113TH CONGRESS
1ST SESSION

S. 465

To permit flexibility in the application of the budget sequester by Federal agencies.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2013

Ms. COLLINS (for herself and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To permit flexibility in the application of the budget sequester by Federal agencies.

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

SECTION 1. DEFINITION.

In this Act, the term “agency” means—

(1) an Executive agency (as defined in section 105 of title 5, United States Code);

(2) an office, agency, or other establishment in the legislative branch which is not a part of another office, agency, or other establishment in the legisla-
tive branch; and
(3) an office, agency, or other establishment in the judicial branch which is not a part of another office, agency, or other establishment in the judicial branch.

SEC. 2. 2013 SEQUESTER CANCELLATION.

Notwithstanding any other provision of law, the sequestration of budgetary resources for fiscal year 2013 ordered on March 1, 2013, pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 is cancelled.

SEC. 3. FLEXIBLE SEQUESTER IMPLEMENTED BY AGENCY HEADS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the budget sequester for an account in the security and non-security categories required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2013 shall be implemented within each account as determined by the head of the agency with spending authority over such account.

(b) APPROPRIATIONS OVERSIGHT.—

(1) IN GENERAL.—The head of an agency may not exercise the authority provided in subsection (a) unless the head has submitted a notice of implementation describing the proposed exercise of authority to the Committees on Appropriations of both Houses.
not later than 15 days before exercising such au-

thority and each such committee approves the imple-

mentation as provided in paragraph (2).

(2) Appropriations Approval.—After the 

committees receive an executive branch proposal for 

administering the sequester under paragraph (1) 

and not later than 5 days after such receipt, each 

committee, using standard procedures for re-

programming, shall accept or reject the proposal. If 

a proposal is accepted by both committees, the pro-

posal may be implemented. If either committee re-

jcts a proposal and notwithstanding section 2, se-

questration within the relevant agency will be admin-

istered through across the board cuts consistent with 

section 251A of the Balanced Budget and Emer-


SEC. 4. DEPARTMENT OF DEFENSE FLEXIBILITY IN MAN-

AGEMENT OF MULTIYEAR CONTRACTS.

(a) In General.—In implementing under section 

251(a)(1) of the Balanced Budget and Emergency Deficit 

Control Act of 1985 (2 U.S.C. 901(a)(1)) the discre-

tionary spending reductions required by section 251A(7) 

of the Balanced Budget and Emergency Deficit Control 

Act of 1985, the Secretary of Defense may, in consultation 

with the Director of the Office of Management and Budg-
et, take appropriate actions in the management of current
multiyear contracts of the Department of Defense to mini-
mize the effects of such reductions in the carrying out of
such contracts.

(b) Authority for Commencement of Certain
Programs, Projects, and Activities of the Depart-
ment of Defense.—Notwithstanding section 102 of the
Continuing Appropriations Resolution, 2013 (Public Law
112–175), appropriations or funds made available or au-
thority granted pursuant to section 101 of that Resolution
for the Department of Defense may be used for the pro-
grams, projects, and activities specified in H.R. 5856, De-
partment of Defense Appropriations Act, 2013, as re-
ported with an amendment in the Senate on August 2,
2012 in the 112th Congress or the funding tables in divi-
sion D of the National Defense Authorization Act for Fis-
cal Year 2013 (Public Law 112–239), including the fol-
lowing:

(1) The new production of items not funded for
production in fiscal year 2012 or prior fiscal years.

(2) The increase in production rates above
those sustained with fiscal year 2012 funds.

(3) The initiation, resumption, or continuation
of any project, activity, operation, or organization
for which appropriations, funds, or other authority were not available during fiscal year 2012.

(c) Clarification of Availability of Multiyear Procurement Authority for the Department of Defense.—Notwithstanding section 102 of the Continuing Appropriations Resolution, 2013 (Public Law 112–175), subsection (l)(3) of section 2306b of title 10, United States Code, or any other provision of law, the Secretary of Defense and the Secretaries of the military departments may enter into contracts for multiyear procurements that are authorized by the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239).

(d) Availability of Certain Shipbuilding and Conversion Funds.—Of the amounts provided by section 101 of the Continuing Appropriations Resolution, 2013 (Public Law 112–175) for “Shipbuilding and Conversion, Navy”, $372,573,000 shall be available to fund prior year shipbuilding cost increases. The funds so available shall be transferred to, and merged with, the following appropriations accounts in the amounts specified:

(1) “Shipbuilding and Conversion, Navy, 2009/2013” for the CVN Refueling Overhauls Program, $135,000,000.
(2) “Shipbuilding and Conversion, Navy, 2007/2013” for the LHA Replacement Program, $156,685,000.

(3) “Shipbuilding and Conversion, Navy, 2008/2013” for the LPD–17 Amphibious Transport Dock Program, $80,888,000.