

113TH CONGRESS
1ST SESSION

H. R. 2883

To provide, for purposes of mitigating the effects of a sequestration, the Secretary of Defense transfer authority with respect to amounts made available to the Department of Defense in fiscal years 2014 through 2021, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2013

Mr. COOPER (for himself and Mr. RYAN of Wisconsin) introduced the following bill; which was referred to the Committee on Appropriations

A BILL

To provide, for purposes of mitigating the effects of a sequestration, the Secretary of Defense transfer authority with respect to amounts made available to the Department of Defense in fiscal years 2014 through 2021, 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 “Defense Flexibility
5 Act”.

1 **SEC. 2. FLEXIBILITY FOR DEPARTMENT OF DEFENSE**

2 **BUDGET CUTS DUE TO SEQUESTRATION.**

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

4 (1) Former Secretary of Defense Leon Panetta
5 has stated that the budget cuts to the Department
6 of Defense due to sequestration would deeply dam-
7 age the Nation’s national security.

8 (2) General William Shelton, Commander, Air
9 Force Space Command, has testified that the budget
10 cuts to the Department of Defense due to sequestra-
11 tion have created “chaos” and “the chaos created
12 cannot be overstated”.

13 (3) Martin Dempsey, Chairman of the Joint
14 Chiefs of Staff, testified about sequestration and
15 noted, “Sequestration leaves me three places to go
16 to find the additional money: operations, mainte-
17 nance, and training. That’s the definition of a hollow
18 force.”.

19 (4) Regarding the impact of sequestration, the
20 Nation’s military leaders have said it will cause “se-
21 vere and irreversible impact”, “crisis response will
22 be significantly degraded”, and “cuts of this mag-
23 nitude would be catastrophic to the military”.

24 (5) The Nation’s military leaders have written
25 to the Committee on Armed Services of the House
26 of Representatives saying the readiness of the

1 Armed Forces is at a tipping point, a hollow force
2 is about to be created, and they are requesting
3 “flexibility to properly shape the best military force
4 in the world”.

5 (6) The Nation’s defense leaders need flexibility
6 to manage these budget cuts so the national security
7 is not compromised and their warnings about unac-
8 ceptable risk, hollow force, chaos, and loss of faith
9 may be averted.

10 (b) TRANSFER AUTHORITY.—In addition to any
11 transfer authority otherwise available, and subject to sub-
12 sections (c) and (d), of the amounts appropriated to the
13 Department of Defense in any of fiscal years 2014
14 through 2021, the Secretary of Defense may transfer any
15 appropriation subject in such a fiscal year to reduction
16 under a sequestration order issued pursuant to section
17 254 of the Balanced Budget and Emergency Deficit Con-
18 trol Act of 1985 between such appropriations, to address
19 an urgent national priority or the consequences of a na-
20 tional emergency resulting from such sequestration, as de-
21 termined by the Secretary of Defense.

22 (c) LIMITATION.—The amount transferred to an ap-
23 propriation under subsection (b) shall not exceed the
24 amount by which such appropriation is reduced under the
25 sequestration order referred to in such subsection.

1 (d) REQUIREMENT TO MERGE WITH RECIPIENT AP-
2 PROPRIATION.—Amounts transferred under subsection (b)
3 shall be merged with the appropriation or fund to which
4 transferred.

5 (e) CONGRESSIONAL NOTIFICATION REQUIRED.—
6 Amounts transferred under subsection (b) shall not be
7 available for obligation unless the Secretary of Defense no-
8 tifies the Committees on Armed Services of the House of
9 Representatives and the Senate at least 30 days in ad-
10 vance of such transfer.

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