

119TH CONGRESS
2D SESSION

S. _____

To amend the Revised Statutes to provide that a person who refuses to answer certain questions or is finally convicted of perjury before either House of Congress shall be debarred from Federal employment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARSHALL introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Revised Statutes to provide that a person who refuses to answer certain questions or is finally convicted of perjury before either House of Congress shall be debarred from 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 “Safeguarding Trans-
5 parency and Oversight to Prevent the Spread of Washing-
6 ton’s Administrative Misconduct and Partisanship Act” or
7 the “STOP the SWAMP Act”.

1 **SEC. 2. CONGRESSIONAL AND COMMITTEE PROCEDURES;**
2 **INVESTIGATIONS.**

3 (a) DEBARMENT OF CERTAIN WITNESSES FROM
4 FEDERAL EMPLOYMENT.—Section 102 of the Revised
5 Statutes of the United States (2 U.S.C. 192) is amend-
6 ed—

7 (1) by striking “Every” at the beginning and
8 inserting the following:

9 “(a) Every”;

10 (2) by striking “, or who, having appeared, re-
11 fuses to answer any question pertinent to the ques-
12 tion under inquiry,”; and

13 (3) by adding at the end the following:

14 “(b) Every person who having been summoned as a
15 witness pursuant to subsection (a), having appeared, re-
16 fuses to answer any question pertinent to the question
17 under inquiry, shall, in addition to any other penalties pro-
18 vided by law, be—

19 “(1) deemed guilty of a misdemeanor, punish-
20 able by a fine of not more than \$1,000 nor less than
21 \$100 and imprisonment in a common jail for not
22 less than one month nor more than twelve months;
23 and

24 “(2) debarred from Federal employment.

25 “(c)(1) In this subsection, the term ‘finally convicted’
26 means a conviction that—

1 “(A) has not been appealed and is no longer ap-
2 pealable because the time for taking an appeal has
3 expired; or

4 “(B) has been appealed and the appeals process
5 for which is completed.

6 “(2) Every person who having been summoned as a
7 witness pursuant to subsection (a), having appeared, is fi-
8 nally convicted of perjury under section 1621 of title 18,
9 United States Code, or an offense under section 1001 of
10 that title, shall, in addition to any other penalties provided
11 by law, be debarred from Federal employment.

12 “(d) A person who is found in violation of subsection
13 (b) or (c) who is a Federal employee shall, in addition
14 to any other penalties provided by law, be removed from
15 the civil service, as such term is defined in section 2101
16 of title 5, United States Code.

17 “(e) Any debarment from Federal employment pursu-
18 ant to this section shall be subject to judicial review.”.

19 (b) PROCEDURES FOR RESCINDING SALARY
20 FUNDS.—Section 104 of the Revised Statutes (2 U.S.C.
21 194) is amended—

22 (1) by striking “Whenever” at the beginning
23 and inserting the following:

24 “(a) Whenever”;

1 (2) by striking “filed with the President of the
2 Senate or the Speaker of the House, it shall be the
3 duty of the said President of the Senate or Speaker
4 of the House, as the case may be,” and inserting
5 “filed with an appropriate Member of Congress, it
6 shall be the duty of the said appropriate Member of
7 Congress,”; and

8 (3) by adding at the end the following:

9 “(b) Not later than 180 days after the date of certifi-
10 cation of a statement of facts to a United States attorney
11 pursuant to subsection (a), any Member of either House
12 may introduce a joint resolution to rescind funds appro-
13 priated or otherwise made available for the salary and ex-
14 penses of a witness who is a Federal employee from the
15 employing entity of the witness for the fiscal year. Such
16 joint resolution shall be privileged, subject to judicial re-
17 view, and further subject to the following procedures:

18 “(1) A joint resolution shall be referred to the
19 Committee on Appropriations of the House of Rep-
20 resentatives or the Committee on Appropriations of
21 the Senate, as the case may be, and one such joint
22 resolution shall be reported out by such committee
23 together with its recommendations within 15 cal-
24 endar days, unless such House shall otherwise deter-
25 mine by the yeas and nays.

1 “(2) A joint resolution so reported shall become
2 the pending business of the House in question (in
3 the case of the Senate the time for debate shall be
4 equally divided between the proponents and the op-
5 ponents) and shall be voted on within 20 calendar
6 days thereafter, unless such House shall otherwise
7 determine by yeas and nays.

8 “(3) A joint resolution passed by 1 House shall
9 be referred to the committee of the other House
10 named in subsection (a) and shall be reported out by
11 such committee together with its recommendations
12 within 15 calendar days and shall thereupon become
13 the pending business of such House and shall be
14 voted upon within 3 calendar days, unless such
15 House shall otherwise determine by yeas and nays.

16 “(4) In the case of any disagreement between
17 the 2 Houses of Congress with respect to a joint res-
18 olution passed by both Houses, conferees shall be
19 promptly appointed and the committee of conference
20 shall make and file a report with respect to such
21 joint resolution within 6 calendar days after the leg-
22 islation is referred to the committee of conference.
23 Notwithstanding any rule in either House con-
24 cerning the printing of conference reports in the
25 Congressional Record or concerning any delay in the

1 consideration of such reports, such report shall be
2 acted on by both Houses not later than 6 calendar
3 days after the conference report is filed. In the event
4 the conferees are unable to agree within 15 days, the
5 conferees shall report back to their respective
6 Houses in disagreement.

7 “(c) In this section, the term ‘appropriate Member
8 of Congress’ means—

9 “(1) the President of the Senate;

10 “(2) the Speaker of the House;

11 “(3) the chair or ranking member of the com-
12 mittee of the House of Congress in which the wit-
13 ness appeared pursuant to section 102; or

14 “(4) the chair or ranking member of the Com-
15 mittee on Oversight and Government Reform of the
16 House of Representatives.”.