

112TH CONGRESS
2^D SESSION

H. R. 828

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2012

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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

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. SHORT TITLE.**

2 This Act may be cited as the “Federal Employee Tax
3 Accountability Act of 2012”.

4 **SEC. 2. INELIGIBILITY OF PERSONS HAVING SERIOUSLY**
5 **DELINQUENT TAX DEBTS FOR FEDERAL EM-**
6 **PLOYMENT.**

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

10 “SUBCHAPTER VIII—INELIGIBILITY OF PER-
11 SONS HAVING SERIOUSLY DELINQUENT
12 TAX DEBTS FOR FEDERAL EMPLOYMENT

13 **“§ 7381. Definitions**

14 “For purposes of this subchapter—

15 “(1) the term ‘seriously delinquent tax debt’
16 means an outstanding debt under the Internal Rev-
17 enue Code of 1986 for which a notice of lien has
18 been filed in public records pursuant to section 6323
19 of such Code, except that such term does not in-
20 clude—

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

24 “(B) a debt with respect to which a collec-
25 tion due process hearing under section 6330 of
26 such Code, or relief under subsection (a), (b),

1 or (f) of section 6015 of such Code, is re-
2 quested or pending;

3 “(C) a debt with respect to which a levy
4 has been issued under section 6331 of such
5 Code (or, in the case of an applicant for em-
6 ployment, a debt with respect to which the ap-
7 plicant agrees to be subject to a levy issued
8 under such section); and

9 “(D) a debt with respect to which relief
10 under section 6343(a)(1)(D) of such Code is
11 granted;

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

15 “(3) the term ‘agency’ means—

16 “(A) an Executive agency;

17 “(B) the United States Postal Service;

18 “(C) the Postal Regulatory Commission;

19 and

20 “(D) an employing authority in the legisla-
21 tive branch.

22 **“§ 7382. Ineligibility for employment**

23 “(a) IN GENERAL.—Subject to subsection (c), any
24 person who has a seriously delinquent tax debt shall be

1 ineligible to be appointed or to continue serving as an em-
2 ployee.

3 “(b) DISCLOSURE REQUIREMENT.—The head of each
4 agency shall take appropriate measures to ensure that
5 each person applying for employment with such agency
6 shall be required to submit (as part of the application for
7 employment) certification that such person does not have
8 any seriously delinquent tax debt.

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

15 “(1) All due process rights, afforded by chapter
16 75 and any other provision of law, shall apply with
17 respect to a determination under this section that an
18 applicant is ineligible to be appointed or that an em-
19 ployee is ineligible to continue serving.

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

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

6 “(d) REPORTS TO CONGRESS.—The Director of the
7 Office of Personnel Management shall report annually to
8 Congress on the number of exemptions made pursuant to
9 subsection (c)(3).

10 **“§ 7383. Review of public records**

11 “(a) IN GENERAL.—Each agency shall provide for
12 such reviews of public records as the head of such agency
13 considers appropriate to determine if a notice of lien (as
14 described in section 7381(1)) has been filed with respect
15 to an employee of or an applicant for employment with
16 such agency.

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

20 “(1) request that the employee or applicant exe-
21 cute and submit a form authorizing the Secretary of
22 the Treasury to disclose to the head of the agency
23 information limited to describing whether the em-
24 ployee or applicant has a seriously delinquent tax
25 debt; and

1 “(2) contact the Secretary of the Treasury to
2 request tax information limited to describing wheth-
3 er the employee or applicant has a seriously delin-
4 quent tax debt.

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

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

13 **“§ 7384. Confidentiality**

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

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

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

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

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

“SUBCHAPTER VIII—INELIGIBILITY OF PERSONS HAVING SERI-
OUSLY DELINQUENT TAX DEBTS FOR FEDERAL EMPLOYMENT

“7381. Definitions.

“7382. Ineligibility for employment.

“7383. Review of public records.

“7384. Confidentiality.”.

4 **SEC. 3. EFFECTIVE DATE.**

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

Passed the House of Representatives July 31, 2012.

Attest:

KAREN L. HAAS,

Clerk.