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

Making

By Coburn–McCain

To H.R. 4899

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 OF SUPPLEMENTAL APPROPRIATIONS

3. SEC. 4001. TEMPORARY ONE-YEAR FREEZE ON RAISES, BONUSES, AND OTHER SALARY INCREASES FOR FEDERAL EMPLOYEES.

4. Notwithstanding any other provision of law, civilian employees of the Federal Government in fiscal year 2011
shall not receive a cost of living adjustment or other salary
increase, including a bonus. The salaries of members of
the armed forces are exempt from the provisions of this
section.

SEC. 4002. CAPPING THE TOTAL NUMBER OF FEDERAL EMP-
LOYEES.

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

(b) INFORMATION ON TOTAL EMPLOYEES.—The Di-
rector of the Office of Management and Budget shall pub-
licly disclose the total number of Federal employees, as
well as a breakdown of Federal employees by agency and
the annual salary by title of each Federal employee at an
agency and update such information not less than once
a year.
SEC. 4003. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.

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

"SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

§ 7381. Collection of unpaid taxes from employees of the Federal Government

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

"(1) the term ‘seriously delinquent tax debt’ means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

"(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

"(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

"(2) the term ‘Federal employee’ means—
“(A) an employee, as defined by section 2105; and

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

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

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

SEC. 4004. REDUCING PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Within 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce
overall Government printing costs by no less than a total
of $4,600,000 over the 10-year period beginning with fis-
cal year 2010. The Director shall ensure that essential
printed documents prepared for Social Security recipients,
Medicare beneficiaries, and other populations in areas
with limited internet access or use continue to remain
available.

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

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

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

(c) RESCISSIONS OF EXCESSIVE SPENDING.—There
is hereby rescinded an amount equal to 5 percent of—
(1) the budget authority provided (or obligation limit imposed) for fiscal year 2010 for any discretionary account in any other fiscal year 2010 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2010 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2010 for any program subject to limitation contained in any fiscal year 2010 appropriation Act.

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

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

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget)
(e) EXCEPTIONS.—This section shall not apply to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs.

(f) OMB REPORT.—Within 30 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section and the report shall be posted on the public website of the Office of Management and Budget.

SEC. 4006. ELIMINATING NONESSENTIAL GOVERNMENT TRAVEL.

Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of "nonessential travel" and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of "nonessential travel". No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed,
including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $5,000,000,000 annually.

SEC. 4007. ELIMINATING BONUSES FOR POOR PERFORMANCE BY GOVERNMENT CONTRACTORS.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO OUTCOMES.—Not later than 180 days after the date of enactment of this Act, each Federal department or agency shall issue guidance, with detailed implementation instructions (including definitions), on the appropriate use of award and incentive fees in department or agency programs.

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

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

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be excellent or superior and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be acceptable, average, expected, good, or satisfactory;

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

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure that the Department or agency—
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(A) collects relevant data on award and incentive fees paid to contractors; and
(B) has mechanisms in place to evaluate such data on a regular basis; and
(8) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes.
(c) RETURN OF UNEARNED BONUSES.—Any funds intended to be awarded as incentive fees that are not paid due to contractors inability to meet the criteria established by this section shall be returned to the Treasury.

SEC. 4008. ELIMINATING GOVERNMENT WASTE AND INEFFICIENCY.

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

SEC. 4009. STRIKING INCREASE IN FOREIGN AID FOR INTERNATIONAL ORGANIZATIONS.

Notwithstanding any other provision of this Act, the total amount appropriated under the heading “CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES” under the heading “INTERNATIONAL ORGANIZATIONS”
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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
10 Notwithstanding any other provision of law, the Sec-
11 retary of State shall ensure no more than $1,000,000,000
12 is provided to the United Nations each year in excess of
13 the United States' annual assessed contributions.

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

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

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

25 Notwithstanding any other provision of this Act, no
26 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 Ruthsberg, 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.