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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.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Down Payment to Pro-

tect National Security Act of 2013”.
SEC. 2. REDUCTION IN THE NUMBER OF FEDERAL EMPLOYEES.

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

(b) DETERMINATION OF NUMBER OF EMPLOYEES.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall determine the number of full-time employees employed in each agency. The head of each agency shall cooperate with the Director of the Office of Management and Budget in making the determinations.

(c) REPLACEMENT HIRE RATE.—

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

(2) PERIOD OF REPLACEMENT HIRE RATE.—Paragraph (1) shall apply to each agency during the period beginning 60 days after the date of enactment of this Act through the date on which the Director of the Office of Management and Budget makes a determination that the number of full-time employees employed in that agency is 10 percent less
than the number of full-time employees employed in
that agency determined under subsection (a).

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

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

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

SEC. 3. REDUCTION OF DISCRETIONARY SPENDING LIMITS
TO ACHIEVE SAVINGS FROM FEDERAL EMPLOYEE PROVISIONS.

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

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

“(3) with respect to fiscal year 2014—

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

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

“(4) with respect to fiscal year 2015—
“(A) for the security category, $562,000,000,000 in budget authority; and
“(B) for the nonsecurity category, $514,000,000,000 in budget authority;
“(5) with respect to fiscal year 2016—
“(A) for the security category, $573,000,000,000 in budget authority; and
“(B) for the nonsecurity category, $523,000,000,000 in budget authority;
“(6) with respect to fiscal year 2017—
“(A) for the security category, $589,000,000,000 in budget authority; and
“(B) for the nonsecurity category, $534,000,000,000 in budget authority;
“(7) with respect to fiscal year 2018—
“(A) for the security category, $599,000,000,000 in budget authority; and
“(B) for the nonsecurity category, $546,000,000,000 in budget authority;
“(8) with respect to fiscal year 2019—
“(A) for the security category, $612,000,000,000 in budget authority; and
“(B) for the nonsecurity category, $559,000,000,000 in budget authority;
“(9) with respect to fiscal year 2020—
“(A) for the security category, $626,000,000,000 in budget authority; and
“(B) for the nonsecurity category, $571,000,000,000 in budget authority; and
“(10) with respect to fiscal year 2021—
“(A) for the security category, $640,000,000,000 in budget authority; and
“(B) for the nonsecurity category, $583,000,000,000 in budget authority;”.

SEC. 4. CALCULATION OF TOTAL DEFICIT REDUCTION.
Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—
(1)(A) in paragraph (3)(A), by striking “$1,200,000,000,000” and inserting “$1,091,000,000,000” and in paragraph (3)(D), by striking “9” and inserting “8”; and
(B) in paragraph (3)(C), by inserting “and” after the semicolon, in paragraph (3)(D) by striking “; and” and inserting a period, and by striking paragraph (3)(E);
(2) in paragraph (4), by striking “On March 1, 2013, for fiscal year 2013, and in” and inserting “In”;

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

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

SEC. 5. TRANSFER AUTHORITY FOR FUNDING OF DEPARTMENT OF DEFENSE UNDER CONTINUING RESOLUTION CONSISTENT WITH AMOUNTS AUTHORIZED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.

(a) In General.—In accordance with subsection (b), the Secretary of Defense may transfer amounts appropriated for the Department of Defense by the Continuing Appropriations Resolution (Public Law 112–175) among accounts of the Department of Defense.

(b) Transfers Consistent With Amounts Appropriated or Authorized.—In the event of any transfers under subsection (a), the total amount in any account of the Department of Defense that is available for obligation and expenditure in fiscal year 2013 shall be consistent with, and may not exceed—
(1) if a regular appropriation Act making appropriations for the Department of Defense for fiscal year 2013 is enacted before the date of the transfer, the level provided for that account for that fiscal year by applicable provisions of such Act; or

(2) if no such Act is enacted before the date of the transfer, the amount authorized to be appropriated for that account for that fiscal year by applicable provisions of division A of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239).

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

(d) TRANSFER SUBJECT TO NOTIFICATION REQUIREMENTS.—In addition to the notice required under subsection (c), a transfer under subsection (a) shall be subject to the applicable notification requirements for reprogramming in division A of Public Law 112–74.

(e) TRANSFER AUTHORITY.—The transfer authority provided by subsection (a) is in addition to any other transfer authority provided by law.
(f) DEFINITION.—In this section, the term “congres-

sional defense committees” has the meaning given that
term in section 101(a)(16) of title 10, United States Code.

SEC. 6. NO COST-OF-LIVING ADJUSTMENTS FOR MEMBERS

OF CONGRESS.

Notwithstanding any other provision of law, no ad-

justment shall be made under section 601(a) of the Legis-

lative Reorganization Act of 1946 (2 U.S.C. 31) (relating
to cost-of-living adjustments for Members of Congress) for
any fiscal year for which the Congressional Budget Office
determines there is a Federal budget deficit.