

**Suspend the Rules and Pass the Bill, H.R. 1541, With Amendments**

**(The amendments strike all after the enacting clause and insert a new text and a new title)**

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1541

To establish limitations, during any sequestration period, on the total amount in awards or other discretionary monetary payments which may be paid to any Federal employee.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2013

Mr. MEADOWS (for himself, Mr. PITTENGER, Mr. SESSIONS, Mr. COLLINS of Georgia, and Mr. STUTZMAN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To establish limitations, during any sequestration period, on the total amount in awards or other discretionary monetary payments which may be paid to any Federal employee.

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 “Common Sense in  
5 Compensation Act”.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the term “employee” means an employee  
4 (as defined by section 2105(a) of title 5, United  
5 States Code) holding a position in or under an Exec-  
6 utive agency;

7 (2) the term “Executive agency” has the mean-  
8 ing given such term by section 105 of title 5, United  
9 States Code;

10 (3) the term “discretionary monetary payment”  
11 means—

12 (A) any award or other monetary payment  
13 under chapter 45, or section 5753 or 5754, of  
14 title 5, United States Code; and

15 (B) any step-increase under section 5336  
16 of title 5, United States Code;

17 (4) the term “covered compensation”, as used  
18 with respect to an employee in connection with any  
19 period, means the sum of—

20 (A) the basic pay, and

21 (B) any discretionary monetary payments  
22 (excluding basic pay),  
23 payable to such employee during such period;

24 (5) the term “basic pay” means basic pay for  
25 service as an employee; and

1           (6) the term “sequestration period” means a  
2           period beginning on the first day of a fiscal year in  
3           which a sequestration order with respect to discre-  
4           tionary spending or direct spending is issued under  
5           section 251A or section 254 of the Balanced Budget  
6           and Emergency Deficit Control Act of 1985 and  
7           ending on the last day of the fiscal year to which the  
8           sequestration order applies.

9   **SEC. 3. LIMITATIONS.**

10          (a) IN GENERAL.—Notwithstanding any other provi-  
11         sion of law—

12                 (1) no discretionary monetary payment may be  
13                 made to an employee during any sequestration pe-  
14                 riod to the extent that such payment would cause in  
15                 a fiscal year the total covered compensation of such  
16                 employee for such fiscal year to exceed 105 percent  
17                 of the total amount of basic pay payable to such in-  
18                 dividual (before the application of any step-increase  
19                 in such fiscal year under section 5336 of title 5,  
20                 United States Code) for such fiscal year; and

21                 (2) except as provided in subsection (b), during  
22                 any sequestration period, an agency may not pay a  
23                 performance award under section 5384 of title 5,  
24                 United States Code, to the extent that such payment  
25                 would cause the number of employees in the agency

1 receiving such award during such period to exceed  
2 33 percent of the total number of employees in the  
3 agency eligible to receive such award during such pe-  
4 riod.

5 (b) WAIVERS.—For the purposes of any sequestra-  
6 tion period—

7 (1) the head of any agency may, subject to ap-  
8 proval by the Director of the Office of Personnel  
9 Management, waive the requirements of subsection  
10 (a)(2); and

11 (2) the head of any agency may waive the re-  
12 quirements of subsection (a)(1) with respect to any  
13 employee if the requirements of such subsection  
14 would violate the terms of a collective bargaining  
15 agreement covering such employee, except that this  
16 paragraph shall not apply to any employee covered  
17 by a collective bargaining agreement that is renewed  
18 on or after the date of enactment of this Act.

19 (c) NOTIFICATION.—In the case of an agency for  
20 which the Director of the Office of Personnel Management  
21 grants a waiver under subsection (b)(1), the agency shall  
22 notify the Committee on Oversight and Government Re-  
23 form of the House of Representatives and the Committee  
24 on Homeland Security and Governmental Affairs of the  
25 Senate of the percentage of career appointees receiving

1 performance awards under section 5384 of title 5, United  
2 States Code, and the dollar amount of each performance  
3 award.

4 (d) APPLICATION.—This section shall apply to any  
5 discretionary monetary payment or performance award  
6 under section 5384 of title 5, United States Code, made  
7 on or after the date of enactment of this Act.

8 **SEC. 4. REGULATIONS.**

9 The Office of Personnel Management may prescribe  
10 regulations to carry out this Act.

Amend the title so as to read: “A bill to limit Federal employee bonuses during any sequestration period.”.