

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 280  
OFFERED BY MR. MILLER OF FLORIDA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. AUTHORITY TO RECOUP BONUSES OR AWARDS**  
2 **PAID TO EMPLOYEES OF DEPARTMENT OF**  
3 **VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Chapter 7 of title 38, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new section:

7 **“§ 715. Recoupment of bonuses or awards paid to em-**  
8 **ployees of Department**

9 “(a) RECOUPMENT.—Notwithstanding any other pro-  
10 vision of law, the Secretary may issue an order directing  
11 an employee of the Department to repay the amount, or  
12 a portion of the amount, of any award or bonus paid to  
13 the employee under title 5, including under chapters 45  
14 or 53 of such title, or this title if—

15 “(1) the Secretary determines such repayment  
16 appropriate pursuant to regulations prescribed under  
17 subsection (c); and

1           “(2) before such repayment, the employee is af-  
2           forded notice and an opportunity for a hearing con-  
3           ducted by another department or agency of the Fed-  
4           eral Government.

5           “(b) REVIEW.—A decision regarding a repayment by  
6           an employee pursuant to subsection (a)(2) is final and  
7           may not be reviewed by any department or agency or any  
8           court.

9           “(c) REGULATIONS.—The Secretary shall prescribe  
10          regulations to carry out this section.”.

11          (b) CLERICAL AMENDMENT.—The table of sections  
12          at the beginning of such chapter is further amended by  
13          adding at the end the following new item:

          “715. Recoupment of bonuses or awards paid to employees of Department.”.

14          (c) EFFECTIVE DATE.—Section 715 of title 38,  
15          United States Code, as added by subsection (a), shall  
16          apply with respect to an award or bonus paid by the Sec-  
17          retary of Veterans Affairs to an employee of the Depart-  
18          ment of Veterans Affairs before, on, or after the date of  
19          the enactment of this Act.

20          (d) CONSTRUCTION.—Nothing in this Act or the  
21          amendments made by this Act may be construed to modify  
22          the certification issued by the Office of Personnel Manage-  
23          ment and the Office of Management and Budget regarding

- 1 the performance appraisal system of the Senior Executive
- 2 Service of the Department of Veterans Affairs.

