

114TH CONGRESS
1ST SESSION

S. 627

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

MARCH 3, 2015

Ms. AYOTTE (for herself, Mrs. McCASKILL, Mr. MORAN, Mr. FLAKE, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. THUNE, and Mr. CRAPO) 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-

1 ment of Veterans Affairs submits to Congress a report de-
2 scribed in subsection (b), the Secretary of Veterans Affairs
3 shall identify each employee of the Department of Vet-
4 erans Affairs who—

5 (1) during any of fiscal years 2011 through
6 2014—

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

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

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

21 (b) REPORTS DESCRIBED.—A report described in
22 this subsection is a report that—

23 (1) was submitted to Congress by the Inspector
24 General;

1 (2) is based on investigations carried out by the
2 Inspector General in calendar year 2014; and

3 (3) identifies medical facilities of the Depart-
4 ment at which scheduling practices in use, or for-
5 merly in use, did not comply with scheduling policies
6 and procedures of the Department.

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

12 (d) REPAYMENT.—

13 (1) IN GENERAL.—For each employee identified
14 under subsection (a) who received a bonus as de-
15 scribed in such subsection, the Secretary shall, after
16 notice and an opportunity for a hearing, issue an
17 order directing the employee to repay the amount of
18 such bonus.

19 (2) HEARINGS.—A hearing under this sub-
20 section shall be conducted in accordance with regula-
21 tions relating to hearings promulgated by the Sec-
22 retary under chapter 75 of title 5, United States
23 Code.

24 (3) APPEAL.—

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

6 (B) SCOPE OF REVIEW.—A review of an
7 appeal by the Merit Systems Protection Board
8 under subparagraph (A) shall be based on the
9 record established through the appellant's hear-
10 ing conducted under paragraph (2).

11 (C) STANDARD OF REVIEW.—The Merit
12 Systems Protection Board shall set aside an
13 order issued under paragraph (1) if the issuing
14 of the order was clearly erroneous or the result
15 of a denial of procedural due process.

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