

112TH CONGRESS
2^D SESSION

H. R. 6365

To amend the Balanced Budget and Emergency Deficit Control Act of 1985 to replace the sequester established by the Budget Control Act of 2011.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2012

Mr. WEST introduced the following bill; which was referred to the Committee on the Budget

A BILL

To amend the Balanced Budget and Emergency Deficit Control Act of 1985 to replace the sequester established by the Budget Control Act of 2011.

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 “National Security and
5 Job Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Current law requires that there be across-
9 the-board cuts, known as a “sequester”, imposed on
10 January 2, 2013. The sequester will result in a 10

1 percent reduction in non-military personnel pro-
2 grams of the Department of Defense and an 8 per-
3 cent reduction in certain domestic programs, such as
4 the National Institutes of Health (NIH) and border
5 security.

6 (2) Intended as a mechanism to force action,
7 there is bipartisan agreement that the sequester
8 going into place would undercut key responsibilities
9 of the Federal Government.

10 (3) As the Administration stated in its fiscal
11 year 2013 budget request, “[Sequestration] would
12 lead to significant cuts to critical domestic programs
13 such as education and research and cuts to defense
14 programs that could undermine our national secu-
15 rity. . . . [C]uts of this magnitude done in an
16 across-the-board fashion would be devastating both
17 to defense and non-defense programs.” (The Budget
18 of the United States Government, Fiscal Year 2013,
19 p. 24, February 13, 2012).

20 (4) On March 29, 2012, The House of Rep-
21 resentatives passed H. Con. Res. 112, the budget
22 resolution for fiscal year 2013, which includes rec-
23 onciliation instructions directing House Committees
24 to craft legislation that would achieve the savings re-
25 quired to replace the sequestration called for in fis-

1 cal year 2013, as established by the Budget Control
2 Act of 2011.

3 (5) On May 10, 2012, the House of Represent-
4 atives passed H.R. 5652, the Sequestration Replace-
5 ment Reconciliation Act of 2012, which would re-
6 place the \$98 billion sequestration of discretionary
7 spending called for in 2013, as established by the
8 Budget Control Act of 2011, by making changes in
9 law to reduce direct spending by \$310 billion
10 through fiscal year 2022.

11 (6) An analysis of the impact of the sequestra-
12 tion prepared for the Chairman of the House Armed
13 Services Committee found that if left in place, se-
14 questration would cut the military to its smallest
15 size since before the Second World War, all while we
16 are still a nation at war in Afghanistan, facing in-
17 creased threats from Iran and North Korea, unrest
18 in the Middle East, and a rising China.

19 (7) Major consequences identified by the House
20 Armed Services Committee include the following:

21 (A) 200,000 soldiers and Marines sepa-
22 rated from service, bringing our force well
23 below our pre-9/11 levels.

24 (B) Ability to respond to contingencies in
25 North Korea or Iran at jeopardy.

1 (C) The smallest ground force since 1940.

2 (D) A fleet of fewer than 230 ships, the
3 smallest level since 1915.

4 (E) The smallest tactical fighter force in
5 the history of the Air Force.

6 (F) Our nuclear triad that has kept the
7 U.S. and 30 of our allies safe for decades will
8 be in jeopardy.

9 (G) Reductions of 20 percent in defense ci-
10 vilian personnel.

11 (H) Two BRAC rounds of base closings.
12 (House Armed Services Committee memo enti-
13 tled “Assessment of Impacts of Budget Cuts”,
14 September 22, 2011).

15 (8) Secretary Panetta and the professional mili-
16 tary leadership have also looked at the impact of se-
17 questration and reached similar conclusions.

18 (9) Secretary Panetta stated, “If the maximum
19 sequestration is triggered, the total cut will rise to
20 about \$1 trillion compared with the FY 2012 plan.
21 The impacts of these cuts would be devastating for
22 the Department. . . Facing such large reductions,
23 we would have to reduce the size of the military
24 sharply. Rough estimates suggest after ten years of
25 these cuts, we would have the smallest ground force

1 since 1940, the smallest number of ships since 1915,
2 and the smallest Air Force in its history.” (Sec-
3 retary Panetta, Letter to Senator John McCain, No-
4 vember 14, 2011).

5 (10) General Dempsey, Chairman of the Joint
6 Chiefs of Staff, stated, “[S]equestration leaves me
7 three places to go to find the additional money: op-
8 erations, maintenance, and training. That’s the defi-
9 nition of a hollow force.”.

10 (11) The individual branch service chiefs echoed
11 General Dempsey:

12 (A) “Cuts of this magnitude would be cat-
13 astrophic to the military. . .My assessment is
14 that the nation would incur an unacceptable
15 level of strategic and operational risk.” – Gen-
16 eral Ray T. Odierno, Chief Of Staff, United
17 States Army.

18 (B) “A severe and irreversible impact on
19 the Navy’s future” – Admiral Jonathan W.
20 Greenert, Chief of Naval Operations.

21 (C) “A Marine Corps below the end
22 strength that’s necessary to support even one
23 major contingency,” – General James F. Amos,
24 Commandant of the Marine Corps.

1 (D) “Even the most thoroughly deliberated
2 strategy may not be able to overcome dire con-
3 sequences,” – General Norton A. Schwartz,
4 Chief of Staff, United States Air Force (Testi-
5 mony of Service Chief before House Armed
6 Services Committee, November 2, 2011).

7 (12) According to an analysis by the House Ap-
8 propriations Committee, the sequester will also have
9 a significant impact on non-defense discretionary
10 programs, including the following:

11 (A) Automatically reducing Head Start by
12 \$650 million, resulting in 75,000 fewer slots for
13 children in the program.

14 (B) Automatically reducing the National
15 Institutes of Health (NIH) by \$2.4 billion, an
16 amount equal to nearly half of total NIH
17 spending on cancer this year.

18 (C) A reduction of approximately 1,870
19 Border Patrol Agents (a reduction of nearly 9
20 percent of the total number of agents).

21 (13) Beyond the negative impacts sequestration
22 will have on defense readiness, it will also undermine
23 the industrial base needed to equip our armed forces
24 with the weapons and technology they need to com-
25 plete their mission. A study released by the National

1 Association of Manufacturers suggests that 1.1 mil-
2 lion workers in the supply chain could be adversely
3 affected, including 3.4 percent of workers in the
4 aerospace industry, 3.3 percent of the workforce in
5 the shipbuilding industry and 10 percent of the
6 workers in the search and navigation equipment in-
7 dustry.

8 **SEC. 3. CONDITIONAL REPLACEMENT FOR FY 2013 SEQUES-**
9 **TER.**

10 (a) CONTINGENT EFFECTIVE DATE.—This section
11 and the amendments made by it shall take effect upon
12 the enactment of—

13 (1) the Act contemplated in section 201 of H.
14 Con. Res. 112 (112th Congress) that achieves at
15 least the deficit reduction called for in such section
16 for such periods; or

17 (2) similar legislation that achieves outlay re-
18 ductions within five years after the date of enact-
19 ment that equal or exceed the outlay reductions
20 flowing from the budget authority reductions man-
21 dated by sections 251A(7)(A) and 251A(8) of the
22 Balanced Budget and Emergency Deficit Control
23 Act of 1985, as in force immediately before the date
24 of enactment of this Act, as it applies to direct
25 spending in the defense function for fiscal year 2013

1 combined with the outlay reductions flowing from
2 the amendment to section 251A(7)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of
4 1985 made by subsection (c) of this section.

5 (b) REVISED 2013 DISCRETIONARY SPENDING
6 LIMIT.—Paragraph (2) of section 251(c) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985 is
8 amended to read as follows:

9 “(2) with respect to fiscal year 2013, for the
10 discretionary category, \$1,047,000,000,000 in new
11 budget authority;”.

12 (c) DISCRETIONARY SAVINGS.—Section 251A(7)(A)
13 of the Balanced Budget and Emergency Deficit Control
14 Act of 1985 is amended to read as follows:

15 “(A) FISCAL YEAR 2013.—

16 “(i) FISCAL YEAR 2013 ADJUST-
17 MENT.—On January 2, 2013, the discre-
18 tionary category set forth in section
19 251(c)(2) shall be decreased by
20 \$19,104,000,000 in budget authority.

21 “(ii) ENFORCEMENT OF DISCRE-
22 TIONARY SPENDING CAPS.—OMB shall
23 issue a supplemental report consistent with
24 the requirements set forth in section
25 254(f)(2) for fiscal year 2013 using the

1 procedures set forth in section 253(f) on
2 April 15, 2013, to eliminate any discre-
3 tionary spending breach of the spending
4 limit set forth in section 251(c)(2) as ad-
5 justed by clause (i), and the President
6 shall issue an order to eliminate the
7 breach, if any, identified in such report.”.

8 (d) ELIMINATION AND CONDITIONAL REPLACEMENT
9 OF THE FISCAL YEAR 2013 SEQUESTRATION FOR DIRECT
10 SPENDING.—

11 (1) ELIMINATION.—Any sequestration order
12 issued by the President under the Balanced Budget
13 and Emergency Deficit Control Act of 1985 to carry
14 out reductions to direct spending for the defense
15 function (050) for fiscal year 2013 pursuant to sec-
16 tion 251A of such Act shall have no force or effect.

17 (2) CONDITIONAL REPLACEMENT.—To the ex-
18 tent that legislation enacted pursuant to section
19 3(a)(2) achieves outlay reductions that exceed the
20 outlay reductions flowing from the budget authority
21 reductions required in section 251A(8) of the Bal-
22 anced Budget and Emergency Deficit Control Act of
23 1985, as in force immediately before the date of en-
24 actment of this Act, the direct spending reductions
25 for the nonsecurity category for fiscal year 2013

1 otherwise required to be ordered pursuant to such
2 section shall be reduced by that amount, and Con-
3 gress so designates for such purpose.

4 **SEC. 4. PRESIDENTIAL SUBMISSION.**

5 Not later than October 15, 2012, the President shall
6 transmit to Congress a legislative proposal that meets the
7 requirements of section 3(a)(2) of this Act.

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