110TH CONGRESS 1ST SESSION H.R. 3793

AN ACT

To amend title 37, United States Code, to require the continued payment to a member of the uniformed services who dies or is retired or separated under chapter 61 of title 10, United States Code, bonuses and similar benefits that the member was entitled to before the death, retirement, or separation of the member and would be paid if the member had not died, retired, or separated, to prohibit requiring the member to repay any portion of the bonuses or similar benefits previously paid, 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. SHORT TITLE.
4	This Act may be cited as the "Veterans Guaranteed
5	Bonus Act of 2007".
6	SEC. 2. CONTINUATION OF ENTITLEMENT TO BONUSES
7	AND SIMILAR BENEFITS FOR MEMBERS OF
8	THE UNIFORMED SERVICES WHO DIE, ARE
9	SEPARATED OR RETIRED FOR DISABILITY,
10	OR MEET OTHER CRITERIA.
11	(a) Discretion to Provide Exception to Termi-
12	NATION AND REPAYMENT REQUIREMENTS UNDER CER-
13	TAIN CIRCUMSTANCES.—Section 303a(e) of title 37,
14	United States Code, is amended—
15	(1) in the subsection heading, by inserting ";
16	TERMINATION OF ENTITLEMENT TO UNPAID
17	AMOUNTS" after "MET";
18	(2) in paragraph (1) —
19	(A) by striking "A member" and inserting
20	"(A) Except as provided in paragraph (2), a
21	member"; and
22	(B) by striking "the requirements, except
23	in certain circumstances authorized by the Sec-
24	retary concerned." and inserting "the eligibility
25	requirements and may not receive any unpaid

1 amounts of the bonus or similar benefit after 2 the member fails to satisfy the requirements, 3 unless the Secretary concerned determines that 4 the imposition of the repayment requirement and termination of the payment of unpaid 5 6 amounts of the bonus or similar benefit with re-7 gard to the member would be contrary to a per-8 sonnel policy or management objective, would 9 be against equity and good conscience, or would 10 be contrary to the best interests of the United 11 States."; and

(3) by redesignating paragraph (2) as subpara-graph (B) of paragraph (1).

(b) MANDATORY PAYMENT OF UNPAID AMOUNTS
UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF
UNEARNED AMOUNTS.—Section 303a(e) of title 37,
United States Code, is amended by inserting after paragraph (1), as amended by subsection (a), the following
new paragraph (2):

"(2)(A) If a member of the uniformed services dies
(other than as a result the member's misconduct) or is
retired or separated for disability under chapter 61 of title
10, the Secretary concerned—

24 "(i) shall not require repayment by the member25 or the member's estate of the unearned portion of

any bonus or similar benefit previously paid to the
 member; and

3 "(ii) shall require the payment to the member 4 or the member's estate of the remainder of any 5 bonus or similar benefit that was not yet paid to the 6 member, but to which the member was entitled im-7 mediately before the death, retirement, or separation 8 of the member, and would be paid if not for the 9 death, retirement, or separation of the member.

10 "(B) The amount to be paid under subparagraph 11 (A)(ii) shall be equal to the full amount specified by the 12 agreement or contract applicable to the bonus or similar 13 benefit as if the member continued to be entitled to the 14 bonus or similar benefit following the death, retirement, 15 or separation.

"(C) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in
a lump sum not later than 90 days after the date of the
death, retirement, or separation of the member, whichever
applies.".

21 (c) CONFORMING AMENDMENTS REFLECTING CON22 SOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—

23 (1) CONFORMING AMENDMENTS.—Section 373
24 of title 37, United States Code, as added by section

1	661 of the National Defense Authorization Act for
2	Fiscal Year 2008, is amended—
3	(A) in subsection (a)—
4	(i) in the subsection heading, by in-
5	serting "AND TERMINATION" after "RE-
6	PAYMENT"; and
7	(ii) by inserting before the period at
8	the end the following: ", and the member
9	may not receive any unpaid amounts of the
10	bonus, incentive pay, or similar benefit
11	after the member fails to satisfy such serv-
12	ice or eligibility requirement"; and
13	(B) by striking subsection (b) and insert-
14	ing the following new subsection:
15	"(b) EXCEPTIONS.—
16	"(1) Discretion to provide exception to
17	TERMINATION AND REPAYMENT REQUIREMENTS.—
18	Pursuant to the regulations prescribed to administer
19	this section, the Secretary concerned may grant an
20	exception to the repayment requirement and require-
21	ment to terminate the payment of unpaid amounts
22	of a bonus, incentive pay, or similar benefit if the
23	Secretary concerned determines that the imposition
24	of the repayment and termination requirements with
25	regard to a member of the uniformed services would

5

be contrary to a personnel policy or management ob jective, would be against equity and good conscience,
 or would be contrary to the best interests of the
 United States.

(2)5 MANDATORY PAYMENT OF UNPAID 6 AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO RE-7 PAYMENT OF UNEARNED AMOUNTS.---(A) If a mem-8 ber of the uniformed services dies (other than as a 9 result the member's misconduct) or is retired or sep-10 arated for disability under chapter 61 of title 10, the 11 Secretary concerned—

"(i) shall not require repayment by the
member or the member's estate of the unearned
portion of any bonus, incentive pay, or similar
benefit previously paid to the member; and

"(ii) shall require the payment to the 16 17 member or the member's estate of the remain-18 der of any bonus, incentive pay, or similar ben-19 efit that was not yet paid to the member, but 20 to which the member was entitled immediately 21 before the death, retirement, or separation of 22 the member, and would be paid if not for the 23 death, retirement, or separation of the member. 24 "(B) The amount to be paid under subpara-25 graph (A)(ii) shall be equal to the full amount speci-

1	fied by the agreement or contract applicable to the
2	bonus, incentive pay, or similar benefit as if the
3	member continued to be entitled to the bonus, incen-
4	tive pay, or similar benefit following the death, re-
5	tirement, or separation.
6	"(C) Amounts to be paid to a member or the
7	member's estate under subparagraph (A)(ii) shall be
8	paid in a lump sum not later than 90 days after the
9	date of the death, retirement, or separation of the
10	member, whichever applies.".
11	(2) CLERICAL AMENDMENTS.—
12	(A) SECTION HEADING.—The heading of
13	such section is amended to read as follows:
13	
	"§ 373. Repayment of unearned portion of bonus, in-
13 14 15	
14 15	"§373. Repayment of unearned portion of bonus, in-
14	"§373. Repayment of unearned portion of bonus, in- centive pay, or similar benefit, and termi-
14 15 16	"§ 373. Repayment of unearned portion of bonus, in- centive pay, or similar benefit, and termi- nation of remaining payments, when con-
14 15 16 17	"§ 373. Repayment of unearned portion of bonus, in- centive pay, or similar benefit, and termi- nation of remaining payments, when con- ditions of payment not met".
14 15 16 17 18	 "§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met". (B) TABLE OF CONTENTS.—The table of
14 15 16 17 18 19	 *\$373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met". (B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title
 14 15 16 17 18 19 20 	 *§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met". (B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking
 14 15 16 17 18 19 20 21 	 *\$373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met". (B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking the item relating to section 373 and inserting
 14 15 16 17 18 19 20 21 	 *§373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met". (B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking the item relating to section 373 and inserting the following new item: *373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of the section of the s
 14 15 16 17 18 19 20 21 22 	 *§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met". (B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking the item relating to section 373 and inserting the following new item: *373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met.".

concerned (as defined in section 101 of title 37, United
 States Code) of sections 303a(e) and 373 of such title,
 as amended by this section, during fiscal year 2008 shall
 be subject to the availability of funds for this purpose in cluded in an appropriations Act enacted on or after the
 date of the enactment of this Act.

Passed the House of Representatives December 18, 2007.

Attest:

Clerk.

110TH CONGRESS H. R. 3793

AN ACT

To amend title 37, United States Code, to require the continued payment to a member of the uniformed services who dies or is retired or separated under chapter 61 of title 10, United States Code, bonuses and similar benefits that the member was entitled to before the death, retirement, or separation of the member and would be paid if the member had not died, retired, or separated, to prohibit requiring the member to repay any portion of the bonuses or similar benefits previously paid, and for other purposes.