

Calendar No. 596

113TH CONGRESS
2D SESSION**S. 1045****[Report No. 113–272]**

To amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

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

NOVEMBER 13, 2014

Reported by Mr. CARPER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. INELIGIBILITY OF PERSONS HAVING SERI-**
 2 **OUSLY DELINQUENT TAX DEBTS FOR FED-**
 3 **ERAL EMPLOYMENT.**

4 (a) IN GENERAL.—Chapter 73 of title 5, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing:

7 “SUBCHAPTER VII—INELIGIBILITY OF PER-
 8 SONS HAVING SERIOUSLY DELINQUENT
 9 TAX DEBTS FOR FEDERAL EMPLOYMENT
 10 “§ 7381. Ineligibility of persons having seriously de-
 11 linquent tax debts for Federal employ-
 12 ment

13 “(a) DEFINITIONS.—For purposes of this section—
 14 “(1) the term ‘seriously delinquent tax debt’
 15 means an outstanding debt under the Internal Rev-
 16 enue Code of 1986 for which a notice of lien has
 17 been filed in public records pursuant to section 6323
 18 of such Code, except that such term does not in-
 19 clude—

20 “(A) a debt that is being paid in a timely
 21 manner pursuant to an agreement under sec-
 22 tion 6159 or section 7122 of such Code; and

23 “(B) a debt with respect to which a collec-
 24 tion due process hearing under section 6330 of
 25 such Code, or relief under subsection (a), (b),

1 or (f) of section 6015 of such Code, is re-
 2 quested or pending; and

3 “(2) the term ‘Federal employee’ means—

4 “(A) an employee, as defined by section
 5 2105; and

6 “(B) an employee of the United States
 7 Postal Service or of the Postal Regulatory Com-
 8 mission.

9 “(b) INELIGIBILITY FOR FEDERAL EMPLOYMENT.—

10 An individual who has a seriously delinquent tax debt shall
 11 be ineligible to be appointed, or to continue serving, as
 12 a Federal employee.

13 “(c) REGULATIONS.—The Office of Personnel Man-
 14 agement shall, for purposes of carrying out this section
 15 with respect to the executive branch, prescribe any regula-
 16 tions which the Office considers necessary, which shall in-
 17 clude regulations authorizing each agency to establish an
 18 appeal process for affected individuals.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
 20 ter 73 of title 5, United States Code, is amended by add-
 21 ing at the end the following:

“SUBCHAPTER VII—INELIGIBILITY OF PERSONS HAVING SERIOUSLY
 DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

“7381. Ineligibility of persons having seriously delinquent tax debts for Federal
 employment.”.

1 **SECTION 1. INELIGIBILITY OF PERSONS HAVING SERI-**
 2 **OUSLY DELINQUENT TAX DEBTS FOR FED-**
 3 **ERAL EMPLOYMENT.**

4 (a) *IN GENERAL.*—Chapter 73 of title 5, United States
 5 Code, is amended by adding at the end the following:

6 “SUBCHAPTER VIII—INELIGIBILITY OF PERSONS
 7 HAVING SERIOUSLY DELINQUENT TAX
 8 DEBTS FOR FEDERAL EMPLOYMENT

9 “§ 7381. *Ineligibility of persons having seriously delin-*
 10 *quent tax debts for Federal employment*

11 “(a) *DEFINITIONS.*—In this section—

12 “(1) the term ‘agency’ means—

13 “(A) an Executive agency;

14 “(B) the United States Postal Service;

15 “(C) the Postal Regulatory Commission;

16 and

17 “(D) an employing authority in the legisla-
 18 tive branch;

19 “(2) the term ‘Code’ means the Internal Revenue
 20 Code of 1986;

21 “(3) the term ‘Federal employee’ means an em-
 22 ployee in or under an agency, including an indi-
 23 vidual described in section 2104(b) or 2105(e);

24 “(4) the term ‘seriously delinquent tax debt’
 25 means an outstanding debt under the Code for which
 26 a notice of Federal tax lien has been filed in public

1 *records pursuant to section 6323 of the Code, except*
 2 *that such term does not include—*

3 “(A) *a debt that is being paid in a timely*
 4 *manner pursuant to an agreement under section*
 5 *6159 or section 7122 of the Code;*

6 “(B) *a debt with respect to which a collec-*
 7 *tion due process hearing under section 6330 of*
 8 *the Code, or relief under subsection (a), (b), or*
 9 *(f) of section 6015 of the Code, is requested or*
 10 *pending;*

11 “(C) *a debt with respect to which a levy has*
 12 *been issued under section 6331 of the Code (or,*
 13 *in the case of an applicant for employment, a*
 14 *debt with respect to which the applicant agrees*
 15 *to be subject to a levy issued under that section*
 16 *if employed by an agency); and*

17 “(D) *a debt with respect to which relief*
 18 *under section 6343(a)(1)(D) of the Code is grant-*
 19 *ed.*

20 “(b) *INELIGIBILITY FOR FEDERAL EMPLOYMENT.—*

21 “(1) *IN GENERAL.—Except as provided in para-*
 22 *graph (2)(C), an individual who has a seriously de-*
 23 *linquent tax debt shall be ineligible to continue serv-*
 24 *ing as a Federal employee or, subject to subsection (c),*
 25 *to be appointed as a Federal employee.*

1 “(2) *FEDERAL EMPLOYEES.*—

2 “(A) *IN GENERAL.*—*A Federal employee*
 3 *who has a seriously delinquent tax debt shall*
 4 *have 150 days after the date of written notice by*
 5 *the agency employing the Federal employee to*
 6 *begin repaying the debt in a timely manner pur-*
 7 *suant to an agreement under section 6159 or*
 8 *7122 of the Code.*

9 “(B) *FAILURE TO BEGIN REPAYING SERI-*
 10 *OUSLY DELINQUENT TAX DEBT IN A TIMELY MAN-*
 11 *NER.*—*If a Federal employee who has a seriously*
 12 *delinquent tax debt does not begin repaying the*
 13 *debt in a timely manner pursuant to an agree-*
 14 *ment under section 6159 or 7122 of the Code*
 15 *during the period specified in subparagraph (A),*
 16 *the head of the employing agency of the Federal*
 17 *employee shall—*

18 “(i) *notify in writing the Federal em-*
 19 *ployee that, not later than 60 days after the*
 20 *date on which the Federal employee receives*
 21 *the notification, the Federal employee*
 22 *shall—*

23 “(I) *repay the total amount of the*
 24 *seriously delinquent tax debt of the*
 25 *Federal employee; or*

1 “(II) begin repaying the debt in a
2 timely manner pursuant to an agree-
3 ment under section 6159 or 7122 of the
4 Code; and

5 “(ii) except as provided in subpara-
6 graphs (C) and (D), terminate the Federal
7 employee if the Federal employee does not
8 comply with the requirements of a notice
9 issued under clause (i).

10 “(C) *EXEMPTION*.—A Federal employee who
11 does not comply with the requirements of a no-
12 tice issued under subparagraph (B)(i) may con-
13 tinue serving as a Federal employee if the head
14 of the employing agency of the Federal employee
15 determines that the continued service of the Fed-
16 eral employee is in the best interests of the
17 United States.

18 “(D) *PROCEDURE*.—Chapter 75, any other
19 applicable provision of law, and appeal, review
20 or grievance procedures to which the employee is
21 entitled shall apply to a termination under sub-
22 paragraph (B)(ii).

23 “(c) *APPLICANTS*.—The head of an agency—

24 “(1) shall take appropriate measures to ensure
25 that each individual that submits an application for

1 *employment with the agency certify (as part of the*
 2 *application) under penalty of perjury as provided in*
 3 *section 1746 of title 28 that the individual does not*
 4 *have a seriously delinquent tax debt (as of the date*
 5 *on which the certification is made);*

6 “(2) may not employ any individual who does
 7 *not make the certification described in paragraph*
 8 *(1)(C); and*

9 “(3) shall establish an appeal process for indi-
 10 *viduals denied employment under paragraph (2).”.*

11 ***(b) TECHNICAL AND CONFORMING AMENDMENT.—The***
 12 *analysis for chapter 73 of title 5, United States Code, is*
 13 *amended by adding at the end the following:*

**“SUBCHAPTER VIII—INELIGIBILITY OF PERSONS HAVING SERIOUSLY
 DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT**

**“7381. Ineligibility of persons having seriously delinquent tax debts for Federal
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