

Calendar No. 554

110TH CONGRESS
1ST SESSION**H. R. 3793**

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2007

Received; read twice and placed on the calendar

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”.

1 **SEC. 2. CONTINUATION OF ENTITLEMENT TO BONUSES**
2 **AND SIMILAR BENEFITS FOR MEMBERS OF**
3 **THE UNIFORMED SERVICES WHO DIE, ARE**
4 **SEPARATED OR RETIRED FOR DISABILITY,**
5 **OR MEET OTHER CRITERIA.**

6 (a) DISCRETION TO PROVIDE EXCEPTION TO TERMI-
7 NATION AND REPAYMENT REQUIREMENTS UNDER CER-
8 TAIN CIRCUMSTANCES.—Section 303a(e) of title 37,
9 United States Code, is amended—

10 (1) in the subsection heading, by inserting “;
11 TERMINATION OF ENTITLEMENT TO UNPAID
12 AMOUNTS” after “MET”;

13 (2) in paragraph (1)—

14 (A) by striking “A member” and inserting
15 “(A) Except as provided in paragraph (2), a
16 member”; and

17 (B) by striking “the requirements, except
18 in certain circumstances authorized by the Sec-
19 retary concerned.” and inserting “the eligibility
20 requirements and may not receive any unpaid
21 amounts of the bonus or similar benefit after
22 the member fails to satisfy the requirements,
23 unless the Secretary concerned determines that
24 the imposition of the repayment requirement
25 and termination of the payment of unpaid
26 amounts of the bonus or similar benefit with re-

1 gard to the member would be contrary to a per-
2 sonnel policy or management objective, would
3 be against equity and good conscience, or would
4 be contrary to the best interests of the United
5 States.”; and

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

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

14 “(2)(A) If a member of the uniformed services dies
15 (other than as a result the member’s misconduct) or is
16 retired or separated for disability under chapter 61 of title
17 10, the Secretary concerned—

18 “(i) shall not require repayment by the member
19 or the member’s estate of the unearned portion of
20 any bonus or similar benefit previously paid to the
21 member; and

22 “(ii) shall require the payment to the member
23 or the member’s estate of the remainder of any
24 bonus or similar benefit that was not yet paid to the
25 member, but to which the member was entitled im-

1 mediately before the death, retirement, or separation
2 of the member, and would be paid if not for the
3 death, retirement, or separation of the member.

4 “(B) The amount to be paid under subparagraph
5 (A)(ii) shall be equal to the full amount specified by the
6 agreement or contract applicable to the bonus or similar
7 benefit as if the member continued to be entitled to the
8 bonus or similar benefit following the death, retirement,
9 or separation.

10 “(C) Amounts to be paid to a member or the mem-
11 ber’s estate under subparagraph (A)(ii) shall be paid in
12 a lump sum not later than 90 days after the date of the
13 death, retirement, or separation of the member, whichever
14 applies.”.

15 (c) CONFORMING AMENDMENTS REFLECTING CON-
16 SOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—

17 (1) CONFORMING AMENDMENTS.—Section 373
18 of title 37, United States Code, as added by section
19 661 of the National Defense Authorization Act for
20 Fiscal Year 2008, is amended—

21 (A) in subsection (a)—

22 (i) in the subsection heading, by in-
23 serting “AND TERMINATION” after “RE-
24 PAYMENT”; and

1 (ii) by inserting before the period at
2 the end the following: “, and the member
3 may not receive any unpaid amounts of the
4 bonus, incentive pay, or similar benefit
5 after the member fails to satisfy such serv-
6 ice or eligibility requirement”; and

7 (B) by striking subsection (b) and insert-
8 ing the following new subsection:

9 “(b) EXCEPTIONS.—

10 “(1) DISCRETION TO PROVIDE EXCEPTION TO
11 TERMINATION AND REPAYMENT REQUIREMENTS.—

12 Pursuant to the regulations prescribed to administer
13 this section, the Secretary concerned may grant an
14 exception to the repayment requirement and require-
15 ment to terminate the payment of unpaid amounts
16 of a bonus, incentive pay, or similar benefit if the
17 Secretary concerned determines that the imposition
18 of the repayment and termination requirements with
19 regard to a member of the uniformed services would
20 be contrary to a personnel policy or management ob-
21 jective, would be against equity and good conscience,
22 or would be contrary to the best interests of the
23 United States.

24 “(2) MANDATORY PAYMENT OF UNPAID
25 AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO RE-

1 PAYMENT OF UNEARNED AMOUNTS.—(A) If a mem-
2 ber of the uniformed services dies (other than as a
3 result the member’s misconduct) or is retired or sep-
4 arated for disability under chapter 61 of title 10, the
5 Secretary concerned—

6 “(i) shall not require repayment by the
7 member or the member’s estate of the unearned
8 portion of any bonus, incentive pay, or similar
9 benefit previously paid to the member; and

10 “(ii) shall require the payment to the
11 member or the member’s estate of the remain-
12 der of any bonus, incentive pay, or similar ben-
13 efit that was not yet paid to the member, but
14 to which the member was entitled immediately
15 before the death, retirement, or separation of
16 the member, and would be paid if not for the
17 death, retirement, or separation of the member.

18 “(B) The amount to be paid under subpara-
19 graph (A)(ii) shall be equal to the full amount speci-
20 fied by the agreement or contract applicable to the
21 bonus, incentive pay, or similar benefit as if the
22 member continued to be entitled to the bonus, incen-
23 tive pay, or similar benefit following the death, re-
24 tirement, or separation.

1 “(C) Amounts to be paid to a member or the
2 member’s estate under subparagraph (A)(ii) shall be
3 paid in a lump sum not later than 90 days after the
4 date of the death, retirement, or separation of the
5 member, whichever applies.”.

6 (2) CLERICAL AMENDMENTS.—

7 (A) SECTION HEADING.—The heading of
8 such section is amended to read as follows:

9 **“§ 373. Repayment of unearned portion of bonus, in-**
10 **centive pay, or similar benefit, and termi-**
11 **nation of remaining payments, when con-**
12 **ditions of payment not met”.**

13 (B) TABLE OF CONTENTS.—The table of
14 sections at the beginning of chapter 5 of title
15 37, United States Code, is amended by striking
16 the item relating to section 373 and inserting
17 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.”.

18 (d) CONDITION ON IMPLEMENTATION.—The imple-
19 mentation by the Secretary of Defense and the Secretary
20 concerned (as defined in section 101 of title 37, United
21 States Code) of sections 303a(e) and 373 of such title,
22 as amended by this section, during fiscal year 2008 shall
23 be subject to the availability of funds for this purpose in-

1 cluded in an appropriations Act enacted on or after the
2 date of the enactment of this Act.

Passed the House of Representatives December 18,
2007.

Attest: LORRAINE C. MILLER,
Clerk.

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