

113TH CONGRESS
1ST SESSION

S. 263

To amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2013

Ms. AYOTTE (for herself, Mr. INHOFE, Mr. MCCAIN, Mr. GRAHAM, Mr. THUNE, Mr. RUBIO, Mr. JOHNSON of Wisconsin, and Mr. ROBERTS) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees.

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 “Down Payment to Pro-
5 tect National Security Act of 2013”.

1 **SEC. 2. REDUCTION IN THE NUMBER OF FEDERAL EMPLOY-**
2 **EES.**

3 (a) DEFINITION.—In this section, the term “agency”
4 means an executive agency as defined under section 105
5 of title 5, United States Code.

6 (b) DETERMINATION OF NUMBER OF EMPLOYEES.—
7 Not later than 60 days after the date of enactment of this
8 Act, the Director of the Office of Management and Budget
9 shall determine the number of full-time employees em-
10 ployed in each agency. The head of each agency shall co-
11 operate with the Director of the Office of Management
12 and Budget in making the determinations.

13 (c) REPLACEMENT HIRE RATE.—

14 (1) IN GENERAL.—During the period described
15 under paragraph (2), the head of each agency may
16 hire no more than 1 employee in that agency for
17 every 3 employees who leave employment in that
18 agency.

19 (2) PERIOD OF REPLACEMENT HIRE RATE.—
20 Paragraph (1) shall apply to each agency during the
21 period beginning 60 days after the date of enact-
22 ment of this Act through the date on which the Di-
23 rector of the Office of Management and Budget
24 makes a determination that the number of full-time
25 employees employed in that agency is 10 percent less

1 than the number of full-time employees employed in
 2 that agency determined under subsection (a).

3 (d) WAIVERS.—This section may be waived upon a
 4 determination by the President that—

5 (1) the existence of a state of war or other na-
 6 tional security concern so requires; or

7 (2) the existence of an extraordinary emergency
 8 threatening life, health, public safety, property, or
 9 the environment so requires.

10 **SEC. 3. REDUCTION OF DISCRETIONARY SPENDING LIMITS**
 11 **TO ACHIEVE SAVINGS FROM FEDERAL EM-**
 12 **PLOYEE PROVISIONS.**

13 Paragraphs (2) through (10) of section 251(c) of the
 14 Balanced Budget and Emergency Deficit Control Act of
 15 1985 are amended to read as follows:

16 “(2) with respect to fiscal year 2013, for the
 17 discretionary category, \$1,043,000,000,000 in new
 18 budget authority;

19 “(3) with respect to fiscal year 2014—

20 “(A) for the security category,
 21 \$549,000,000,000 in budget authority; and

22 “(B) for the nonsecurity category,
 23 \$500,000,000,000 in budget authority;

24 “(4) with respect to fiscal year 2015—

1 “(A) for the security category,
2 \$562,000,000,000 in budget authority; and

3 “(B) for the nonsecurity category,
4 \$514,000,000,000 in budget authority;

5 “(5) with respect to fiscal year 2016—

6 “(A) for the security category,
7 \$573,000,000,000 in budget authority; and

8 “(B) for the nonsecurity category,
9 \$523,000,000,000 in budget authority;

10 “(6) with respect to fiscal year 2017—

11 “(A) for the security category,
12 \$589,000,000,000 in budget authority; and

13 “(B) for the nonsecurity category,
14 \$534,000,000,000 in budget authority;

15 “(7) with respect to fiscal year 2018—

16 “(A) for the security category,
17 \$599,000,000,000 in budget authority; and

18 “(B) for the nonsecurity category,
19 \$546,000,000,000 in budget authority;

20 “(8) with respect to fiscal year 2019—

21 “(A) for the security category,
22 \$612,000,000,000 in budget authority; and

23 “(B) for the nonsecurity category,
24 \$559,000,000,000 in budget authority;

25 “(9) with respect to fiscal year 2020—

1 “(A) for the security category,
2 \$626,000,000,000 in budget authority; and

3 “(B) for the nonsecurity category,
4 \$571,000,000,000 in budget authority; and

5 “(10) with respect to fiscal year 2021—

6 “(A) for the security category,
7 \$640,000,000,000 in budget authority; and

8 “(B) for the nonsecurity category,
9 \$583,000,000,000 in budget authority;”.

10 **SEC. 4. CALCULATION OF TOTAL DEFICIT REDUCTION.**

11 Section 251A of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985 is amended—

13 (1)(A) in paragraph (3)(A), by striking
14 “\$1,200,000,000,000” and inserting
15 “\$1,091,000,000,000” and in paragraph (3)(D), by
16 striking “9” and inserting “8”; and

17 (B) in paragraph (3)(C), by inserting “and”
18 after the semicolon, in paragraph (3)(D) by striking
19 “; and” and inserting a period, and by striking para-
20 graph (3)(E);

21 (2) in paragraph (4), by striking “On March 1,
22 2013, for fiscal year 2013, and in” and inserting
23 “In”;

1 (3) in paragraphs (5) and (6), by striking
 2 “2013” each place it appears and inserting “2014”;
 3 and

4 (4) in paragraph (7), by striking subparagraph
 5 (A) and by striking “(B) FISCAL YEARS 2014-2021.—
 6 ”, moving the remaining text 2 ems to the left, and
 7 redesignating clauses (i) and (ii) as subparagraphs
 8 (A) and (B), respectively.

9 **SEC. 5. TRANSFER AUTHORITY FOR FUNDING OF DEPART-**
 10 **MENT OF DEFENSE UNDER CONTINUING RES-**
 11 **OLUTION CONSISTENT WITH AMOUNTS AU-**
 12 **THORIZED BY NATIONAL DEFENSE AUTHOR-**
 13 **IZATION ACT FOR FISCAL YEAR 2013.**

14 (a) IN GENERAL.—In accordance with subsection (b),
 15 the Secretary of Defense may transfer amounts appro-
 16 priated for the Department of Defense by the Continuing
 17 Appropriations Resolution (Public Law 112–175) among
 18 accounts of the Department of Defense.

19 (b) TRANSFERS CONSISTENT WITH AMOUNTS AP-
 20 PROPRIATED OR AUTHORIZED.—In the event of any trans-
 21 fers under subsection (a), the total amount in any account
 22 of the Department of Defense that is available for obliga-
 23 tion and expenditure in fiscal year 2013 shall be consistent
 24 with, and may not exceed—

1 (1) if a regular appropriation Act making ap-
2 propriations for the Department of Defense for fis-
3 cal year 2013 is enacted before the date of the
4 transfer, the level provided for that account for that
5 fiscal year by applicable provisions of such Act; or

6 (2) if no such Act is enacted before the date of
7 the transfer, the amount authorized to be appro-
8 priated for that account for that fiscal year by appli-
9 cable provisions of division A of the National De-
10 fense Authorization Act for Fiscal Year 2013 (Pub-
11 lic Law 112–239).

12 (c) NOTICE TO CONGRESS.—Not later than 15 days
13 before any transfer under subsection (a), the Secretary of
14 Defense shall submit to the congressional defense commit-
15 tees a report setting forth a description of the transfer,
16 including the amount of the transfer and the accounts
17 from and to which the funds were transferred.

18 (d) TRANSFER SUBJECT TO NOTIFICATION RE-
19 QUIREMENTS.—In addition to the notice required under
20 subsection (c), a transfer under subsection (a) shall be
21 subject to the applicable notification requirements for re-
22 programming in division A of Public Law 112–74.

23 (e) TRANSFER AUTHORITY.—The transfer authority
24 provided by subsection (a) is in addition to any other
25 transfer authority provided by law.

1 (f) DEFINITION.—In this section, the term “congres-
2 sional defense committees” has the meaning given that
3 term in section 101(a)(16) of title 10, United States Code.

4 **SEC. 6. NO COST-OF-LIVING ADJUSTMENTS FOR MEMBERS**
5 **OF CONGRESS.**

6 Notwithstanding any other provision of law, no ad-
7 justment shall be made under section 601(a) of the Legis-
8 lative Reorganization Act of 1946 (2 U.S.C. 31) (relating
9 to cost-of-living adjustments for Members of Congress) for
10 any fiscal year for which the Congressional Budget Office
11 determines there is a Federal budget deficit.

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