

113TH CONGRESS
2D SESSION

S. 2545

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

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2014

Ms. AYOTTE (for herself and Mrs. MCCASKILL) introduced the following bill;
which was read twice and referred to the Committee on Veterans' Affairs

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. RETURN OF BONUSES AWARDED TO EMPLOY-**
4 **EES OF DEPARTMENT OF VETERANS AFFAIRS**
5 **FOR PERFORMANCE THEY MISREPRE-**
6 **SENTED.**

7 (a) INVESTIGATIONS.—Not later than 180 days after
8 the date on which the Inspector General of the Depart-
9 ment of Veterans Affairs submits to Congress a report de-

1 scribed in subsection (b), the Secretary of Veterans Affairs
2 shall identify each employee of the Department of Vet-
3 erans Affairs who—

4 (1) during any of fiscal years 2011 through
5 2014—

6 (A) contributed to the purposeful omission
7 of the name of one or more veterans waiting for
8 health care from an electronic wait list for a
9 medical facility of the Department identified by
10 the Inspector General in such report; or

11 (B) was the supervisor of an employee of
12 the Department, or was a supervisor of that su-
13 pervisor, at any level, who contributed to a pur-
14 poseful omission as described in subparagraph
15 (A) and knew, or reasonably should have
16 known, that the employee contributed to such
17 purposeful omission; and

18 (2) received a bonus in part because of such
19 omission.

20 (b) REPORTS DESCRIBED.—A report described in
21 this subsection is a report submitted to Congress by the
22 Inspector General in calendar year 2014 that identifies
23 medical facilities of the Department at which scheduling
24 practices in use, or formerly in use, did not comply with
25 scheduling policies and procedures of the Department.

1 (c) IDENTIFICATION.—The Secretary shall identify
2 employees contributing to an omission described in sub-
3 section (a)(1) without regard to whether the employee
4 knowingly contributed to such omission or contributed to
5 such omission for the purpose of receiving a bonus.

6 (d) REPAYMENT.—

7 (1) IN GENERAL.—For each employee identified
8 under subsection (a) who received a bonus as de-
9 scribed in such subsection, the Secretary shall, after
10 notice and an opportunity for a hearing, issue an
11 order directing the employee to repay the amount of
12 such bonus.

13 (2) HEARINGS.—A hearing under this sub-
14 section shall be conducted in accordance with regula-
15 tions relating to hearings promulgated by the Sec-
16 retary under chapter 75 of title 5, United States
17 Code.

18 (3) APPEAL.—

19 (A) IN GENERAL.—An employee against
20 whom an order is issued under paragraph (1)
21 may appeal to the Merit Systems Protection
22 Board under section 7701 of title 5, United
23 States Code.

24 (B) SCOPE OF REVIEW.—A review of an
25 appeal by the Merit Systems Protection Board

1 under subparagraph (A) shall be based on the
2 record established through the appellant's hear-
3 ing conducted under paragraph (2).

4 (C) STANDARD OF REVIEW.—The Merit
5 Systems Protection Board shall set aside an
6 order issued under paragraph (1) if the issuing
7 of the order was clearly erroneous or the result
8 of a denial of procedural due process.

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