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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend title 5, United States Code, to provide that individuals having seriously delinquent tax debts shall be ineligible for Federal employment, 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 “Federal Employee Tax
5 Accountability Act of 2015”.

1 **SEC. 2. INELIGIBILITY OF NONCOMPLIANT TAXPAYERS FOR**
2 **FEDERAL EMPLOYMENT.**

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

6 “SUBCHAPTER VIII—INELIGIBILITY OF NON-
7 COMPLIANT TAXPAYERS FOR FEDERAL EM-
8 PLOYMENT

9 “§ 7381. Definitions

10 “For purposes of this subchapter—

11 “(1) The term ‘seriously delinquent tax debt’
12 means a Federal tax liability that has been assessed
13 by the Secretary of the Treasury under the Internal
14 Revenue Code of 1986 and may be collected by the
15 Secretary by levy or by a proceeding in court, except
16 that such term does not include—

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

20 “(B) a debt with respect to which a collec-
21 tion due process hearing under section 6330 of
22 such Code, or relief under subsection (a), (b),
23 or (f) of section 6015 of such Code, is re-
24 quested or pending;

25 “(C) a debt with respect to which a contin-
26 uous levy has been issued under section 6331 of

1 such Code (or, in the case of an applicant for
2 employment, a debt with respect to which the
3 applicant agrees to be subject to such a levy);
4 and

5 “(D) a debt with respect to which such a
6 levy is released under section 6343(a)(1)(D) of
7 such Code;

8 “(2) the term ‘employee’ means an employee in
9 or under an agency, including an individual de-
10 scribed in sections 2104(b) and 2105(e); and

11 “(3) the term ‘agency’ means—

12 “(A) an Executive agency;

13 “(B) the United States Postal Service;

14 “(C) the Postal Regulatory Commission;

15 and

16 “(D) an employing authority in the legisla-
17 tive branch.

18 **“§ 7382. Ineligibility for employment**

19 “(a) IN GENERAL.—Subject to subsection (c), any in-
20 dividual who has a seriously delinquent tax debt shall be
21 ineligible to be appointed or to continue serving as an em-
22 ployee.

23 “(b) DISCLOSURE REQUIREMENT.—The head of each
24 agency shall take appropriate measures to ensure that
25 each individual applying for employment with such agency

1 shall be required to submit (as part of the application for
2 employment) certification that such individual does not
3 have any seriously delinquent tax debt.

4 “(c) REGULATIONS.—The Office of Personnel Man-
5 agement, in consultation with the Internal Revenue Serv-
6 ice, shall, for purposes of carrying out this section with
7 respect to the executive branch, promulgate any regula-
8 tions which the Office considers necessary, except that
9 such regulations shall provide for the following:

10 “(1) All applicable due process rights, afforded
11 by chapter 75 and any other provision of law, shall
12 apply with respect to a determination under this sec-
13 tion that an applicant is ineligible to be appointed
14 or that an employee is ineligible to continue serving.

15 “(2) Before any such determination is given ef-
16 fect with respect to an individual, the individual
17 shall be afforded 180 days to demonstrate that such
18 individual’s debt is one described in subparagraph
19 (A), (B), (C), or (D) of section 7381(a)(1).

20 “(3) An employee may continue to serve, in a
21 situation involving financial hardship, if the contin-
22 ued service of such employee is in the best interests
23 of the United States, as determined on a case-by-
24 case basis.

1 “(d) REPORTS TO CONGRESS.—The Director of the
2 Office of Personnel Management shall report annually to
3 Congress on the number of exemptions requested and the
4 number of exemptions granted under subsection (c)(3).

5 **“§ 7383. Review of public records**

6 “(a) IN GENERAL.—Each agency shall provide for
7 such reviews of public records as the head of such agency
8 considers appropriate to determine if a notice of lien has
9 been filed pursuant to section 6323 of the Internal Rev-
10 enue Code of 1986 with respect to an employee of or an
11 applicant for employment with such agency.

12 “(b) ADDITIONAL REQUESTS.—If a notice of lien is
13 discovered under subsection (a) with respect to an em-
14 ployee or applicant for employment, the agency may—

15 “(1) request that the employee or applicant exe-
16 cute and submit a form authorizing the Secretary of
17 the Treasury to disclose to the head of the agency
18 information limited to describing whether—

19 “(A) the employee or applicant has a seri-
20 ously delinquent tax debt; or

21 “(B) there is a final administrative or judi-
22 cial determination that such employee or appli-
23 cant committed any act described under section
24 7385(b); and

1 “(2) request that the Secretary of the Treasury
2 disclose any information so authorized to be dis-
3 closed.

4 “(c) AUTHORIZATION FORM.—The Secretary of the
5 Treasury shall make available to all agencies a standard
6 form for the authorization described in subsection (b)(1).

7 “(d) NEGATIVE CONSIDERATION.—The head of an
8 agency, in considering an individual’s application for em-
9 ployment or in making an employee appraisal or evalua-
10 tion, shall give negative consideration to a refusal or fail-
11 ure to comply with a request under subsection (b)(1).

12 **“§ 7384. Confidentiality**

13 “Neither the head nor any other employee of an agen-
14 cy may—

15 “(1) use any information furnished under the
16 provisions of this subchapter for any purpose other
17 than the administration of this subchapter;

18 “(2) make any publication whereby the infor-
19 mation furnished by or with respect to any par-
20 ticular individual under this subchapter can be iden-
21 tified; or

22 “(3) permit anyone who is not an employee of
23 such agency to examine or otherwise have access to
24 any such information.

1 **“§ 7385. Adverse actions for employees who under-**
2 **state taxes or fail to file**

3 “(a) IN GENERAL.—

4 “(1) IN GENERAL.—Subject to subsection (c)
5 and paragraph (2) of this subsection, the head of an
6 agency may take any personnel action against an
7 employee of such agency if there is a final adminis-
8 trative or judicial determination that such employee
9 committed any act described under subsection (b).

10 “(2) PERSONNEL ACTIONS.—In paragraph (1),
11 the term ‘personnel action’ includes separation but
12 does not include administrative leave or any other
13 type of paid leave without duty or charge to leave.

14 “(b) ACTS.—The acts referred to under subsection
15 (a)(1) are—

16 “(1) willful failure to file any return of tax re-
17 quired under the Internal Revenue Code of 1986,
18 unless such failure is due to reasonable cause and
19 not to willful neglect; or

20 “(2) willful understatement of Federal tax li-
21 ability, unless such understatement is due to reason-
22 able cause and not to willful neglect.

23 “(c) PROCEDURE.—Under regulations prescribed by
24 the Office of Personnel Management, an employee subject
25 to a personnel action under this section shall be entitled

1 to the procedures provided under sections 7513 or 7543,
2 as applicable.”.

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

“SUBCHAPTER VIII—INELIGIBILITY OF NONCOMPLIANT
TAXPAYERS FOR FEDERAL EMPLOYMENT

“7381. Definitions.

“7382. Ineligibility for employment.

“7383. Review of public records.

“7384. Confidentiality.

“7385. Adverse actions for employees who fail to file or underreport taxes.”.

6 **SEC. 3. EFFECTIVE DATE.**

7 This Act and the amendments made by this Act shall
8 take effect 9 months after the date of enactment of this
9 Act.