

114TH CONGRESS
1ST SESSION

S. 2303

To exempt the Department of Defense and other national security agencies from sequestration.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2015

Mr. McCAIN introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To exempt the Department of Defense and other national security agencies from sequestration.

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. EXEMPTION OF NATIONAL SECURITY AGEN-**
4 **CIES FROM SEQUESTRATION.**

5 (a) IN GENERAL.—Section 255(f) of the Balanced
6 Budget and Emergency Deficit Control Act of 1985 (2
7 U.S.C. 905(f)) is amended to read as follows:

8 “(f) EXEMPTION OF NATIONAL SECURITY AGEN-
9 CIES.—The programs, budget accounts, and activities of
10 the following departments, agencies, and elements shall be

1 exempt from reduction under any order issued under this
2 part:

3 “(1) The Department of Defense.

4 “(2) Each element of the intelligence commu-
5 nity (as defined in section 3 of the National Security
6 Act of 1947 (50 U.S.C. 3003)).

7 “(3) The Department of State.

8 “(4) The Federal Bureau of Investigation.

9 “(5) The Department of Homeland Security.

10 “(6) The National Nuclear Security Adminis-
11 tration.”.

12 (b) IMPLEMENTATION OF ENFORCEMENT.—Section
13 251(a)(2) of the Balanced Budget and Emergency Deficit
14 Control Act of 1985 (2 U.S.C. 901(a)(2)) is amended—

15 (1) by striking “Each non-exempt account” and
16 inserting the following:

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), each non-exempt account”; and

19 (2) by adding at the end the following:

20 “(B) IMPLEMENTATION WITH RESPECT TO
21 NATIONAL SECURITY AGENCIES.—

22 “(i) IN GENERAL.—The Office of
23 Management and Budget shall determine
24 the uniform percentage necessary to elimi-

1 nate a breach within a category without re-
2 gard to section 255(f).

3 “(ii) RULE OF CONSTRUCTION.—
4 Nothing in clause (i) or section 255(f)
5 shall be construed to require the elimi-
6 nation of any portion of a breach that is
7 not eliminated by operation of clause (i)
8 and section 255(f).”.

9 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
10 The Balanced Budget and Emergency Deficit Control Act
11 of 1985 (2 U.S.C. 900 et seq.) is amended—

12 (1) in section 251 (2 U.S.C. 901)—

13 (A) in subsection (a)—

14 (i) by striking paragraph (3);

15 (ii) by redesignating paragraphs (4),
16 (5), (6), and (7) as paragraphs (3), (4),
17 (5), and (6), respectively;

18 (iii) in paragraph (3), as so redesign-
19 ated, by striking “paragraphs (2) and
20 (3)” and inserting “paragraph (2)”; and

21 (iv) in paragraph (5), as so redesign-
22 ated, by striking “paragraphs (2) through
23 (4)” and inserting “paragraphs (2) and
24 (3)”; and

1 (B) in subsection (b)(2), by striking “sec-
2 tion 254(e), (f), or (g)” and inserting “sub-
3 section (d), (e), or (f) of section 254”;

4 (2) in section 254 (2 U.S.C. 904(a))—

5 (A) in the table in subsection (a), by strik-
6 ing the item relating to notification regarding
7 military personnel;

8 (B) by striking subsection (d);

9 (C) by redesignating subsections (e)
10 through (j) as subsections (d) through (i), re-
11 spectively; and

12 (D) in subsection (f), as so redesignated—

13 (i) by striking “paragraph (f)(2)” and
14 inserting “subsection (e)(2)”; and

15 (ii) by striking “paragraphs (f)(2) and
16 (f)(4)” and inserting “paragraphs (2) and
17 (4) of subsection (e)”;

18 (3) in section 256 (2 U.S.C. 906), by striking
19 subsection (g) and inserting the following:

20 “(g) FEDERAL PAY.—

21 “(1) IN GENERAL.—For purposes of any order
22 issued under section 254, Federal pay under a statu-
23 tory pay system shall be subject to reduction under
24 an order in the same manner as other administrative
25 expense components of the Federal budget; except

1 that no such order may reduce or have the effect of
2 reducing the rate of pay to which any individual is
3 entitled under any such statutory pay system (as in-
4 creased by any amount payable under section 5304
5 of title 5, United States Code, or section 302 of the
6 Federal Employees Pay Comparability Act of 1990)
7 or any increase in rates of pay which is scheduled
8 to take effect under section 5303 of title 5, United
9 States Code, or any other provision of law.

10 “(2) DEFINITION.—For purposes of this sub-
11 section, the term ‘statutory pay system’ shall have
12 the meaning given that term in section 5302(1) of
13 title 5, United States Code.”; and

14 (4) in section 258(a)(1)—

15 (A) by striking “section 254(i)” and in-
16 serting “section 254(h)”; and

17 (B) by striking “section 254(j)” and in-
18 serting “section 254(i)”.

19 (d) APPLICABILITY.—The amendments made by this
20 section shall apply with respect to any sequestration order
21 issued under the Balanced Budget and Emergency Deficit
22 Control Act of 1985 (2 U.S.C. 900 et seq.) for fiscal year
23 2017 or any fiscal year thereafter.

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