

114TH CONGRESS
1ST SESSION

S. 813

To provide the Secretary of Defense with authority to transfer funds in order to mitigate the effects on the Department of Defense of a sequestration of funds available to the Department of Defense, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2015

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide the Secretary of Defense with authority to transfer funds in order to mitigate the effects on the Department of Defense of a sequestration of funds available to the Department of Defense, and for other purposes.

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 “Military Sequester
5 Flexibility Act”.

1 **SEC. 2. TRANSFER AUTHORITY FOR DEPARTMENT OF DE-**
2 **FENSE FUNDS TO MITIGATE THE EFFECTS ON**
3 **THE DEPARTMENT OF DEFENSE OF A SE-**
4 **QUESTRATION OF FUNDS.**

5 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

6 (1) AUTHORITY.—The Secretary of Defense
7 may transfer amounts of authorizations made avail-
8 able to the Department of Defense for a fiscal year
9 between any such authorizations for that fiscal year
10 (or any subdivisions thereof) if the Secretary deter-
11 mines that the transfer—

12 (A) is necessary to mitigate the effects on
13 the Department of Defense of a reduction in
14 the discretionary spending limit or the seques-
15 tration of direct spending under section 251A
16 of the Balanced Budget and Emergency Deficit
17 Control Act of 1985 (2 U.S.C. 901a) or a se-
18 questration under section 251(a)(1) of such Act
19 (2 U.S.C. 901(a)(1)); and

20 (B) is necessary in the national interest.

21 (2) LIMITATION.—Except as provided in para-
22 graph (3), the total amount of authorizations that
23 the Secretary may transfer under the authority of
24 this section in a fiscal year may not exceed
25 \$50,000,000,000.

1 (3) EXCEPTION FOR TRANSFERS BETWEEN
2 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
3 fer of funds between military personnel authoriza-
4 tions shall not be counted toward the dollar limita-
5 tion in paragraph (2).

6 (4) TREATMENT OF AMOUNTS TRANS-
7 FERRED.—Amounts of authorizations transferred
8 pursuant to paragraph (1) shall be merged with and
9 be available for the same purposes as the authoriza-
10 tion to which transferred.

11 (b) LIMITATIONS.—The authority provided by sub-
12 section (a) to transfer authorizations—

13 (1) may only be used to provide authority for
14 items that have a higher priority than the items
15 from which authority is transferred;

16 (2) may not be used to provide authority for an
17 item that has been denied authorization by Con-
18 gress; and

19 (3) may not reduce the amount authorized for
20 the fiscal year concerned for an item by an amount
21 in excess of the amount equal to 50 percent of the
22 amount otherwise authorized to be appropriated for
23 that fiscal year for that item.

1 (c) NOTICE TO CONGRESS.—The Secretary of De-
2 fense shall notify Congress of each proposed use of the
3 transfer authority in subsection (a).

4 (d) CONGRESSIONAL DISAPPROVAL.—A transfer may
5 not occur under the authority in subsection (a) if Congress
6 enacts a joint resolution disapproving the transfer within
7 the 30-day period beginning on the notice to Congress of
8 the transfer pursuant to subsection (c).

9 (e) EFFECT ON AUTHORIZATION AMOUNTS.—A
10 transfer made from one account to another under the au-
11 thority of this section shall be deemed to increase the
12 amount authorized for the account to which the amount
13 is transferred by an amount equal to the amount trans-
14 ferred.

15 (f) CONSTRUCTION OF AUTHORITY.—The authority
16 to transfer funds under this section in addition to any
17 other authority available to the Secretary of Defense to
18 transfer funds for the Department of Defense under any
19 other provision of law.

20 (g) SUNSET.—The authority to transfer funds under
21 this section shall expire on September 30, 2023.

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