

112TH CONGRESS
1ST SESSION

S. 1936

To adopt the seven immediate reforms recommended by the National Commission on Fiscal Responsibility and Reform to reduce spending and make the Federal government more efficient.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2011

Mr. JOHNSON of Wisconsin (for himself, Mrs. HUTCHISON, Mr. WICKER, Mr. RISCH, Mr. COBURN, Mr. SESSIONS, Mr. DEMINT, Mr. RUBIO, Mr. ENZI, Mr. CORNYN, Mr. LEE, Mr. PAUL, Mr. BARRASSO, Ms. AYOTTE, and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To adopt the seven immediate reforms recommended by the National Commission on Fiscal Responsibility and Reform to reduce spending and make the Federal government more efficient.

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 “Implementation of
5 Simpson-Bowles Spending Reductions Act of 2011”.

1 **SEC. 2. REDUCTION IN APPROPRIATIONS TO THE WHITE**
2 **HOUSE AND CONGRESS.**

3 (a) APPROPRIATIONS TO THE WHITE HOUSE.—Not-
4 withstanding any other provision of law, the total amount
5 of funds appropriated to the appropriations account under
6 the heading “THE WHITE HOUSE” under the heading
7 “EXECUTIVE OFFICE OF THE PRESIDENT AND
8 FUNDS APPROPRIATED TO THE PRESIDENT” for
9 each of fiscal years 2012 through 2016 may not exceed
10 85 percent of the total amount of funds appropriated to
11 that account for fiscal year 2011.

12 (b) APPROPRIATIONS TO CONGRESS.—Notwith-
13 standing any other provision of law, the total amount of
14 funds appropriated under the headings “SENATE” and
15 “HOUSE OF REPRESENTATIVES” for each of fiscal
16 years 2012 through 2016 may not exceed 85 percent of
17 the total amount of funds appropriated under those head-
18 ings for fiscal year 2011.

19 **SEC. 3. NO COST OF LIVING ADJUSTMENT IN PAY OF MEM-**
20 **BERS OF CONGRESS.**

21 Notwithstanding any other provision of law, no ad-
22 justment shall be made under section 601(a) of the Legis-
23 lative Reorganization Act of 1946 (2 U.S.C. 31) (relating
24 to cost of living adjustments for Members of Congress)
25 during fiscal years 2013, 2014, and 2015.

1 **SEC. 4. PAY FREEZE FOR FEDERAL EMPLOYEES.**

2 Section 147 of the Continuing Appropriations Act,
3 2011 (Public Law 111–242) is amended—

4 (1) in subsection (b)(1), by striking “December
5 31, 2012” and inserting “December 31, 2015”; and

6 (2) in subsection (c), by striking “December 31,
7 2012” and inserting “December 31, 2015”.

8 **SEC. 5. REDUCTION IN FEDERAL WORKFORCE.**

9 (a) DEFINITION.—For the purpose of this section—

10 (1) the term “total number of Federal employ-
11 ees” means the total number of Federal employees
12 in all agencies;

13 (2) the term “Federal employee” means an em-
14 ployee as defined by section 2105 of title 5, United
15 States Code; and

16 (3) the term “agency” means an Executive
17 agency as defined by section 105 of title 5, United
18 States Code, excluding the Government Account-
19 ability Office.

20 (b) LIMITATION.—The President, through the Office
21 of Management and Budget (in consultation with the Of-
22 fice of Personnel Management), shall take appropriate
23 measures to ensure that, effective beginning in fiscal year
24 2015, the total number of Federal employees (as deter-
25 mined under subsection (c)) shall not exceed 90 percent

1 of the total number of Federal employees as of September
2 30, 2011 (as so determined).

3 (c) MONITORING AND NOTIFICATION.—The Office of
4 Management and Budget (in consultation with the Office
5 of Personnel Management)—

6 (1) shall continuously monitor all agencies and
7 make a determination, as of September 30, 2011,
8 and the last day of each quarter of each fiscal year
9 beginning thereafter, as to whether or not the total
10 number of Federal employees exceeds the maximum
11 number allowable under subsection (b); and

12 (2) whenever a determination under paragraph
13 (1) is made that the total number of Federal em-
14 ployees exceeds the maximum number allowable
15 under subsection (b), shall provide written notice to
16 that effect to the President and Congress within 14
17 days after the last day of the quarter to which such
18 determination relates.

19 (d) COMPLIANCE.—Whenever, with respect to the
20 quarter ending on September 30, 2014, or any subsequent
21 quarter, the Office of Management and Budget provides
22 written notice under subsection (c)(2) that the total num-
23 ber of Federal employees exceeds the maximum number
24 allowable under subsection (b), no agency may thereafter
25 appoint any employee to fill any vacancy within such agen-

1 cy until the Office of Management and Budget provides
2 written notice to the President and Congress of a deter-
3 mination under subsection (c)(1) that the total number
4 of Federal employees no longer exceeds the maximum
5 number allowable under subsection (b). Any notice under
6 the preceding sentence shall be provided within 14 days
7 after the last day of the quarter to which the determina-
8 tion relates.

9 (e) WAIVER.—

10 (1) EMERGENCIES.—This section may be
11 waived upon a determination by the President
12 that—

13 (A) the existence of a state of war or other
14 national security concern so requires; or

15 (B) the existence of an extraordinary
16 emergency threatening life, health, public safe-
17 ty, property, or the environment so requires.

18 (2) AGENCY EFFICIENCY OR CRITICAL MIS-
19 SION.—This section may be waived, with respect to
20 a particular position or category of positions in an
21 agency, upon a determination by the President that
22 the efficiency of the agency or the performance of a
23 critical agency mission so requires.

24 (f) REPLACEMENT RATE.—To the extent necessary
25 to achieve the workforce reduction required by subsection

1 (b), the Office of Management and Budget (in consulta-
2 tion with the Office of Personnel Management) shall take
3 appropriate measures to ensure that agencies shall ap-
4 point no more than 1 employee for every 3 employees retir-
5 ing or otherwise separating from Government service after
6 the date of the enactment of this Act. This subsection
7 shall cease to apply after September 30, 2014.

8 (g) COUNTING RULE.—For purposes of this section,
9 any determination of the number of employees in an agen-
10 cy shall be expressed on a full-time equivalent basis.

11 (h) LIMITATION ON PROCUREMENT OF SERVICE
12 CONTRACTS.—The President, through the Office of Man-
13 agement and Budget (in consultation with the Office of
14 Personnel Management), shall take appropriate measures
15 to ensure that there is no increase in the procurement of
16 service contracts by reason of the enactment of this Act,
17 except in cases in which a cost comparison demonstrates
18 that such contracts would be to the financial advantage
19 of the Government.

20 **SEC. 6. REDUCTION IN GOVERNMENT TRAVEL COSTS.**

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

24 (b) REDUCTION.—Notwithstanding any other provi-
25 sion of law, the total amount of funds appropriated to the

1 appropriations account providing for travel expenses for
2 each agency for each of fiscal years 2012, 2013, 2014,
3 2015, and 2016 may not exceed 80 percent of the total
4 amount of funds appropriated to each of those appropria-
5 tions accounts for fiscal year 2011.

6 **SEC. 7. LIMITATION ON GOVERNMENT PRINTING COSTS.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Director of the Office of Management and
9 Budget shall coordinate with the heads of Federal depart-
10 ments and independent agencies to—

11 (1) determine which Government publications
12 could be available on Government websites and no
13 longer printed and to devise a strategy to reduce
14 overall Government printing costs over the 10-year
15 period beginning with fiscal year 2012, except that
16 the Director shall ensure that essential printed docu-
17 ments prepared for social security recipients, medi-
18 care beneficiaries, and other populations in areas
19 with limited internet access or use continue to re-
20 main available;

21 (2) establish government-wide Federal guide-
22 lines on employee printing;

23 (3) issue on the Office of Management and
24 Budget's public website the results of a cost-benefit
25 analysis on implementing a digital signature system

1 and on establishing employee printing identification
2 systems, such as the use of individual employee
3 cards or codes, to monitor the amount of printing
4 done by Federal employees; except that the Director
5 of the Office of Management and Budget shall en-
6 sure that Federal employee printing costs unrelated
7 to national defense, homeland security, border secu-
8 rity, national disasters, and other emergencies do
9 not exceed \$860,000,000 annually; and

10 (4) issue guidelines requiring every department,
11 agency, commission or office to list at a prominent
12 place near the beginning of each publication distrib-
13 uted to the public and issued or paid for by the Fed-
14 eral Government—

15 (A) the name of the issuing agency, de-
16 partment, commission or office;

17 (B) the total number of copies of the docu-
18 ment printed;

19 (C) the collective cost of producing and
20 printing all of the copies of the document; and

21 (D) the name of the firm publishing the
22 document.

23 **SEC. 8. REDUCTION IN FEDERAL VEHICLE COSTS.**

24 Notwithstanding any other provision of law, for fiscal
25 year 2012 and each fiscal year thereafter, the amount

1 made available to the General Services Administration for
 2 the acquisition of new vehicles for the Federal fleet shall
 3 not exceed an amount equal to 80 percent of the amount
 4 made available for the acquisition of those vehicles for fis-
 5 cal year 2010.

6 **SEC. 9. SALE OF EXCESS FEDERAL PROPERTY.**

7 (a) IN GENERAL.—Chapter 5 of subtitle I of title 40,
 8 United States Code, is amended by adding at the end the
 9 following:

10 “SUBCHAPTER VII—EXPEDITED DISPOSAL OF
 11 REAL PROPERTY

12 “§ 621. Definitions

13 “In this subchapter:

14 “(1) DIRECTOR.—The term ‘Director’ means
 15 the Director of the Office of Management and Budg-
 16 et.

17 “(2) LANDHOLDING AGENCY.—The term ‘land-
 18 holding agency’ means a landholding agency (as de-
 19 fined in section 501(i) of the McKinney-Vento
 20 Homeless Assistance Act (42 U.S.C. 11411(i))).

21 “(3) REAL PROPERTY.—

22 “(A) IN GENERAL.—The term ‘real prop-
 23 erty’ means—

1 “(i) a parcel of real property under
2 the administrative jurisdiction of the Fed-
3 eral Government that is—

4 “(I) excess;

5 “(II) surplus;

6 “(III) underperforming; or

7 “(IV) otherwise not meeting the
8 needs of the Federal Government, as
9 determined by the Director; and

10 “(ii) a building or other structure lo-
11 cated on real property described in clause
12 (i).

13 “(B) EXCLUSION.—The term ‘real prop-
14 erty’ excludes any parcel of real property, and
15 any building or other structure located on real
16 property, that is to be closed or realigned under
17 the Defense Authorization Amendments and
18 Base Closure and Realignment Act (10 U.S.C.
19 2687 note; Public Law 100–526).

20 **“§ 622. Disposal program**

21 “(a) IN GENERAL.—Except as provided in subsection
22 (e), the Director shall, by sale or auction, dispose of a
23 quantity of real property with an aggregate value of not
24 less than \$100,000,000 that, as determined by the Direc-
25 tor, is not being used, and will not be used, to meet the

1 needs of the Federal Government for the period of fiscal
2 years 2011 through 2015.

3 “(b) RECOMMENDATIONS.—The head of each land-
4 holding agency shall recommend to the Director real prop-
5 erty for disposal under subsection (a).

6 “(c) SELECTION OF PROPERTIES.—After receiving
7 recommendations of candidate real property under sub-
8 section (b), the Director—

9 “(1) with the concurrence of the head of each
10 landholding agency, may select the real property for
11 disposal under subsection (a); and

12 “(2) shall notify the recommending landholding
13 agency head of the selection of the real property.

14 “(d) WEBSITE.—The Director shall ensure that all
15 real properties selected for disposal under this section are
16 listed on a website that shall—

17 “(1) be updated routinely; and

18 “(2) include the functionality to allow any
19 member of the public, at the option of the member,
20 to receive updates of the list through electronic mail.

21 “(e) TRANSFER OF PROPERTY.—The Director may
22 transfer real property selected for disposal under this sec-
23 tion to the Department of Housing and Urban Develop-
24 ment if the Secretary of Housing and Urban Development

1 determines that the real property is suitable for use in
2 assisting the homeless.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

4 The table of sections for chapter 5 of subtitle I of title
5 40, United States Code, is amended by inserting after the
6 item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Definitions.

“Sec. 622. Disposal program.”.

7 **SEC. 10. PROHIBITION ON EARMARKS.**

8 Section 312 of the Congressional Budget Act of 1974
9 is amended by inserting at the end the following:

10 “(g) **PROHIBITION ON EARMARKS.**—

11 “(1) **BILLS AND JOINT RESOLUTIONS.**—

12 “(A) **IN GENERAL.**—It shall not be in
13 order in the Senate or the House of Represent-
14 atives to consider a bill, resolution, or amend-
15 ment that includes an earmark, limited tax ben-
16 efit, or limited tariff benefit.

17 “(B) **PROCEDURE.**—In the Senate, a point
18 of order under this paragraph may be raised by
19 a Senator as provided in section 313(e) of the
20 Congressional Budget Act of 1974.

21 “(2) **CONFERENCE REPORT.**—

22 “(A) **IN GENERAL.**—It shall not be in
23 order in the Senate or the House of Represent-

1 atives to vote on the adoption of a report of a
2 committee of conference if the report includes
3 an earmark, limited tax benefit, or limited tariff
4 benefit.

5 “(B) PROCEDURE.—When the Senate is
6 considering a conference report on, or an
7 amendment between the Houses in relation to,
8 an appropriations act, upon a point of order
9 being made by any Senator pursuant to this
10 paragraph, and such point of order being sus-
11 tained, such material contained in such con-
12 ference report shall be deemed stricken, and the
13 Senate shall proceed to consider the question of
14 whether the Senate shall recede from its
15 amendment and concur with a further amend-
16 ment, or concur in the House amendment with
17 a further amendment, as the case may be,
18 which further amendment shall consist of only
19 that portion of the conference report or House
20 amendment, as the case may be, not so strick-
21 en. Any such motion in the Senate shall be de-
22 batable under the same conditions as was the
23 conference report. In any case in which such
24 point of order is sustained against a conference
25 report (or Senate amendment derived from such

1 conference report by operation of this sub-
2 section), no further amendment shall be in
3 order.

4 “(3) WAIVER.—Any Senator may move to waive
5 any or all points of order under this subsection by
6 an affirmative vote of two-thirds of the Members,
7 duly chosen and sworn.

8 “(4) DEFINITIONS.—For the purpose of this
9 subsection—

10 “(A) the term ‘earmark’ means a provision
11 or report language included primarily at the re-
12 quest of a Senator or Member of the House of
13 Representatives providing, authorizing, or rec-
14 ommending a specific amount of discretionary
15 budget authority, credit authority, or other
16 spending authority for a contract, loan, loan
17 guarantee, grant, loan authority, or other ex-
18 penditure with or to an entity, or targeted to a
19 specific State, locality or Congressional district,
20 other than through a statutory or administra-
21 tive formula-driven or competitive award proc-
22 ess;

23 “(B) the term ‘limited tax benefit’ means
24 any revenue provision that—

1 “(i) provides a Federal tax deduction,
2 credit, exclusion, or preference to a par-
3 ticular beneficiary or limited group of
4 beneficiaries under the Internal Revenue
5 Code of 1986; and

6 “(ii) contains eligibility criteria that
7 are not uniform in application with respect
8 to potential beneficiaries of such provision;
9 and

10 “(C) the term ‘limited tariff benefit’ means
11 a provision modifying the Harmonized Tariff
12 Schedule of the United States in a manner that
13 benefits 10 or fewer entities.

14 “(5) APPLICATION.—This subsection shall not
15 apply to any authorization of appropriations to a
16 Federal entity if such authorization is not specifi-
17 cally targeted to a State, locality or congressional
18 district.”.

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