

Calendar No. 19

113TH CONGRESS
1ST SESSION**S. 16**

To provide for a sequester replacement.

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.

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. SEQUESTER REPLACEMENT.**

4 (a) DEFINITIONS.—In this section—

5 (1) the terms “account”, “budgetary re-
6 sources”, “discretionary appropriations”, “direct
7 spending” and related terms have the meaning given
8 such terms in section 250 of the Balanced Budget
9 and Emergency Deficit Control Act of 1985;

1 (2) the term “joint resolution” means only a
2 joint resolution the matter after the resolving clause
3 of which is as follows: “That Congress disapproves
4 the cancellation of budgetary resources identified in
5 the qualifying sequester replacement plan submitted
6 by the President on _____.” (the blank
7 space being appropriately filled in); and

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

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

11 (B) that proposes to permanently cancel
12 \$85,333,000,000 of budgetary resources avail-
13 able for fiscal year 2013 from any discretionary
14 appropriations or direct spending account, pro-
15 vided—

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

19 (ii) any cancellation of budgetary re-
20 sources from budget function 050 shall be
21 in compliance with the policies under and
22 consistent with amounts authorized in the
23 National Defense Authorization Act for
24 Fiscal Year 2013 (Public Law 112–239);

1 (iii) the cancellation of budgetary re-
2 sources may not be implemented through
3 changes to programs or activities contained
4 in the Internal Revenue Code, or increase
5 governmental receipts, offsetting collec-
6 tions, or offsetting receipts;

7 (iv) any cancellation of budgetary re-
8 sources in an account that is not defense
9 spending may not be offset against an in-
10 crease in another such account; and

11 (v) the proposed cancellation of budg-
12 etary resources shall reduce outlays by not
13 less than \$82,500,000,000 by the end of
14 fiscal year 2018.

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

18 (c) JOINT RESOLUTION OF DISAPPROVAL.—

19 (1) NO REFERRAL.—A joint resolution shall not
20 be referred to a committee in either House of Con-
21 gress and shall immediately be placed on the cal-
22 endar.

23 (2) MOTION TO PROCEED.—A motion to pro-
24 ceed to a joint resolution is highly privileged in the
25 House of Representatives and is privileged in the

1 Senate and is not debatable. The motion is not sub-
2 ject to a motion to postpone and all points of order
3 against the motion are waived. A motion to recon-
4 sider the vote by which the motion is agreed to or
5 disagreed to shall not be in order. If a motion to
6 proceed to the consideration of a joint resolution is
7 agreed to, the joint resolution shall remain the un-
8 finished business of the respective House until dis-
9 posed of.

10 (3) EXPEDITED CONSIDERATION IN HOUSE OF
11 REPRESENTATIVES.—In the House of Representa-
12 tives, a joint resolution shall be considered as read.
13 All points of order against a joint resolution and
14 against its consideration are waived. The previous
15 question shall be considered as ordered on the joint
16 resolution to its passage without intervening motion
17 except 2 hours of debate equally divided and con-
18 trolled by the proponent and an opponent. A motion
19 to reconsider the vote on passage of the joint resolu-
20 tion shall not be in order.

21 (4) EXPEDITED PROCEDURE IN SENATE.—

22 (A) CONSIDERATION.—In the Senate, con-
23 sideration of a joint resolution, and on all de-
24 batable motions and appeals in connection
25 therewith, shall be limited to not more than 10

1 hours, which shall be divided equally between
2 the majority and minority leaders or their des-
3 ignees. A motion further to limit debate is in
4 order and not debatable. An amendment to, or
5 a motion to postpone, or a motion to proceed to
6 the consideration of other business, or a motion
7 to recommit the joint resolution is not in order.

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

15 (C) RULINGS OF THE CHAIR ON PROCE-
16 DURE.—Appeals from the decisions of the Chair
17 relating to the application of the rules of the
18 Senate to the procedure relating to a joint reso-
19 lution shall be decided without debate.

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

24 (6) COORDINATION WITH ACTION BY OTHER
25 HOUSE.—If, before passing a joint resolution, one

1 House receives from the other House a joint resolu-
2 tion—

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

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

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

14 (8) RULES OF HOUSE OF REPRESENTATIVES
15 AND SENATE.—This subsection is enacted by Con-
16 gress—

17 (A) as an exercise of the rulemaking power
18 of the Senate and House of Representatives, re-
19 spectively, and as such it is deemed a part of
20 the rules of each House, respectively, but appli-
21 cable only with respect to the procedure to be
22 followed in that House in the case of a joint
23 resolution, and it supersedes other rules only to
24 the extent that it is inconsistent with such
25 rules; and

1 (B) with full recognition of the constitu-
2 tional right of either House to change the rules
3 (so far as relating to the procedure of that
4 House) at any time, in the same manner, and
5 to the same extent as in the case of any other
6 rule of that House.

7 (d) CONSIDERATION AFTER PASSAGE.—

8 (1) COMPUTATION OF DAYS.—If Congress
9 passes a joint resolution, the period beginning on the
10 date the President is presented with the joint resolu-
11 tion and ending on the date the President signs, al-
12 lows to become law without his signature, or vetoes
13 and returns the joint resolution (but excluding days
14 when either House is not in session) shall be dis-
15 regarded in computing the calendar day period de-
16 scribed in subsection (c)(7).

17 (2) VETO OVERRIDE.—Debate on a veto mes-
18 sage in the House of Representatives and the Senate
19 relating to a joint resolution shall be 1 hour equally
20 divided between the majority and minority leaders or
21 their designees.

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

24 (1) the President may not carrying out the pro-
25 posed cancellation of budgetary resources in the

1 qualifying sequester replacement plan submitted
2 under subsection (b); and

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

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

13 (1) cancel any sequestration order issued under
14 section 251A of the Balanced Budget and Emer-
15 gency Deficit Control Act of 1985 (2 U.S.C. 901a);
16 and

17 (2) cancel budgetary resources in accordance
18 with the qualifying sequester replacement plan sub-
19 mitted under subsection (b).

1 **SEC. 2. TRANSFER AUTHORITY FOR FUNDING OF DEPART-**
2 **MENT OF DEFENSE UNDER CONTINUING RES-**
3 **OLUTION AND SEQUESTER CONSISTENT**
4 **WITH AMOUNTS AUTHORIZED BY NATIONAL**
5 **DEFENSE AUTHORIZATION ACT FOR FISCAL**
6 **YEAR 2013.**

7 (a) IN GENERAL.—For fiscal year 2013, in imple-
8 menting sequestration under the Balanced Budget and
9 Emergency Deficit Control Act of 1985, the Secretary of
10 Defense may transfer amounts appropriated for the De-
11 partment of Defense by the Continuing Appropriations
12 Resolution, 2013 (Public Law 112–175) among accounts
13 of the Department of Defense.

14 (b) TRANSFERS CONSISTENT WITH AMOUNTS AU-
15 THORIZED BY PL 112–239.—In the event of any transfers
16 under subsection (a), the total amount in any account of
17 the Department of Defense that is available for obligation
18 and expenditure in fiscal year 2013 shall be consistent
19 with, and may not exceed, the amount authorized to be
20 appropriated for that account for that fiscal year by appli-
21 cable provisions of division A of the National Defense Au-
22 thorization Act for Fiscal Year 2013 (Public Law 112–
23 239).

24 (c) NOTICE TO CONGRESS.—Not later than 15 after
25 any transfer under subsection (a), the Secretary of De-
26 fense shall submit to the congressional defense committees

1 a report setting forth a description of the transfer, includ-
2 ing the amount of the transfer and the accounts from and
3 to which the funds will be transferred.

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

7 (e) DEFINITION.—In this section, the term “congres-
8 sional defense committees” has the meaning given that
9 term in section 101(a)(16) of title 10, United States Code.

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