

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 742

To appropriately limit the authority to award bonuses to employees.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. AYOTTE

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Wasteful Federal
5 Bonuses Act of 2015”.

6 **SEC. 2. BONUSES.**

7 (a) ADVERSE FINDINGS AND EMPLOYEES UNDER INVESTIGATION.—Chapter 45 of title 5, United States Code,
8 is amended by adding at the end the following:
9

1 or Comptroller General, respectively, under a
2 provision of law other than this section.

3 “(2) AGENCY.—The term ‘agency’ has the
4 meaning given that term under section 551.

5 “(3) BONUS.—The term ‘bonus’ means any
6 performance award or cash award under—

7 “(A) section 4505a;

8 “(B) section 5384; or

9 “(C) section 5754.

10 “(b) PROHIBITION.—The head of an agency shall not
11 award a bonus to an employee of the agency until 5 years
12 after the end of the fiscal year during which the head of
13 an agency makes an adverse finding relating to the em-
14 ployee.

15 “(c) AFTER BONUS AWARDED.—

16 “(1) IN GENERAL.—For a bonus awarded to an
17 employee after the date of enactment of this section,
18 if the head of the agency employing the employee
19 makes an adverse finding relating to the employee
20 during the year during which the bonus is awarded,
21 the head of the agency, after notice and an oppor-
22 tunity for a hearing, shall issue an order directing
23 the employee to repay the amount of the bonus.

24 “(2) HEARINGS.—A hearing under this para-
25 graph shall be conducted in accordance with regula-

1 tions relating to hearings promulgated by the head
2 of the agency under chapter 75.

3 “(d) **CONDITION OF RECEIPT.**—As a condition of re-
4 ceiving a bonus awarded after the date of enactment of
5 this section, an employee of an agency shall sign a certifi-
6 cation stating that the employee shall repay the bonus in
7 accordance with a final order issued in accordance with
8 subsection (e).

9 “(e) **APPEAL.**—An employee determined to be ineli-
10 gible for a bonus under subsection (b) or against whom
11 an order is issued under subsection (c) may appeal to the
12 Merit Systems Protection Board under section 7701.”.

13 (b) **RULEMAKING.**—The head of each agency (as de-
14 fined under title 551 of title 5, United States Code) may
15 promulgate rules to carry out section 4531 of title 5,
16 United States Code, as added by subsection (a).

17 (c) **TECHNICAL AND CONFORMING AMENDMENT.**—
18 The table of sections for chapter 45 of title 5, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

“SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY

“4531. Certain forms of misconduct.”.