

Tom Coburn

S.M.C.

AMENDMENT NO. _____

Calendar No. _____

Purpose: To pay for the costs of supplemental spending by reducing waste, inefficiency, and unnecessary spending within the Federal Government.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H.R. 4899

AMENDMENT NO 4231

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By Coburn-McCain

To: HR 4899

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Page(s)

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Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. COBURN (FOR HIMSELF, AND Mr. McCain)

Viz:

- 1 At the end of the bill, add the following:
- 2 **TITLE IV—PAYMENT OF COSTS**
- 3 **OF SUPPLEMENTAL APPRO-**
- 4 **PRIATIONS**
- 5 **SEC. 4001. TEMPORARY ONE-YEAR FREEZE ON RAISES, BO-**
- 6 **NUSES, AND OTHER SALARY INCREASES FOR**
- 7 **FEDERAL EMPLOYEES.**

8 Notwithstanding any other provision of law, civilian
9 employees of the Federal Government in fiscal year ~~2010~~ **2011**

1 shall not receive a cost of living adjustment or other salary
2 increase, including a bonus. The salaries of members of
3 the armed forces are exempt from the provisions of this
4 section.

5 **SEC. 4002. CAPPING THE TOTAL NUMBER OF FEDERAL EM-**
6 **PLOYEES.**

7 (a) IN GENERAL.—Not later than 3 months after the
8 date of enactment of this Act, the head of each relevant
9 Federal department or agency shall collaborate with the
10 Director of the Office of Management and Budget to de-
11 termine how many full-time employees the department or
12 agency employs. For each new full-time employee added
13 to any Federal department or agency for any purpose, the
14 head of such department or agency shall ensure that the
15 addition of such new employee is offset by a reduction of
16 one existing full-time employee at such department or
17 agency.

18 (b) INFORMATION ON TOTAL EMPLOYEES.—The Di-
19 rector of the Office of Management and Budget shall pub-
20 licly disclose the total number of Federal employees, as
21 well as a breakdown of Federal employees by agency and
22 the annual salary by title of each Federal employee at an
23 agency and update such information not less than once
24 a year.

1 **SEC. 4003. COLLECTION OF UNPAID TAXES FROM EMPLOY-**
2 **EES OF THE FEDERAL GOVERNMENT.**

3 (a) IN GENERAL.—Chapter 73 of title 5, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“SUBCHAPTER VIII—COLLECTION OF UNPAID**
7 **TAXES FROM EMPLOYEES OF THE FED-**
8 **ERAL GOVERNMENT**

9 **“§ 7381. Collection of unpaid taxes from employees of**
10 **the Federal Government**

11 “(a) DEFINITION.—For purposes of this section—

12 “(1) the term ‘seriously delinquent tax debt’
13 means an outstanding debt under the Internal Rev-
14 enue Code of 1986 for which a notice of lien has
15 been filed in public records pursuant to section 6323
16 of such Code, except that such term does not in-
17 clude—

18 “(A) a debt that is being paid in a timely
19 manner pursuant to an agreement under sec-
20 tion 6159 or section 7122 of such Code; and

21 “(B) a debt with respect to which a collec-
22 tion due process hearing under section 6330 of
23 such Code, or relief under subsection (a), (b),
24 or (f) of section 6015 of such Code, is re-
25 quested or pending; and

26 “(2) the term ‘Federal employee’ means—

1 overall Government printing costs by no less than a total
2 of \$4,600,000 over the 10-year period beginning with fis-
3 cal year 2010. The Director shall ensure that essential
4 printed documents prepared for Social Security recipients,
5 Medicare beneficiaries, and other populations in areas
6 with limited internet access or use continue to remain
7 available.

8 **SEC. 4005. REDUCING EXCESSIVE DUPLICATION, OVER-**
9 **HEAD AND SPENDING WITHIN THE FEDERAL**
10 **GOVERNMENT.**

11 (a) **REDUCING DUPLICATION.**—The Director of the
12 Office of Management Budget and the Secretary of each
13 department (or head of each independent agency) shall
14 work with the Chairman and ranking member of the rel-
15 evant congressional appropriations subcommittees and the
16 congressional authorizing committees and the Director of
17 the Office of Management Budget to consolidate programs
18 with duplicative goals, missions, and initiatives.

19 (b) **CONTROLLING BUREAUCRATIC OVERHEAD**
20 **COSTS.**—Each Federal department and agency shall re-
21 duce annual administrative expenses by at least five per-
22 cent in fiscal year 2011.

23 (c) **RESCISSIONS OF EXCESSIVE SPENDING.**—There
24 is hereby rescinded an amount equal to 5 percent of—

1 (1) the budget authority provided (or obligation
2 limit imposed) for fiscal year 2010 for any discre-
3 tionary account in any other fiscal year 2010 appro-
4 priation Act;

5 (2) the budget authority provided in any ad-
6 vance appropriation for fiscal year 2010 for any dis-
7 cretionary account in any prior fiscal year appro-
8 priation Act; and

9 (3) the contract authority provided in fiscal
10 year 2010 for any program subject to limitation con-
11 tained in any fiscal year 2010 appropriation Act.

12 (d) **PROPORTIONATE APPLICATION.**—Any rescission
13 made by subsection (a) shall be applied proportionately—

14 (1) to each discretionary account and each item
15 of budget authority described in such subsection;
16 and

17 (2) within each such account and item, to each
18 program, project, and activity (with programs,
19 projects, and activities as delineated in the appro-
20 priation Act or accompanying reports for the rel-
21 evant fiscal year covering such account or item, or
22 for accounts and items not included in appropriation
23 Acts, as delineated in the most recently submitted
24 President's budget)

1 (e) EXCEPTIONS.—This section shall not apply to dis-
2 cretionary authority appropriated or otherwise made avail-
3 able to the Department of Veterans Affairs.

4 (f) OMB REPORT.—Within 30 days after the date
5 of enactment of this section, the Director of the Office
6 of Management and Budget shall submit to the Commit-
7 tees on Appropriations of the House of Representatives
8 and the Senate a report specifying the account and
9 amount of each rescission made pursuant to this section
10 and the report shall be posted on the public website of
11 the Office of Management and Budget.

12 **SEC. 4006. ELIMINATING NONESSENTIAL GOVERNMENT**
13 **TRAVEL.**

14 Within 60 days after the date of enactment of this
15 Act, the Director of the Office of Management and Budg-
16 et, in consultation with the heads of the Federal depart-
17 ments and agencies, shall establish a definition of “non-
18 essential travel” and criteria to determine if travel-related
19 expenses and requests by Federal employees meet the defi-
20 nition of “nonessential travel”. No travel expenses paid
21 for, in whole or in part, with Federal funds shall be paid
22 by the Federal Government unless a request is made prior
23 to the travel and the requested travel meets the criteria
24 established by this section. Any travel request that does
25 not meet the definition and criteria shall be disallowed,

1 including reimbursement for air flights, automobile rent-
2 als, train tickets, lodging, per diem, and other travel-re-
3 lated costs. The definition established by the Director of
4 the Office of Management and Budget may include exemp-
5 tions in the definition, including travel related to national
6 defense, homeland security, border security, national dis-
7 asters, and other emergencies. The Director of the Office
8 of Management and Budget shall ensure that all travel
9 costs paid for in part or whole by the Federal Government
10 not related to national defense, homeland security, border
11 security, national disasters, and other emergencies do not
12 exceed \$5,000,000,000 annually.

13 **SEC. 4007. ELIMINATING BONUSES FOR POOR PERFORM-**
14 **ANCE BY GOVERNMENT CONTRACTORS.**

15 (a) **GUIDANCE ON LINKING OF AWARD AND INCEN-**
16 **TIVE FEES TO OUTCOMES.**—Not later than 180 days after
17 the date of enactment of this Act, each Federal depart-
18 ment or agency shall issue guidance, with detailed imple-
19 mentation instructions (including definitions), on the ap-
20 propriate use of award and incentive fees in department
21 or agency programs.

22 (b) **ELEMENTS.**—The guidance under subsection (a)
23 shall—

24 (1) ensure that all new contracts using award
25 fees link such fees to outcomes (which shall be de-

1 fined in terms of program cost, schedule, and per-
2 formance);

3 (2) establish standards for identifying the ap-
4 propriate level of officials authorized to approve the
5 use of award and incentive fees in new contracts;

6 (3) provide guidance on the circumstances in
7 which contractor performance may be judged to be
8 excellent or superior and the percentage of the avail-
9 able award fee which contractors should be paid for
10 such performance;

11 (4) establish standards for determining the per-
12 centage of the available award fee, if any, which con-
13 tractors should be paid for performance that is
14 judged to be acceptable, average, expected, good, or
15 satisfactory;

16 (5) ensure that no award fee may be paid for
17 contractor performance that is judged to be below
18 satisfactory performance or performance that does
19 not meet the basic requirements of the contract;

20 (6) provide specific direction on the cir-
21 cumstances, if any, in which it may be appropriate
22 to roll over award fees that are not earned in one
23 award fee period to a subsequent award fee period
24 or periods;

25 (7) ensure that the Department or agency—

1 (A) collects relevant data on award and in-
2 centive fees paid to contractors; and

3 (B) has mechanisms in place to evaluate
4 such data on a regular basis; and

5 (8) include performance measures to evaluate
6 the effectiveness of award and incentive fees as a
7 tool for improving contractor performance and
8 achieving desired program outcomes.

9 (c) RETURN OF UNEARNED BONUSES.—Any funds
10 intended to be awarded as incentive fees that are not paid
11 due to contractors inability to meet the criteria established
12 by this section shall be returned to the Treasury.

13 **SEC. 4008. ELIMINATING GOVERNMENT WASTE AND INEFFI-**
14 **CIENCY.**

15 Within 30 days after the date of enactment of this
16 Act, the Energy Star program administered by the United
17 States Environmental Protection Agency shall be termi-
18 nated and no Federal tax rebates or tax credits related
19 to the Energy Star program shall be any longer available.

20 **SEC. 4009. STRIKING INCREASE IN FOREIGN AID FOR**
21 **INTERNATIONAL ORGANIZATIONS.**

22 Notwithstanding any other provision of this Act, the
23 total amount appropriated under the heading “CONTRIBU-
24 TIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES”
25 under the heading “INTERNATIONAL ORGANIZATIONS”

1 under chapter 10 of title I of this Act is hereby reduced
2 by \$68,000,000 and no more than \$28,500,000 may be
3 made available by this section, *Provided That*, this section
4 does not prohibit additional funds otherwise appropriated
5 to be spent for emergency security in Haiti in accordance
6 with law.

7 **SEC. 4010. \$1,000,000,000 LIMITATION ON VOLUNTARY PAY-**
8 **MENTS TO THE UNITED NATIONS.**

9 Notwithstanding any other provision of law, the Sec-
10 retary of State shall ensure no more than \$1,000,000,000
11 is provided to the United Nations each year in excess of
12 the United States' annual assessed contributions.

13 **SEC. 4011. RETURNING EXCESSIVE FUNDS FROM AN UN-**
14 **NECESSARY, UNNEEDED, UNREQUESTED, DU-**
15 **PLICATIVE RESERVE FUND THAT MAY NEVER**
16 **BE SPENT.**

17 Notwithstanding any other provision of law, unobli-
18 gated funds for the Women, Infants and Children special
19 supplemental nutrition program appropriated and placed
20 in reserve by Public Law 111-5 are rescinded.

21 **SEC. 4012. STRIKING AN UNNECESSARY APPROPRIATION**
22 **FOR SALARIES AND EXPENSES OF A GOVERN-**
23 **MENT COMMISSION.**

24 Notwithstanding any other provision of this Act, no
25 funds shall be appropriated or otherwise made available

1 for salaries or any other expenses of the Financial Crisis
2 Inquiry Commission established pursuant to section 5 of
3 the Fraud Enforcement and Recovery Act of 2009 (Public
4 Law 111-21).

5 **SEC. 4013. RESCINDING A STATE DEPARTMENT TRAINING**
6 **FACILITY UNWANTED BY RESIDENTS OF THE**
7 **COMMUNITY IN WHICH IT IS IT IS PLANNED**
8 **TO BE CONSTRUCTED.**

9 Notwithstanding any other provision of law, no Fed-
10 eral funds may be spent to construct a State Department
11 training facility in Ruthsburg, Maryland, and any funding
12 obligated for the facility by Public Law 111-5 are re-
13 scinded, *Provided That*, this section does not prohibit
14 funds otherwise appropriated to be spent by the State De-
15 partment for training facilities in other jurisdictions in ac-
16 cordance with law.