

114TH CONGRESS  
1ST SESSION

# H. R. 3616

To appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor 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, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2015

Mr. FORBES introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Ways and Means, 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

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## A BILL

To appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor 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, 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. SHORT TITLE.**

4       This Act may be cited as the “Defending Our De-  
5 fenders Act”.

6 **SEC. 2. EMERGENCY APPROPRIATION OF FUNDS TO PRO-**  
7 **VIDE PAY AND ALLOWANCES FOR MEMBERS**  
8 **OF THE ARMED FORCES AND SUPPORTING**  
9 **CIVILIAN AND CONTRACTOR PERSONNEL**  
10 **DURING FUNDING GAP IMPACTING THE DE-**  
11 **PARTMENT OF DEFENSE OR DEPARTMENT**  
12 **OF HOMELAND SECURITY.**

13       (a) APPROPRIATION OF FUNDS FOR MILITARY PAY  
14 AND ALLOWANCES.—During a funding gap impacting the  
15 Armed Forces, the Secretary of the Treasury shall make  
16 available to the Secretary of Defense (and the Secretary  
17 of Homeland Security in the case of the Coast Guard),  
18 out of any amounts in the general fund of the Treasury  
19 not otherwise appropriated, such amounts as the Secretary  
20 of Defense (and the Secretary of Homeland Security in  
21 the case of the Coast Guard) determines to be necessary  
22 to continue to provide pay and allowances (without inter-  
23 ruption) to the following:

24               (1) Members of the Army, Navy, Air Force,  
25       Marine Corps, and Coast Guard, including reserve

1 components thereof, who perform active service dur-  
2 ing the funding gap.

3 (2) At the discretion of the Secretary of De-  
4 fense, such civilian personnel of the Department of  
5 Defense who are providing support to the members  
6 of the Armed Forces described in paragraph (1) as  
7 the Secretary considers appropriate.

8 (3) At the discretion of the Secretary of De-  
9 fense, such personnel of contractors of the Depart-  
10 ment of Defense who are providing support to the  
11 members of the Armed Forces described in para-  
12 graph (1) as the Secretary considers appropriate.

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

18 **SEC. 3. LIMITATION ON FURLOUGH OF DEPARTMENT OF**  
19 **DEFENSE EMPLOYEES PAID THROUGH WORK-**  
20 **ING-CAPITAL FUNDS.**

21 Section 2208 of title 10, United States Code, is  
22 amended by adding at the end the following new sub-  
23 section:

24 “(s) FURLOUGH OF EMPLOYEES.—(1) Except as pro-  
25 vided under paragraph (2), the Secretary of Defense or

1 the Secretary of a military department may not furlough  
2 any employee of the Department of Defense whose salary  
3 is funded by a working-capital fund unless the Secretary  
4 determines that—

5           “(A) the working-capital fund is insolvent; or

6           “(B) there are insufficient funds in the work-  
7       ing-capital fund to pay the labor costs of the em-  
8       ployee.

9       “(2) The Secretary of Defense or the Secretary of  
10 a military department may waive the restriction under  
11 paragraph (1) if the Secretary determines such a waiver  
12 is in the interest of the national security of the United  
13 States.

14       “(3) In this subsection, the term ‘furlough’ means the  
15 placement, for nondisciplinary reasons, of an employee in  
16 a temporary status in which the employee has no duties  
17 and is not paid, but does not include administrative leave  
18 or an excused absence.”.

19 **SEC. 4. PRIORITIZE OBLIGATIONS ON THE DEBT HELD BY**  
20 **THE PUBLIC AND MILITARY PAY.**

21       In the event that the debt of the United States Gov-  
22 ernment reaches the statutory limit as defined in section  
23 3101 of title 31, United States Code, the following shall  
24 take equal priority over all other obligations incurred by  
25 the Government of the United States:

1           (1) The authority of the Department of the  
2 Treasury contained in section 3123 of title 31,  
3 United States Code, to pay with legal tender the  
4 principal and interest on debt held by the public.

5           (2) The payment of pay and allowances for  
6 members of the Armed Forces on active duty.

7           (3) The payment of salaries for Department of  
8 Defense civilian employees.

9           (4) The payment of salaries for employees of  
10 contractors of the Department of Defense.

11 **SEC. 5. TERMINATION.**

12       Appropriations and funds made available and author-  
13 ity granted pursuant to this Act shall be available until  
14 the earlier of the following dates:

15           (1) The date of the enactment into law of an  
16 appropriation (including a continuing appropriation)  
17 for any purpose for which amounts are made avail-  
18 able in section 2.

19           (2) The date of the enactment into law of the  
20 applicable regular or continuing appropriations reso-  
21 lution or other Act without any appropriation for  
22 such purpose.

23           (3) January 1, 2016.

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