

**Calendar No. 83**

118TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
118-37

NO CORRUPTION ACT

---

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE

TO ACCOMPANY

S. 932

TO AMEND TITLE 5, UNITED STATES CODE, TO  
PROVIDE FOR THE HALT IN PENSION PAYMENTS FOR  
MEMBERS OF CONGRESS SENTENCED FOR CERTAIN  
OFFENSES, AND FOR OTHER PURPOSES



MAY 30, 2023.—Ordered to be printed

---

U.S. GOVERNMENT PUBLISHING OFFICE

39-010

WASHINGTON : 2023

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

GARY C. PETERS, Michigan, *Chairman*

THOMAS R. CARPER, Delaware	RAND PAUL, Kentucky
MAGGIE HASSAN, New Hampshire	RON JOHNSON, Wisconsin
KYRSTEN SINEMA, Arizona	JAMES LANKFORD, Oklahoma
JACKY ROSEN, Nevada	MITT ROMNEY, Utah
ALEX PADILLA, California	RICK SCOTT, Florida
JON OSSOFF, Georgia	JOSH HAWLEY, Missouri
RICHARD BLUMENTHAL, Connecticut	ROGER MARSHALL, Kansas

DAVID M. WEINBERG, *Staff Director*

ZACHARY I. SCHRAM, *Chief Counsel*

LENA C. CHANG, *Director of Governmental Affairs*

DEVIN M. PARSONS, *Professional Staff Member*

WILLIAM E. HENDERSON III, *Minority Staff Director*

CHRISTINA N. SALAZAR, *Minority Chief Counsel*

ANDREW J. HOPKINS, *Minority Counsel*

LAURA W. KILBRIDE, *Chief Clerk*

# Calendar No. 83

118TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
{ 118-37

---

---

## NO CORRUPTION ACT

---

MAY 30, 2023.—Ordered to be printed

---

Mr. PETERS, from the Committee on Homeland Security and  
Governmental Affairs, submitted the following

### R E P O R T

[To accompany S. 932]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 932) to amend title 5, United States Code, to provide for the halt in pension payments for Members of Congress sentenced for certain offenses, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### CONTENTS

	Page
I. Purpose and Summary .....	1
II. Background and Need for the Legislation .....	2
III. Legislative History .....	2
IV. Section-by-Section Analysis .....	3
V. Evaluation of Regulatory Impact .....	3
VI. Congressional Budget Office Cost Estimate .....	3
VII. Changes in Existing Law Made by the Bill, as Reported .....	4

#### I. PURPOSE AND SUMMARY

S. 932, the *No Congressionally Obligated Recurring Revenue Used as Pensions To Incarcerated Officials Now Act*, or the *No CORRUPTION Act*, prohibits a Member of Congress who has been convicted of a covered felony offense from receiving any payment of a federal retirement annuity for their congressional service, even during an appeal of the conviction. If the relevant conviction is

overturned on appeal, the individual will be entitled to receive any payments that were withheld under the statute.<sup>1</sup>

## II. BACKGROUND AND THE NEED FOR LEGISLATION

The *No CORRUPTION Act* prevents the possibility that a Member of Congress who has been convicted of a covered felony continues to receive annuity payments from a federal employee retirement system during the appeals process. Covered public corruption felony charges include: (1) bribery of public officials and witnesses; (2) acting as an agent of a foreign principal while a federal public official; (3) fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services; (4) prohibited foreign trade practices by domestic concerns; (5) engaging in monetary transactions in property derived from specified unlawful activity; (6) tampering with a witness, victim, or an informant; (7) racketeer influenced and corrupt organizations; (8) conspiracy to commit an offense or to defraud the United States; (9) perjury; or (10) subornation of perjury.<sup>2</sup>

Under current law, a Member of Congress who is convicted of covered public corruption felony charges based on actions taken while serving as a Member is prohibited from receiving a congressional pension upon final conviction of the offense.<sup>3</sup> However, a convicted Member may continue receiving pension payments while appealing the conviction.<sup>4</sup> The *No CORRUPTION Act* will withhold pension benefits for Members of Congress immediately upon conviction. If the conviction is overturned on appeal by a court of competent jurisdiction, the pension will be restored and the Member will be eligible to receive any pension benefits that were withheld under the legislation. The *No CORRUPTION Act* applies prospectively to any covered conviction after the date of enactment.

## III. LEGISLATIVE HISTORY

Senator Jackie Rosen (D–NV) introduced S. 932, the *No CORRUPTION Act*, on March 22, 2023, with Senator Rick Scott (R–FL) as an original cosponsor. The bill was referred to the Committee on Homeland Security and Governmental Affairs. Senator Josh Hawley (R–MO) joined as an additional cosponsor on March 30, 2023.

The Committee considered S. 932 at a business meeting on March 29, 2023. During the business meeting, the bill was ordered reported favorably by roll call vote of 12 yeas to 0 nays, with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Blumenthal, Paul, Lankford, Romney, Scott, and Hawley voting in the affirmative, and with Senators Carper, Johnson, and Marshall voting yea by proxy, for the record only.

<sup>1</sup>The Committee has previously approved the *No Congressionally Obligated Recurring Revenue Used as Pensions To Incarcerated Officials Now Act* on July 29, 2020 and March 17, 2021, S. 3332 and S. 693, respectively. S. 3332 of the 116th Congress and S. 693 of the 117th Congress are substantially similar to S. 932 of the 118th Congress. Accordingly, this report is similar to the Committee reports for S. 3332 and S. 693. See S. Rept. 116–243 and S. Rept. 117–27.

<sup>2</sup>5 U.S.C. § 8332(o)(2).

<sup>3</sup>5 U.S.C. § 8332(o)(3).

<sup>4</sup>*Id.*

## IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

*Section 1. Short title*

This section establishes the short title of the bill as the “No Congressionally Obligated Recurring Revenue Used as Pensions To Incarcerated Officials Now Act” or the “No CORRUPTION Act.”

*Section 2. Forfeiture of pension*

Subsection (a) requires that if a Member is convicted of certain felonies, the individual is prohibited from receiving any payment of an annuity pursuant to the federal employee retirement system unless and until the conviction is held to be invalid. The prohibition is prospective to apply only to covered convictions that occur after the date of enactment.

Subsection (b) makes a technical and conforming amendment.

## V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

## VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

<b>S. 932, No CORRUPTION Act</b>			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on March 29, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	0	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	Yes
		<b>Mandate Effects</b>	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and zero.			

S. 932 would eliminate the payment of current and future retirement annuities to Members of Congress who are convicted of certain criminal offenses already specified in law. Under current law, Members forgo receipt of such payments only after a final conviction (that is, after the exhaustion of all appeals under the judicial

process). The bill would eliminate retirement annuities for Members for any conviction following enactment.

CBO estimates that the resulting forfeitures of retirement annuities would reduce direct spending by less than \$500,000 over the 2023–2033 period. Based on the number of previous convictions of Members of Congress, CBO anticipates that the number of future convictions would be small. In addition, any associated reductions in direct spending would show a budgetary effect only once a convicted Member reached eligibility for retirement, which could be beyond the current budget window. On average, Members of Congress currently retiring under the Federal Employees Retirement System receive an annuity of about \$45,000 per year. However, a criminal conviction could shorten a Member’s career. To the extent that happens, the forfeited annuity would probably be less than the average.

The CBO staff contact for this estimate is Amber Marcellino. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

#### VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

### UNITED STATES CODE

\* \* \* \* \*

#### TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

\* \* \* \* \*

#### PART III—EMPLOYEES

\* \* \* \* \*

#### CHAPTER 83—RETIREMENT

\* \* \* \* \*

#### Subchapter III—Civil Service Retirement

\* \* \* \* \*

#### SEC. 8332. CREDITABLE SERVICE.

(a) \* \* \*

\* \* \* \* \*

(o)

(1) \* \* \*

\* \* \* \* \*

(4)

(A) Subject to subparagraph (B), an individual convicted of an offense described in paragraph (2) shall not be eligible to receive any payment of an annuity pursuant to the retirement system under this subchapter or chapter 84, 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 overturned on appeal by a court of competent jurisdiction, the individual shall receive payments that the individual would have received but for the application of subparagraph (A).

(C) This paragraph applies only to a conviction that occurs after the date of enactment of the No Congressionally Obligated Recurring Revenue Used as Pensions To Incarcerated Officials Now Act.

[(4)] (5) The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection. Such regulations shall include—

(A) \* \* \*

(B) provisions under which the Office may provide for—

(i) the payment, to the spouse or children of any individual referred to in the first sentence of paragraph (1), of any amounts which (but for this clause) would otherwise have been nonpayable by reason of such first sentence, subject to [paragraph (5)] paragraph (6); and

(ii) an appropriate adjustment in the amount of any lump-sum payment under the second sentence of paragraph (1) to reflect the application of clause (i).

[(5)] (6) Regulations to carry out clause (i) of [paragraph (4)(B)] paragraph (5)(B) shall include provisions to ensure that the authority to make any payment to the spouse or children of an individual under such clause shall be available only to the extent that the application of such clause is considered necessary and appropriate taking into account the totality of the circumstances, including the financial needs of the spouse or children, whether the spouse or children participated in an offense described in paragraph (2) of which such individual was finally convicted, and what measures, if any, may be necessary to ensure that the convicted individual does not benefit from any such payment.

[(6)] (7) \* \* \*

\* \* \* \* \*

**TITLE 38—VETERANS’ BENEFITS**

\* \* \* \* \*

**PART I—GENERAL PROVISIONS**

\* \* \* \* \*

**CHAPTER 7—EMPLOYEES**

\* \* \* \* \*

**Subchapter I—General Employee Matters**

\* \* \* \* \*

**SEC. 719. REDUCTION OF BENEFITS OF EMPLOYEES CONVICTED OF CERTAIN CRIMES.**

(a) \* \* \*

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

(2) Regulations prescribed under paragraph (1) shall be consistent with the requirements of **section 8332(o)(5)** *section 8332(o)(6)* and 8411(1)(5) of title 5, as the case may be.