

118TH CONGRESS  
2D SESSION

# S. 4321

To amend title 5, United States Code, to prohibit the payment of annuities and retired pay to individuals convicted of certain sex crimes.

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## IN THE SENATE OF THE UNITED STATES

MAY 14, 2024

Ms. ERNST (for herself, Mrs. GILLIBRAND, Mr. KENNEDY, Mr. CRAPO, Mr. RISCH, Mr. SCOTT of Florida, Mrs. BLACKBURN, and Mr. RUBIO) 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 prohibit the payment of annuities and retired pay to individuals convicted of certain sex crimes.

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 “No Taxpayer-Funded  
5 Pensions for Sex Criminals Act”.

6 **SEC. 2. FORFEITURE OF ANNUITIES AND RETIRED PAY FOR**  
7 **CONVICTION OF SEX CRIMES.**

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

1 (1) in subsection (a)—

2 (A) by striking “The” and inserting the  
3 following:

4 “(2) The”;

5 (B) in paragraph (2), as so designated—

6 (i) in subparagraph (A), by striking  
7 “and” at the end;

8 (ii) in subparagraph (B), by striking  
9 the period at the end and inserting “;  
10 and”;

11 (iii) by adding at the end the fol-  
12 lowing:

13 “(C) with respect to the offenses named by sub-  
14 section (d) of this section, to the period after the  
15 date of conviction or after the date of enactment of  
16 the No Taxpayer-Funded Pensions for Sex Crimi-  
17 nals Act, whichever is later.”; and

18 (C) in the matter preceding paragraph (2),  
19 as so designated—

20 (i) by redesignating paragraphs (1)  
21 and (2) as subparagraphs (A) and (B);

22 (ii) in subparagraph (A), as so redesi-  
23 gnated, by striking “or” at the end;

1 (iii) in subparagraph (B), as so rededesignated,  
2 by striking the period at the end  
3 and inserting “; or”;

4 (iv) by adding after subparagraph (B)  
5 the following:

6 “(C) was convicted on or after the date of enactment  
7 of the No Taxpayer-Funded Pensions for  
8 Sex Criminals Act of an offense named by subsection  
9 (d) of this section, to the extent provided by  
10 that subsection.”; and

11 (v) by striking “(a) An” and inserting  
12 the following:

13 “(a)(1) An”; and

14 (2) by redesignating (d) as subsection (e);

15 (3) by inserting after subsection (c) the following:  
16

17 “(d)(1) In this subsection, the term ‘State’ means—

18 “(A) each of the several States of the United  
19 States;

20 “(B) the District of Columbia;

21 “(C) the Commonwealth of Puerto Rico;

22 “(D) Guam;

23 “(E) American Samoa;

24 “(F) the Commonwealth of the Northern Mariana  
25 Islands;

1 “(G) the Federated States of Micronesia;

2 “(H) the Republic of the Marshall Islands;

3 “(I) the Republic of Palau; and

4 “(J) the United States Virgin Islands.

5 “(2) The following are offenses to which subsection  
6 (a) of this section applies if the individual was convicted  
7 on or after the date of enactment of the No Taxpayer-  
8 Funded Pensions for Sex Criminals Act:

9 “(A) Sections 2241, 2242, 2243, 2251, 2251A,  
10 2252, 2252A, 2252B, 2252C, 2421, 2421A, 2422,  
11 2423, 2424, and 2425 of title 18.

12 “(B) An offense under State law consisting of  
13 conduct that would be an offense under a chapter  
14 referred to in subparagraph (A) if the conduct had  
15 occurred within the special maritime and territorial  
16 jurisdiction of the United States.”; and

17 (4) in subsection (e), as so redesignated, by  
18 striking “subsections (b)(1) and (c)(1)” each place  
19 the term appears and inserting “subsections (b)(1),  
20 (c)(1), and (d)”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) Title 5, United States Code, is amended—

23 (A) in section 5569(d)(3)(B), by striking  
24 “subsection (b) or (c)” and inserting “sub-  
25 section (b), (c), or (d)”;

1 (B) in section 8311, by striking “sub-  
2 section (c)” each place the term appears and in-  
3 serting “subsection (c) or (d)”;

4 (C) in section 8313(a)(1)—

5 (i) in subparagraph (A), by striking  
6 “or” at the end;

7 (ii) in subparagraph (B), by striking  
8 “and” at the end and inserting “or”; and

9 (iii) by adding at the end the fol-  
10 lowing:

11 “(C) after the date of enactment of the No  
12 Taxpayer-Funded Pensions for Sex Criminals  
13 Act, for an offense named by section 8312(d) of  
14 this title; and”;

15 (D) in section 8315(a)—

16 (i) in paragraph (1)(C), by striking  
17 “or” at the end;

18 (ii) in paragraph (2), by striking the  
19 semicolon and inserting “; or”; and

20 (iii) by adding at the end the fol-  
21 lowing:

22 “(3) before, on, or after the date of enactment  
23 of the No Taxpayer-Funded Pensions for Sex Crimi-  
24 nals Act, concerning his conviction of an offense

1 named by subsection (d) of section 8312 of this title,  
 2 to the extent provided by that subsection;” and

3 (E) in section 8316(b)—

4 (i) in paragraph (1), by striking “or”  
 5 at the end;

6 (ii) in paragraph (2), by striking the  
 7 period at the end and inserting “; or”; and

8 (iii) by adding at the end the fol-  
 9 lowing:

10 “(3) if the individual was convicted of an of-  
 11 fense named by section 8312(d) of this title, or vio-  
 12 lated section 8315(a)(3) of this title, for the period  
 13 after the conviction or commission of the violation,  
 14 or after the date of enactment of No Taxpayer-  
 15 Funded Pensions for Sex Criminals Act, whichever  
 16 is later.”.

17 (2) Section 559(c)(3)(A)(ii)(I) of title 37,  
 18 United States Code, is amended by striking “sub-  
 19 section (b) or (c)” and inserting “subsection (b), (c),  
 20 or (d)”.

21 **SEC. 3. APPLICABILITY.**

22 The amendments made by this Act shall apply to of-  
 23 fenses described effective for crimes occurring on or after  
 24 the date of enactment of this Act.

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