

110TH CONGRESS
1ST SESSION

H. R. 4229

To amend title 38, United States Code, to establish in the Department of Veterans Affairs a Bonus Review Board.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2007

Mr. HALL of New York (for himself, Mr. FILNER, Mr. SPACE, and Mr. KAGEN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to establish in the Department of Veterans Affairs a Bonus Review Board.

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 “Department of Vet-
5 erans Affairs Management Accountability Act of 2007”.

6 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS BONUS RE-**
7 **VIEW BOARD.**

8 (a) ESTABLISHMENT.—Chapter 7 of title 38, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

1 **“§ 713. Bonus Review Board**

2 “(a) ESTABLISHMENT.—There is in the Department
3 a Bonus Review Board, which shall review proposed rat-
4 ings, bonuses, and pay adjustments for covered employees
5 of the Department and make recommendations to the Sec-
6 retary with respect to the award of such ratings, bonuses,
7 and pay adjustments.

8 “(b) RESPONSIBILITIES.—(1) The performance re-
9 view board of the Department shall submit to the Bonus
10 Review Board a proposal for any rating, bonus, or pay
11 adjustment recommended by the performance review
12 board for a covered employee at least 30 days before the
13 Secretary may award the rating, bonus, or pay adjust-
14 ment.

15 “(2) Not later than 14 days after receiving a proposal
16 submitted under paragraph (1), the Bonus Review Board
17 shall meet to review the proposal and submit to the Sec-
18 retary the recommendation of the Bonus Review Board
19 with respect to whether or not the proposed rating, bonus,
20 or pay adjustment should be awarded. In making a rec-
21 ommendation with respect to a proposed rating, bonus, or
22 pay adjustment, the Bonus Review Board shall take into
23 consideration the performance of the Department during
24 the fiscal year preceding the year in which the rec-
25 ommendation is made, especially the performance of the

1 Department with respect to claims backlog and waiting
2 times for appointments at Department medical facilities.

3 “(3) The Secretary may not award a rating, bonus,
4 or pay adjustment to any covered employee until the Sec-
5 retary has received a recommendation from the Bonus Re-
6 view Board with respect to that rating, bonus, or pay ad-
7 justment.

8 “(c) MEMBERSHIP.—(1) The Bonus Review Board
9 shall be composed of six members as follows:

10 “(A) Two members appointed by the chairman
11 of the Committee on Veterans’ Affairs of the House
12 of Representatives.

13 “(B) Two members appointed by the chairman
14 of the Committee on Veterans’ Affairs of the Senate.

15 “(C) One member appointed by the ranking
16 member of the Committee on Veterans’ Affairs of
17 the House of Representatives.

18 “(D) One member appointed by the ranking
19 member of the Committee on Veterans’ Affairs of
20 the Senate.

21 “(2) Each member of the Bonus Review Board
22 shall—

23 “(A) not be or have ever been an employee of
24 the Department;

1 “(B) shall not be a relative of any employee of
2 the Department; and

3 “(C) have business experience and dem-
4 onstrated expertise in managing human and finan-
5 cial resources.

6 “(3) Each member of the Bonus Review Board shall
7 be appointed for a term of three years.

8 “(4) A vacancy in the Bonus Review Board shall be
9 filled in the manner in which the original appointment was
10 made.

11 “(5)(A) Members of the Bonus Review Board shall
12 serve without compensation.

13 “(B) Members of the Bonus Review Board shall be
14 allowed reasonable and necessary travel expenses, includ-
15 ing per diem in lieu of subsistence, at rates authorized
16 for persons serving intermittently in the Government serv-
17 ice in accordance with the provisions of subchapter I of
18 chapter 57 of title 5 while away from their homes or reg-
19 ular places of business in the performance of the respon-
20 sibilities of the advisory committee.

21 “(6) The Bonus Review Board shall meet at least
22 once annually.

23 “(d) APPLICABILITY OF FEDERAL ADVISORY COM-
24 MITTEE ACT.—The Federal Advisory Committee Act (5
25 U.S.C. App.) shall not apply to the Bonus Review Board.

1 “(e) COVERED EMPLOYEE.—For the purposes of this
2 section, the term ‘covered employee’ means an employee
3 of the Department who—

4 “(1) is employed in a Senior Executive Service
5 position;

6 “(2) is appointed by the President, by and with
7 the consent of the Senate; or

8 “(3) holds a position which has been excepted
9 from the competitive service (as defined by section
10 2102 of title 5) by reason of its confidential, policy-
11 determining, policy-making, or policy-advocating
12 character.

13 “(f) ANNUAL REPORT.—Not later than February 1
14 of each year, the Secretary shall submit to Congress a re-
15 port on the bonuses awarded to covered employees during
16 the preceding calendar year. Each such report shall con-
17 tain for the year covered by the report—

18 “(1) the name of each person who served as a
19 member of the Bonus Review Board;

20 “(2) the number of bonus proposals submitted
21 to the Bonus Review Board;

22 “(3) the number of proposed bonuses that the
23 Bonus Review Board recommended that the Sec-
24 retary award to covered employees;

1 “(4) the number of bonuses the Secretary
2 awarded to covered employees; and

3 “(5) the name of each covered employee who re-
4 ceived a bonus and the amount of that bonus.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by adding
7 at the end the following new item:

 “713. Bonus Review Board.”.

8 (c) EFFECTIVE DATE.—Section 713 of title 38,
9 United States Code, as added by subsection (a), shall
10 apply with respect to any rating, bonus, or pay adjustment
11 awarded by the Secretary of Veterans Affairs after the
12 date that is 60 days after the date of the enactment of
13 this Act.

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