

## Calendar No. 31

106TH CONGRESS  
1ST SESSION**S. 558**

To prevent the shutdown of the Government at the beginning of a fiscal year if a new budget is not yet enacted.

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IN THE SENATE OF THE UNITED STATES

MARCH 8, 1999

Mr. THOMPSON, from the Committee on Governmental Affairs, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To prevent the shutdown of the Government at the beginning of a fiscal year if a new budget is not yet enacted.

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;

24 “(B) in the absence of such an Act, the rate of  
25 operations provided for such project or activity pur-

1       suant to a joint resolution making continuing appro-  
2       priations for such preceding fiscal year;

3           “(C) the rate provided in the budget submission  
4       of the President under section 1105(a) of title 31,  
5       United States Code, for the applicable fiscal year; or

6           “(D) the annualized rate of operations provided  
7       for in the most recently enacted joint resolution  
8       making continuing appropriations for part of that  
9       fiscal year or any funding levels established under  
10      the provisions of this Act.

11      “(3) Appropriations and funds made available, and  
12      authority granted, for any fiscal year pursuant to this sec-  
13      tion for a project or activity shall be available for the pe-  
14      riod beginning with the first day of a lapse in appropria-  
15      tions and ending on the earlier of—

16           “(A) the date on which the applicable regular  
17      appropriation bill for such fiscal year becomes law  
18      (whether or not such law provides for such project  
19      or activity) or a continuing resolution making appro-  
20      priations becomes law, as the case may be; or

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

22      “(b) An appropriation or funds made available, or au-  
23      thority granted, for a project or activity for any fiscal year  
24      pursuant to this section shall be subject to the terms and  
25      conditions imposed with respect to the appropriation made

1 or funds made available for the preceding fiscal year, or  
 2 authority granted for such project or activity under cur-  
 3 rent law.

4 “(c) Appropriations and funds made available, and  
 5 authority granted, for any project or activity for any fiscal  
 6 year pursuant to this section shall cover all obligations or  
 7 expenditures incurred for such project or activity during  
 8 the portion of such fiscal year for which this section ap-  
 9 plies to such project or activity.

10 “(d) Expenditures made for a project or activity for  
 11 any fiscal year pursuant to this section shall be charged  
 12 to the applicable appropriation, fund, or authorization  
 13 whenever a regular appropriation bill or a joint resolution  
 14 making continuing appropriations until the end of a fiscal  
 15 year providing for such project or activity for such period  
 16 becomes law.

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

20 “(1) makes an appropriation, makes funds  
 21 available, or grants authority for such project or ac-  
 22 tivity to continue for such period; or

23 “(2) specifically provides that no appropriation  
 24 shall be made, no funds shall be made available, or

1 no authority shall be granted for such project or ac-  
2 tivity to continue for such period.

3 “(f) In this section, the term ‘regular appropriation  
4 bill’ means any annual appropriation bill making appro-  
5 priations, otherwise making funds available, or granting  
6 authority, for any of the following categories of projects  
7 and activities:

8 “(1) Agriculture, rural development, and relat-  
9 ed agencies programs.

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

12 “(3) The Department of Defense.

13 “(4) The government of the District of Colum-  
14 bia and other activities chargeable in whole or in  
15 part against the revenues of the District.

16 “(5) The Departments of Labor, Health and  
17 Human Services, and Education, and related agen-  
18 cies.

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

22 “(7) Energy and water development.

23 “(8) Foreign assistance and related programs.

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

1 “(10) Military construction.

2 “(11) The Department of Transportation and  
3 related agencies.

4 “(12) The Treasury Department, the U.S.  
5 Postal Service, the Executive Office of the President,  
6 and certain independent agencies.

7 “(13) The legislative branch.”.

8 (b) TECHNICAL AMENDMENT.—The analysis of chap-  
9 ter 13 of title 31, United States Code, is amended by in-  
10 serting after the item relating to section 1310 the follow-  
11 ing:

“1311. Continuing appropriations.”.

12 (c) PROTECTION OF OTHER OBLIGATIONS.—Nothing  
13 in the amendments made by this section shall be construed  
14 to effect Government obligations mandated by other law,  
15 including obligations with respect to Social Security, Medi-  
16 care, and Medicaid.

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

18 (a) EFFECTIVE DATE.—The amendments made by  
19 this Act shall apply with respect to fiscal years beginning  
20 with fiscal year 2000.

21 (b) SUNSET.—The amendments made by this Act  
22 shall sunset and have no force or effect after fiscal year  
23 2001.



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