

112TH CONGRESS
1ST SESSION

H. R. 1908

To specify the priority of the obligations of the United States Government if the debt ceiling is reached, to provide for an emergency appropriation of funds to pay for certain defense and national security obligations during a gap in funding, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2011

Mr. AKIN introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure and Armed Services, 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 specify the priority of the obligations of the United States Government if the debt ceiling is reached, to provide for an emergency appropriation of funds to pay for certain defense and national security obligations during a gap in funding, 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. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) clear funding priorities should be laid out in
6 case the United States Government reaches the stat-

1 utory debt limit or experiences a funding gap, and
2 that the top priorities should be—

3 (A) paying principal and interest on the
4 public debt;

5 (B) paying the salaries of members of our
6 Armed Forces and paying for vital national se-
7 curity priorities as determined by the President;
8 and

9 (C) paying Social Security benefits; and

10 (2) funding for components of the Federal Gov-
11 ernment that are not essential should be signifi-
12 cantly limited if the government reaches the statu-
13 tory debt limit.

14 **SEC. 2. PRIORITY OF PAYMENTS IF THE DEBT CEILING IS**
15 **REACHED.**

16 (a) IN GENERAL.—In the event that the debt of the
17 United States Government, as defined in section 3101 of
18 title 31, United States Code, reaches the statutory limit,
19 amounts necessary for obligations incurred by the Govern-
20 ment of the United States shall be made available as
21 prioritized in the following order (with items listed in de-
22 scending order of prioritization):

23 (1) amounts necessary to carry out the author-
24 ity of the Department of the Treasury provided in
25 section 3123 of title 31, United States Code, to pay

1 with legal tender the principal and interest on debt
2 held by the public;

3 (2) such amounts as the Secretary of Defense
4 (and the Secretary of Homeland Security in the case
5 of the Coast Guard) determines to be necessary to
6 continue to provide pay and allowances (without
7 interruption) to members of the Army, Navy, Air
8 Force, Marine Corps, and Coast Guard, including
9 reserve components thereof, who perform active serv-
10 ice;

11 (3) such amounts as the President certifies to
12 the Congress are necessary to carry out vital na-
13 tional security priorities;

14 (4) amounts necessary to carry out the author-
15 ity of the Commissioner of Social Security to pay
16 monthly old-age, survivors', and disability insurance
17 benefits under title II of the Social Security Act; and

18 (5) subject to subsection (b), amounts necessary
19 to satisfy all other obligations, in an order of pri-
20 ority determined by the President under section
21 4(2).

22 (b) LIMITATION ON CERTAIN OBLIGATIONS.—With
23 respect to a department or agency described under sub-
24 section (c) or an international organization or fund (as
25 defined by the President), amounts made available pursu-

1 ant to subsection (a)(5) to satisfy obligations for such de-
2 partment, agency, organization, or fund may not exceed
3 an amount that is equal to 20 percent of the amount that
4 would have been made available to satisfy such obligations
5 if the statutory limit described under subsection (a) had
6 not been reached.

7 (c) CERTAIN DEPARTMENTS AND AGENCIES.—A de-
8 partment or agency is described under this subsection if
9 it is one of the following:

10 (1) The Department of Education.

11 (2) The Department of Energy.

12 (3) The Department of Health & Human Serv-
13 ices.

14 (4) The Department of Housing and Urban De-
15 velopment.

16 (5) The Department of the Interior.

17 (6) The Department of Labor.

18 (7) The Department of Transportation.

19 (8) The Environmental Protection Agency.

20 (9) The National Science Foundation.

21 (10) The Office of Personnel Management.

22 (11) The United States Agency for Inter-
23 national Development.

24 (12) An independent establishment, as defined
25 under section 104 of title 5, United States Code.

1 **SEC. 3. EMERGENCY APPROPRIATION OF FUNDS FOR DE-**
2 **FENSE AND NATIONAL SECURITY DURING A**
3 **FUNDING GAP.**

4 (a) IN GENERAL.—During any funding gap, the Sec-
5 retary of the Treasury shall make available, out of any
6 amounts in the general fund of the Treasury not otherwise
7 appropriated—

8 (1) such amounts as the Secretary of Defense
9 (and the Secretary of Homeland Security in the case
10 of the Coast Guard) determines to be necessary to
11 continue to provide pay and allowances (without
12 interruption) to members of the Army, Navy, Air
13 Force, Marine Corps, and Coast Guard, including
14 reserve components thereof, who perform active serv-
15 ice during the funding gap; and

16 (2) such amounts as the President certifies to
17 the Congress are necessary to carry out vital na-
18 tional security priorities.

19 (b) FUNDING GAP DEFINED.—For purposes of this
20 section and with respect to an obligation incurred by the
21 Government of the United States, the term “funding gap”
22 means any period of time after the beginning of a fiscal
23 year for which interim or full-year appropriations for such
24 obligation have not been enacted.

1 **SEC. 4. REPORT ON PRIORITIZATION.**

2 Not later than the end of the 30-day period beginning
3 on the date of the enactment of this Act, the President
4 shall submit to the Congress—

5 (1) a plan explaining the continuation of Gov-
6 ernment operations in the event that the debt of the
7 United States Government, as defined in section
8 3101 of title 31, United States Code, reaches the
9 statutory limit;

10 (2) the prioritization of the obligations of the
11 United States Government, other than those listed
12 under paragraphs (1), (2), (3), and (4) of section 2,
13 that the President determines appropriate in the
14 event that the debt of the United States Govern-
15 ment, as defined in section 3101 of title 31, United
16 States Code, reaches the statutory limit; and

17 (3) a plan explaining the continuation of Gov-
18 ernment operations in the event of a funding gap, as
19 defined under section 3(b), including the system of
20 determining which Federal employees are essential
21 during such funding gap.

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