

112TH CONGRESS
1ST SESSION

H. R. 1471

To prevent Government shutdowns by providing for the automatic continuation of Federal funding during a lapse in appropriations.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2011

Mr. KILDEE introduced the following bill; which was referred to the Committee on Appropriations

A BILL

To prevent Government shutdowns by providing for the automatic continuation of Federal funding during a lapse in 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 “Stop Government
5 Shutdowns Act”.

6 **SEC. 2. AUTOMATIC CONTINUATION OF FEDERAL FUNDING.**

7 (a) IN GENERAL.—If, as a result of a failure to enact
8 a regular or continuing appropriation Act or joint resolu-
9 tion, there is a lapse in appropriations for any projects
10 or activities of the Federal Government that were con-

1 ducted in the previous fiscal year, and for which appro-
2 priations, funds, or other authority were made available
3 in such fiscal year, there is appropriated, out of any money
4 in the Treasury not otherwise appropriated, and out of
5 applicable corporate or other revenues, receipts, and
6 funds, such amounts as may be necessary for continuing
7 such projects or activities (including the costs of direct
8 loans and loan guarantees), at the current rate for oper-
9 ations and under the authority and conditions provided in
10 the applicable appropriation Act or Acts that provided
11 funds for the project or activity for the previous fiscal
12 year.

13 (b) CONTINUATION PERIOD.—Appropriations and
14 funds made available and authority granted for a project
15 or activity pursuant to this Act shall be available until
16 whichever of the following first occurs:

17 (1) the enactment into law of an appropriation
18 for such project or activity;

19 (2) the enactment into law of the applicable ap-
20 propriation Act for such fiscal year without any pro-
21 vision for such project or activity; or

22 (3) the last day of the fiscal year for which
23 such appropriations and funds are made available or
24 such authority is granted for such project or activity
25 pursuant to subsection (a).

1 **SEC. 3. AVAILABILITY OF FUNDS.**

2 (a) EXTENT AND MANNER.—Appropriations made by
3 section 2(a) shall be available to the extent and in the
4 manner that would be provided by the applicable appro-
5 priation Act.

6 (b) COVERAGE.—Appropriations made and authority
7 granted pursuant to this Act shall cover all obligations or
8 expenditures incurred for any project or activity during
9 the period for which funds or authority for such project
10 or activity are available under this Act.

11 **SEC. 4. USE OF FUNDS.**

12 (a) NO NEW STARTS.—No appropriation or funds
13 made available or authority granted pursuant to section
14 2(a) shall be used to initiate or resume any project or ac-
15 tivity for which appropriations, funds, or other authority
16 were not available during the previous fiscal year.

17 (b) APPORTIONMENT TIMING.—Appropriations made
18 and funds made available by or authority granted pursu-
19 ant to this Act may be used without regard to the time
20 limitations for submission and approval of apportionments
21 set forth in section 1513 of title 31, United States Code,
22 but nothing in this Act may be construed to waive any
23 other provision of law governing the apportionment of
24 funds.

25 (c) HIGH RATES FOR OPERATION.—Notwithstanding
26 any other provision of this Act, except section 2(b), for

1 those programs that would otherwise have high rates for
2 operation or complete distribution of appropriations in the
3 period for which appropriations for such programs are
4 made available under this Act because of distributions of
5 funding to States, foreign countries, grantees, or others,
6 such high initial rates for operation or complete distribu-
7 tion shall not be made, and no grants shall be awarded
8 for such programs funded by this Act that would impinge
9 on final funding prerogatives.

10 (d) LIMITED FUNDING ACTIONS.—This Act shall be
11 implemented so that only the most limited funding action
12 of that permitted in the Act shall be taken in order to
13 provide for continuation of projects and activities.

14 (e) PREVENTION OF FURLOUGHS.—Amounts made
15 available under section 2(a) for civilian personnel com-
16 pensation and benefits in each department and agency
17 may be apportioned up to the rate for operations necessary
18 to avoid furloughs within such department or agency, con-
19 sistent with the applicable appropriation Act for the pre-
20 vious fiscal year, except that such authority provided
21 under this section shall not be used until after the depart-
22 ment or agency has taken all necessary actions to reduce
23 or defer non-personnel-related administrative expenses.

24 (f) PAY FOR MEMBERS OF THE ARMED FORCES.—
25 During a period in which appropriations are made avail-

1 able under this Act for the pay of members of the Armed
2 Forces, the rate of pay for such members shall not be de-
3 creased by reason of this Act.

4 (g) APPLICATION OF CERTAIN AUTHORIZATION RE-
5 QUIREMENTS.—Funds appropriated by this Act may be
6 obligated and expended notwithstanding section 10 of
7 Public Law 91–672 (22 U.S.C. 2412), section 15 of the
8 State Department Basic Authorities Act of 1956 (22
9 U.S.C. 2680), section 313 of the Foreign Relations Au-
10 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.
11 6212), and section 504(a)(1) of the National Security Act
12 of 1947 (50 U.S.C. 414(a)(1)).

13 **SEC. 5. ADJUSTMENT OF ACCOUNTS.**

14 Expenditures made pursuant to this Act shall be
15 charged to the applicable appropriation, fund, or author-
16 ization whenever a bill in which such applicable appropria-
17 tion, fund, or authorization is contained is enacted into
18 law.

19 **SEC. 6. ENTITLEMENTS AND OTHER MANDATORY PRO-**
20 **GRAMS.**

21 (a) For entitlements and other mandatory payments
22 whose budget authority was provided in previous appro-
23 priation Acts, and for activities under the Food and Nutri-
24 tion Act of 2008, activities shall be continued at the rate
25 to maintain program levels under current law, under the

1 authority and conditions provided in the applicable appro-
2 priation Act for the previous fiscal year, to be continued
3 through the date on which appropriations for such pro-
4 grams under this Act expire (as specified in section 2(b)).

5 (b) Notwithstanding section 2(b)(3), obligations for
6 mandatory payments due on or about the first day of any
7 month that begins after the first month in which appro-
8 priations for such programs are made under this Act but
9 not later than 30 days after the date on which appropria-
10 tions for such programs under this Act expire (as specified
11 in section 2(b)(3)) may continue to be made, and funds
12 shall be available for such payments.

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