

117TH CONGRESS
1ST SESSION

H. R. 5379

To amend title 37, United States Code, to provide for the continuity of pay and allowances for members of the Armed Forces, including reserve components thereof, during lapses in appropriations.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2021

Mr. GOHMERT (for himself, Mr. DESJARLAIS, Mr. WEBSTER of Florida, Mr. BABIN, Mr. CARTER of Georgia, Mr. CAWTHORN, Mr. POSEY, and Mr. GOOD of Virginia) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 37, United States Code, to provide for the continuity of pay and allowances for members of the Armed Forces, including reserve components thereof, 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. SHORT TITLE.**

4 This Act may be cited as the “Armed Services Always
5 Paid Act” or the “ASAP Act”.

1 **SEC. 2. CONTINUITY OF MILITARY PAY AND ALLOWANCES**
2 **DURING PERIODS OF LAPSED APPROPRIA-**
3 **TIONS.**

4 (a) IN GENERAL.—Chapter 19 of title 37, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 1016. Continuity of pay and allowances during pe-**
8 **riods of lapsed appropriations**

9 “(a) DEFINITIONS.—In this section:

10 “(1) The term ‘military personnel accounts’
11 mean the military personnel, reserve personnel, and
12 National Guard personnel accounts of the Depart-
13 ment of Defense, generally title I of an annual De-
14 partment of Defense appropriations Act, and the
15 corresponding accounts for the Department of
16 Homeland Security used to provide pay and allow-
17 ances for members of the Coast Guard.

18 “(2) The term ‘pay and allowances’ means
19 basic pay, bonuses and special pay, allowances and
20 any other forms of compensation available for mem-
21 bers of the armed forces under this title or otherwise
22 paid from the military personnel accounts.

23 “(3) The term ‘period of lapsed appropriations’,
24 when used with respect to members of the armed
25 forces, means any period during which appropria-
26 tions are not available due to the absence of the

1 timely enactment of any Act or joint resolution (in-
2 cluding any Act or joint resolution making con-
3 tinuing appropriations) appropriating funds for the
4 payment of the pay and allowances of members of
5 the armed forces.

6 “(b) APPROPRIATION OF FUNDS TO CONTINUE PAY-
7 MENT OF PAY AND ALLOWANCES.—For any period of
8 lapsed appropriations, there are appropriated, out of any
9 moneys in the Treasury not otherwise appropriated, to the
10 Secretary of Defense (and the Secretary of Homeland Se-
11 curity in the case of the Coast Guard) to allow the Sec-
12 retary of Defense (and the Secretary of Homeland Secu-
13 rity in the case of the Coast Guard) to continue to provide
14 pay and allowances (without interruption) to members of
15 the armed forces.

16 “(c) LIMITATION ON AMOUNTS PAID.—This section
17 only authorizes the expenditure of funds during a period
18 of lapsed appropriations for the pay and allowances of a
19 member of the armed forces at a rate that is equal to the
20 rate in effect for that member immediately before the start
21 of the period of lapsed appropriations. The rate for a
22 member may neither exceed the rate in effect immediately
23 before the start of the period of lapsed appropriations nor
24 be less than that rate, unless reduced by disciplinary ac-
25 tion under the Uniform Code of Military Justice.

1 “(d) RELATION TO OTHER PAY AUTHORITIES.—This
2 section shall not be construed to affect the entitlement of
3 a member of the armed forces to an amount of pay and
4 allowances that exceeds the amount of pay and allowances
5 authorized to be paid under this section and to which the
6 member becomes entitled under other applicable provisions
7 of law.

8 “(e) EFFECT OF END OF PERIOD OF LAPSED AP-
9 PROPRIATIONS.—Expenditures made for any fiscal year
10 pursuant to this section shall be charged to the applicable
11 appropriation, fund, or authorization whenever the regular
12 appropriation bill (or other bill or joint resolution making
13 continuing appropriations through the end of the fiscal
14 year) becomes law.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by adding
17 at the end the following new item:

“1016. Continuity of pay and allowances during periods of lapsed appropria-
tions.”.

