

109TH CONGRESS
1ST SESSION

H. R. 4524

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, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2005

Mr. JONES of North Carolina (for himself and Mr. SHIMKUS) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on 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

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, 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 2005”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

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

5 (2) Members of Congress are elected to serve in
6 the public trust and pledge to uphold the public
7 trust;

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

11 (4) taxpayers should not pay for the retirement
12 benefits of Members of Congress who have breached
13 the public trust.

14 **SEC. 3. FORFEITURE.**

15 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
16 8332 of title 5, United States Code, is amended by adding
17 at the end the following:

18 “(o)(1) Notwithstanding any other provision of this
19 subchapter, the service of an individual convicted of an
20 offense 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 sub-
23 chapter. Any such individual (or other person determined
24 under section 8342(c), if applicable) shall be entitled to
25 be paid so much of such individual’s lump-sum credit as

1 is attributable to service to which the preceding sentence
2 applies.

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

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

8 “(ii) The conduct on which the offense is based
9 is directly related to the individual’s service as a
10 Member.

11 “(iii) The offense is committed during the One
12 Hundred Tenth Congress or later.

13 “(B) The offenses described in this subparagraph are
14 as follows:

15 “(i) An offense within the purview of section
16 201 (bribery of public officials and witnesses), 203
17 (compensation to Members of Congress, officers, and
18 others in matters affecting the Government), 204
19 (practice in United States Court of Federal Claims
20 or the United States Court of Appeals for the Fed-
21 eral Circuit by Members of Congress), 219 (officers
22 and employees acting as agents of foreign prin-
23 cipals), 286 (conspiracy to defraud the Government
24 with respect to claims), 287 (false, fictitious or
25 fraudulent claims), 371 (conspiracy to commit of-

1 fense or to defraud the United States), 597 (expend-
2 itures to influence voting), 599 (promise of appoint-
3 ment by candidate), 602 (solicitation of political con-
4 tributions), 606 (intimidation to secure political con-
5 tributions), 607 (place of solicitation), 641 (public
6 money, property or records), 1001 (statements or
7 entries generally), 1341 (frauds and swindles), 1343
8 (fraud by wire, radio, or television), 1503 (influ-
9 encing or injuring officer or juror), 1951 (inter-
10 ference with commerce by threats or violence), 1952
11 (interstate and foreign travel or transportation in
12 aid of racketeering enterprises), or 1962 (prohibited
13 activities) of title 18 or section 7201 of the Internal
14 Revenue Code of 1986 (attempt to evade or defeat
15 tax).

16 “(ii) Perjury committed under the statutes of
17 the United States in falsely denying the commission
18 of an act which constitutes an offense within the
19 purview of a statute named by clause (i).

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

23 “(3) An individual convicted of an offense described
24 in paragraph (2) shall not, after the date of the conviction,

1 be eligible to participate in the retirement system under
2 this subchapter while serving as a Member.

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

9 “(5) 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 “(6) 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 offense described in section 8332(o)(2)(B) for which the
5 following apply:

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

8 “(B) The conduct on which the offense is based
9 is directly related to the individual's service as a
10 Member.

11 “(C) The offense is committed during the One
12 Hundred Tenth Congress or later.

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

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

23 “(5) Nothing in this subsection shall restrict any au-
24 thority under subchapter II of chapter 83 or any other

1 provision of law to deny or withhold benefits authorized
2 by statute.

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

6 (c) THRIFT SAVINGS PLAN.—Paragraph (5) of sec-
7 tion 8432(g) of title 5, United States Code, is amended
8 by striking “(5)” and inserting “(5)(A)” and by adding
9 at the end the following:

10 “(B) Notwithstanding any other provision of law,
11 contributions made by the Government under subsection
12 (c) for the benefit of an individual and all earnings attrib-
13 utable to such contributions shall be forfeited—

14 “(i) if any service rendered by such individual
15 as a Member is made noncreditable as a result of a
16 conviction described in section 8411(i); but only

17 “(ii) to the extent of any contributions attrib-
18 utable to periods of service rendered by such indi-
19 vidual as a Member (as described in section
20 8411(i)(1)) and earnings thereon.”.

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