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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R.

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

Mr. DESANTIS introduced the following bill; which was referred to the Committee on _____

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”.

1 **SEC. 2. PROHIBITING USE OF PUBLIC FUNDS TO PAY SET-**
2 **TLEMENTS AND AWARDS FOR CLAIMS UNDER**
3 **CONGRESSIONAL ACCOUNTABILITY ACT OF**
4 **1995 WHICH ARISE FROM SEXUAL HARASS-**
5 **MENT.**

6 (a) PROHIBITION.—

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

10 (A) in subsection (a), by striking “sub-
11 section (c)” and inserting “subsections (c) and
12 (d)”; and

13 (B) by adding at the end the following new
14 subsection:

15 “(d) NO USE OF PUBLIC FUNDS FOR PAYMENTS OF
16 AWARDS AND SETTLEMENTS IN CONNECTION WITH ACTS
17 OF SEXUAL HARASSMENT.—No funds of the Treasury of
18 the United States, including the account described in sub-
19 section (a), an account of the House of Representatives
20 or Senate, or any other account of the Federal Govern-
21 ment, may be used for the payment of an award or settle-
22 ment in connection with a violation of section 201(a)(1)
23 if the violation consists of an act of sexual harassment
24 or sexual assault.”

25 (2) EFFECTIVE DATE.—The amendment made
26 by paragraph (1) shall apply with respect to settle-

1 ments and awards paid on or after the date of the
2 enactment of this Act.

3 (b) TREATMENT OF AMOUNTS PREVIOUSLY PAID.—

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

14 (A) The amount paid for each such award
15 or settlement.

16 (B) The source of the public funds used
17 for the award or settlement, without regard to
18 whether the funds were paid from the account
19 described in section 415(a) of such Act (2
20 U.S.C. 1415(a)), an account of the House of
21 Representatives or Senate, or any other account
22 of the Federal Government.

23 (C) The identification of the employing of-
24 fice involved and any individual who committed
25 the violation involved.

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

9 (3) REPAYMENT BY PERPETRATORS.—Each in-
10 dividual who committed an act of sexual harassment
11 or sexual assault for which an award or settlement
12 described in paragraph (1) was paid with public
13 funds at any time after the enactment of the Con-
14 gressional Accountability Act of 1995 shall make a
15 payment to the Treasury of the United States in an
16 amount equal to the amount of the award or settle-
17 ment involved, increased by an interest rate equal to
18 the interest rate for a Federal Direct PLUS Loan
19 on the date on which the award or settlement was
20 paid in accordance with section 455(b)(8)(C) of the
21 Higher Education Act of 1965 (20 U.S.C.
22 1087e(b)(8)(C)).

1 **SEC. 3. PROHIBITING IMPOSITION OF NONDISCLOSURE**
2 **AGREEMENTS IN CASES INVOLVING SEXUAL**
3 **HARASSMENT OR SEXUAL ASSAULT.**

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

6 (1) by striking “Except as otherwise provided”
7 and inserting “(a) PROCEDURES AVAILABLE.—Ex-
8 cept as otherwise provided”; and

9 (2) by adding at the end the following new sub-
10 section:

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

18 (b) TREATMENT OF EXISTING AGREEMENTS.—Any
19 individual who received an award or settlement prior to
20 the date of the enactment of this Act in connection with
21 a violation of section 201(a)(1) of the Congressional Ac-
22 countability Act of 1995 which consisted of an act of sex-
23 ual harassment or sexual assault and who signed a non-
24 disclosure agreement as a condition of receiving the award
25 or settlement may, notwithstanding the terms of the

- 1 agreement, make public any information relating to the
- 2 award or settlement.