

104TH CONGRESS  
1ST SESSION

# H. R. 2184

To amend title 5 of the United States Code to provide for the continuance of pay during lapses in appropriations.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1995

Mr. MORAN introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on Appropriations, 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 amend title 5 of the United States Code to provide for the continuance of pay 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. CONTINUANCE OF CIVILIAN PAY DURING PERI-**  
4 **ODS OF LAPSED APPROPRIATIONS.**

5 (a) CONTINUANCE OF PAY.—Subchapter III of chap-  
6 ter 55 of title 5, United States Code, is amended by redес-  
7 ignating section 5527 as section 5528 and inserting after  
8 section 5526 the following:

1 **“5527. Continuance of pay during periods of lapsed**  
2 **appropriations**

3 “(a) For purposes of this section—

4 “(1) the term ‘period of lapsed appropriations’,  
5 when used with respect to any employee, means any  
6 period during which appropriations are not available  
7 due to the absence of the timely enactment of any  
8 Act or joint resolution appropriating funds for the  
9 agency in which that employee is employed.

10 “(2) The term ‘pay’ means basic and premium  
11 pay, allowances, agency contributions for retirement  
12 and life and health insurance, and any other element  
13 of aggregate compensation (as specified in section  
14 530.202 of title 5 of the Code of Federal Regulation,  
15 as in effect on the date of the enactment of this Act,  
16 or, in the case of an employee not subject to such  
17 section, any similar form of compensation); and

18 “(3) the term ‘employee’ means an officer or  
19 employee of the United States, but does not include  
20 a member of a uniformed service.

21 “(b) For any period of lapsed appropriations, there  
22 are appropriated, out of any moneys in the Treasury not  
23 otherwise appropriated, such sums as may be necessary  
24 for the pay of any employee who was employed as such  
25 immediately before the period of lapsed appropriations

1 and who continues in the position in which he was so em-  
2 ployed.

3 “(c)(1) This section does not authorize expenditure  
4 of funds during any period of lapsed appropriations for  
5 the pay of any employee at a rate in excess of the rate  
6 payable for that employee immediately before that period.

7 “(2) This section shall not be construed to affect the  
8 entitlement of any person to an amount of pay which is  
9 in excess of the amount payable under this section and  
10 to which such person is entitled under other applicable  
11 provisions of law.

12 “(d) Expenditures made for any fiscal year pursuant  
13 to this section shall be charged to the applicable appro-  
14 priation, fund, or authorization whenever the regular ap-  
15 propriation bill becomes law.”

16 (b) CONFORMING AMENDMENTS.—(1) The heading  
17 for subchapter III of chapter 55 of title 5, United States  
18 Code, is amended by striking “AND ASSIGNMENT” and  
19 inserting “ASSIGNMENT, AND CONTINUANCE”.

20 (2) The analysis for chapter 55 of title 5, United  
21 States Code, is amended by striking the item relating to  
22 section 5527 and inserting the following:

“5527. Continuance of pay during periods of lapsed appropriations.

“5528. Regulations.

23 (3) The analysis for chapter 55 of title 5, United  
24 States Code, is further amended by striking “AND AS-

- 1 SIGNMENT” in the item relating to subchapter III and
- 2 inserting “ASSIGNMENT, AND CONTINUANCE”.

