

110TH CONGRESS
1ST SESSION

H. R. 476

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2007

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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 “(v) Subornation of perjury committed under
4 section 1622 of title 18 in connection with the false
5 denial or false testimony of another individual as
6 specified in clause (iv).

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

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

15 “(A) provisions under which interest on any
16 lump-sum payment under the second sentence of
17 paragraph (1) shall be limited in a manner similar
18 to that specified in the last sentence of section
19 8316(b); and

20 “(B) provisions under which the Office may
21 provide for—

22 “(i) the payment, to the spouse or children
23 of any individual referred to in the first sen-
24 tence of paragraph (1), of any amounts which
25 (but for this clause) would otherwise have been

1 nonpayable by reason of such first sentence, but
2 only to the extent that the application of this
3 clause is considered necessary given the totality
4 of the circumstances; and

5 “(ii) an appropriate adjustment in the
6 amount of any lump-sum payment under the
7 second sentence of paragraph (1) to reflect the
8 application of clause (i).

9 “(5) For purposes of this subsection—

10 “(A) the term ‘Member’ has the meaning given
11 such term by section 2106, notwithstanding section
12 8331(2); and

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

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

1 ual’s lump-sum credit as is attributable to service to which
2 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) Every act or omission of the individual
7 (referred to in paragraph (1)) that is needed to sat-
8 isfy the elements of the offense occurs while the in-
9 dividual is a Member.

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

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

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

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

23 “(A) provisions under which interest on any
24 lump-sum payment under the second sentence of
25 paragraph (1) shall be limited in a manner similar

1 to that specified in the last sentence of section
2 8316(b); and

3 “(B) provisions under which the Office may
4 provide for—

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

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

17 “(5) For purposes of this subsection—

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

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

 Passed the House of Representatives January 23,
2007.

Attest:

KAREN L. HAAS,

Clerk.