

116TH CONGRESS  
1ST SESSION

# S. 2647

To address Federal employees and contractors who commit sexual assault.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2019

Ms. ERNST (for herself and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To address Federal employees and contractors who commit sexual assault.

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 assault Act of 2019” or the “CREEPS Act”.

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

9 (a) DEFINITIONS.—In this section—

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

1 (A) that—

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

3 (ii)(I) the time for seeking judicial re-  
4 view of the final agency action has lapsed  
5 and judicial review has not been sought; or

6 (II) judicial review of the final agency  
7 action was sought and final judgment has  
8 been entered upholding the agency action;

9 or

10 (B) that final judgment has been entered  
11 in a civil action;

12 (2) the term “bonus”—

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

14 (B) with respect to a Federal employee, in-  
15 cludes—

16 (i) an award under chapter 45 of title  
17 5, United States Code;

18 (ii) an award under section 5384 of  
19 title 5, United States Code; and

20 (iii) a retention bonus under section  
21 5754 of title 5, United States Code;

22 (3) the term “civil service” has the meaning  
23 given that term in section 2101 of title 5, United  
24 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; and

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.

23          (b) FEDERAL EMPLOYEES.—

24                 (1) CRIMINAL CONVICTIONS.—The head of the  
25          agency, office, or other entity employing a Federal

1 employee who is convicted of a sexual assault offense  
2 committed while a Federal employee shall, after no-  
3 tice and an opportunity for a hearing, remove the  
4 Federal employee from the civil service.

5 (2) UNLAWFUL EMPLOYMENT PRACTICES.—

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

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

22 (c) CONTRACTORS.—Any contract to procure prop-  
23 erty or services entered into or modified by the Federal  
24 Government on or after the date of enactment of this Act

1 shall require that the contractor have in effect policies that  
2 require that—

3           (1) the contractor shall, after notice and an op-  
4           portunity for a hearing, terminate an employee of  
5           the contractor who is convicted of a sexual assault  
6           offense committed while an employee of the con-  
7           tractor; and

8           (2) during the 5-year period beginning on the  
9           date on which a sustained complaint involving sexual  
10          assault with respect to the contractor becomes final,  
11          the contractor may not increase the rate of basic pay  
12          of an employee of the contractor who engaged in a  
13          nonconsensual sexual act upon another person that  
14          was part of the course of conduct constituting the  
15          applicable unlawful employment practice, award such  
16          an employee a bonus, or promote such an employee.

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