

117TH CONGRESS
1ST SESSION

S. 191

To require the removal of Federal employees who engage in certain actions.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2021

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

A BILL

To require the removal of Federal employees who engage in certain actions.

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 “Federal Actors Lying
5 Should be Eliminated Act” or the “FALSE Act”.

6 **SEC. 2. REMOVAL OF CERTAIN FEDERAL EMPLOYEES.**

7 (a) DEFINITIONS.—In this section:

8 (1) BECOMES FINAL.—The term “becomes
9 final” means, with respect to a sustained com-
10 plaint—

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 or criminal action.

11 (2) CIVIL SERVICE.—The term “civil service”
12 has the meaning given the term in section 2101 of
13 title 5, United States Code.

14 (3) COVERED EMPLOYEE.—The term “covered
15 employee” means an employee with respect to whom
16 there is a sustained complaint that becomes final.

17 (4) EMPLOYEE.—The term “employee” means
18 an individual occupying a position in the civil serv-
19 ice.

20 (5) SUSTAINED COMPLAINT.—The term “sus-
21 tained complaint” means an administrative or judi-
22 cial determination that an employee engaged in any
23 of the following actions:

24 (A) The employee violated section 1001 of
25 title 18, United States Code.

1 (B) The employee knowingly and will-
2 fully—

3 (i) violated section 1301(a) of title 31,
4 United States Code; or

5 (ii) caused such section 1301(a) to be
6 violated.

7 (C) The employee knowingly and willfully
8 entered inaccurate data into the website estab-
9 lished under section 2(b) of the Federal Fund-
10 ing Accountability and Transparency Act of
11 2006 (31 U.S.C. 6101 note).

12 (b) REMOVAL REQUIRED.—Notwithstanding any
13 other provision of law, the head of an agency, office, or
14 other entity employing a covered employee shall, after no-
15 tice and an opportunity for a hearing, remove the covered
16 employee.

○