

105TH CONGRESS  
1ST SESSION

# S. 228

To amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 29, 1997

Mr. MCCAIN (for himself, Mr. STEVENS, Mrs. HUTCHISON, Mr. ABRAHAM, and Mr. ASHCROFT) introduced the following bill; which was read twice and referred to the Committee on Appropriations

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## A BILL

To amend title 31, United States Code, to provide for continuing appropriations in the absence of regular 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 “Government Shutdown  
5 Prevention Act”.

6 **SEC. 2. AMENDMENT TO TITLE 31.**

7 (a) IN GENERAL.—Chapter 13 of title 31, United  
8 States Code, is amended by inserting after section 1310  
9 the following new section:

1 **“§ 1311. Continuing appropriations**

2       “(a)(1) If any regular appropriation bill for a fiscal  
3 year does not become law prior to the beginning of such  
4 fiscal year or a joint resolution making continuing appro-  
5 priations is not in effect, there is appropriated, out of any  
6 moneys in the Treasury not otherwise appropriated, and  
7 out of applicable corporate or other revenues, receipts, and  
8 funds, such sums as may be necessary to continue any  
9 project or activity for which funds were provided in the  
10 preceding fiscal year—

11               “(A) in the corresponding regular appropriation  
12 Act for such preceding fiscal year; or

13               “(B) if the corresponding regular appropriation  
14 bill for such preceding fiscal year did not become  
15 law, then in a joint resolution making continuing ap-  
16 propriations for such preceding fiscal year.

17       “(2) Appropriations and funds made available, and  
18 authority granted, for a project or activity for any fiscal  
19 year pursuant to this section shall be at a rate of oper-  
20 ations not in excess of the lower of—

21               “(A) the rate of operations provided for in the  
22 regular appropriation Act providing for such project  
23 or activity for the preceding fiscal year,

1           “(B) in the absence of such an Act, the rate of  
2 operations provided for such project or activity pur-  
3 suant to a joint resolution making continuing appro-  
4 priations for such preceding fiscal year,

5           “(C) the rate of operations provided for in the  
6 House or Senate passed appropriation bill for the  
7 fiscal year in question, except that the lower of these  
8 two versions shall be ignored for any project or ac-  
9 tivity for which there is a budget request if no fund-  
10 ing is provided for that project or activity in either  
11 version,

12           “(D) the rate provided in the budget submis-  
13 sion of the President under section 1105(a) of title  
14 31, United States Code, for the fiscal year in ques-  
15 tion, or

16           “(E) the annualized rate of operations provided  
17 for in the most recently enacted joint resolution  
18 making continuing appropriations for part of that  
19 fiscal year or any funding levels established under  
20 the provisions of this Act.

21           “(3) Appropriations and funds made available, and  
22 authority granted, for any fiscal year pursuant to this sec-  
23 tion for a project or activity shall be available for the pe-  
24 riod beginning with the first day of a lapse in appropria-  
25 tions and ending with the earlier of—

1           “(A) the date on which the applicable regular  
2           appropriation bill for such fiscal year becomes law  
3           (whether or not such law provides for such project  
4           or activity) or a continuing resolution making appro-  
5           priations becomes law, as the case may be, or

6           “(B) the last day of such fiscal year.

7           “(b) An appropriation or funds made available, or au-  
8           thority granted, for a project or activity for any fiscal year  
9           pursuant to this section shall be subject to the terms and  
10          conditions imposed with respect to the appropriation made  
11          or funds made available for the preceding fiscal year, or  
12          authority granted for such project or activity under cur-  
13          rent law.

14          “(c) Appropriations and funds made available, and  
15          authority granted, for any project or activity for any fiscal  
16          year pursuant to this section shall cover all obligations or  
17          expenditures incurred for such project or activity during  
18          the portion of such fiscal year for which this section ap-  
19          plies to such project or activity.

20          “(d) Expenditures made for a project or activity for  
21          any fiscal year pursuant to this section shall be charged  
22          to the applicable appropriation, fund, or authorization  
23          whenever a regular appropriation bill or a joint resolution  
24          making continuing appropriations until the end of a fiscal

1 year providing for such project or activity for such period  
2 becomes law.

3 “(e) This section shall not apply to a project or activ-  
4 ity during a fiscal year if any other provision of law (other  
5 than an authorization of appropriations)—

6 “(1) makes an appropriation, makes funds  
7 available, or grants authority for such project or ac-  
8 tivity to continue for such period, or

9 “(2) specifically provides that no appropriation  
10 shall be made, no funds shall be made available, or  
11 no authority shall be granted for such project or ac-  
12 tivity to continue for such period.

13 “(f) For purposes of this section, the term ‘regular  
14 appropriation bill’ means any annual appropriation bill  
15 making appropriations, otherwise making funds available,  
16 or granting authority, for any of the following categories  
17 of projects and activities:

18 “(1) Agriculture, rural development, and relat-  
19 ed agencies programs.

20 “(2) The Departments of Commerce, Justice,  
21 and State, the judiciary, and related agencies.

22 “(3) The Department of Defense.

23 “(4) The government of the District of Colum-  
24 bia and other activities chargeable in whole or in  
25 part against the revenues of the District.

1           “(5) The Departments of Labor, Health and  
2           Human Services, and Education, and related  
3           agencies.

4           “(6) The Department of Housing and Urban  
5           Development, and sundry independent agencies,  
6           boards, commissions, corporations, and offices.

7           “(7) Energy and water development.

8           “(8) Foreign assistance and related programs.

9           “(9) The Department of the Interior and relat-  
10          ed agencies.

11          “(10) Military construction.

12          “(11) The Department of Transportation and  
13          related agencies.

14          “(12) The Treasury Department, the U.S.  
15          Postal Service, the Executive Office of the President,  
16          and certain independent agencies.

17          “(13) The legislative branch.”.

18          (b) CLERICAL AMENDMENT.—The analysis of chap-  
19          ter 13 of title 31, United States Code, is amended by in-  
20          serting after the item relating to section 1310 the follow-  
21          ing new item:

          “1311. Continuing appropriations.”.

22          (c) PROTECTION OF OTHER OBLIGATIONS.—Nothing  
23          in the amendments made by this section shall be construed  
24          to effect Government obligations mandated by other law,

1 including obligations with respect to Social Security, Medi-  
2 care, and Medicaid.

3 **SEC. 3. EFFECTIVE DATE AND SUNSET.**

4 (a) **EFFECTIVE DATE.**—The amendments made by  
5 this Act shall apply with respect to fiscal years beginning  
6 with fiscal year 1997.

7 (b) **SUNSET.**—The amendments made by this Act  
8 shall sunset and have no force or effect 6 years after the  
9 date of enactment of this Act.

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