

115TH CONGRESS
2D SESSION

S. 3453

To amend the Congressional Accountability Act of 1995 to provide for public disclosure and reimbursement of payments for awards and settlements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2018

Mr. SASSE introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Congressional Accountability Act of 1995 to provide for public disclosure and reimbursement of payments for awards and settlements, and for other purposes.

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 Work-
5 place Misconduct Accountability Act”.

1 **SEC. 2. PUBLIC DISCLOSURE AND REIMBURSEMENT OF**
2 **PAYMENTS FOR AWARDS AND SETTLEMENTS.**

3 (a) IN GENERAL.—Section 415 of the Congressional
4 Accountability Act of 1995 (2 U.S.C. 1415) is amended
5 by adding at the end the following:

6 “(d) PUBLIC DISCLOSURES.—

7 “(1) IN GENERAL.—For each covered payment,
8 the Office shall publish the information described in
9 paragraph (2) on the public website of the Office by
10 not later than 10 days after the date on which the
11 covered payment is made.

12 “(2) INFORMATION.—The payment information
13 referred to in paragraph (1) shall include the
14 amount of the covered payment, the date on which
15 the covered payment was made, the identity of the
16 involved office, and the provision of part A of title
17 II for which the violation involved was alleged.

18 “(3) REDACTION.—Upon the written request of
19 an individual who received the covered payment, the
20 Office shall redact any information described in
21 paragraph (2) the publication of which would cause
22 the involuntary disclosure of the identity or position
23 of any individual who received the covered payment.

24 “(e) REIMBURSEMENTS.—

25 “(1) OBLIGATION TO REIMBURSE COVERED
26 PAYMENTS.—

1 “(A) RESPONSIBILITY OF MEMBER TO RE-
2 IMBURSE.—For each covered payment, the re-
3 sponsible member for the involved office shall
4 reimburse the account described in subsection
5 (a) for the amount of the covered payment.

6 “(B) PORTION OF COVERED PAYMENT FOR
7 MULTIPLE OFFICES.—If a covered payment is
8 made for one or more alleged violations of part
9 A of title II against multiple involved offices,
10 the individual who is the responsible member
11 for such an involved office shall only be re-
12 quired to reimburse the account for the amount
13 of the portion of the award or settlement in-
14 volved attributable to the involved offices for
15 which the individual is the responsible member.

16 “(2) OBLIGATION TO REIMBURSE THE OFFICE
17 OF COMPLIANCE.—

18 “(A) ITEMIZED ASSESSMENT.—For each
19 covered payment, the Office shall provide an
20 itemized assessment of the costs incurred by the
21 Office in administering any proceedings (includ-
22 ing counseling) related to that covered payment
23 to the responsible member for each cor-
24 responding involved office.

1 “(B) RESPONSIBILITY OF MEMBER TO RE-
2 IMBURSE.—The responsible member shall be re-
3 sponsible for reimbursing the Office for the
4 amount specified in the itemized assessment re-
5 ferred to in subparagraph (A).

6 “(C) PORTION OF COSTS FOR MULTIPLE
7 OFFICES.—If a covered payment is made for
8 one or more alleged violations of part A of title
9 II against multiple involved offices, the amount
10 of the costs assessed under this paragraph to
11 an individual who is a responsible member for
12 such an involved office shall bear the same rela-
13 tionship to the total costs described in subpara-
14 graph (A) as the portion of the covered pay-
15 ment attributable to the involved offices for
16 which the individual is the responsible member
17 bears to the total covered payment.

18 “(3) WITHHOLDING AMOUNTS FROM COM-
19 PENSATION.—

20 “(A) ESTABLISHMENT OF TIMETABLE AND
21 PROCEDURES BY COMMITTEES.—For purposes
22 of carrying out subparagraph (B), the applica-
23 ble Committee shall establish a timetable and
24 procedures for the withholding of amounts from

1 the compensation of an individual who is a re-
2 sponsible member.

3 “(B) DEADLINE.—If the individual has not
4 reimbursed the account described in subsection
5 (a) as required under paragraph (1), or has not
6 reimbursed the Office as required under para-
7 graph (2), prior to the expiration of the 90-day
8 period that begins on the date a covered pay-
9 ment is made or an itemized assessment is pro-
10 vided, respectively, the payroll administrator
11 shall withhold the reimbursement amount from
12 the individual’s compensation.

13 “(C) TRANSFER.—The payroll adminis-
14 trator shall transfer the amount to, respec-
15 tively—

16 “(i) the account described in sub-
17 section (a) (after transferring to the ac-
18 count of the individual in the Thrift Sav-
19 ings Fund any amount that the individual
20 had requested to be so transferred); or

21 “(ii) the Office.

22 “(D) APPLICABLE COMMITTEE DE-
23 FINED.—In this paragraph, the term ‘applicable
24 Committee’ means—

1 “(i) the Committee on House Admin-
 2 istration of the House of Representatives,
 3 in the case of an individual who, at the
 4 time of the withholding, is a Member of
 5 the House; or

6 “(ii) the Committee on Rules and Ad-
 7 ministration of the Senate, in the case of
 8 an individual who, at the time of the with-
 9 holding, is a Senator.

10 “(4) ADMINISTRATIVE WAGE GARNISHMENT OR
 11 OTHER COLLECTION OF WAGES FROM A SUBSE-
 12 QUENT POSITION.—

13 “(A) INDIVIDUAL SUBJECT TO GARNISH-
 14 MENT OR OTHER COLLECTION.—Subparagraph
 15 (B) shall apply to an individual who is subject
 16 to a reimbursement requirement of this sub-
 17 section if, by the expiration of the 180-day pe-
 18 riod that begins on the date a covered payment
 19 is made or an itemized assessment is provided
 20 under paragraph (2), respectively, the indi-
 21 vidual—

22 “(i) has not reimbursed the account
 23 or the Office, respectively, for the entire
 24 reimbursement amount as required under
 25 paragraph (1) or (2), respectively; and

1 “(ii) is not employed as a Member of
2 the House of Representatives or a Senator
3 but is employed in a subsequent non-Fed-
4 eral position.

5 “(B) GARNISHMENT OR OTHER COLLEC-
6 TION OF WAGES.—On the expiration of that
7 180-day period, the amount of the reimburse-
8 ment amount (reduced by any amount the indi-
9 vidual has reimbursed, taking into account any
10 amounts withheld under paragraph (3)) shall be
11 treated as a delinquent nontax debt and trans-
12 ferred to the Secretary of the Treasury for col-
13 lection. Upon that transfer, the Secretary of the
14 Treasury shall collect the debt, in accordance
15 with section 3711 of title 31, United States
16 Code, including by administrative wage garnish-
17 ment of the wages of the individual described in
18 subparagraph (A) from the position described
19 in subparagraph (A)(ii). The Secretary of the
20 Treasury shall transfer the collected amount to
21 the account described in subsection (a) or the
22 Office, as the case may be.

23 “(5) NOTIFICATION TO OFFICE OF PERSONNEL
24 MANAGEMENT AND SECRETARY OF THE TREAS-
25 URY.—If the individual does not obtain employment

1 in a subsequent position referred to in paragraph
2 (4)(A)(ii), not later than 90 days after the individual
3 is first no longer receiving compensation as a Mem-
4 ber or a Senator, the amounts withheld or collected
5 under this subsection have not been sufficient to re-
6 imburse the account described in subsection (a) or
7 the Office, for the reimbursement amount, the pay-
8 roll administrator—

9 “(A) shall notify the Director of the Office
10 of Personnel Management, who shall take such
11 actions as the Director considers appropriate to
12 withhold from any annuity payable to the indi-
13 vidual under chapter 83 or chapter 84 of title
14 5, United States Code, and transfer to the ac-
15 count described in subsection (a) or the Office,
16 respectively, the reimbursement amount; and

17 “(B) shall notify the Secretary of the
18 Treasury, who (if necessary), notwithstanding
19 section 207 of the Social Security Act (42
20 U.S.C. 407), shall take such actions as the Sec-
21 retary of the Treasury considers appropriate to
22 withhold from any payment to the individual
23 under title II of the Social Security Act (42
24 U.S.C. 401 et seq.) and transfer to the account
25 described in subsection (a) or the Office, re-

1 spectively, such amounts as may be necessary
2 to reimburse the account for the reimbursement
3 amount.

4 “(6) COORDINATION BETWEEN OPM AND
5 TREASURY.—The Director of the Office of Personnel
6 Management and the Secretary of the Treasury shall
7 carry out paragraph (5) in a manner that ensures
8 the coordination of the withholding and transferring
9 of amounts under such paragraph, in accordance
10 with regulations promulgated by the Director and
11 the Secretary.

12 “(7) RIGHT TO INTERVENE.—An individual
13 who is subject to the reimbursement requirement of
14 paragraph (1) shall have the unconditional right to
15 intervene in any mediation, hearing, or civil action
16 under this title to protect the interests of the indi-
17 vidual in the determination of whether an award or
18 settlement described in paragraph (1) should be
19 made, and the amount of any such award or settle-
20 ment, except that nothing in this paragraph may be
21 construed to require the covered employee who filed
22 the claim to be deposed by counsel for the individual
23 in a deposition that is separate from any other depo-
24 sition taken from the employee in connection with
25 the hearing or civil action.

1 “(f) DEFINITIONS.—In this section—

2 “(1) the term ‘covered payment’ means a pay-
3 ment made under subsection (a) for an award or set-
4 tlement relating to one or more alleged violations of
5 part A of title II involving one or more employing
6 offices described in subparagraph (A), (B), or (C) of
7 section 101(9);

8 “(2) the term ‘involved office’ means an em-
9 ploying office described in subparagraph (A), (B), or
10 (C) of section 101(9) which was the subject of one
11 or more alleged violations of part A of title II that
12 resulted in a covered payment;

13 “(3) the term ‘payroll administrator’ means—

14 “(A) in the case of an individual who is a
15 Member of the House of Representatives, the
16 Chief Administrative Officer of the House of
17 Representatives, or an employee of the Office of
18 the Chief Administrative Officer who is des-
19 ignated by the Chief Administrative Officer to
20 carry out this subsection; or

21 “(B) in the case of an individual who is a
22 Senator, the Secretary of the Senate, or an em-
23 ployee of the Office of the Secretary of the Sen-
24 ate who is designated by the Secretary to carry
25 out this subsection;

1 “(4) the term ‘reimbursement amount’ means—

2 “(A) in the case of an individual required
3 under subsection (e)(1) to reimburse the ac-
4 count described in subsection (a), an amount
5 sufficient to make that reimbursement; and

6 “(B) in the case of an individual required
7 under subsection (e)(2) to reimburse the Office,
8 an amount sufficient to make that reimburse-
9 ment; and

10 “(5) the term ‘responsible member’ means the
11 Member of the House of Representatives or the Sen-
12 ator with the final authority to appoint, hire, dis-
13 charge, and set the terms, conditions, or privileges
14 of the employment within an involved office.”.

15 (b) APPLICABILITY.—The amendment made by sub-
16 section (a) shall apply with respect to any covered pay-
17 ment (as defined in section 415(f)(1) of the Congressional
18 Accountability Act of 1995 (2 U.S.C. 1415(f)(1)), as
19 added by subsection (a)) made on or after the date of en-
20 actment of this Act.

○