

104TH CONGRESS
1ST SESSION

H. R. 2007

To amend titles 5, 31, and 37 of the United States Code to provide for the continuance of pay and the authority to make certain expenditures and obligations during lapses in appropriations.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 1995

Mr. GEKAS introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles 5, 31, and 37 of the United States Code to provide for the continuance of pay and the authority to make certain expenditures and obligations during lapses in appropriations.

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. CONTINUANCE OF CIVILIAN PAY DURING PERI-**
4 **ODS OF LAPSED APPROPRIATIONS.**

5 (a) CONTINUANCE OF PAY.—Subchapter III of chap-
6 ter 55 of title 5, United States Code, is amended by redess-

1 ignating section 5527 as section 5528 and inserting after
2 section 5526 the following:

3 **“§ 5527. Continuance of pay during periods of lapsed**
4 **appropriations**

5 “(a) For purposes of this section—

6 “(1) the term ‘period of lapsed appropriations’,
7 when used with respect to any employee, means any
8 period during which appropriations are not available
9 due to the absence of the timely enactment of any
10 Act or joint resolution appropriating funds for the
11 agency in which that employee is employed;

12 “(2) the term ‘pay’ means basic and premium
13 pay, allowances, agency contributions for retirement
14 and life and health insurance, and any other element
15 of aggregate compensation (as specified in section
16 530.202 of title 5 of the Code of Federal Regula-
17 tions, as in effect on the date of the enactment of
18 this Act, or, in the case of an employee not subject
19 to such section, any similar form of compensation);
20 and

21 “(3) the term ‘employee’ means an officer or
22 employee of the United States, but does not include
23 a member of a uniformed service.

24 “(b) For any period of lapsed appropriations, there
25 are appropriated, out of any moneys in the Treasury not

1 otherwise appropriated, such sums as may be necessary
2 for the pay of any employee who was employed as such
3 immediately before the period of lapsed appropriations
4 and who continues in the position in which he was so em-
5 ployed.

6 “(c)(1) This section does not authorize expenditure
7 of funds during any period of lapsed appropriations for
8 the pay of any employee at a rate in excess of the rate
9 payable for that employee immediately before that period.

10 “(2) This section shall not be construed to affect the
11 entitlement of any person to an amount of pay which is
12 in excess of the amount payable under this section and
13 to which such person is entitled under other applicable
14 provisions of law.

15 “(d) Expenditures made for any fiscal year pursuant
16 to this section shall be charged to the applicable appro-
17 priation, fund, or authorization whenever the regular ap-
18 propriation bill becomes law.”.

19 (b) CONFORMING AMENDMENTS.—(1) The heading
20 for subchapter III of chapter 55 of title 5, United States
21 Code, is amended by striking “AND ASSIGNMENT” and
22 inserting “ASSIGNMENT, AND CONTINUANCE”.

23 (2) The analysis for chapter 55 of title 5, United
24 States Code, is amended by striking the item relating to
25 section 5527 and inserting the following:

“5527. Continuance of pay during periods of lapsed appropriations.
“5528. Regulations.”.

1 (3) The analysis for chapter 55 of title 5, United
2 States Code, is further amended by striking “AND AS-
3 SIGNMENT” in the item relating to subchapter III and
4 inserting “ASSIGNMENT, AND CONTINUANCE”.

5 **SEC. 2. AUTHORITY TO MAKE CERTAIN EXPENDITURES**
6 **AND OBLIGATIONS DURING LAPSES IN AP-**
7 **PROPRIATIONS.**

8 (a) AUTHORITY TO MAKE CERTAIN EXPENDITURES
9 AND OBLIGATIONS.—Chapter 13 of title 31, United States
10 Code, is amended by inserting after section 1310 the fol-
11 lowing new section:

12 **“§1311. Authority to make certain expenditures and**
13 **obligations during lapses in appropria-**
14 **tions**

15 “(a)(1) Notwithstanding section 1341, if any appro-
16 priation bill for a fiscal year does not become law prior
17 to the beginning of such fiscal year, an officer or employee
18 of the United States Government or of the District of Co-
19 lumbia may make reasonable expenditures or obligations
20 as may be necessary to avoid losses in revenue, except rev-
21 enue obtained from user fees.

22 “(2) Reasonable expenditures or obligations shall
23 mean a rate not in excess of the lower of—

1 “(A) the rate provided for such an expenditure
2 or obligation in the corresponding appropriation Act
3 for the preceding fiscal year; or

4 “(B) the rate provided for in the House or Sen-
5 ate passed appropriation bill for the fiscal year in
6 question.

7 “(3) Appropriations and funds made available, and
8 authority granted, for any fiscal year pursuant to this sec-
9 tion shall be available for the period beginning with the
10 first day of such fiscal year and ending with the earlier
11 of—

12 “(A) the date on which the applicable appro-
13 priation bill for such fiscal year becomes law (wheth-
14 er or not such law provides for such project or activ-
15 ity), and

16 “(B) the last day of such fiscal year.

17 “(b) An appropriation or funds made available, or au-
18 thority granted, pursuant to this section for any fiscal year
19 shall be subject to the terms and conditions imposed with
20 respect to the appropriation made, funds made available,
21 or authority granted for such operations for the preceding
22 fiscal year.

23 “(c) Expenditures made for any fiscal year pursuant
24 to this section shall be charged to the applicable appro-

1 priation, fund, or authorization whenever the regular ap-
2 plicable appropriation bill for such fiscal year becomes law.

3 “(d) This section shall not apply to operations during
4 a fiscal year if any other provision of law (other than an
5 authorization of appropriations)—

6 “(1) makes an appropriation, makes funds
7 available, or grants authority for such project or ac-
8 tivity to continue for such period, or

9 “(2) specifically provides that no appropriation
10 shall be made, no funds shall be made available, or
11 no authority shall be granted for such project or ac-
12 tivity to continue for such period.”.

13 (B) CONFORMING AMENDMENT.—The analysis of
14 chapter 13 of title 31, United States Code, is amended
15 by inserting after the item relating to section 1310 the
16 following new item:

“1311. Authority to make certain expenditures and obligations during lapses in
appropriations.”.

17 **SEC. 3. OMB PLAN IN CASE OF FUNDING LAPSE.**

18 Within 180 days after the date of enactment of this
19 Act, the Director of the Office of Management and Budget
20 shall, by rule, develop a plan setting forth policies and pro-
21 cedures to shutdown all or any part of the Government
22 in an orderly manner during a period of lapsed appropria-
23 tions.

1 **SEC. 4. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply with
3 respect to fiscal years beginning after September 30,
4 1995.

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