



AMENDMENT NO. _____ Calendar No. _____

Purpose: To pay for the cost of this act by reducing wasteful, inefficient, excessive and duplicative government spending.

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

H. R. 4213

AMENDMENT NO 4331

To By Coburn

To: _____

Ref: HR. 4213

19

Page(s)

GPO: 2008 45-603 (mac)

AMENDMENT intended to be proposed by Mr. COBURN

Viz:

- 1 At the end of the ~~bill~~^{amendment}, insert the following:
- 2 **TITLE _____ —OFFSETTING THE**
- 3 **COSTS OF THIS ACT**
- 4 **SEC. ___ 01. DISCLOSING TRUE COST OF CONGRESSIONAL**
- 5 **BORROWING AND SPENDING.**
- 6 (a) IN GENERAL.—The Secretary of the Senate shall
- 7 post prominently on the front page of the public website
- 8 of the Senate (<http://www.senate.gov/>) the following infor-
- 9 mation:

1 balances are permanently rescinded with \$50,000,000
2 from the House of Representatives and \$50,000,000 from
3 the Senate: Provided, That the rescissions made by the
4 section shall not apply to funds made available to the Cap-
5 itol Police.

6 **SEC. ____ 03. ENACTING THE WHITE HOUSE'S PROPOSED 5**
7 **PERCENT CUT ON GOVERNMENT SPENDING.**

8 (a) **RESCISSIONS OF EXCESSIVE SPENDING.**—There
9 is rescinded an amount equal to 5 percent of—

10 (1) the budget authority provided (or obligation
11 limit imposed) for fiscal year 2010 for any discre-
12 tionary account in any other fiscal year 2010 appro-
13 priation Act;

14 (2) the budget authority provided in any ad-
15 vance appropriation for fiscal year 2010 for any dis-
16 cretionary account in any prior fiscal year appro-
17 priation Act; and

18 (3) the contract authority provided in fiscal
19 year 2010 for any program subject to limitation con-
20 tained in any fiscal year 2010 appropriation Act.

21 (b) **EXCEPTIONS.**—This section shall not apply to
22 discretionary authority appropriated or otherwise made
23 available to the Department of Veterans Affairs and the
24 Department of Defense: Provided, That the Secretary of
25 Defense shall submit a report to Congress no later than

1 one year after the enactment of this Act outlining poten-
2 tial savings within the Department that could be obtained
3 by eliminating outdated, unneeded, inefficient, poorly per-
4 forming, or duplicative programs and initiatives.

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

13 **SEC. ____ 04. ELIMINATING NONESSENTIAL GOVERNMENT**
14 **TRAVEL.**

15 Within 60 days after the date of enactment of this
16 Act, the Director of the Office of Management and Budg-
17 et, in consultation with the heads of the Federal depart-
18 ments and agencies, shall establish a definition of “non-
19 essential travel” and criteria to determine if travel-related
20 expenses and requests by Federal employees meet the defi-
21 nition of “nonessential travel”. No travel expenses paid
22 for, in whole or in part, with Federal funds shall be paid
23 by the Federal Government unless a request is made prior
24 to the travel and the requested travel meets the criteria
25 established by this section. Any travel request that does

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

14 **SEC. ____ 05. REDUCING UNNECESSARY PRINTING AND PUB-**
15 **LISHING COSTS OF GOVERNMENT DOCU-**
16 **MENTS.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Director of the Office of Management and
19 Budget shall coordinate with the heads of Federal depart-
20 ments and independent agencies to—

21 (1) determine which Government publications
22 could be available on Government websites and no
23 longer printed and to devise a strategy to reduce
24 overall Government printing costs over the 10-year
25 period beginning with fiscal year 2010, except that

1 the Director shall ensure that essential printed docu-
2 ments prepared for Social Security recipients, Medi-
3 care beneficiaries, and other populations in areas
4 with limited internet access or use continue to re-
5 main available;

6 (2) establish government-wide Federal guide-
7 lines on employee printing;

8 (3) issue on the Office of Management and
9 Budget's public website the results of a cost-benefit
10 analysis on implementing a digital signature system
11 and on establishing employee printing identification
12 systems, such as the use of individual employee
13 cards or codes, to monitor the amount of printing
14 done by Federal employees; except that the Director
15 of the Office of Management and Budget shall en-
16 sure that Federal employee printing costs unrelated
17 to national defense, homeland security, border secu-
18 rity, national disasters, and other emergencies do
19 not exceed \$860,000,000 annually; and

20 (4) issue guidelines requiring every department,
21 agency, commission or office to list at a prominent
22 place near the beginning of each publication distrib-
23 uted to the public and issued or paid for by the Fed-
24 eral Government the following:

1 (A) The name of the issuing agency, de-
2 partment, commission or office.

3 (B) The total number of copies of the doc-
4 ument printed.

5 (C) The collective cost of producing and
6 printing all of the copies of the document.

7 (D) The name of the firm publishing the
8 document.

9 **SEC. ___ 06. DISPOSING OF UNNEEDED AND UNUSED GOV-**
10 **ERNMENT PROPERTY.**

11 (a) IN GENERAL.—Chapter 5 of subtitle I of title 40,
12 United States Code, is amended by adding at the end the
13 following:

14 “SUBCHAPTER VII—EXPEDITED DISPOSAL OF
15 REAL PROPERTY

16 “§ 621. Definitions

17 “In this subchapter:

18 “(1) DIRECTOR.—The term ‘Director’ means
19 the Director of the Office of Management and Budg-
20 et.

21 “(2) EXPEDITED DISPOSAL OF A REAL PROP-
22 erty.—The term ‘expedited disposal of a real prop-
23 erty’ means a demolition of real property or a sale
24 of real property for cash that is conducted under the
25 requirements of section 545.

1 “(3) LANDHOLDING AGENCY.—The term ‘land-
2 holding agency’ means a landholding agency as de-
3 fined under section 501(i)(3) of the McKinney-Vento
4 Homeless Assistance Act (42 U.S.C. 11411(i)(3)).

5 “(4) REAL PROPERTY.—

6 “(A) IN GENERAL.—The term ‘real prop-
7 erty’ means—

8 “(i) a parcel of real property under
9 the administrative jurisdiction of the Fed-
10 eral Government that is—

11 “(I) excess;

12 “(II) surplus;

13 “(III) underperforming; or

14 “(IV) otherwise not meeting the
15 needs of the Federal Government, as
16 determined by the Director; and

17 “(ii) a building or other structure lo-
18 cated on real property described under
19 clause (i).

20 “(B) EXCLUSION.—The term ‘real prop-
21 erty’ excludes any parcel of real property or
22 building or other structure located on such real
23 property that is to be closed or realigned under
24 the Defense Base Closure and Realignment Act

1 of 1990 (part A of title XXIX of Public Law
2 101–510; 10 U.S.C. 2687 note).

3 **“§ 622. Disposal program**

4 “(a) The Director of the Office of Management and
5 Budget shall dispose of by sale or auction not less than
6 \$15,000,000,000 worth of real property that is not meet-
7 ing Federal Government from fiscal year 2010 to fiscal
8 year 2015.

9 “(b) Agencies shall recommend candidate disposition
10 real properties to the Director for participation in the pilot
11 program established under section 622.

12 “(c) The Director, with the concurrence of the head
13 of the executive agency concerned and consistent with the
14 criteria established in this subchapter, may then select
15 such candidate real properties for participation in the pro-
16 gram and notify the recommending agency accordingly.

17 “(d) The Director shall ensure that all real properties
18 selected for disposition under this section are listed on a
19 website that shall—

20 “(1) be updated routinely; and

21 “(2) include the functionality to allow members
22 of the public, at their option, to receive such updates
23 through electronic mail.

24 “(e) The Director may transfer real property identi-
25 fied in the enactment of this section to the Department

1 of Housing and Urban Development if the Secretary of
2 Housing and Urban Development has determined such
3 properties are suitable for use to assist the homeless.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENT.—

5 The table of sections for chapter 5 of subtitle I of title
6 40, United States Code, is amended by inserting after the
7 item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Definitions .

“Sec. 622. Disposal program.”.

8 **SEC. ____ 07. AUCTIONING AND SELLING OF UNUSED AND**
9 **UNNEEDED EQUIPMENT.**

10 (a) IN GENERAL.—Notwithstanding section 1033 of
11 the National Defense Authorization Act of 1997 or any
12 other provision of law, the Secretary of Defense shall auc-
13 tion or sell unused, unnecessary, or surplus supplies and
14 equipment without providing preference to State or local
15 governments.

16 (b) EXCEPTIONS.—The Secretary may make excep-
17 tions to the sale or auction of such equipment for transfers
18 of excess military property to state and local law enforce-
19 ment agencies related to counter-drug efforts, counter-ter-
20 rorism activities, or other efforts determined to be related
21 to national defense or homeland security. The Secretary
22 of Defense may sell such equipment to State and local
23 agencies at fair market value.

1 **SEC. ___08. CAPPING THE TOTAL NUMBER OF FEDERAL**
2 **EMPLOYEES.**

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

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

21 **SEC. ___09. TEMPORARY ONE-YEAR FREEZE ON COST OF**
22 **FEDERAL EMPLOYEES SALARIES.**

23 Notwithstanding any other provision of law, the total
24 amount of funds expended on salaries for civilian employ-
25 ees of the Federal Government in fiscal year 2011 shall
26 not exceed the total costs for such salaries in Fiscal Year

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

4 “(B) a debt with respect to which a collec-
5 tion due process hearing under section 6330 of
6 such Code, or relief under subsection (a), (b),
7 or (f) of section 6015 of such Code, is re-
8 quested or pending; and

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

10 “(A) an employee, as defined by section
11 2105; and

12 “(B) an employee of the United States
13 Congress, including Members of the House of
14 Representatives and Senators.

15 “(b) COLLECTION OF UNPAID TAXES.—The Internal
16 Revenue Service shall coordinate with the Department of
17 Treasury and the hiring agency of a Federal employee who
18 has a seriously delinquent tax debt to collect such taxes
19 by withholding a portion of the employee’s salary over a
20 period set by the hiring agency to ensure prompt pay-
21 ment.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 73 of title 5, United States Code, is amended by add-
24 ing at the end the following:

“SUBCHAPTER VII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF
THE FEDERAL GOVERNMENT

“Sec. 7381. Collection of unpaid taxes from employees of the Federal Government.”.

1 **SEC. ___ 11. REDUCING EXCESSIVE DUPLICATION AND**
2 **OVERHEAD WITHIN THE FEDERAL GOVERN-**
3 **MENT.**

4 (a) **REDUCING DUPLICATION.**—The Director of the
5 Office of Management Budget and the Secretary of each
6 department (or head of each independent agency) shall
7 work with the Chairman and ranking member of the rel-
8 evant congressional appropriations subcommittees and the
9 congressional authorizing committees and the Director of
10 the Office of Management Budget to consolidate programs
11 with duplicative goals, missions, and initiatives.

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

16 **SEC. ___ 12. ELIMINATING BONUSES FOR POOR PERFORM-**
17 **ANCE BY GOVERNMENT CONTRACTORS.**

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

1 (b) ELEMENTS.—The guidance under subsection (a)
2 shall—

3 (1) ensure that all new contracts using award
4 fees link such fees to outcomes (which shall be de-
5 fined in terms of program cost, schedule, and per-
6 formance);

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

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

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

20 (5) ensure that no award fee may be paid for
21 contractor performance that is judged to be below
22 satisfactory performance or performance that does
23 not meet the basic requirements of the contract;

24 (6) provide specific direction on the cir-
25 cumstances, if any, in which it may be appropriate

1 to roll over award fees that are not earned in one
2 award fee period to a subsequent award fee period
3 or periods;

4 (7) ensure that the Department or agency—

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

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

9 (8) include performance measures to evaluate
10 the effectiveness of award and incentive fees as a
11 tool for improving contractor performance and
12 achieving desired program outcomes.

13 (c) RETURN OF UNEARNED BONUSSES.—Any funds
14 intended to be awarded as incentive fees that are not paid
15 due to contractors inability to meet the criteria established
16 by this section shall be returned to the Treasury.

17 **SEC. ____13. \$1 BILLION LIMITATION ON VOLUNTARY PAY-**
18 **MENTS TO THE UNITED NATIONS.**

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

1 **SEC. ___ 14. RETURNING EXCESSIVE FUNDS FROM AN UN-**
2 **NECESSARY, UNNEEDED, UNREQUESTED, DU-**
3 **PLICATIVE RESERVE FUND THAT MAY NEVER**
4 **BE SPENT.**

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

9 **SEC. ___ 15. RESCINDING A STATE DEPARTMENT TRAINING**
10 **FACILITY UNWANTED BY RESIDENTS OF THE**
11 **COMMUNITY IN WHICH IT IS IT IS PLANNED**
12 **TO BE CONSTRUCTED.**

13 Notwithstanding any other provision of law, no Fed-
14 eral funds may be spent to construct a State Department
15 training facility in Ruthsburg, Maryland, and any funding
16 obligated for the facility by Public Law 111-5 are re-
17 scinded, except that, this section does not prohibit funds
18 otherwise appropriated to be spent by the State Depart-
19 ment for training facilities in other jurisdictions in accord-
20 ance with law.

21 **SEC. ___ 16. ELIMINATING A WASTEFUL AND INEFFICIENT**
22 **GOVERNMENT PROGRAM.**

23 Within 30 days after the date of enactment of this
24 Act, the Energy Star program administered by the United
25 States Environmental Protection Agency shall be termi-

1 nated and no Federal tax rebates or tax credits related
2 to the Energy Star program shall be any longer available.

3 **SEC. ___ 17. RESCINDING UNSPENT FEDERAL FUNDS.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, of all unobligated Federal funds available,
6 \$100,000,000,000 in appropriated discretionary unexpired
7 funds are rescinded.

8 (b) IMPLEMENTATION.—Not later than 60 days after
9 the date of enactment of this Act, the Director of the Of-
10 fice of Management and Budget shall—

11 (1) identify the accounts and amounts rescinded
12 to implement subsection (a); and

13 (2) submit a report to the Secretary of the
14 Treasury and Congress of the accounts and amounts
15 identified under paragraph (1) for rescission.

16 (c) EXCEPTION.—This section shall not apply to the
17 unobligated Federal funds of the Department of Defense
18 or the Department of Veterans Affairs.

19 **SEC. ___ 18. REDUCING WASTEFUL ENERGY COSTS BY THE**
20 **DEPARTMENT OF ENERGY.**

21 Notwithstanding any other provision of law,
22 \$13,800,000 is rescinded from the Department of Energy
23 intended for administrative funds, except that the Sec-
24 retary of Energy shall implement policies to reduce unnee-
25 cessary energy costs by the Department by \$13,800,000.

1 **SEC. ___ 19. STRIKING AN EARMARK THAT INCREASES THE**
2 **MEDICARE PAYMENTS FOR SOME CALI-**
3 **FORNIA DOCTORS.**

4 Notwithstanding any other provision of this Act, sec-
5 tion 522, relating to adjustment to Medicare payment lo-
6 calities, shall have no force or effect of law.

7 **SEC. ___ 20. NO NEW TAXES.**

8 Notwithstanding any other provision of this Act, title
9 IV, relating to revenue offsets, shall have no force or effect
10 of law.