

115TH CONGRESS
1ST SESSION

H. R. 4494

To amend the Congressional Accountability Act of 1995 to prohibit the use of public funds to pay awards and settlements in connection with claims under such Act which arise from sexual harassment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 30, 2017

Mr. DESANTIS (for himself, Mr. SCHNEIDER, Mr. DELANEY, Mr. BRAT, Mrs. BUSTOS, Mr. LOEBSACK, Ms. GABBARD, Mr. WILLIAMS, Mr. GALLEGO, Miss RICE of New York, Mr. CRAMER, Mr. MESSER, Mr. MOULTON, Mr. COOPER, Mr. BIGGS, Mr. BACON, Mr. BERGMAN, Mr. FRANCIS ROONEY of Florida, Mr. JODY B. HICE of Georgia, Mr. DAVID SCOTT of Georgia, Mr. PALMER, Mr. FITZPATRICK, Mr. JOHNSON of Louisiana, Mr. O'HALLERAN, Ms. MCSALLY, Mr. TIPTON, Mr. BANKS of Indiana, Mr. YOHO, Mr. PITTENGER, Mr. POLIS, Mrs. BLACK, Mr. ROKITA, Mrs. BLACKBURN, Mr. FLEISCHMANN, Mr. JONES, Ms. NORTON, Mr. PEARCE, Ms. PINGREE, Mr. NORMAN, Mr. MARINO, Ms. SINEMA, Mr. DUNCAN of South Carolina, Mr. POSEY, Mr. COSTA, Mr. LANCE, Mr. GOTTHEIMER, Mrs. MIMI WALTERS of California, Mr. KHANNA, Mr. BLUM, Mr. ROTHFUS, Mr. RYAN of Ohio, Mr. WALKER, Mr. BUCK, and Mr. GALLAGHER) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Congressional Accountability Act of 1995 to prohibit the use of public funds to pay awards and settlements in connection with claims under such Act which arise from sexual harassment, 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 Ac-
5 countability and Hush Fund Elimination Act”.

6 **SEC. 2. PROHIBITING USE OF PUBLIC FUNDS TO PAY SET-**
7 **TLEMENTS AND AWARDS FOR CLAIMS UNDER**
8 **CONGRESSIONAL ACCOUNTABILITY ACT OF**
9 **1995 WHICH ARISE FROM SEXUAL HARASS-**
10 **MENT.**

11 (a) PROHIBITION.—

12 (1) IN GENERAL.—Section 415 of the Congres-
13 sional Accountability Act of 1995 (2 U.S.C. 1415)
14 is amended—

15 (A) in subsection (a), by striking “sub-
16 section (c)” and inserting “subsections (c) and
17 (d)”; and

18 (B) by adding at the end the following new
19 subsection:

20 “(d) NO USE OF PUBLIC FUNDS FOR PAYMENTS OF
21 AWARDS AND SETTLEMENTS IN CONNECTION WITH ACTS
22 OF SEXUAL HARASSMENT.—No funds of the Treasury of
23 the United States, including the account described in sub-
24 section (a), an account of the House of Representatives
25 or Senate, or any other account of the Federal Govern-

1 ment, may be used for the payment of an award or settle-
2 ment in connection with a violation of section 201(a)(1)
3 if the violation consists of an act of sexual harassment
4 or sexual assault.”.

5 (2) EFFECTIVE DATE.—The amendment made
6 by paragraph (1) shall apply with respect to settle-
7 ments and awards paid on or after the date of the
8 enactment of this Act.

9 (b) TREATMENT OF AMOUNTS PREVIOUSLY PAID.—

10 (1) REPORT BY OFFICE OF COMPLIANCE.—Not
11 later than 30 days after the date of the enactment
12 of this Act, the Office of Compliance shall submit to
13 Congress and make available to the public on the
14 Office’s public website a report on all payments
15 made with public funds prior to the date of the en-
16 actment of this Act for awards and settlements in
17 connection with violations of section 201(a)(1) of the
18 Congressional Accountability Act of 1995, and shall
19 include in the report the following information:

20 (A) The amount paid for each such award
21 or settlement.

22 (B) The source of the public funds used
23 for the award or settlement, without regard to
24 whether the funds were paid from the account
25 described in section 415(a) of such Act (2

1 U.S.C. 1415(a)), an account of the House of
2 Representatives or Senate, or any other account
3 of the Federal Government.

4 (C) The identification of the employing of-
5 fice involved and any individual who committed
6 the violation involved.

7 (2) PROTECTION OF IDENTITY OF INDIVIDUALS
8 RECEIVING AWARDS AND SETTLEMENTS.—In pre-
9 paring and submitting the report required under
10 paragraph (1), the Office of Compliance shall ensure
11 that the identity of any individual who received an
12 award or settlement, or who made an allegation of
13 a violation against an employing office, is not dis-
14 closed.

15 (3) REPAYMENT BY PERPETRATORS.—Each in-
16 dividual who committed an act of sexual harassment
17 or sexual assault for which an award or settlement
18 described in paragraph (1) was paid with public
19 funds at any time after the enactment of the Con-
20 gressional Accountability Act of 1995 shall make a
21 payment to the Treasury of the United States in an
22 amount equal to the amount of the award or settle-
23 ment involved, increased by an interest rate equal to
24 the interest rate for a Federal Direct PLUS Loan
25 on the date on which the award or settlement was

1 paid in accordance with section 455(b)(8)(C) of the
2 Higher Education Act of 1965 (20 U.S.C.
3 1087e(b)(8)(C)).

4 **SEC. 3. PROHIBITING IMPOSITION OF NONDISCLOSURE**
5 **AGREEMENTS IN CASES INVOLVING SEXUAL**
6 **HARASSMENT OR SEXUAL ASSAULT.**

7 (a) PROHIBITION.—Section 401 of the Congressional
8 Accountability Act of 1995 (2 U.S.C. 1401) is amended—

9 (1) by striking “Except as otherwise provided”
10 and inserting “(a) PROCEDURES AVAILABLE.—Ex-
11 cept as otherwise provided”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(b) PROHIBITING IMPOSITION OF NONDISCLOSURE
15 AGREEMENTS AS PREREQUISITE FOR PROCEDURES.—A
16 nondisclosure agreement may not be imposed on any party
17 as a condition of the initiation of any of the procedures
18 available under this title for consideration of a violation
19 of part A of title II if the violation consists of an act of
20 sexual harassment or sexual assault.”.

21 (b) TREATMENT OF EXISTING AGREEMENTS.—Any
22 individual who received an award or settlement prior to
23 the date of the enactment of this Act in connection with
24 a violation of section 201(a)(1) of the Congressional Ac-
25 countability Act of 1995 which consisted of an act of sex-

1 ual harassment or sexual assault and who signed a non-
2 disclosure agreement as a condition of receiving the award
3 or settlement may, notwithstanding the terms of the
4 agreement, make public any information relating to the
5 award or settlement.

○