

115TH CONGRESS  
1ST SESSION

# S. 57

To require the Secretary of Veterans Affairs to revoke bonuses paid to employees involved in electronic wait list manipulations, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 5, 2017

Mr. CASSIDY (for himself, Mr. CRAPO, Mr. GRASSLEY, Mr. DAINES, Mr. FLAKE, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To require the Secretary of Veterans Affairs to revoke bonuses paid to employees involved in electronic wait list manipulations, 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. PROHIBITION ON AWARD OF BONUSES TO EM-**  
4 **PLOYEES SUBJECT OF ADVERSE FINDINGS.**

5 (a) IN GENERAL.—Chapter 7 of title 38, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

1 **“§ 717. Prohibition on award of bonuses to employees**  
2 **subject of adverse findings**

3 “(a) PROHIBITION.—(1) Notwithstanding any other  
4 provision of law, in a case in which the Secretary makes  
5 an adverse finding relating to an employee of the Depart-  
6 ment, the Secretary may not award a bonus to such em-  
7 ployee until the earlier of—

8 “(A) the date that is five years after the end of  
9 the fiscal year in which the adverse finding was  
10 made; or

11 “(B) the date that the finding is found to have  
12 been made in error.

13 “(2) The Secretary may base an adverse finding  
14 under paragraph (1) on an investigation by, determination  
15 of, or information provided by the Inspector General of  
16 the Department or another senior ethics official of the De-  
17 partment or the Comptroller General of the United States  
18 in connection with the carrying out by such official of an  
19 activity, authority, or function under a provision of law  
20 other than this section.

21 “(b) PREVIOUSLY AWARDED BONUSES.—If the Sec-  
22 retary makes an adverse finding relating to an employee  
23 under subsection (a), the Secretary, after notice and an  
24 opportunity for a hearing, shall issue an order directing  
25 the employee to repay the amount of any bonus awarded  
26 to the employee during the year during which the adverse

1 finding is made, unless such finding is found to have been  
2 made in error.

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘adverse finding’ relating to an  
5 employee means a determination that the conduct of  
6 the employee—

7 “(A) violated a policy of the Department  
8 for which the employee may be removed or sus-  
9 pended; or

10 “(B) violated a law for which the employee  
11 may be imprisoned for more than 1 year.

12 “(2) The term ‘bonus’ means any bonus or cash  
13 award, including—

14 “(A) an award under chapter 45 of title 5;

15 “(B) an award under section 5384 of such  
16 title; and

17 “(C) a retention bonus under section 5754  
18 of such title.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of such chapter is amended by adding  
21 at the end the following new item:

“717. Prohibition on award of bonuses to employees subject of adverse find-  
ings.”.

1 **SEC. 2. RETENTION OF RECORDS OF REPRIMANDS AND AD-**  
2 **MONISHMENTS RECEIVED BY EMPLOYEES OF**  
3 **THE DEPARTMENT OF VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Chapter 7 of title 38, United  
5 States Code, as amended by section 1, is further amended  
6 by adding at the end the following new section:

7 **“§ 719. Record of reprimands and admonishments**

8 “If any employee of the Department receives a rep-  
9 rimand or admonishment, the Secretary shall retain a  
10 copy of such reprimand or admonishment in the perma-  
11 nent record of the employee as long as the employee is  
12 employed by the Department.”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
14 at the beginning of such chapter, as amended by section  
15 1, is further amended by adding at the end the following  
16 new item:

“719. Record of reprimands and admonishments.”.

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