## 110TH CONGRESS 1ST SESSION

# H. R. 4229

To amend title 38, United States Code, to establish in the Department of Veterans Affairs a Bonus Review Board.

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2007

Mr. Hall of New York (for himself, Mr. Filner, Mr. Space, and Mr. Kagen) introduced the following bill; which was referred to the Committee on Veterans' Affairs

# A BILL

To amend title 38, United States Code, to establish in the Department of Veterans Affairs a Bonus Review Board.

- 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 "Department of Vet-
- 5 erans Affairs Management Accountability Act of 2007".
- 6 SEC. 2. DEPARTMENT OF VETERANS AFFAIRS BONUS RE-
- 7 VIEW BOARD.
- 8 (a) Establishment.—Chapter 7 of title 38, United
- 9 States Code, is amended by adding at the end the fol-
- 10 lowing new section:

## 1 "§ 713. Bonus Review Board

- 2 "(a) Establishment.—There is in the Department
- 3 a Bonus Review Board, which shall review proposed rat-
- 4 ings, bonuses, and pay adjustments for covered employees
- 5 of the Department and make recommendations to the Sec-
- 6 retary with respect to the award of such ratings, bonuses,
- 7 and pay adjustments.
- 8 "(b) Responsibilities.—(1) The performance re-
- 9 view board of the Department shall submit to the Bonus
- 10 Review Board a proposal for any rating, bonus, or pay
- 11 adjustment recommended by the performance review
- 12 board for a covered employee at least 30 days before the
- 13 Secretary may award the rating, bonus, or pay adjust-
- 14 ment.
- 15 "(2) Not later than 14 days after receiving a proposal
- 16 submitted under paragraph (1), the Bonus Review Board
- 17 shall meet to review the proposal and submit to the Sec-
- 18 retary the recommendation of the Bonus Review Board
- 19 with respect to whether or not the proposed rating, bonus,
- 20 or pay adjustment should be awarded. In making a rec-
- 21 ommendation with respect to a proposed rating, bonus, or
- 22 pay adjustment, the Bonus Review Board shall take into
- 23 consideration the performance of the Department during
- 24 the fiscal year preceding the year in which the rec-
- 25 ommendation is made, especially the performance of the

- 1 Department with respect to claims backlog and waiting
- 2 times for appointments at Department medical facilities.
- 3 "(3) The Secretary may not award a rating, bonus,
- 4 or pay adjustment to any covered employee until the Sec-
- 5 retary has received a recommendation from the Bonus Re-
- 6 view Board with respect to that rating, bonus, or pay ad-
- 7 justment.
- 8 "(c) Membership.—(1) The Bonus Review Board
- 9 shall be composed of six members as follows:
- 10 "(A) Two members appointed by the chairman
- of the Committee on Veterans' Affairs of the House
- of Representatives.
- 13 "(B) Two members appointed by the chairman
- of the Committee on Veterans' Affairs of the Senate.
- 15 "(C) One member appointed by the ranking
- member of the Committee on Veterans' Affairs of
- the House of Representatives.
- 18 "(D) One member appointed by the ranking
- member of the Committee on Veterans' Affairs of
- the Senate.
- 21 "(2) Each member of the Bonus Review Board
- 22 shall—
- "(A) not be or have ever been an employee of
- 24 the Department;

- 1 "(B) shall not be a relative of any employee of
- 2 the Department; and
- 3 "(C) have business experience and dem-
- 4 onstrated expertise in managing human and finan-
- 5 cial resources.
- 6 "(3) Each member of the Bonus Review Board shall
- 7 be appointed for a term of three years.
- 8 "(4) A vacancy in the Bonus Review Board shall be
- 9 filled in the manner in which the original appointment was
- 10 made.
- 11 "(5)(A) Members of the Bonus Review Board shall
- 12 serve without compensation.
- 13 "(B) Members of the Bonus Review Board shall be
- 14 allowed reasonable and necessary travel expenses, includ-
- 15 ing per diem in lieu of subsistence, at rates authorized
- 16 for persons serving intermittently in the Government serv-
- 17 ice in accordance with the provisions of subchapter I of
- 18 chapter 57 of title 5 while away from their homes or reg-
- 19 ular places of business in the performance of the respon-
- 20 sibilities of the advisory committee.
- 21 "(6) The Bonus Review Board shall meet at least
- 22 once annually.
- 23 "(d) Applicability of Federal Advisory Com-
- 24 MITTEE ACT.—The Federal Advisory Committee Act (5
- 25 U.S.C. App.) shall not apply to the Bonus Review Board.

1	"(e) Covered Employee.—For the purposes of this
2	section, the term 'covered employee' means an employee
3	of the Department who—
4	"(1) is employed in a Senior Executive Service
5	position;
6	"(2) is appointed by the President, by and with
7	the consent of the Senate; or
8	"(3) holds a position which has been excepted
9	from the competitive service (as defined by section
10	2102 of title 5) by reason of its confidential, policy-
11	determining, policy-making, or policy-advocating
12	character.
13	"(f) Annual Report.—Not later than February 1
14	of each year, the Secretary shall submit to Congress a re-
15	port on the bonuses awarded to covered employees during
16	the preceding calendar year. Each such report shall con-
17	tain for the year covered by the report—
18	"(1) the name of each person who served as a
19	member of the Bonus Review Board;
20	"(2) the number of bonus proposals submitted
21	to the Bonus Review Board;
22	"(3) the number of proposed bonuses that the
23	Bonus Review Board recommended that the Sec-
24	retary award to covered employees;

- 1 "(4) the number of bonuses the Secretary 2 awarded to covered employees; and
- 3 "(5) the name of each covered employee who re-
- 4 ceived a bonus and the amount of that bonus.".
- 5 (b) CLERICAL AMENDMENT.—The table of sections
- 6 at the beginning of such chapter is amended by adding
- 7 at the end the following new item:

"713. Bonus Review Board.".

- 8 (c) Effective Date.—Section 713 of title 38,
- 9 United States Code, as added by subsection (a), shall
- 10 apply with respect to any rating, bonus, or pay adjustment
- 11 awarded by the Secretary of Veterans Affairs after the
- 12 date that is 60 days after the date of the enactment of
- 13 this Act.

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