

111TH CONGRESS
2^D SESSION

H. R. 4531

To amend title 5, United States Code, to deny Federal retirement benefits to an individual convicted of a felony which occurred in connection with such individual's Government employment or service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2010

Mr. ADLER of New Jersey (for himself and Mr. LEE of New York) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 5, United States Code, to deny Federal retirement benefits to an individual convicted of a felony which occurred in connection with such individual's Government employment or service, 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 "Public Corruption
5 Elimination Act of 2010".

1 **SEC. 2. CONVICTION OF CERTAIN OFFENSES.**

2 (a) OFFENSES DESCRIBED.—Section 8312 of title 5,
3 United States Code, is amended—

4 (1) by redesignating subsection (d) as sub-
5 section (e); and

6 (2) by inserting after subsection (c) the fol-
7 lowing:

8 “(d) An offense described in this subsection is any
9 act or omission of an individual which—

10 “(1) is a felony under Federal or State law;

11 “(2) involves bribery, graft, misappropriation of
12 public funds or property, or conflicts of interest;

13 “(3) occurred in connection with the individ-
14 ual’s service as an employee; and

15 “(4) occurs after the date of the enactment of
16 this subsection.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

18 (1) Section 8312(a) of such title is amended—

19 (A) by striking “or” at the end of paragraph
20 (1);

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

23 (C) by inserting after paragraph (2) the fol-
24 lowing:

25 “(3) was convicted after the date of the enact-
26 ment of this paragraph of an offense described in

1 subsection (d), to the extent provided by that sub-
2 section.”.

3 (2) The last sentence of section 8312(a) of such title
4 is amended—

5 (A) by striking “and” at the end of subpara-
6 graph (A);

7 (B) by striking the period at the end of sub-
8 paragraph (B) and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(C) with respect to the offenses described in
11 subsection (d), to the period after the date of convic-
12 tion.”.

13 (3) Section 8312(d)(1) of such title is amended—

14 (A) in the matter before subparagraph (A), by
15 striking “subsections (b)(1) and (c)(1),” and insert-
16 ing “subsections (b)(1), (c)(1), and (d)(1),”; and

17 (B) in subparagraph (A), by striking “enumer-
18 ated in subsections (b)(1) and (c)(1),” and inserting
19 “enumerated or described in subsections (b)(1),
20 (c)(1), and (d)(1),”.

21 **SEC. 3. DEFINITIONAL AMENDMENTS.**

22 (a) ANNUITY.—Section 8311(2) of title 5, United
23 States Code, is amended—

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

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

3 (3) by inserting after subparagraph (G) the fol-
4 lowing:

5 “(H) a retirement benefit, including a dis-
6 ability insurance benefit and a dependent’s or
7 survivor’s benefit under subchapter II of chap-
8 ter 7 of title 42, awarded before the date of the
9 enactment of this subparagraph to an indi-
10 vidual, or the survivor or beneficiary of such in-
11 dividual, insofar as the individual was convicted
12 of an offense described in subsection (d) of sec-
13 tion 8312, to the extent provided by that sub-
14 section; and”.

15 (b) RETIRED PAY.—Section 8311(3) of such title is
16 amended—

17 (1) by striking “or” at the end of subparagraph
18 (C);

19 (2) by redesignating subparagraph (D) as sub-
20 paragraph (E);

21 (3) by inserting after subparagraph (C) the fol-
22 lowing:

23 “(D) retired pay, retirement pay, retainer
24 pay, or equivalent pay, awarded before the date
25 of the enactment of this subparagraph, insofar

1 as the individual was convicted of an offense de-
2 scribed in subsection (d) of section 8312, to the
3 extent provided by that subsection;”.

4 (4) in subparagraph (E) (as so redesignated by
5 paragraph (2))—

6 (A) by inserting “(other than an offense
7 described in subsection (d) of such section
8 8312)” after “of this title” in clause (i); and

9 (B) by striking the period at the end and
10 inserting “; or”; and

11 (5) by adding at the end the following:

12 “(F) an annuity payable to an eligible ben-
13 efitary of an individual, if the annuity was
14 awarded to the beneficiary, or if retired pay was
15 awarded to the individual, before the date of
16 the enactment of subsection (d) of section 8312,
17 insofar as the individual, on the basis of whose
18 service the annuity was awarded, was convicted
19 of an offense described in subsection (d) of such
20 section 8312, to the extent provided by that
21 subsection.”.

22 **SEC. 4. ABSENCE FROM THE UNITED STATES TO AVOID**
23 **PROSECUTION.**

24 Section 8313(a)(1) of title 5, United States Code, is
25 amended—

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

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

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

6 “(C) after the date of the enactment of
7 subsection (d) of section 8312, for an offense
8 described in such subsection; and”.

9 **SEC. 5. REFUND OF CONTRIBUTIONS AND DEPOSITS.**

10 Section 8316(b) of title 5, United States Code, is
11 amended—

12 (1) by striking “or” at the end of paragraph
13 (1);

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

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

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

20 **SEC. 6. RESTORATION OF ANNUITY OR RETIRED PAY.**

21 Section 8318(a) of title 5, United States Code, is
22 amended by inserting after “is pardoned by the President”
23 the following: “(or by the Governor, in the case of an of-

1 fense against a State law described in subsection (d) of
2 section 8312)".

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