

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1541
OFFERED BY MR. MEADOWS OF NORTH
CAROLINA

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE.

2 This Act may be cited as the “Common Sense in
3 Compensation Act”.

4 SEC. 2. DEFINITIONS.

5 For purposes of this Act—

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

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

13 (3) the term “discretionary monetary payment”
14 means—

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

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

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

6 (A) the basic pay, and

7 (B) any discretionary monetary payments
8 (excluding basic pay),
9 payable to such employee during such period;

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

12 (6) the term “sequestration period” means a
13 period beginning on the first day of a fiscal year in
14 which a sequestration order with respect to discre-
15 tionary spending or direct spending is issued under
16 section 251A or section 254 of the Balanced Budget
17 and Emergency Deficit Control Act of 1985 and
18 ending on the last day of the fiscal year to which the
19 sequestration order applies.

20 **SEC. 3. LIMITATIONS.**

21 (a) IN GENERAL.—Notwithstanding any other provi-
22 sion of law—

23 (1) no discretionary monetary payment may be
24 made to an employee during any sequestration pe-
25 riod to the extent that such payment would cause in

1 a fiscal year the total covered compensation of such
2 employee for such fiscal year to exceed 105 percent
3 of the total amount of basic pay payable to such in-
4 dividual (before the application of any step-increase
5 in such fiscal year under section 5336 of title 5,
6 United States Code) for such fiscal year; and

7 (2) except as provided in subsection (b), during
8 any sequestration period, an agency may not pay a
9 performance award under section 5384 of title 5,
10 United States Code, to the extent that such payment
11 would cause the number of employees in the agency
12 receiving such award during such period to exceed
13 33 percent of the total number of employees in the
14 agency eligible to receive such award during such pe-
15 riod.

16 (b) WAIVER.—For purposes of any sequestration pe-
17 riod, the head of any agency may, subject to approval by
18 the Director of the Office of Personnel Management, waive
19 the requirements of subsection (a)(2).

20 (c) NOTIFICATION.—In the case of an agency for
21 which the Director of the Office of Personnel Management
22 grants a waiver under subsection (b), the agency shall no-
23 tify the Committee on Oversight and Government Reform
24 of the House of Representatives and the Committee on
25 Homeland Security and Governmental Affairs of the Sen-

1 ate of the percentage of career appointees receiving per-
2 formance awards under section 5384 of title 5, United
3 States Code, and the dollar amount of each performance
4 award.

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

9 **SEC. 4. REGULATIONS.**

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

