IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2013

Mr. INHOFE (for himself and Mr. TOOMEY) introduced the following bill; which was read twice and placed on the calendar pursuant to the order of February 14, 2013, as modified on February 26, 2013

A BILL

To provide for a sequester replacement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SEQUESTER REPLACEMENT.

(a) DEFINITIONS.—In this section—

(1) the terms “account”, “budgetary resources”, “discretionary appropriations”, “direct spending” and related terms have the meaning given such terms in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985;
(2) the term “joint resolution” means only a joint resolution the matter after the resolving clause of which is as follows: “That Congress disapproves the cancellation of budgetary resources identified in the qualifying sequester replacement plan submitted by the President on __________.” (the blank space being appropriately filled in); and

(3) the term “qualifying sequester replacement plan” means a plan submitted by the President—

(A) not later than March 15, 2013; and

(B) that proposes to permanently cancel $85,333,000,000 of budgetary resources available for fiscal year 2013 from any discretionary appropriations or direct spending account, provided—

(i) no more than $42,666,500,000 of budgetary resources shall be cancelled from defense spending (budget function 050);

(ii) any cancellation of budgetary resources from budget function 050 shall be in compliance with the policies under and consistent with amounts authorized in the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239);
(iii) the cancellation of budgetary resources may not be implemented through changes to programs or activities contained in the Internal Revenue Code, or increase governmental receipts, offsetting collections, or offsetting receipts;

(iv) any cancellation of budgetary resources in an account that is not defense spending may not be offset against an increase in another such account; and

(v) the proposed cancellation of budgetary resources shall reduce outlays by not less than $82,500,000,000 by the end of fiscal year 2018.

(b) PROPOSAL.—Not later than March 15, 2013, the President shall submit to Congress a qualifying sequester replacement plan.

(c) JOINT RESOLUTION OF DISAPPROVAL.—

(1) NO REFERRAL.—A joint resolution shall not be referred to a committee in either House of Congress and shall immediately be placed on the calendar.

(2) MOTION TO PROCEED.—A motion to proceed to a joint resolution is highly privileged in the House of Representatives and is privileged in the
Senate and is not debatable. The motion is not subject to a motion to postpone and all points of order against the motion are waived. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of a joint resolution is agreed to, the joint resolution shall remain the unfinished business of the respective House until disposed of.

(3) Expedited Consideration in House of Representatives.—In the House of Representatives, a joint resolution shall be considered as read. All points of order against a joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(4) Expedited Procedure in Senate.—

(A) Consideration.—In the Senate, consideration of a joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10
hours, which shall be divided equally between
the majority and minority leaders or their des-
ignees. A motion further to limit debate is in
order and not debatable. An amendment to, or
a motion to postpone, or a motion to proceed to
the consideration of other business, or a motion
to recommit the joint resolution is not in order.

(B) VOTE ON PASSAGE.—If the Senate has
proceeded to a joint resolution, the vote on pas-
sage of the joint resolution shall occur imme-
diately following the conclusion of considera-
tion of the joint resolution, and a single quorum call
at the conclusion of the debate if requested in
accordance with the rules of the Senate.

(C) RULINGS OF THE CHAIR ON PROCE-
DURE.—Appeals from the decisions of the Chair
relating to the application of the rules of the
Senate to the procedure relating to a joint reso-

(5) AMENDMENT NOT IN ORDER.—A joint reso-
lution considered under this subsection shall not be
subject to amendment in either the House of Rep-
resentatives or the Senate.

(6) COORDINATION WITH ACTION BY OTHER
HOUSE.—If, before passing a joint resolution, one
House receives from the other House a joint resolution—

(A) the joint resolution of the other House shall not be referred to a committee; and

(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House, except that the vote on final passage shall be on the joint resolution of the other House.

(7) Period.—Subject to subsection (d)(1), Congress may not consider a joint resolution under this subsection after the date that is 7 calendar days after March 15, 2013.

(8) Rules of House of Representatives and Senate.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and
(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) Consideration After Passage.—

(1) COMPUTATION OF DAYS.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President signs, allows to become law without his signature, or vetoes and returns the joint resolution (but excluding days when either House is not in session) shall be disregarded in computing the calendar day period described in subsection (e)(7).

(2) VETO OVERRIDE.—Debate on a veto message in the House of Representatives and the Senate relating to a joint resolution shall be 1 hour equally divided between the majority and minority leaders or their designees.

(e) DISAPPROVAL.—If a joint resolution is enacted under this section—

(1) the President may not carrying out the proposed cancellation of budgetary resources in the
qualifying sequester replacement plan submitted under subsection (b); and

(2) sequestration shall continue in accordance with the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(f) FAILURE TO ENACT DISAPPROVAL.—Effective on the day after the end of the calendar day period under subsection (c)(7) (as determined in accordance with subsection (d)(1)), if the President has submitted a qualifying sequester replacement plan in accordance with subsection (b) and a joint resolution of disapproval has not been enacted under this section, the President shall—

(1) cancel any sequestration order issued under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a); and

(2) cancel budgetary resources in accordance with the qualifying sequester replacement plan submitted under subsection (b).
SEC. 2. TRANSFER AUTHORITY FOR FUNDING OF DEPARTMENT OF DEFENSE UNDER CONTINUING RESOLUTION AND SEQUESTER CONSISTENT WITH AMOUNTS AUTHORIZED BY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.

(a) In General.—For fiscal year 2013, in implementing sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, the Secretary of Defense may transfer amounts appropriated for the Department of Defense by the Continuing Appropriations Resolution, 2013 (Public Law 112–175) among accounts of the Department of Defense.

(b) Transfers Consistent With Amounts Authorized by PL 112–239.—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, 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).

(e) Notice to Congress.—Not later than 15 after 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 will be transferred.

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

(e) DEFINITION.—In this section, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.
A BILL

TO PROVIDE FOR A SEQUESTER REPLACEMENT:

S. 16

Calendar No. 19

113TH CONGRESS
1ST SESSION

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