

118TH CONGRESS
1ST SESSION

S. 3480

To address Federal employees and contractors who commit sexual misconduct.

IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 2023

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To address Federal employees and contractors who commit sexual misconduct.

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 “Compulsory Require-
5 ment to Eliminate Employees who are Perpetrators of
6 Sexual misconduct Act of 2023” or the “CREEPS Act”.

7 **SEC. 2. SEXUAL MISCONDUCT BY FEDERAL EMPLOYEES**
8 **AND CONTRACTORS.**

9 (a) DEFINITIONS.—In this section—

10 (1) the term “becomes final” means—

11 (A) that—

1 (i) there is a final agency action; and

2 (ii)(I) the time for seeking judicial re-

3 view of the final agency action has lapsed

4 and judicial review has not been sought; or

5 (II) judicial review of the final agency

6 action was sought and final judgment has

7 been entered upholding the agency action;

8 or

9 (B) that final judgment has been entered

10 in a civil action;

11 (2) the term “bonus”—

12 (A) means any bonus or cash award; and

13 (B) with respect to a Federal employee, in-

14 cludes—

15 (i) an award under chapter 45 of title

16 5, United States Code;

17 (ii) an award under section 5384 of

18 title 5, United States Code; and

19 (iii) a retention bonus under section

20 5754 of title 5, United States Code;

21 (3) the term “civil service” has the meaning

22 given that term in section 2101 of title 5, United

23 States Code;

1 (4) the term “contractor” includes a subcon-
2 tractor, at any tier, of an individual or entity enter-
3 ing into a contract with the Federal Government;

4 (5) the term “Federal employee” has the mean-
5 ing given the term “employee” in section 2105 of
6 title 5, United States Code, without regard to
7 whether the employee is exempted from the applica-
8 tion of some or all of such title 5;

9 (6) the term “sexual assault offense” means a
10 criminal offense under Federal law or the law of a
11 State that includes as an element of the offense that
12 the defendant engaged in a nonconsensual sexual act
13 upon another person;

14 (7) the term “sustained complaint involving
15 sexual assault” means an administrative or judicial
16 determination that an employer engaged in an un-
17 lawful employment practice under title VII of the
18 Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
19 which included, as part of the course of conduct con-
20 stituting the unlawful employment practice, that an
21 employee of the employer engaged in a nonconsen-
22 sual sexual act upon another person; and

23 (8) the term “sustained complaint involving
24 sexual misconduct”, with respect to an employee,
25 means an administrative or judicial determination

1 that the employee engaged in conduct that involved
2 unwelcome sexual advances, requests for sexual fa-
3 vors, and deliberate or repeated offensive comments
4 or gestures of a sexual nature, if—

5 (A)(i) submission to the conduct by a per-
6 son was explicitly a term or condition of the
7 person’s job, pay, or career advancement pros-
8 pects;

9 (ii) submission to or rejection of the con-
10 duct by a person was represented to have an
11 impact on the person’s job, pay, or career ad-
12 vancement prospects; or

13 (iii) the conduct had the purpose or effect
14 of creating an intimidating, hostile, or offensive
15 working environment; and

16 (B) the conduct was so severe or pervasive
17 that a reasonable person would perceive the
18 conduct as hostile, offensive, and of a sexual
19 nature.

20 (b) FEDERAL EMPLOYEES.—

21 (1) CRIMINAL CONVICTIONS.—The head of the
22 agency, office, or other entity employing a Federal
23 employee who is convicted of a sexual assault offense
24 committed while a Federal employee shall, after no-

1 tice and an opportunity for a hearing, remove the
2 Federal employee from the civil service.

3 (2) UNLAWFUL EMPLOYMENT PRACTICES.—

4 (A) SEXUAL ASSAULT.—During the 5-year
5 period beginning on the date on which a sus-
6 tained complaint involving sexual assault with
7 respect to an agency, office, or other entity em-
8 ploying Federal employees becomes final, the
9 head of the agency, office, or other entity may
10 not increase the rate of basic pay (including
11 any increase in grade and any within-grade step
12 increase) of a Federal employee who engaged in
13 a nonconsensual sexual act upon another person
14 that was part of the course of conduct consti-
15 tuting the applicable unlawful employment
16 practice, award such a Federal employee a
17 bonus, or promote such a Federal employee.

18 (B) SEXUAL MISCONDUCT.—During the 5-
19 year period beginning on the date on which a
20 sustained complaint involving sexual misconduct
21 with respect to a Federal employee becomes
22 final, the head of the agency, office, or other
23 entity employing the Federal employee may not
24 increase the rate of basic pay (including any in-
25 crease in grade and any within-grade step in-

1 crease) of the Federal employee, award the
2 Federal employee a bonus, or promote the Fed-
3 eral employee.

4 (3) INTERACTION WITH OTHER LAWS.—The au-
5 thority under this subsection is in addition to any
6 authority provided to the head of an agency, office,
7 or other entity employing Federal employees.

8 (c) CONTRACTORS.—Any contract to procure prop-
9 erty or services entered into or modified by the Federal
10 Government on or after the date of enactment of this Act
11 shall require that the contractor have in effect policies that
12 provide that—

13 (1) the contractor shall, after notice and an op-
14 portunity for a hearing, terminate an employee of
15 the contractor who is convicted of a sexual assault
16 offense committed while an employee of the con-
17 tractor; and

18 (2) during the 5-year period beginning on the
19 date on which—

20 (A) a sustained complaint involving sexual
21 assault with respect to the contractor becomes
22 final, the contractor may not increase the rate
23 of basic pay of an employee of the contractor
24 who engaged in a nonconsensual sexual act
25 upon another person that was part of the

1 course of conduct constituting the applicable
2 unlawful employment practice, award such an
3 employee a bonus, or promote such an em-
4 ployee; or

5 (B) a sustained complaint involving sexual
6 misconduct with respect to an employee of the
7 contractor becomes final, the contractor may
8 not increase the rate of basic pay of the em-
9 ployee, award the employee a bonus, or promote
10 the employee.

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