

113TH CONGRESS  
1ST SESSION

# S. 465

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

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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

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## A BILL

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

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. DEFINITION.**

4 In this Act, the term “agency” means—

5 (1) an Executive agency (as defined in section  
6 105 of title 5, United States Code);

7 (2) an office, agency, or other establishment in  
8 the legislative branch which is not a part of another  
9 office, agency, or other establishment in the legisla-  
10 tive branch; and

1           (3) an office, agency, or other establishment in  
 2           the judicial branch which is not a part of another of-  
 3           fice, agency, or other establishment in the judicial  
 4           branch.

5 **SEC. 2. 2013 SEQUESTER CANCELLATION.**

6           Notwithstanding any other provision of law, the se-  
 7           questration of budgetary resources for fiscal year 2013 or-  
 8           dered on March 1, 2013, pursuant to section 251A of the  
 9           Balanced Budget and Emergency Deficit Control Act of  
 10          1985 is cancelled.

11 **SEC. 3. FLEXIBLE SEQUESTER IMPLEMENTED BY AGENCY**

12                               **HEADS.**

13          (a) IN GENERAL.—Notwithstanding any other provi-  
 14          sion of law, the budget sequester for an account in the  
 15          security and non-security categories required by section  
 16          251A of the Balanced Budget and Emergency Deficit  
 17          Control Act of 1985 for fiscal year 2013 shall be imple-  
 18          mented within each account as determined by the head  
 19          of the agency with spending authority over such account.

20          (b) APPROPRIATIONS OVERSIGHT.—

21                 (1) IN GENERAL.—The head of an agency may  
 22                 not exercise the authority provided in subsection (a)  
 23                 unless the head has submitted a notice of implemen-  
 24                 tation describing the proposed exercise of authority  
 25                 to the Committees on Appropriations of both Houses

1 not later than 15 days before exercising such au-  
2 thority and each such committee approves the imple-  
3 mentation as provided in paragraph (2).

4 (2) **APPROPRIATIONS APPROVAL.**—After the  
5 committees receive an executive branch proposal for  
6 administering the sequester under paragraph (1)  
7 and not later than 5 days after such receipt, each  
8 committee, using standard procedures for re-  
9 programming, shall accept or reject the proposal. If  
10 a proposal is accepted by both committees, the pro-  
11 posal may be implemented. If either committee re-  
12 jects a proposal and notwithstanding section 2, se-  
13 questration within the relevant agency will be admin-  
14 istered through across the board cuts consistent with  
15 section 251A of the Balanced Budget and Emer-  
16 gency Deficit Control Act of 1985.

17 **SEC. 4. DEPARTMENT OF DEFENSE FLEXIBILITY IN MAN-**  
18 **AGEMENT OF MULTIYEAR CONTRACTS.**

19 (a) **IN GENERAL.**—In implementing under section  
20 251(a)(1) of the Balanced Budget and Emergency Deficit  
21 Control Act of 1985 (2 U.S.C. 901(a)(1)) the discre-  
22 tionary spending reductions required by section 251A(7)  
23 of the Balanced Budget and Emergency Deficit Control  
24 Act of 1985, the Secretary of Defense may, in consultation  
25 with the Director of the Office of Management and Budg-

1 et, take appropriate actions in the management of current  
2 multiyear contracts of the Department of Defense to mini-  
3 mize the effects of such reductions in the carrying out of  
4 such contracts.

5 (b) AUTHORITY FOR COMMENCEMENT OF CERTAIN  
6 PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPART-  
7 MENT OF DEFENSE.—Notwithstanding section 102 of the  
8 Continuing Appropriations Resolution, 2013 (Public Law  
9 112–175), appropriations or funds made available or au-  
10 thority granted pursuant to section 101 of that Resolution  
11 for the Department of Defense may be used for the pro-  
12 grams, projects, and activities specified in H.R. 5856, De-  
13 partment of Defense Appropriations Act, 2013, as re-  
14 ported with an amendment in the Senate on August 2,  
15 2012 in the 112th Congress or the funding tables in divi-  
16 sion D of the National Defense Authorization Act for Fis-  
17 cal Year 2013 (Public Law 112–239), including the fol-  
18 lowing:

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

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

23 (3) The initiation, resumption, or continuation  
24 of any project, activity, operation, or organization

1 for which appropriations, funds, or other authority  
2 were not available during fiscal year 2012.

3 (c) CLARIFICATION OF AVAILABILITY OF MULTIYEAR  
4 PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF  
5 DEFENSE.—Notwithstanding section 102 of the Con-  
6 tinuing Appropriations Resolution, 2013 (Public Law  
7 112–175), subsection (l)(3) of section 2306b of title 10,  
8 United States Code, or any other provision of law, the Sec-  
9 retary of Defense and the Secretaries of the military de-  
10 partments may enter into contracts for multiyear procure-  
11 ments that are authorized by the National Defense Au-  
12 thorization Act for Fiscal Year 2013 (Public Law 112–  
13 239).

14 (d) AVAILABILITY OF CERTAIN SHIPBUILDING AND  
15 CONVERSION FUNDS.—Of the amounts provided by sec-  
16 tion 101 of the Continuing Appropriations Resolution,  
17 2013 (Public Law 112–175) for “Shipbuilding and Con-  
18 version, Navy”, \$372,573,000 shall be available to fund  
19 prior year shipbuilding cost increases. The funds so avail-  
20 able shall be transferred to, and merged with, the fol-  
21 lowing appropriations accounts in the amounts specified:

22 (1) “Shipbuilding and Conversion, Navy, 2009/  
23 2013” for the CVN Refueling Overhauls Program,  
24 \$135,000,000.

1           (2) “Shipbuilding and Conversion, Navy, 2007/  
2           2013” for the LHA Replacement Program,  
3           \$156,685,000.

4           (3) “Shipbuilding and Conversion, Navy, 2008/  
5           2013” for the LPD-17 Amphibious Transport Dock  
6           Program, \$80,888,000.

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