

## S. 2

To permit Congressmen to opt-out of participation in certain tax-funded pension programs, to prohibit corrupt Congressmen from participating in tax-funded pension programs, and for other purposes.

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### IN THE SENATE OF THE UNITED STATES

MARCH 21, 2022

Mr. NOAH (for himself and Mr. ROSS) introduced the following bill;

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## A BILL

To permit Congressmen to opt-out of participation in certain tax-funded pension programs, to prohibit corrupt Congressmen from participating in tax-funded pension programs, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Congressional Pension Reform Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—CONGRESSIONAL PENSION OPT-OUT

Sec. 101. Amendment to code permitting members to reject participation in the Federal Employees’ Retirement System.

Sec. 102. Amendment to code permitting participation in the Thrift Savings Plan for members who do not participate in the Federal Employees’ Retirement System.

## TITLE II—REVOCATION OF PENSION FOR CORRUPT MEMBERS

Sec. 201. Payments from Civil Service Retirement System prohibited for certain sentenced individuals.

Sec. 202. Payments from Federal Employees' Retirement System prohibited for certain sentenced individuals.

## TITLE III—PASSAGE OF ACT

Sec. 301. Effective date.

Sec. 302. Severability.

# TITLE I—CONGRESSIONAL PENSION OPT-OUT

## SEC. 101. AMENDMENT TO CODE PERMITTING MEMBERS TO REJECT

### PARTICIPATION IN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

- (a) IN GENERAL.—[5 U.S. Code § 8401\(20\)](#) is amended by striking “, and who (in the case of an individual who is a Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress) serves as a Member prior to the date of the enactment of the Legislative Branch Appropriations Act, 2004”.
- (b) APPLICABILITY OF SECTION.—The provisions entered into law by this section shall apply with respect to an individual who first serves as a Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress, on or after the date of enactment of this Act.

## SEC. 102. AMENDMENT TO CODE PERMITTING PARTICIPATION IN THE THRIFT SAVINGS PLAN FOR MEMBERS WHO DO NOT PARTICIPATE IN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

- (a) IN GENERAL.—5 U.S. Code § 8401(20), as amended by Section 101, is amended to read:
  - “(20) the term ‘Member’ has—
    - “(A) the same meaning as provided in section 2106, except that, subject to subparagraph (B), such term does not include an individual who irrevocably elects, by written notice to the official by whom such individual is paid, not to participate in the Federal Employees' Retirement System; and
    - “(B) for purposes of subchapter III, has the same meaning as provided in section 2106, without regard to whether the individual elects not to participate in the Federal Employees' Retirement System;”.

(b) **APPLICABILITY OF SECTION.**—The provisions entered into law by this section shall apply with respect to an individual who makes an election described in 5 U.S. Code § 8401(20) not to participate in the Federal Employees' Retirement System before, on, or after the date of enactment of this Act.

(c) **CONFORMING AMENDMENT.**—[5 U.S. Code § 8431\(a\)](#) is amended to read as follows:

“For purposes of this subchapter, except as provided in section 8401(20)(B), separation from Government employment includes a transfer from a position that is subject to one of the retirement systems described in subsection (b) to a position that is not subject to any of them.”

## **TITLE II—REVOCATION OF PENSION FOR SENTENCED CORRUPT MEMBERS**

### **SEC. 201. PAYMENTS FROM CIVIL SERVICE RETIREMENT SYSTEM PROHIBITED FOR CERTAIN SENTENCED INDIVIDUALS.**

(a) **IN GENERAL.**—[5 U.S. Code § 8332\(o\)](#) is amended by appending at the end the following:

“(7)

“(A) Subject to subparagraph (B), an individual convicted of an offense described in paragraph (2) shall not, between the date of sentencing and the date of final conviction for such offense, be eligible to receive any payment of an annuity pursuant to the retirement system under this subchapter, except that this sentence applies only to such payments based on service rendered as a Member (irrespective of when rendered).

“(B) If the conviction of an individual described in subparagraph (A) is held to be invalid, such individual shall receive payments that such individual would have received but for application of subparagraph (A).

“(C) The provisions of this paragraph only apply to a conviction that occurs after the date of enactment of this paragraph.”.

### **SEC. 202. PAYMENTS FROM FEDERAL EMPLOYEES' RETIREMENT SYSTEM PROHIBITED FOR CERTAIN SENTENCED INDIVIDUALS.**

(a) IN GENERAL.—[5 U.S. Code § 8411\(l\)](#) is amended by appending at the end the following:

“(7)

“(A) Subject to subparagraph (B), an individual convicted of an offense described in paragraph (2) shall not, between the date of sentencing and the date of final conviction for such offense, be eligible to receive any payment of an annuity pursuant to the retirement system under this subchapter, except that this sentence applies only to such payments based on service rendered as a Member (irrespective of when rendered).

“(B) If the conviction of an individual described in subparagraph (A) is held to be invalid, such individual shall receive payments that such individual would have received but for application of subparagraph (A).

“(C) The provisions of this paragraph only apply to a conviction that occurs after the date of enactment of this paragraph.”.

## **TITLE III—PASSAGE OF ACT**

### **SEC. 301. EFFECTIVE DATE.**

This Act shall enter into effect on the date that begins the session of Congress immediately following the one in which it is enacted.

### **SEC. 302. SEVERABILITY.**

The provisions of this Act are severable; should any provision of this Act be found unconstitutional or unenforceable, or be otherwise stricken, the remainder of this Act shall remain in full force and effect.