AME	ENDMENT NO Calendar No
Purp	pose: In the nature of a substitute.
IN T	HE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.
	S.742
To	o appropriately limit the authority to award bonuses to employees.
Ref	ferred to the Committee on and ordered to be printed
	Ordered to lie on the table and to be printed
Ам	TENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. Ayotte
Viz:	
1	Strike all after the enacting clause and insert the fol-
2 1	owing:
3 8	SECTION 1. SHORT TITLE.
4	This Act may be cited as the "Stop Wasteful Federal
5	Bonuses Act of 2015".
6 8	SEC. 2. BONUSES.
7	(a) Adverse Findings and Employees Under In-
8 1	VESTIGATION.—Chapter 45 of title 5, United States Code,
9 i	s amended by adding at the end the following:

1	"Subchapter IV—Limitations on Bonus
2	Authority
3	"§ 4531. Certain forms of misconduct
4	"(a) Definitions.—In this section:
5	"(1) Adverse finding.—
6	"(A) IN GENERAL.—The term 'adverse
7	finding' means a determination by the head of
8	the agency employing an employee that the con-
9	duct of the employee—
10	"(i) violated a policy of the agency for
11	which the employee may be removed or
12	suspended for a period of not less than 14
13	days; or
14	"(ii) violated a law for which the em-
15	ployee may be imprisoned for more than 1
16	year.
17	"(B) Basis.—A determination described in
18	subparagraph (A) may be based on an inves-
19	tigation by, determination of, or information
20	provided by the Inspector General or another
21	senior ethics official of an agency or the Comp-
22	troller General of the United States, as part of
23	carrying out an activity, authority, or function
24	of the Inspector General, senior ethics official,

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
- 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 (c).
- 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.".