

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.

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## 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

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## 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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