

112TH CONGRESS
2D SESSION

S. 2065

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 and extending the pay freeze for Federal employees.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2012

Mr. KYL (for himself, Mr. MCCAIN, Mr. CORNYN, Mr. GRAHAM, Mr. RUBIO, Ms. AYOTTE, and Mr. THUNE) 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 and extending the pay freeze for 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 2012”.

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

3 (a) DEFINITION.—In this section, the term “agency”
4 has the meaning given the term “Executive agency” under
5 section 105 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 2 employees 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 5 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. EXTENSION OF PAY FREEZE FOR FEDERAL EM-**
11 **PLOYEES.**

12 (a) IN GENERAL.—Section 147 of the Continuing
13 Appropriations Act, 2011 (Public Law 111–242; 5 U.S.C.
14 5303 note) is amended—

15 (1) in subsection (b)(1), by striking “December
16 31, 2012” and inserting “June 30, 2014”; and

17 (2) in subsection (c), by striking “December 31,
18 2012” and inserting “June 30, 2014”.

19 (b) CLARIFICATION THAT FREEZE APPLIES TO
20 MEMBERS OF CONGRESS.—Notwithstanding any other
21 provision of law, no adjustment shall be made under sec-
22 tion 601(a) of the Legislative Reorganization Act of 1946
23 (2 U.S.C. 31) (relating to cost of living adjustments for
24 Members of Congress) during the period beginning on the

1 first day of the first pay period beginning on or after Feb-
 2 ruary 1, 2013 and ending on June 30, 2014.

3 **SEC. 4. REDUCTION OF REVISED DISCRETIONARY SPEND-**
 4 **ING LIMITS TO ACHIEVE SAVINGS FROM FED-**
 5 **ERAL EMPLOYEE PROVISIONS.**

6 Paragraph (2) of section 251A of the Balanced Budg-
 7 et and Emergency Deficit Control Act of 1985 (2 U.S.C.
 8 901a) is amended to read as follows:

9 “(2) REVISED DISCRETIONARY SPENDING LIM-
 10 ITS.—The discretionary spending limits for fiscal
 11 years 2013 through 2021 under section 251(c) shall
 12 be replaced with the following:

13 “(A) For fiscal year 2013—

14 “(i) for the revised security category,
 15 \$546,000,000,000 in budget authority; and

16 “(ii) for the revised nonsecurity cat-
 17 egory, \$501,000,000,000 in budget author-
 18 ity.

19 “(B) For fiscal year 2014—

20 “(i) for the revised security category,
 21 \$551,000,000,000 in budget authority; and

22 “(ii) for the revised nonsecurity cat-
 23 egory, \$500,000,000,000 in budget author-
 24 ity.

25 “(C) For fiscal year 2015—

1 “(i) for the revised security category,
2 \$560,000,000,000 in budget authority; and

3 “(ii) for the revised nonsecurity cat-
4 egory, \$510,000,000,000 in budget author-
5 ity.

6 “(D) For fiscal year 2016—

7 “(i) for the revised security category,
8 \$571,000,000,000 in budget authority; and

9 “(ii) for the revised nonsecurity cat-
10 egory, \$520,000,000,000 in budget author-
11 ity.

12 “(E) For fiscal year 2017—

13 “(i) for the revised security category,
14 \$584,000,000,000 in budget authority; and

15 “(ii) for the revised nonsecurity cat-
16 egory, \$531,000,000,000 in budget author-
17 ity.

18 “(F) For fiscal year 2018—

19 “(i) for the revised security category,
20 \$598,000,000,000 in budget authority; and

21 “(ii) for the revised nonsecurity cat-
22 egory, \$543,000,000,000 in budget author-
23 ity.

24 “(G) For fiscal year 2019—

1 “(i) for the revised security category,
2 \$610,000,000,000 in budget authority; and

3 “(ii) for the revised nonsecurity cat-
4 egory, \$556,000,000,000 in budget author-
5 ity.

6 “(H) For fiscal year 2020—

7 “(i) for the revised security category,
8 \$624,000,000,000 in budget authority; and

9 “(ii) for the revised nonsecurity cat-
10 egory, \$568,000,000,000 in budget author-
11 ity.

12 “(I) For fiscal year 2021—

13 “(i) for the revised security category,
14 \$638,000,000,000 in budget authority; and

15 “(ii) for the revised nonsecurity cat-
16 egory, \$579,000,000,000 in budget author-
17 ity.”.

18 **SEC. 5. CALCULATION OF TOTAL DEFICIT REDUCTION.**

19 Section 251A of the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985 (2 U.S.C. 901a) is
21 amended—

22 (1) in paragraph (3)—

23 (A) in subparagraph (A), by striking

24 “\$1,200,000,000,000” and inserting

25 “\$1,073,000,000,000”; and

1 (B) in subparagraph (D), by striking “by
2 9” and inserting “by 8”;

3 (2) in paragraph (4), by striking “On January
4 2, 2013, for fiscal year 2013, and in” and inserting
5 “In”;

6 (3) in paragraphs (5) and (6), by striking
7 “2013” each place it appears and inserting “2014”;
8 and

9 (4) in paragraph (7)—

10 (A) by striking “REDUCTIONS.—” and all
11 that follows through “FISCAL YEARS 2014-
12 2021.—On the date” and inserting “REDUC-
13 TIONS.—On the date”; and

14 (B) by redesignating clauses (i) and (ii) as
15 subparagraphs (A) and (B), respectively, and
16 adjusting the margin accordingly.

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