

104TH CONGRESS
2D SESSION

H. R. 3447

To amend title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of a Member of Congress convicted of a felony, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1996

Mr. TATE introduced the following bill; which was referred to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, 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 for the forfeiture of retirement benefits in the case of a Member of Congress convicted of a felony, 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; FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Congressional Pension Integrity Act of 1996”.

6 (b) **FINDINGS.**—The Congress finds that—

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

1 (2) Members of Congress are elected to serve in
2 the public trust and pledge to uphold this public
3 trust;

4 (3) a breach of the public trust by a Member
5 of Congress is a serious offense that should have se-
6 rious consequences;

7 (4) a Member of Congress who is convicted of
8 a felony should be punished not only for the crime
9 committed, but for violating the public trust; and

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

13 **SEC. 2. CONVICTION OF CERTAIN OFFENSES AND FORFEIT-**
14 **URE OF RETIREMENT BENEFITS.**

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

17 (1) by striking “or” at the end of paragraph
18 (1), by striking the period at the end of paragraph
19 (2) and inserting “; or”, and by adding after para-
20 graph (2) the following:

21 “(3) was convicted, on or after the date of the
22 enactment of the Congressional Pension Integrity
23 Act of 1996, of an offense described in subsection
24 (e), to the extent provided by that subsection.”; and

1 (2) by striking “and” at the end of subpara-
2 graph (A), by striking the period at the end of sub-
3 paragraph (B) and inserting “; and”, and by adding
4 after subparagraph (B) the following:

5 “(C) with respect to an offense described in
6 subsection (e), to the period after the date of convic-
7 tion or after the date of the enactment of the Con-
8 gressional Pension Integrity Act of 1996, whichever
9 is later.”.

10 (b) DESCRIPTION OF OFFENSES.—Section 8312 of
11 title 5, United States Code, is amended by adding at the
12 end the following:

13 “(e) An offense described in this subsection is any
14 offense—

15 “(1)(A) which is a felony under Federal or
16 State law; or

17 “(B) which is (i) not an offense described in
18 subparagraph (A), (ii) a crime under Federal or
19 State law, and (iii) a result of conduct directly relat-
20 ed to the performance of the individual’s official du-
21 ties as a Member of Congress;

22 “(2) for which the individual is convicted on or
23 after the date on which such individual first becomes
24 a Member of Congress (including a Delegate to Con-

1 gress), whether or not such individual is still such a
2 Member on the date of conviction; and

3 “(3) which was committed on or after the date
4 of the enactment of the Congressional Pension In-
5 tegrity Act of 1996.”.

6 **SEC. 3. ABSENCE FROM THE UNITED STATES TO AVOID**
7 **PROSECUTION.**

8 Section 8313(a)(1) of title 5, United States Code, is
9 amended by striking “or” at the end of subparagraph (A),
10 by striking “and” at the end of subparagraph (B) and
11 inserting “or”, and by adding at the end the following:

12 “(C) after the date of the enactment of the
13 Congressional Pension Integrity Act of 1996,
14 for an offense described in section 8312(e);
15 and”.

16 **SEC. 4. FORFEITURE OF CONTRIBUTIONS AND DEPOSITS.**

17 (a) GENERAL RULE.—

18 (1) REFUND PROVISIONS NOT APPLICABLE TO
19 OFFENSES DESCRIBED IN SECTION 8312(E).—Section
20 8316(b) of title 5, United States Code, is amended
21 by adding at the end the following:

22 “(c) A refund under this section may not be made
23 when payment of annuity or retired pay is denied under
24 this subchapter because an individual was convicted of an

1 offense described in section 8312(e), to the extent pro-
2 vided therein.”.

3 (2) CONFORMING AMENDMENT.—Section
4 8316(a) of title 5, United States Code, is amended
5 by striking “When” and inserting “Except as pro-
6 vided in subsection (c), when”.

7 (b) TREATMENT OF CONTRIBUTIONS TO THE THRIFT
8 SAVINGS PLAN.—

9 (1) IN GENERAL.—Section 8316 of title 5,
10 United States Code, is amended by adding at the
11 end the following:

12 “(d)(1) Except as provided in paragraph (2), when
13 payment of annuity or retired pay is denied under this
14 subchapter because an individual was convicted of an of-
15 fense named by section 8312, to the extent provided by
16 that section, or violated section 8314 or 8315, the amount
17 standing to such individual’s credit in the Thrift Savings
18 Plan at the time of the conviction or violation (as the case
19 may be) shall, on appropriate application therefor, be re-
20 funded or otherwise made available to such individual, at
21 such time, in such manner, to such extent, and otherwise
22 in accordance with such regulations as the Executive Di-
23 rector shall prescribe consistent, to the extent practicable,
24 with subsections (a) and (b).

1 “(2) No amount shall be refunded or otherwise made
2 available under this subsection when payment of annuity
3 or retired pay is denied under this subchapter because an
4 individual was convicted of an offense named by section
5 8312(e), to the extent provided therein.

6 “(3) For the purpose of this subsection—

7 “(A) the term ‘Thrift Savings Plan’ means the
8 Thrift Savings Plan under subchapter III of chapter
9 84; and

10 “(B) the term ‘Executive Director’ means the
11 Executive Director appointed under section
12 8474(a).”.

13 (2) CONFORMING AMENDMENT.—Section
14 8318(d) of title 5, United States Code, is amended
15 by adding at the end the following: “The Executive
16 Director shall prescribe regulations under which this
17 subsection shall be applied in any case in which the
18 pardoned individual is an individual with respect to
19 whom the regulations under section 8316(c) were
20 applied.”.

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