

112TH CONGRESS
1ST SESSION

H. R. 2886

To prioritize the payment of pay and allowances to members of the Armed Forces and Federal law enforcement officers in the event the debt ceiling is reached or there is a funding gap.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2011

Mr. FITZPATRICK introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Armed Services, and the Judiciary, 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

A BILL

To prioritize the payment of pay and allowances to members of the Armed Forces and Federal law enforcement officers in the event the debt ceiling is reached or there is a funding gap.

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 “Strengthening Home-
5 land Security, Intelligence, and Essential Law Enforce-

1 ment Departments Act of 2011” or the “SHIELD Act
2 of 2011”.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) The United States Armed Forces represent
6 the finest fighting force in the world.

7 (2) An interruption in compensation could af-
8 fect morale and cause hardship which would threat-
9 en United States security and the safety of our
10 troops.

11 (3) It is a vital national interest that the
12 United States Armed Forces, including reserve com-
13 ponents, can operate with the assurance that they
14 will continue to receive pay and allowances for their
15 service if a funding gap occurs.

16 (4) Federal law enforcement officers are highly
17 trained and dedicated men and women, committed to
18 protecting liberty, public safety, and the security of
19 our Nation from both foreign and domestic threats.

20 (5) They have no equal in the private sector,
21 and perform a role that is both unique and vital to
22 the continuing operation of the Federal Government
23 and commerce during times of crisis.

24 (6) Each and every day, Federal law enforce-
25 ment officers are engaged around the clock in activi-

1 ties that include, but are not limited to, dignitary
2 protection, criminal investigation, homeland security,
3 border security, intelligence gathering, and fighting
4 waste, fraud and abuse.

5 (7) These critical Government functions cannot
6 be interrupted due to an absence of Congressional
7 appropriations or during periods of a Government
8 shutdown, nor can we expect that the threats posed
9 by violent criminals, terrorists and America's en-
10 emies will lessen during such periods of fiscal uncer-
11 tainty.

12 **SEC. 3. PRIORITY PAYMENTS IF THE DEBT CEILING IS**
13 **REACHED FOR DEFENSE AND FEDERAL LAW**
14 **ENFORCEMENT.**

15 In the event that the total public debt reaches the
16 public debt limit, as established under section 3101 of title
17 31, United States Code, the following payments on obliga-
18 tions incurred by the Government of the United States
19 shall be made:

20 (1) The pay and allowances of members of the
21 Army, Navy, Air Force, Marine Corps, and Coast
22 Guard, including reserve components thereof, who
23 perform active service.

1 (2) The pay and allowances of critical law en-
2 forcement officers who are employed by Federal
3 agencies.

4 **SEC. 4. EMERGENCY APPROPRIATIONS OF FUNDS FOR DE-**
5 **FENSE AND FEDERAL LAW ENFORCEMENT**
6 **DURING A FUNDING GAP.**

7 (a) APPROPRIATION OF FUNDS FOR MILITARY PAY
8 AND ALLOWANCES.—During a period of lapsed appropria-
9 tions for the Armed Forces, the Secretary of the Treasury
10 shall make available to the Secretary of Defense (and the
11 Secretary of Homeland Security in the case of the Coast
12 Guard), out of any amounts in the general fund of the
13 Treasury not otherwise appropriated, such amounts as the
14 Secretary of Defense (and the Secretary of Homeland Se-
15 curity in the case of the Coast Guard) determines to be
16 necessary to continue to provide pay and allowances (with-
17 out interruption) to members of the Army, Navy, Air
18 Force, Marine Corps, and Coast Guard, including reserve
19 components thereof, who perform active service during the
20 period of lapsed appropriations.

21 (b) APPROPRIATION OF FUNDS FOR FEDERAL LAW
22 ENFORCEMENT OFFICER PAY AND ALLOWANCES.—Dur-
23 ing a period of lapsed appropriations for a federal agency
24 that employs critical law enforcement officers, the Sec-
25 retary of the Treasury shall make available to the head

1 of such agency, out of any amounts in the general fund
2 of the Treasury not otherwise appropriated, such amounts
3 as the heads of such agencies determine to be necessary
4 to continue to provide pay and allowances (without inter-
5 ruption) to such critical law enforcement officers during
6 the period of lapsed appropriations.

7 **SEC. 5. DEFINITIONS.**

8 In this Act:

9 (1) **CRITICAL LAW ENFORCEMENT OFFICER.**—

10 The term “critical law enforcement officer” means
11 an employee—

12 (A) who has statutory authority to make
13 arrests or apprehensions;

14 (B) who is authorized by the agency of the
15 employee to carry firearms; and

16 (C) whose duties include performing emer-
17 gency work involving the safety of human life or
18 the protection of property.

19 (2) **PERIOD OF LAPSED APPROPRIATIONS.**—The
20 term “period of lapsed appropriations” means any
21 period during which appropriations are not available
22 due to the absence of the timely enactment of any
23 Act or joint resolution (including any Act or joint
24 resolution making continuing appropriations) appro-

1 priating funds for the payment of the pay and allow-
2 ances.

3 (3) TOTAL PUBLIC DEBT.—The term “total
4 public debt” has the meaning given such term in
5 section 3130 of title 31, United States Code.

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