

113TH CONGRESS
1ST SESSION

H. R. 857

To amend section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 to eliminate the Department of Defense sequestration for fiscal years 2013 and 2014 and sequester such eliminated sums over a period of fiscal years 2015 through 2021.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2013

Mr. COOK introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 to eliminate the Department of Defense sequestration for fiscal years 2013 and 2014 and sequester such eliminated sums over a period of fiscal years 2015 through 2021.

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 “Protect Troops at War
5 Act of 2013”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) On August 2, 2011, the President signed
4 into law S. 365, the Budget Control Act of 2011,
5 which reduced defense discretionary spending by
6 \$478 billion over ten years.

7 (2) The Budget Control Act of 2011 also estab-
8 lished a sequestration in the event that a Joint Se-
9 lect Committee on Deficit Reduction could not agree
10 on an additional \$1.2 trillion in savings by Novem-
11 ber 2011.

12 (3) The Joint Select Committee on Deficit Re-
13 duction was unable to reach an agreement, which
14 triggered sequestration, resulting in an additional
15 \$495 billion reduction in defense spending over the
16 same ten-year period.

17 (4) If these reductions in defense spending re-
18 main intact, the total portion of defense spending as
19 a percentage of the total U.S. budget will be at its
20 lowest point since before World War II.

21 (5) Sequestration alone would reduce our mili-
22 tary force to its smallest level since 1940, resulting
23 in the separation of more than 100,000 soldiers,
24 sailors, Marines, and airmen.

25 (6) Since 2009, the number of troops has more
26 than doubled in Afghanistan from 30,000 to 66,000

1 today. During the same period, Congress has ac-
2 tively reduced the budget for the Department of De-
3 fense.

4 (b) PURPOSE.—It is the purpose of this Act to:

5 (1) Avoid deeper, irresponsible defense cuts in
6 the face of an increasingly dangerous world that un-
7 necessarily threaten our national security and will
8 cost American lives in armed conflict abroad.

9 (2) Invest in advanced military technology in
10 order to equip the U.S. military with the best re-
11 sources available to defend our country.

12 (3) Not allow the strategy of the U.S. military
13 to be driven by budget constraints, which is unac-
14 ceptable. The strategy should drive the budget.
15 Avoiding cuts while our troops are at war allows
16 necessary time to adjust strategy for the restruc-
17 tured force post-Afghanistan. Before the House
18 Armed Services Committee, Chairman of the Joint
19 Chiefs General Dempsey testified “If you want [your
20 military] to be doing what it’s doing today, then we
21 can’t give you another dollar.”.

22 (4) Ensure that the U.S. military forces are
23 adequately prepared. Commandant of the Marine
24 Corps, General Amos, in his statement before the
25 House Armed Services Committee remarked, “By

1 the end of calendar year 2013, less than half of our
2 ground units will be trained to the minimum readi-
3 ness level required for deployment.”. Sequestration,
4 if left unchecked, will cost American lives. The hol-
5 low force experienced during the Korean War would
6 be today’s reality.

7 (5) Halt irresponsible budget cuts because no
8 amount of savings can justify the loss of one Amer-
9 ican service member.

10 **SEC. 3. POSTPONEMENT OF FY 2013 AND 2014 DEFENSE SE-**
11 **QUESTRATION.**

12 Section 251A of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985 is amended by adding
14 at the end the following new paragraph:

15 “(12) Notwithstanding paragraphs (5) and (8),
16 there shall be no reductions under this section to
17 discretionary appropriations or direct spending for
18 fiscal year 2013 or 2014 for the defense function.
19 The reduction that would otherwise have occurred
20 shall be added to and distributed equally among the
21 sequestration for the defense function for fiscal
22 years 2015 through 2021.”.

1 **SEC. 4. 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.—In accordance with subsection (b),
8 the Secretary of Defense may transfer amounts appro-
9 priated for the Department of Defense by the Continuing
10 Appropriations Resolution (Public Law 112–175) among
11 accounts of the Department of Defense.

12 (b) TRANSFERS CONSISTENT WITH AMOUNTS AP-
13 PROPRIATED OR AUTHORIZED.—In the event of any trans-
14 fers under subsection (a), the total amount in any account
15 of the Department of Defense that is available for obliga-
16 tion and expenditure in fiscal year 2013 shall be consistent
17 with, and may not exceed—

18 (1) if a regular appropriation Act making ap-
19 propriations for the Department of Defense for fis-
20 cal year 2013 is enacted before the date of the
21 transfer, the level provided for that account for that
22 fiscal year by applicable provisions of such Act; or

23 (2) if no such Act is enacted before the date of
24 the transfer, the amount authorized to be appro-
25 priated for that account for that fiscal year by appli-
26 cable provisions of division A of the National De-

1 fense Authorization Act for Fiscal Year 2013 (Pub-
2 lic Law 112–239).

3 (c) NOTICE TO CONGRESS.—Not later than 15 days
4 before any transfer under subsection (a), the Secretary of
5 Defense shall submit to the congressional defense commit-
6 tees a report setting forth a description of the transfer,
7 including the amount of the transfer and the accounts
8 from and to which the funds were transferred.

9 (d) TRANSFER SUBJECT TO NOTIFICATION RE-
10 QUIREMENTS.—In addition to the notice required under
11 subsection (c), a transfer under subsection (a) shall be
12 subject to the applicable notification requirements for re-
13 programming in division A of Public Law 112–74.

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

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

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