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104TH CONGRESS

2D SESSION H. R. 4094 To amend title 31, United States Code, to provide for continuing

appropriations in the absence of regular appropriations.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1996 Mr. GEKAS (for himself, Mr. COX of California, Mr. PORTER, Mr. WOLF, Mr. DAVIS, Mrs. MORELLA, Mr. GILCHREST, Mr. HAYWORTH, Mr. BEREU- TER, Mr. CRAPO, Mr. SPENCE, Mr. SHADEGG, Mr. ROHRABACHER, Mr. HORN, Mr. HANSEN, and Mr. EHLERS) introduced the following bill; which was referred to the Committee on Appropriations
A BILL

To amend title 31, United States Code, to provide for con-
tinuing appropriations in the absence of regular appro-
priations.

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 ‘‘Government Shutdown
5 Prevention Act’’.

2

•HR 4094 IH

1 SEC. 2. AMENDMENT TO TITLE 31.

2 (a) IN GENERAL.—Chapter 13 of title 31, United
3 States Code, is amended by inserting after section 1310

4 the following new section:
5 ‘‘§ 1311. Continuing appropriations
6 ‘‘(a)(1) If any regular appropriation bill for a fiscal

7 year does not become law prior to the beginning of such 8 fiscal year or a joint resolution making continuing appro-

9 priations is not in effect, there is appropriated, out of any
10 moneys in the Treasury not otherwise appropriated, and
11 out of applicable corporate or other revenues, receipts, and

12 funds, such sums as may be necessary to continue any 13 project or activity for which funds were provided in the

14 preceding fiscal year—
15 ‘‘(A) in the corresponding regular appropriation
16 Act for such preceding fiscal year; or

17 ‘‘(B) if the corresponding regular appropriation
18 bill for such preceding fiscal year did not become

19 law, then in a joint resolution making continuing ap-
20 propriations for such preceding fiscal year.
21 ‘‘(2) Appropriations and funds made available, and

22 authority granted, for a project or activity for any fiscal 23 year pursuant to this section shall be at a rate of oper-

24 ations not in excess of 75% of the lower of—

3

•HR 4094 IH

1 ‘‘(A) the rate of operations provided for in the
2 regular appropriation Act providing for such project

3 or activity for the preceding fiscal year,
4 ‘‘(B) in the absence of such an Act, the rate of

5 operations provided for such project or activity pur-
6 suant to a joint resolution making continuing appro-
7 priations for such preceding fiscal year,

8 ‘‘(C) the rate of operations provided for in the
9 House or Senate passed appropriation bill for the

10 fiscal year in question, except that the lower of these
11 two versions shall be ignored for any project or ac-
12 tivity for which there is a budget request if no fund-

13 ing is provided for that project or activity in either
14 version,
15 ‘‘(D) the rate provided in the budget submis-

16 sion of the President under section 1105(a) of title
17 31, United States Code, for the fiscal year in ques-

18 tion, or
19 ‘‘(E) the annualized rate of operations provided

20 for in the most recently enacted joint resolution
21 making continuing appropriations for part of that
22 fiscal year or any funding levels established under

23 the provisions of this Act.
24 ‘‘(3) Appropriations and funds made available, and

25 authority granted, for any fiscal year pursuant to this sec-

4

•HR 4094 IH

1 tion for a project or activity shall be available for the pe-
2 riod beginning with the first day of a lapse in appropria-

3 tions and ending with the earlier of—
4 ‘‘(A) the date on which the applicable regular

5 appropriation bill for such fiscal year becomes law
6 (whether or not such law provides for such project
7 or activity) or a continuing resolution making appro-

8 priations becomes law, as the case may be, or
9 ‘‘(B) the last day of such fiscal year.
10 ‘‘(b) An appropriation or funds made available, or au-

11 thority granted, for a project or activity for any fiscal year
12 pursuant to this section shall be subject to the terms and

13 conditions imposed with respect to the appropriation made 14 or funds made available for the preceding fiscal year, or

15 authority granted for such project or activity under cur-
16 rent law.
17 ‘‘(c) Appropriations and funds made available, and

18 authority granted, for any project or activity for any fiscal 19 year pursuant to this section shall cover all obligations or

20 expenditures incurred for such project or activity during
21 the portion of such fiscal year for which this section ap-
22 plies to such project or activity.

23 ‘‘(d) Expenditures made for a project or activity for
24 any fiscal year pursuant to this section shall be charged

25 to the applicable appropriation, fund, or authorization

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•HR 4094 IH

1 whenever a regular appropriation bill or a joint resolution
2 making continuing appropriations until the end of a fiscal

3 year providing for such project or activity for such period

4 becomes law.

5 ‘‘(e) This section shall not apply to a project or activ-

6 ity during a fiscal year if any other provision of law (other
7 than an authorization of appropriations)—

8 ‘‘(1) makes an appropriation, makes funds
9 available, or grants authority for such project or ac-

10 tivity to continue for such period, or
11 ‘‘(2) specifically provides that no appropriation
12 shall be made, no funds shall be made available, or

13 no authority shall be granted for such project or ac-
14 tivity to continue for such period.
15 ‘‘(f) For purposes of this section, the term ‘regular

16 appropriation bill’ means any annual appropriation bill
17 making appropriations, otherwise making funds available,

18 or granting authority, for any of the following categories 19 of projects and activities:
20 ‘‘(1) Agriculture, rural development, and relat-

21 ed agencies programs.
22 ‘‘(2) The Departments of Commerce, Justice,

23 and State, the judiciary, and related agencies.
24 ‘‘(3) The Department of Defense.

6

•HR 4094 IH

1 ‘‘(4) The government of the District of Colum-
2 bia and other activities chargeable in whole or in

3 part against the revenues of the District.
4 ‘‘(5) The Departments of Labor, Health and
5 Human Services, and Education, and related agen-

6 cies.
7 ‘‘(6) The Department of Housing and Urban

8 Development, and sundry independent agencies,
9 boards, commissions, corporations, and offices.
10 ‘‘(7) Energy and water development.

11 ‘‘(8) Foreign assistance and related programs.
12 ‘‘(9) The Department of the Interior and relat-

13 ed agencies.
14 ‘‘(10) Military construction.
15 ‘‘(11) The Department of Transportation and

16 related agencies.
17 ‘‘(12) The Treasury Department, the U.S.

18 Postal Service, the Executive Office of the President,
19 and certain independent agencies.
20 ‘‘(13) The legislative branch.’’.

21 (b) CLERICAL AMENDMENT.—The analysis of chap-
22 ter 13 of title 31, United States Code, is amended by in-

23 serting after the item relating to section 1310 the follow-
24 ing new item:

‘‘1311. Continuing appropriations.’’.

7

•HR 4094 IH

1 (c) PROTECTION OF OTHER OBLIGATIONS.—Nothing
2 in the amendments made by this section shall be construed

3 to effect Government obligations mandated by other law, 4 including obligations with respect to Social Security, Medi-

5 care, and Medicaid.
6 SEC. 3. EFFECTIVE DATE AND SUNSET.
7 (a) EFFECTIVE DATE.—The amendments made by

8 this Act shall apply with respect to fiscal years beginning 9 with fiscal year 1997.
10 (b) SUNSET.—The amendments made by this Act

11 shall sunset and have no force or effect 6 years after the
12 date of enactment of this Act.
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