

110TH CONGRESS
1ST SESSION

H. R. 348

To amend title 5, United States Code, to provide that a Member of Congress convicted of any of certain felony offenses shall not be eligible for retirement benefits based on that individual's Member service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2007

Mr. JONES of North Carolina introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and 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 a Member of Congress convicted of any of certain felony offenses shall not be eligible for retirement benefits based on that individual's Member 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 "Congressional Pension
5 Forfeiture Act of 2007".

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
6 in, and pledge to uphold, the public trust;

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

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

13 **SEC. 3. FORFEITURE.**

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

17 “(o)(1) Notwithstanding any other provision of this
18 subchapter, the service of an individual convicted of an
19 offense described in paragraph (2) shall not, if or to the
20 extent rendered as a Member (irrespective of when ren-
21 dered), be taken into account for purposes of this sub-
22 chapter. Any such individual (or other person determined
23 under section 8342(c), if applicable) shall be entitled to
24 be paid so much of such individual’s lump-sum credit as
25 is attributable to service to which the preceding sentence
26 applies.

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

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

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

9 “(iii) The offense is committed during the One
10 Hundred Eleventh Congress or later.

11 “(B) The offenses described in this subparagraph are
12 as follows:

13 “(i) An offense within the purview of section
14 201 (bribery of public officials and witnesses), 203
15 (compensation to Members of Congress, officers, and
16 others in matters affecting the Government), 204
17 (practice in United States Court of Federal Claims
18 or the United States Court of Appeals for the Fed-
19 eral Circuit by Members of Congress), 219 (officers
20 and employees acting as agents of foreign prin-
21 cipals), 286 (conspiracy to defraud the Government
22 with respect to claims), 287 (false, fictitious or
23 fraudulent claims), 371 (conspiracy to commit of-
24 fense or to defraud the United States), 597 (expend-
25 itures to influence voting), 599 (promise of appoint-

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

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

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

21 “(3) An individual convicted of an offense described
22 in paragraph (2) shall not, after the date of the conviction,
23 be eligible to participate in the retirement system under
24 this subchapter while serving as a Member.

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

7 “(5) Nothing in this subsection shall restrict any au-
8 thority under subchapter II or any other provision of law
9 to deny or withhold benefits authorized by statute.

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

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

16 “(i)(1) Notwithstanding any other provision of this
17 chapter, the service of an individual convicted of an of-
18 fense described in paragraph (2) shall not, if or to the
19 extent rendered as a Member (irrespective of when ren-
20 dered), be taken into account for purposes of this chapter.
21 Any such individual (or other person determined under
22 section 8424(d), if applicable) shall be entitled to be paid
23 so much of such individual’s lump-sum credit as is attrib-
24 utable to service to which the preceding sentence applies.

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

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

6 “(B) The conduct on which the offense is based
7 is directly related to the individual’s service as a
8 Member.

9 “(C) The offense is committed during the One
10 Hundred Eleventh Congress or later.

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

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

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

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

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

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

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

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

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