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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

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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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Sequester Flexibility Act".

SEC. 2. TRANSFER AUTHORITY FOR DEPARTMENT OF DEFENSE FUNDS TO MITIGATE THE EFFECTS ON THE DEPARTMENT OF DEFENSE OF A SEQUESTRATION OF FUNDS.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—The Secretary of Defense may transfer amounts of authorizations made available to the Department of Defense for a fiscal year between any such authorizations for that fiscal year (or any subdivisions thereof) if the Secretary determines that the transfer—

(A) is necessary to mitigate the effects on the Department of Defense of a reduction in the discretionary spending limit or the sequestration of direct spending under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) or a sequestration under section 251(a)(1) of such Act (2 U.S.C. 901(a)(1)); and

(B) is necessary in the national interest.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section in a fiscal year may not exceed $50,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations shall not be counted toward the dollar limitation in paragraph (2).

(4) TREATMENT OF AMOUNTS TRANSFERRED.—Amounts of authorizations transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the authorization to which transferred.

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

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

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

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

(c) NOTICE TO CONGRESS.—The Secretary of Defense shall notify Congress of each proposed use of the transfer authority in subsection (a).

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

(e) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

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

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

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