

115TH CONGRESS  
1ST SESSION

# H. R. 4540

To amend the Congressional Accountability Act of 1995 to require Members of Congress to reimburse the Treasury for amounts paid as awards and settlements under the Congressional Accountability Act of 1995 in connection with violations of such Act which were committed personally by the Members, to prohibit the imposition of nondisclosure agreements as a condition of the payment of an award or settlement in connection with a violation of such Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2017

Mr. MARINO introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Congressional Accountability Act of 1995 to require Members of Congress to reimburse the Treasury for amounts paid as awards and settlements under the Congressional Accountability Act of 1995 in connection with violations of such Act which were committed personally by the Members, to prohibit the imposition of nondisclosure agreements as a condition of the payment of an award or settlement in connection with a violation of such Act, 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,*

1 **SECTION 1. PERSONAL LIABILITY OF MEMBERS OF CON-**  
2 **GRESS TO REIMBURSE TREASURY FOR**  
3 **AMOUNTS PAID AS SETTLEMENTS AND**  
4 **AWARDS UNDER CONGRESSIONAL ACCOUNT-**  
5 **ABILITY ACT OF 1995.**

6 (a) MANDATING REIMBURSEMENT OF AMOUNTS  
7 PAID.—

8 (1) IN GENERAL.—Section 415 of the Congres-  
9 sional Accountability Act of 1995 (2 U.S.C. 1415)  
10 is amended by adding at the end the following new  
11 subsection:

12 “(d) PERSONAL LIABILITY OF MEMBERS OF CON-  
13 GRESS FOR PAYMENT OF SETTLEMENTS AND AWARDS.—  
14 If a payment is made from the account described in sub-  
15 section (a) for an award or settlement resulting from a  
16 violation of part A of title II consisting of an act com-  
17 mitted personally by a Member of the House of Represent-  
18 atives or a Senator, the Member or Senator shall reim-  
19 burse the account for the amount of the award or settle-  
20 ment.”.

21 (2) EFFECTIVE DATE.—The amendment made  
22 by paragraph (1) shall apply with respect to pay-  
23 ments made on or after the date of the enactment  
24 of this Act.

25 (b) REIMBURSEMENT OF AMOUNTS PAID PRE-  
26 VIOUSLY.—

1           (1) REQUIRING REIMBURSEMENT.—If, prior to  
2           the date of the enactment of this Act, a payment  
3           was made from the account described in section  
4           415(a) of the Congressional Accountability Act of  
5           1995 for an award or settlement resulting from a  
6           violation of part A of title II of such Act consisting  
7           of an act committed personally by an individual who,  
8           at the time of committing the act, was a Member of  
9           the House of Representatives or a Senator, the indi-  
10          vidual shall reimburse the account for the amount of  
11          the award or settlement, plus interest.

12          (2) DEADLINE.—An individual shall meet the  
13          requirements of paragraph (1) not later than 1 year  
14          after the date of the enactment of this Act.

15          (3) NOTIFICATIONS BY OFFICE OF COMPLI-  
16          ANCE.—Not later than 30 days after the date of the  
17          enactment of this Act, the Office of Compliance shall  
18          submit to each individual described in paragraph (1)  
19          a notice of the amount the individual is required to  
20          reimburse under such paragraph.

21 **SEC. 2. REPORTS ON AWARDS AND SETTLEMENTS PAID IN**  
22 **CONNECTION WITH VIOLATIONS OF CON-**  
23 **GRESSIONAL ACCOUNTABILITY ACT.**

24          (a) ANNUAL REPORT REQUIRED.—

1           (1) IN GENERAL.—Section 301 of the Congres-  
2           sional Accountability Act of 1995 (2 U.S.C. 1381)  
3           is amended by adding at the end the following new  
4           subsection:

5           “(1) ANNUAL REPORT ON AWARDS AND SETTLE-  
6           MENTS PAID IN CONNECTION WITH VIOLATIONS BY EM-  
7           PLOYING OFFICES OF HOUSE AND SENATE.—

8           “(1) REPORT.—Not later than 90 days after  
9           the end of each fiscal year, the Office shall submit  
10          to Congress and publish on the Office’s public  
11          website a report listing all awards and settlements  
12          paid during the year in connection with violations of  
13          part A of title II which consisted of an act com-  
14          mitted personally by a Member of the House of Rep-  
15          resentatives or a Senator, and shall include in the  
16          report the following information:

17                 “(A) A description of the violation in-  
18                 volved.

19                 “(B) The identification of the Member or  
20                 Senator involved.

21                 “(C) The amount of the award or settle-  
22                 ment.

23           “(2) PROTECTION OF IDENTITY OF INDIVID-  
24           UALS RECEIVING AWARDS AND SETTLEMENTS.—In  
25           preparing and submitting the reports required under

1 this subsection, the Office shall ensure that the iden-  
2 tity of any individual who received an award or set-  
3 tlement, or who made an allegation of a violation  
4 against an employing office, is not disclosed.”.

5 (2) EFFECTIVE DATE.—The amendment made  
6 by paragraph (1) shall apply with respect to fiscal  
7 year 2018 and each succeeding fiscal year.

8 (b) REPORT ON AWARDS AND SETTLEMENTS PRE-  
9 VIOUSLY PAID.—

10 (1) REPORT.—Not later than 90 days after the  
11 date of the enactment of this Act, the Office of Com-  
12 pliance shall submit to Congress and publish on the  
13 Office’s public website a report listing all awards  
14 and settlements paid under the Congressional Ac-  
15 countability Act of 1995 prior to fiscal year 2018 in  
16 connection with violations of part A of title II of  
17 such Act which were committed personally by Mem-  
18 bers of the House of Representatives or Senators,  
19 and shall include in the report the following informa-  
20 tion:

21 (A) A description of the violation.

22 (B) The identification of the Member or  
23 Senator.

24 (C) The amount of the award or settle-  
25 ment.

1           (2) PROTECTION OF IDENTITY OF INDIVIDUALS  
2 RECEIVING AWARDS AND SETTLEMENTS.—In pre-  
3 paring and submitting the report under this section,  
4 the Office shall ensure that the identity of any indi-  
5 vidual who received an award or settlement, or who  
6 made an allegation of a violation against an employ-  
7 ing office of the House of Representatives or Senate,  
8 is not disclosed.

9 **SEC. 3. PROHIBITING IMPOSITION OF NONDISCLOSURE**  
10 **AGREEMENTS AS CONDITION OF AWARD OR**  
11 **SETTLEMENT.**

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

14           (1) by striking “Except as otherwise provided”  
15 and inserting “(a) PROCEDURES AVAILABLE.—Ex-  
16 cept as otherwise provided”; and

17           (2) by adding at the end the following new sub-  
18 section:

19           “(b) PROHIBITING IMPOSITION OF NONDISCLOSURE  
20 AGREEMENTS.—A nondisclosure agreement may not be  
21 imposed on any party as a condition of the payment of  
22 any award or settlement in connection with a violation of  
23 part A of title II consisting of an act committed personally  
24 by a Member of the House of Representatives or a Sen-  
25 ator.”.

1           (b) PERMITTING INDIVIDUALS SUBJECT TO EXIST-  
2   ING NONDISCLOSURE AGREEMENTS TO MAKE INFORMA-  
3   TION PUBLIC.—Any individual who received an award or  
4   settlement prior to the date of the enactment of this Act  
5   in connection with a violation of part A of title II of the  
6   Congressional Accountability Act of 1995 consisting of an  
7   act committed personally by a Member of the House of  
8   Representatives or a Senator, and who signed a nondislo-  
9   sure agreement as a condition of receiving the award or  
10  settlement, may, notwithstanding the terms of the agree-  
11  ment, make public any information relating to the award  
12  or settlement.

13           (c) EFFECTIVE DATE.—The amendment made by  
14  paragraph (1) shall apply with respect to awards and set-  
15  tlements paid in connection with the Congressional Ac-  
16  countability Act of 1995 on or after the date of the enact-  
17  ment of this Act.

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