

116TH CONGRESS  
1ST SESSION

# H. R. 491

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

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2019

Mr. GOHMERT (for himself, Mr. MULLIN, Mr. KING of Iowa, Mr. GOSAR, Mr. JONES, Mr. MEADOWS, Mr. ZELDIN, Mr. POSEY, Mr. COLE, Mr. TIPTON, Mr. GROTHMAN, Mr. HUIZENGA, Mr. WEBER of Texas, Mr. HIGGINS of Louisiana, Mr. HARRIS, Ms. STEFANIK, Mr. GIANFORTE, Mr. BERGMAN, and Mr. OLSON) 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 continuance 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. CONTINUANCE OF MILITARY PAY AND ALLOW-**  
2 **ANCES DURING PERIODS OF LAPSED APPRO-**  
3 **PRIATIONS.**

4 (a) CONTINUANCE OF PAY.—Chapter 19 of title 37,  
5 United States Code, is amended by adding at the end the  
6 following new section:

7 **“§ 1016. Continuance of pay and allowances during**  
8 **periods 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 United States 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. Continuance of pay and allowances during periods of lapsed appropria-  
tions.”.

○