

109TH CONGRESS  
2D SESSION

# S. 2268

To amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2006

Mr. KERRY (for himself and Mr. SALAZAR) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend title 5, United States Code, to deny Federal retirement benefits to individuals convicted of certain offenses, 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       Accountability Act”.

6       **SEC. 2. DENIAL OF RETIREMENT BENEFITS.**

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

1 (1) by striking “or” at the end of paragraph  
 2 (1), by striking the period at the end of paragraph  
 3 (2) and inserting “; or”, and by inserting after para-  
 4 graph (2) the following:

5 “(3) was convicted of an offense described in  
 6 subsection (d), to the extent provided by that sub-  
 7 section.”; and

8 (2) by striking “and” at the end of subpara-  
 9 graph (A), by striking the period at the end of sub-  
 10 paragraph (B) and inserting “; and”, and by insert-  
 11 ing after subparagraph (B) the following:

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

15 (b) OFFENSES DESCRIBED.—Section 8312 of such  
 16 title 5 is amended by redesignating subsection (d) as sub-  
 17 section (e), and by inserting after subsection (c) the fol-  
 18 lowing:

19 “(d) The offenses to which subsection (a)(3) applies  
 20 are the following:

21 “(1) An offense within the purview of—

22 “(A) section 201 of title 18 (bribery of  
 23 public officials and witnesses); or

24 “(B) section 371 of title 18 (conspiracy to  
 25 commit offense or to defraud United States), to

1           the extent of any conspiracy to commit an act  
2           which constitutes an offense within the purview  
3           of such section 201.

4           “(2) Perjury committed under the statutes of  
5           the United States or the District of Columbia in  
6           falsely denying the commission of any act which con-  
7           stitutes an offense within the purview of a statute  
8           named by paragraph (1), but only in the case of the  
9           statute named by subparagraph (B) of paragraph  
10          (1).

11          “(3) Subornation of perjury committed in con-  
12          nection with the false denial or false testimony of  
13          another individual as specified by paragraph (2).

14          An offense shall not be considered to be an offense de-  
15          scribed in this subsection except if or to the extent that  
16          it is committed by a Member of Congress (as defined by  
17          section 2106, including a Delegate to Congress).”.

18          (c) ABSENCE FROM UNITED STATES TO AVOID  
19          PROSECUTION.—Section 8313(a)(1) of such title 5 is  
20          amended by striking “or” at the end of subparagraph (A),  
21          by striking “and” at the end of subparagraph (B) and  
22          inserting “or”, and by adding at the end the following:

23                  “(C) for an offense described under sub-  
24          section (d) of section 8312; and”.

1 (d) NONACCRUAL OF INTEREST ON REFUNDS.—Sec-  
2 tion 8316(b) of such title 5 is amended by striking “or”  
3 at the end of paragraph (1), by striking the period at the  
4 end of paragraph (2) and inserting “; or”, and by adding  
5 at the end the following:

6 “(3) if the individual was convicted of an of-  
7 fense described in section 8312(d), for the period  
8 after the conviction.”.

9 **SEC. 3. CONSTITUTIONAL AUTHORITY.**

10 The Constitutional authority for this Act is the power  
11 of Congress to make all laws which shall be necessary and  
12 proper as enumerated in Article I, Section 8 of the United  
13 States Constitution, and the power to ascertain compensa-  
14 tion for Congressional service under Article I, Section 6  
15 of the United States Constitution.

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