

115TH CONGRESS  
1ST SESSION

# S. 696

To amend title 5, United States Code, to appropriately limit the authority to award bonuses to Federal employees.

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## IN THE SENATE OF THE UNITED STATES

MARCH 22, 2017

Mrs. FISCHER (for herself, Mrs. MCCASKILL, and Mr. HELLER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend title 5, United States Code, to appropriately limit the authority to award bonuses to Federal employees.

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 “Stop Improper Federal  
5 Bonuses Act”.

6 **SEC. 2. BONUSES.**

7 (a) ADVERSE FINDINGS AND EMPLOYEES UNDER IN-  
8 VESTIGATION.—Chapter 45 of title 5, United States Code,  
9 is 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, a 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 the term in 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 “(4) EMPLOYEE.—The term ‘employee’ means  
11 an employee of an agency.

12 “(b) PROHIBITION.—The head of an agency may not  
13 award a bonus to an employee of the agency until the date  
14 that is 5 years after the end of the fiscal year during which  
15 the head of an agency makes an adverse finding relating  
16 to the employee.

17 “(c) AFTER BONUS AWARDED.—

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

1           “(2) HEARINGS.—A hearing under this sub-  
 2           section shall be conducted in accordance with regula-  
 3           tions relating to hearings promulgated by the head  
 4           of the agency under chapter 75.

5           “(d) CONDITION OF RECEIPT.—As a condition of re-  
 6           ceiving a bonus awarded after the date of enactment of  
 7           this section, an employee shall sign a certification stating  
 8           that the employee shall repay the bonus in accordance with  
 9           a final order issued under subsection (c).

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

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

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

“SUBCHAPTER IV—LIMITATIONS ON BONUS AUTHORITY  
 “4531. Certain forms of misconduct.”.

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