual convicted of an offense described  
15 in paragraph (2) shall not, after the date of the final con-  
16 viction, be eligible to participate in the retirement system  
17 under this chapter while serving as a Member.

18       “(4) The Office of Personnel Management shall pre-  
19 scribe any regulations necessary to carry out this sub-  
20 section. Such regulations shall include—

21           “(A) provisions under which interest on any  
22 lump-sum payment under the second sentence of  
23 paragraph (1) shall be limited in a manner similar  
24 to that specified in the last sentence of section  
25 8316(b); and

1           “(B) provisions under which the Office may  
2 provide for—

3           “(i) the payment, to the spouse or children  
4 of any individual referred to in the first sen-  
5 tence of paragraph (1), of any amounts which  
6 (but for this clause) would otherwise have been  
7 nonpayable by reason of such first sentence, but  
8 only to the extent that the application of this  
9 clause is considered necessary given the totality  
10 of the circumstances; and

11           “(ii) an appropriate adjustment in the  
12 amount of any lump-sum payment under the  
13 second sentence of paragraph (1) to reflect the  
14 application of clause (i).

15           “(5) For purposes of this subsection—

16           “(A) the term ‘Member’ has the meaning given  
17 such term by section 2106, notwithstanding section  
18 8401(20); and

19           “(B) the term ‘child’ has the meaning given  
20 such term by section 8341.”.

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