To provide, for purposes of mitigating the effects of a sequestration, the Secretary of Defense transfer authority with respect to amounts made available to the Department of Defense in fiscal years 2014 through 2021, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2013

Mr. COOPER (for himself and Mr. RYAN of Wisconsin) introduced the following bill; which was referred to the Committee on Appropriations

A BILL

To provide, for purposes of mitigating the effects of a sequestration, the Secretary of Defense transfer authority with respect to amounts made available to the Department of Defense in fiscal years 2014 through 2021, and for other purposes.

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 “Defense Flexibility
5 Act”.


SEC. 2. FLEXIBILITY FOR DEPARTMENT OF DEFENSE

BUDGET CUTS DUE TO SEQUESTRATION.

(a) FINDINGS.—Congress finds the following:

(1) Former Secretary of Defense Leon Panetta has stated that the budget cuts to the Department of Defense due to sequestration would deeply damage the Nation’s national security.

(2) General William Shelton, Commander, Air Force Space Command, has testified that the budget cuts to the Department of Defense due to sequestration have created “chaos” and “the chaos created cannot be overstated”.

(3) Martin Dempsey, Chairman of the Joint Chiefs of Staff, testified about sequestration and noted, “Sequestration leaves me three places to go to find the additional money: operations, maintenance, and training. That’s the definition of a hollow force.”.

(4) Regarding the impact of sequestration, the Nation’s military leaders have said it will cause “severe and irreversible impact”, “crisis response will be significantly degraded”, and “cuts of this magnitude would be catastrophic to the military”.

(5) The Nation’s military leaders have written to the Committee on Armed Services of the House of Representatives saying the readiness of the
Armed Forces is at a tipping point, a hollow force is about to be created, and they are requesting “flexibility to properly shape the best military force in the world”.

(6) The Nation’s defense leaders need flexibility to manage these budget cuts so the national security is not compromised and their warnings about unacceptable risk, hollow force, chaos, and loss of faith may be averted.

(b) Transfer Authority.—In addition to any transfer authority otherwise available, and subject to subsections (c) and (d), of the amounts appropriated to the Department of Defense in any of fiscal years 2014 through 2021, the Secretary of Defense may transfer any appropriation subject in such a fiscal year to reduction under a sequestration order issued pursuant to section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 between such appropriations, to address an urgent national priority or the consequences of a national emergency resulting from such sequestration, as determined by the Secretary of Defense.

(c) Limitation.—The amount transferred to an appropriation under subsection (b) shall not exceed the amount by which such appropriation is reduced under the sequestration order referred to in such subsection.
(d) REQUIREMENT TO MERGE WITH RECIPIENT APPROPRIATION.—Amounts transferred under subsection (b) shall be merged with the appropriation or fund to which transferred.

(e) CONGRESSIONAL NOTIFICATION REQUIRED.—Amounts transferred under subsection (b) shall not be available for obligation unless the Secretary of Defense notifies the Committees on Armed Services of the House of Representatives and the Senate at least 30 days in advance of such transfer.