

# COMMITTEE ON HOUSE ADMINISTRATION

116<sup>th</sup> CONGRESS

## A RESOLUTION

COMMITTEE RESOLUTION 116-11

*Be it resolved*, that the Committee on House Administration, pursuant to the Congressional Accountability Act of 1995 Reform Act, Pub. L. 115-397, hereby issues the following regulations establishing a timetable and procedures for withholding amounts from the compensation of an individual who is a Member of the House of Representatives for reimbursing the amount of certain settlements and awards made under the Congressional Accountability Act of 1995, as amended (hereinafter “CAA”) and establishing the content, format, and other requirements for an annual public report that the Office of Congressional Workplace Rights is required to make to Congress and the public about payments under the CAA.

### **Sec. 1. Notice of Certain Settlements and Awards and Reimbursement**

- a) If a payment is made from the account described in 2 U.S.C. § 1415(a) (hereinafter “the account”) for a settlement or award in connection with a claim alleging a violation described in 2 U.S.C. § 1415(d)(1)(C) committed personally by an individual who, at the time of committing the violation, was a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) (hereinafter “Member”), the Office of Congressional Workplace Rights (hereinafter “OCWR”) shall within two business days concurrently notify in writing the Member, the Chief Administrative Officer (hereinafter “CAO”), and the Committee on House Administration (hereinafter “Committee”) of the payment.
  - 1) In the case of a payment made as described in subparagraph (a) from the account for an award in connection with a claim alleging a violation described in 2 U.S.C. § 1415(d)(1)(C) committed personally by an individual who, at the time of committing the violation, was a Member, these regulations shall apply if the hearing officer or court makes a separate finding that the violation was committed personally by a Member, as described in described in 2 U.S.C. § 1415(d)(1)(B).

- 2) In the case of a payment made as described in subparagraph (a) from the account for an award in connection with a claim alleging a violation(s) described in 2 U.S.C. § 1415(d)(1)(C) committed personally by an individual who, at the time of committing the violation(s), was a Member, in connection with a claim alleging multiple claims, some of which do not require reimbursement, the notice from OCWR shall include a description of the portion of the award or settlement attributable to a claim(s) requiring reimbursement, as described in described in 2 U.S.C. § 1415(d)(1)(D).
- b) If a Member makes a reimbursement for the entire reimbursable portion of a settlement or award as required by 2 U.S.C. § 1415(d), OCWR shall within two business days of the payment that completed the full amount of the reimbursement, concurrently notify in writing the Member, CAO, and the Committee that the reimbursement is complete and that no withholding of compensation is required.
  - c) If a Member who is required to make a reimbursement for the reimbursable portion of a settlement or award under 2 U.S.C. § 1415(d) has not fully reimbursed the amount required prior to the expiration of the 60-day period which begins on the date a payment is made from the account described in 2 U.S.C. § 1415(a), OCWR shall within two business days concurrently notify in writing the Member, CAO, and the Committee that the reimbursement is not complete and the dollar amount that remains unpaid.
  - d) If a Member who is required to make a reimbursement for the reimbursable portion of a settlement or award under 2 U.S.C. § 1415(d) has not fully reimbursed the amount required prior to the expiration of the 90-day period which begins on the date a payment is made from the account described in 2 U.S.C. § 1415(a), OCWR shall within two business days concurrently notify in writing the Member, CAO, and the Committee that the reimbursement is not complete and the dollar amount that remains unpaid.
  - e) Any notice to be made to the Committee under the CAA or these regulations shall be in writing and addressed to the Chairperson and Ranking Member of the Committee.
  - f) Any notice to be made to the CAO under these regulations shall be in writing and addressed to the Chief Administrative Officer.

## **Sec. 2. Withholding Amounts from Compensation**

- a) In the event that a Member has not made the complete reimbursement required by 2 U.S.C. 1415(d) prior to the expiration of the 90-day period which begins on the date a payment is made from the account for a settlement or award, the CAO shall withhold from the Member's

compensation such amounts as may be necessary to reimburse the account for the remaining unpaid reimbursable portion of the settlement or award, beginning in the pay period after the expiration of the 90-day period.

- b) In withholding any amounts under the CAA and these regulations, the CAO is authorized and directed to withhold up to 15% of a Member's monthly net pay that is available after required deductions under title 5, United States Code; payment of federal, state, and/or local taxes; Thrift Savings Plan contributions under section 8432(f) of title 5, United States Code; and any court-ordered collections, such as for child support and alimony; and not to exceed the remaining reimbursable portion due under the CAA.
  - 1) For purposes of these regulations, any required deductions under title 5, United States Code, include amounts deducted for defined benefit retirement plans (CSRS/FERS), basic health insurance premiums, and basic life insurance premiums, but does not include amounts deducted for optional benefits, including but not limited to healthcare flexible spending accounts, dental, vision, health savings accounts, optional life insurance premiums, long-term care insurance premiums, or dependent-care flexible spending accounts.
- c) The CAO shall notify the Member of any amount to be withheld under these regulations in advance, consistent with the current CAO practice for court-ordered garnishments.
- d) The CAO shall notify OCWR each month of any amounts withheld from Member compensation and submitted to the account under the CAA.
- e) A Member who is subject to withholding under the CAA and these regulations may elect to have more of their wages deducted and paid to the account in furtherance of their remaining reimbursable portion of a settlement or award than is required by these regulations. Such election must be made in writing to the CAO and by such time as the CAO may require to take effect in a particular pay period.
- f) If a Member required to make a reimbursement for a settlement or award under 2 U.S.C. § 1415(d) and subject to withholding under the CAA and these regulations has not fully reimbursed the amount required prior to the expiration of the expiration of the 180-day period that begins on the date a payment is made from the account for a settlement or award in connection with a claim alleging a violation described in 2 U.S.C. § 1415(d)(1)(C) committed personally by an individual who, at the time of committing the violation, was a Member, the CAO shall notify the Committee in writing that (1) the CAO has begun withholding compensation from the Member pursuant to the CAA and these regulations, (2) the Member has not reimbursed the account for the entire reimbursable portion as required by the CAA and these

regulations, and (3) withholding shall continue on a monthly basis in addition to any other measures required by the CAA.

- g) If a Member satisfies the reimbursement (either through withholding of compensation or other means of re-payment) for the entire amount of a settlement or award as required by 2 U.S.C. § 1415(d), OCWR shall within two business days of the payment that completed the full amount of the reimbursement, concurrently notify in writing the Member, CAO, and Committee that the reimbursement is complete and that no further withholding of compensation is required.
- h) OCWR shall notify the Committee in writing within two business days of the expiration of the 180-day period, that OCWR intends to take steps pursuant to 2 U.S.C. § 1415(d)(3) to satisfy any remaining reimbursable portion owed by the Member.
- i) In the event that a Member who is required to make a reimbursement for a settlement or award under 2 U.S.C. § 1415(d) and subject to withholding under the CAA and these regulations departs the House before the Member has fully reimbursed the amount required, the CAO shall notify the Committee and OCWR in writing and all such options available under the CAA for ensuring reimbursement shall continue to apply.
- j) The CAO shall adopt a new deduction code for any withholdings under the provisions of the CAA and these regulations.
- k) The CAO shall adopt a policy and procedures to implement the requirements of the CAA and these regulations.
- l) The CAO shall coordinate with the Department of the Treasury and OCWR to ensure that timely notifications are made to the CAO, OCWR, and/or the Committee with respect to payments from or reimbursements to the account to ensure compliance with the CAA and these regulations.

### **Sec. 3. Annual reports on awards and settlements**

- a) With respect to the annual report OCWR is required to prepare and submit to Congress and publish on its public website regarding payments from the account, for any covered payment made for claims involving an employing office of the House of Representatives described in 2 U.S.C. 1301(a)(9)(A)-(C), such report shall include:
  - 1) All information required by 2 U.S.C. § 1381(l)(1)(B); and
  - 2) For any covered payment for which there is a finding requiring reimbursement under 2 U.S.C. § 1415(d)(1) from a Member of the House of Representatives:

A) A clear statement as to whether the Member has reimbursed the entirety of the reimbursable portion of such covered payment; and

B) If the Member has not reimbursed the entirety of the reimbursable portion of such covered payment, the amount of the reimbursable portion which has not yet been reimbursed.

Adopted June 18, 2019