

109TH CONGRESS
1ST SESSION

H. R. 4535

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

DECEMBER 14, 2005

Mr. KIRK (for himself, Mr. UPTON, Mr. PLATTS, Mr. PENCE, Mr. BASS, Mr. TERRY, Mr. SHADEGG, Mr. PRICE of Georgia, Mrs. MYRICK, Mr. MANZULLO, Mr. SODREL, Mr. HOEKSTRA, Mr. DENT, Mr. GERLACH, Mr. REICHERT, Mr. SIMMONS, Mr. MCCAUL of Texas, Mr. PAUL, Mr. GREEN of Wisconsin, Mr. BRADLEY of New Hampshire, Mr. ENGLISH of Pennsylvania, Mr. SCHWARZ of Michigan, Mr. SHAYS, 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Congressional Integrity
3 and Pension Forfeiture Act of 2005”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

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

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

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

14 (4) taxpayers should not pay for the retirement
15 benefits of Members of Congress who have been con-
16 victed of a felony.

17 **SEC. 3. FORFEITURE.**

18 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
19 8332 of title 5, United States Code, is amended by adding
20 at the end the following:

21 “(o)(1) Notwithstanding any other provision of this
22 subchapter, the service of an individual finally convicted
23 of an offense described in paragraph (2) shall not, if or
24 to the extent rendered as a Member (irrespective of when
25 rendered), be taken into account for purposes of this sub-
26 chapter. Any such individual (or other person determined

1 under section 8342(c), if applicable) shall be entitled to
2 be paid so much of such individual's lump-sum credit as
3 is attributable to service to which the preceding sentence
4 applies.

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

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

10 “(ii) The conduct on which the offense is based
11 is directly related to the individual's service as a
12 Member.

13 “(iii) The offense is committed after the date of
14 enactment of this Act.

15 “(B) The offenses described in this subparagraph are
16 as follows:

17 “(i) An offense within the purview of section
18 201 (bribery of public officials and witnesses), 203
19 (compensation to Members of Congress, officers, and
20 others in matters affecting the Government), 204
21 (practice in United States Court of Federal Claims
22 or the United States Court of Appeals for the Fed-
23 eral Circuit by Members of Congress), 207 (restrie-
24 tion on former officers, employees, and elected offi-
25 cials of the executive and legislative branches, 219

1 (officers and employees acting as agents of foreign
2 principals), 286 (conspiracy to defraud the Govern-
3 ment with respect to claims), 287 (false, fictitious or
4 fraudulent claims), 371 (conspiracy to commit of-
5 fense or to defraud the United States), 597 (expend-
6 itures to influence voting), 599 (promise of appoint-
7 ment by candidate), 602 (solicitation of political con-
8 tributions), 606 (intimidation to secure political con-
9 tributions), 607 (place of solicitation), 641 (public
10 money, property or records), 1001 (statements or
11 entries generally), 1341 (frauds and swindles), 1343
12 (fraud by wire, radio, or television), 1503 (influ-
13 encing or injuring officer or juror), 1951 (inter-
14 ference with commerce by threats or violence), 1952
15 (interstate and foreign travel or transportation in
16 aid of racketeering enterprises), or 1962 (prohibited
17 activities) of title 18 or section 7201 of the Internal
18 Revenue Code of 1986 (attempt to evade or defeat
19 tax).

20 “(ii) Perjury committed under the statutes of
21 the United States in falsely denying the commission
22 of an act which constitutes an offense within the
23 purview of a statute named by clause (i).

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

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

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

14 “(5) The Executive Director (within the meaning of
15 section 8401(13)) shall prescribe such regulations as may
16 be necessary to carry out the purposes of this subsection
17 with respect to the Thrift Savings Plan. Regulations under
18 this paragraph shall include provisions requiring the re-
19 turn of all vested amounts which are attributable to peri-
20 ods of service rendered by the individual as a Member (as
21 described in paragraph (1)).

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

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

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

7 “(i)(1) Notwithstanding any other provision of this
8 chapter, the service of an individual finally convicted of
9 an offense described in paragraph (2) shall not, if or to
10 the extent rendered as a Member (irrespective of when
11 rendered), be taken into account for purposes of this chap-
12 ter. Any such individual (or other person determined
13 under section 8424(d), if applicable) shall be entitled to
14 be paid so much of such individual’s lump-sum credit as
15 is attributable to service to which the preceding sentence
16 applies.

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

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

22 “(B) The conduct on which the offense is based
23 is directly related to the individual’s service as a
24 Member.

1 “(C) The offense is committed after the date of
2 enactment of this Act.

3 “(3) An individual finally convicted of an offense de-
4 scribed in paragraph (2) shall not, after the date of the
5 conviction, be eligible to participate in the retirement sys-
6 tem under this chapter while serving as a Member.

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

13 “(5) The Executive Director shall prescribe such reg-
14 ulations as may be necessary to carry out the purposes
15 of this subsection with respect to the Thrift Savings Plan.
16 Regulations under this paragraph shall include provisions
17 requiring the return of all vested amounts which are at-
18 tributable to periods of service rendered by the individual
19 as a Member (as described in paragraph (1)).

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

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

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