

Calendar No. 380

110TH CONGRESS
1ST SESSION**S. 2070**

To prevent Government shutdowns.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2007

Mr. DEMINT (for himself, Mr. ALLARD, Mr. COBURN, Mr. KYL, Mr. LOTT, Mr. McCONNELL, Mr. GREGG, Mr. CRAPO, Mr. HATCH, Mr. COLEMAN, Mr. CRAIG, Mr. CORNYN, Mr. VITTER, Mrs. HUTCHISON, and Mr. SESSIONS) introduced the following bill; which was read the first time

SEPTEMBER 20, 2007

Read the second time and placed on the calendar

A BILL

To prevent Government shutdowns.

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”.

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 (or, if applicable, for each fiscal year in a biennium)
8 does not become law before the beginning of such fiscal
9 year or a joint resolution making continuing appropria-
10 tions is not in effect, there are appropriated, out of any
11 money in the Treasury not otherwise appropriated, and
12 out of applicable corporate or other revenues, receipts, and
13 funds, such sums as may be necessary to continue any
14 project or activity for which funds were provided in the
15 preceding fiscal year—

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

18 “(B) if the corresponding regular appropriation
19 bill for such preceding fiscal year did not become
20 law, then in a joint resolution making continuing ap-
21 propriations for such preceding fiscal year.

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

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 regular appropriation bill as passed by the House of
10 Representatives or the Senate for the fiscal year in
11 question, except that the lower of these two versions
12 shall be ignored for any project or activity for which
13 there is a budget request if no funding is provided
14 for that project or activity in either version; or

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

20 “(3) Appropriations and funds made available, and
21 authority granted, for any fiscal year pursuant to this sec-
22 tion for a project or activity shall be available for the pe-
23 riod beginning with the first day of a lapse in appropria-
24 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, Food and
19 Drug Administration, and related agencies pro-
20 grams.

21 “(2) The Departments of Commerce, Justice,
22 Science, and related agencies.

23 “(3) The Department of Defense.

24 “(4) Energy and water development, and re-
25 lated agencies.

1 “(5) Financial services and general government.

2 “(6) The Department of Homeland Security.

3 “(7) The Department of Interior, environment,
4 and related agencies.

5 “(8) The Department of Labor, Health and
6 Human Services, and Education, and related agen-
7 cies.

8 “(9) The legislative branch.

9 “(10) Military construction and veterans af-
10 fairs.

11 “(11) The Department of State, foreign oper-
12 ations, and related programs.

13 “(12) The Transportation, Housing and Urban
14 Development, and related agencies.”.

15 (b) CLERICAL AMENDMENT.—The analysis of chap-
16 ter 13 of title 31, United States Code, is amended by in-
17 serting after the item relating to section 1310 the fol-
18 lowing new item:

“1311. Continuing appropriations.”.

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