

112TH CONGRESS
1ST SESSION

S. 1261

To amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of certain offenses.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2011

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

A BILL

To amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of certain offenses.

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 Integrity
5 and Pension Forfeiture Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

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

1 (2) Members of Congress and other elected gov-
2 ernment officials are elected to serve in, and pledge
3 to uphold, the public trust;

4 (3) a breach of the public trust by a Member
5 of Congress or other elected government official is a
6 serious offense that should have serious con-
7 sequences; and

8 (4) taxpayers should not pay for the congres-
9 sional retirement benefits of present or former Mem-
10 bers of Congress who have been convicted of a felony
11 committed while serving as an elected government
12 official.

13 **SEC. 3. APPLICATION TO OTHER ELECTED OFFICIALS AND**
14 **CRIMINAL OFFENSES.**

15 (a) APPLICATION TO OTHER ELECTED OFFICIALS.—

16 (1) CIVIL SERVICE RETIREMENT SYSTEM.—Sec-
17 tion 8332(o)(2)(A) of title 5, United States Code, is
18 amended—

19 (A) in clause (i), by inserting “, the Presi-
20 dent, the Vice President, or an elected official
21 of a State or local government” after “Mem-
22 ber”; and

23 (B) in clause (ii), by inserting “, the Presi-
24 dent, the Vice President, or an elected official

1 of a State or local government” after “Mem-
2 ber”.

3 (2) FEDERAL EMPLOYEES RETIREMENT SYS-
4 TEM.—Section 8411(l)(2) of title 5, United States
5 Code, is amended—

6 (A) in subparagraph (A), by inserting “,
7 the President, the Vice President, or an elected
8 official of a State or local government” after
9 “Member”; and

10 (B) in subparagraph (B), by inserting “,
11 the President, the Vice President, or an elected
12 official of a State or local government” after
13 “Member”.

14 (b) CRIMINAL OFFENSES.—Section 8332(o)(2) of
15 title 5, United States Code, is amended—

16 (1) in subparagraph (A), by striking clause (iii)
17 and inserting the following:

18 “(iii) The offense—

19 “(I) is committed after the date
20 of enactment of this subsection and—

21 “(aa) is described under
22 subparagraph (B)(i), (iv), (xvi),
23 (xix), (xxiii), (xxiv), or (xxvi); or

24 “(bb) is described under
25 subparagraph (B)(xxvii) or

1 (xxviii), but only with respect to
2 an offense described under sub-
3 paragraph (B)(i), (iv), (xvi),
4 (xix), (xxiii), (xxiv), or (xxvi); or
5 “(II) is committed after the date
6 of enactment of the Congressional In-
7 tegrity and Pension Forfeiture Act of
8 2011 and—

9 “(aa) is described under
10 subparagraph (B)(ii), (iii), (v),
11 (vi), (vii), (viii), (ix), (x), (xi),
12 (xii), (xiii), (xiv), (xv), (xvii),
13 (xviii), (xx), (xxi), (xxii), or (xxv);
14 or

15 “(bb) is described under
16 subparagraph (B)(xxvii) or
17 (xxviii), but only with respect to
18 an offense described under sub-
19 paragraph (B)(ii), (iii), (v), (vi),
20 (vii), (viii), (ix), (x), (xi), (xii),
21 (xiii), (xiv), (xv), (xvii), (xviii),
22 (xx), (xxi), (xxii), or (xxv).”;

23 (2) by striking subparagraph (B) and inserting
24 the following:

1 “(B) An offense described in this subpara-
2 graph is only the following, and only to the ex-
3 tent that the offense is a felony:

4 “(i) An offense under section 201 of
5 title 18 (relating to bribery of public offi-
6 cials and witnesses).

7 “(ii) An offense under section 203 of
8 title 18 (relating to compensation to Mem-
9 ber of Congress, officers, and others in
10 matters affecting the Government).

11 “(iii) An offense under section 204 of
12 title 18 (relating to practice in the United
13 States Court of Federal Claims or the
14 Unites States Court of Appeals for the
15 Federal Circuit by Member of Congress).

16 “(iv) An offense under section 219 of
17 title 18 (relating to officers and employees
18 acting as agents of foreign principals).

19 “(v) An offense under section 286 of
20 title 18 (relating to conspiracy to defraud
21 the Government with respect to claims).

22 “(vi) An offense under section 287 of
23 title 18 (relating to false, fictitious or
24 fraudulent claims).

1 “(vii) An offense under section 597 of
2 title 18 (relating to expenditures to influ-
3 ence voting).

4 “(viii) An offense under section 599
5 of title 18 (relating to promise of appoint-
6 ment by candidate).

7 “(ix) An offense under section 602 of
8 title 18 (relating to solicitation of political
9 contributions).

10 “(x) An offense under section 606 of
11 title 18 (relating to intimidation to secure
12 political contributions).

13 “(xi) An offense under section 607 of
14 title 18 (relating to place of solicitation).

15 “(xii) An offense under section 641 of
16 title 18 (relating to public money, property
17 or records).

18 “(xiii) An offense under section 666
19 of title 18 (relating to theft or bribery con-
20 cerning programs receiving Federal funds).

21 “(xiv) An offense under section 1001
22 of title 18 (relating to statements or en-
23 tries generally).

24 “(xv) An offense under section 1341
25 of title 18 (relating to frauds and swindles,

1 including as part of a scheme to deprive
2 citizens of honest services thereby).

3 “(xvi) An offense under section 1343
4 of title 18 (relating to fraud by wire, radio,
5 or television, including as part of a scheme
6 to deprive citizens of honest services there-
7 by).

8 “(xvii) An offense under section 1503
9 of title 18 (relating to influencing or injur-
10 ing officer or juror).

11 “(xviii) An offense under section 1505
12 of title 18 (relating to obstruction of pro-
13 ceedings before departments, agencies, and
14 committees).

15 “(xix) An offense under section 1512
16 of title 18 (relating to tampering with a
17 witness, victim, or an informant).

18 “(xx) An offense under section 1951
19 of title 18 (relating to interference with
20 commerce by threats of violence).

21 “(xxi) An offense under section 1952
22 of title 18 (relating to interstate and for-
23 eign travel or transportation in aid of rack-
24 eteering enterprises).

1 “(xxii) An offense under section 1956
2 of title 18 (relating to laundering of mone-
3 tary instruments).

4 “(xxiii) An offense under section 1957
5 of title 18 (relating to engaging in mone-
6 tary transactions in property derived from
7 specified unlawful activity).

8 “(xxiv) An offense under chapter 96
9 of title 18 (relating to racketeer influenced
10 and corrupt organizations).

11 “(xxv) An offense under section 7201
12 of the Internal Revenue Code of 1986 (re-
13 lating to attempt to evade or defeat tax).

14 “(xxvi) An offense under section
15 104(a) of the Foreign Corrupt Practices
16 Act of 1977 (relating to prohibited foreign
17 trade practices by domestic concerns).

18 “(xxvii) An offense under section 371
19 of title 18 (relating to conspiracy to com-
20 mit offense or to defraud United States),
21 to the extent of any conspiracy to commit
22 an act which constitutes—

23 “(I) an offense under clause (i),
24 (ii), (iii), (iv), (v), (vi), (vii), (viii),
25 (ix), (x), (xi), (xii), (xiii), (xiv), (xv),

1 (xvi), (xvii), (xviii), (xix), (xx), (xxi),
2 (xxii), (xxiii), (xxiv), (xxv), or (xxvi);
3 or

4 “(II) an offense under section
5 207 of title 18 (relating to restrictions
6 on former officers, employees, and
7 elected officials of the executive and
8 legislative branches).

9 “(xxviii) Perjury committed under
10 section 1621 of title 18 in falsely denying
11 the commission of an act which con-
12 stitutes—

13 “(I) an offense under clause (i),
14 (ii), (iii), (iv), (v), (vi), (vii), (viii),
15 (ix), (x), (xi), (xii), (xiii), (xiv), (xv),
16 (xvi), (xvii), (xviii), (xix), (xx), (xxi),
17 (xxii), (xxiii), (xxiv), (xxv), or (xxvi);
18 or

19 “(II) an offense under clause
20 (xxvii), to the extent provided in such
21 clause.

22 “(xxix) Subornation of perjury com-
23 mitted under section 1622 of title 18 in
24 connection with the false denial or false

1 testimony of another individual as specified
2 in clause (xxviii).”.

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