

112TH CONGRESS  
1ST SESSION

# S. 1365

To provide funds to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

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IN THE SENATE OF THE UNITED STATES

JULY 13, 2011

Mrs. HUTCHISON introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To provide funds to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Military  
3 Pay Act of 2011”.

4 **SEC. 2. FUNDING TO PROVIDE PAY AND ALLOWANCES FOR**  
5 **MEMBERS OF THE ARMED FORCES AND SUP-**  
6 **PORTING CIVILIAN PERSONNEL DURING**  
7 **FUNDING GAP IMPACTING THE DEPARTMENT**  
8 **OF DEFENSE OR DEPARTMENT OF HOME-**  
9 **LAND SECURITY.**

10 (a) FUNDING FOR MILITARY PAY AND ALLOW-  
11 ANCES.—During a funding gap impacting the Armed  
12 Forces, the Secretary of the Treasury shall make available  
13 to the Secretary of Defense (and the Secretary of Home-  
14 land Security in the case of the Coast Guard), out of any  
15 amounts in the general fund of the Treasury not otherwise  
16 appropriated, such amounts as the Secretary of Defense  
17 (and the Secretary of Homeland Security in the case of  
18 the Coast Guard) determines to be necessary to continue  
19 to provide pay and allowances (without interruption) to  
20 the following:

21 (1) Members of the Army, Navy, Air Force,  
22 Marine Corps, and Coast Guard, including reserve  
23 components thereof, who perform active service dur-  
24 ing the funding gap.

25 (2) At the discretion of the Secretary of De-  
26 fense, such civilian personnel of the Department of

1 Defense who are providing support to the members  
2 of the Armed Forces described in paragraph (1) as  
3 the Secretary considers appropriate.

4 (b) FUNDING GAP DEFINED.—In this section, the  
5 term “funding gap” means any period of time after the  
6 beginning of a fiscal year for which interim or full-year  
7 appropriations for the personnel accounts of the Armed  
8 Forces for that fiscal year have not been enacted.

9 (c) DURATION OF TRANSFER AUTHORITY.—No  
10 transfer may be made by the Secretary of the Treasury  
11 under subsection (a) after December 31, 2011.

12 **SEC. 3. PRIORITY OF PAYMENTS IF DEBT CEILING IS**  
13 **REACHED.**

14 In the event that the debt of the United States Gov-  
15 ernment, as defined in section 3101 of title 31, United  
16 States Code, reaches the statutory limit, amounts nec-  
17 essary for obligations incurred by the Government of the  
18 United States shall be made available to the following obli-  
19 gations before all other obligations and shall be made  
20 available as prioritized in the following order (with items  
21 listed in descending order of prioritization):

22 (1) Amounts necessary to carry out the author-  
23 ity of the Department of the Treasury provided in  
24 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) If the Secretary of Defense elects to provide  
12 pay and allowances to civilian personnel of the De-  
13 partment of Defense who are providing support to  
14 the members of the Armed Forces described in para-  
15 graph (2), such amounts as the Secretary deter-  
16 mines to be necessary to continue to provide pay and  
17 allowances (without interruption) to such personnel.

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