

Calendar No. 242

116TH CONGRESS
1ST SESSION**S. 2593**

To amend title 31, United States Code, to provide for automatic continuing resolutions.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2019

Mr. PORTMAN introduced the following bill; which was read the first time

OCTOBER 15, 2019

Read the second time and placed on the calendar

A BILL

To amend title 31, United States Code, to provide for automatic continuing resolutions.

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 “End Government Shut-
5 downs Act”.

1 **SEC. 2. AUTOMATIC CONTINUING APPROPRIATIONS.**

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 an appropriation measure for a fiscal year
7 with respect to a program, project, or activity is not en-
8 acted before the beginning of such fiscal year and a bill
9 or joint resolution making continuing appropriations is not
10 in effect with respect to the program, project, or activity,
11 there are appropriated such sums as may be necessary to
12 continue the program, project, or activity if funds were
13 provided for the program, project, or activity in the pre-
14 ceding fiscal year—

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

17 “(B) if the corresponding appropriation bill for
18 such preceding fiscal year did not become law—

19 “(i) in a bill or joint resolution making
20 continuing appropriations for such preceding
21 fiscal year; or

22 “(ii) under this section.

23 “(2)(A) Except as provided in subparagraph (B), ap-
24 propriations and funds made available, and authority
25 granted, for a program, project, or activity for any fiscal

1 year pursuant to this section shall be at a rate of operations not in excess of the lower of—

3 “(i) 100 percent of the rate of operations provided for in the regular appropriation Act providing for such program, project, or activity for the preceding fiscal year;

7 “(ii) in the absence of such an Act, 100 percent of the rate of operations provided for such program, project, or activity pursuant to a bill or joint resolution making continuing appropriations for such preceding fiscal year;

12 “(iii) in the absence of such a bill or joint resolution, 100 percent of the rate of operations provided for such program, project, or activity under this section for such preceding fiscal year; or

16 “(iv) 100 percent of the annualized rate of operations provided for in the most recently enacted bill or joint resolution making continuing appropriations for part of a fiscal year.

20 “(B) For entitlements and other mandatory payments whose budget authority was provided for the previous fiscal year in appropriations Acts, under a law other than this section providing continuing appropriations for such previous year, or under this section, and for activities under the Food and Nutrition Act of 2008, appropriations

1 and funds made available during a fiscal year under this
2 section shall be at the rate necessary to maintain program
3 levels under current law, under the authority and condi-
4 tions provided in the applicable appropriations Act.

5 “(3) Appropriations and funds made available, and
6 authority granted, for any fiscal year pursuant to this sec-
7 tion for a program, project, or activity shall be available
8 for the period beginning with the first day of a lapse in
9 appropriations and ending with the date on which the ap-
10 plicable regular appropriation bill for such fiscal year be-
11 comes law (whether or not such law provides for such pro-
12 gram, project, or activity) or a bill or joint resolution mak-
13 ing continuing appropriations for such program, project,
14 or activity becomes law, as the case may be.

15 “(4) Notwithstanding section 251(a)(1) of the Bal-
16 anced Budget and Emergency Deficit Control Act of 1985
17 (2 U.S.C. 901(a)(1)) and the timetable in section 254(a)
18 of such Act (2 U.S.C. 904(a)), for any fiscal year for
19 which appropriations and funds are made available under
20 this section, the final sequestration report for such fiscal
21 year pursuant to section 254(f)(1) of such Act (2 U.S.C.
22 904(f)(1)) and any order for such fiscal year pursuant to
23 section 254(f)(5) of such Act (2 U.S.C. 901(f)(5)) shall
24 be issued—

1 “(A) for the Congressional Budget Office, 10
2 days after the date on which all regular appropria-
3 tion Acts for such fiscal year or continuing appro-
4 priations through the end of such fiscal year have
5 been enacted; and

6 “(B) for the Office of Management and Budget,
7 15 days after the date on which all regular appro-
8 priation Acts for such fiscal year or continuing ap-
9 propriations through the end of such fiscal year have
10 been enacted.

11 “(b) An appropriation or funds made available, or au-
12 thority granted, for a program, project, or activity for any
13 fiscal year pursuant to this section shall be subject to the
14 terms and conditions imposed with respect to the appro-
15 priation made or funds made available for the preceding
16 fiscal year, or authority granted for such program, project,
17 or activity under current law.

18 “(c) Expenditures made for a program, project, or
19 activity for any fiscal year pursuant to this section shall
20 be charged to the applicable appropriation, fund, or au-
21 thorization whenever a regular appropriation bill or a joint
22 resolution making continuing appropriations until the end
23 of a fiscal year providing for such program, project, or
24 activity for such period becomes law.

1 “(d) This section shall not apply to a program,
2 project, or activity during a fiscal year if any other provi-
3 sion of law (other than an authorization of appropria-
4 tions)—

5 “(1) makes an appropriation, makes funds
6 available, or grants authority for such program,
7 project, or activity to continue for such period; or

8 “(2) specifically provides that no appropriation
9 shall be made, no funds shall be made available, or
10 no authority shall be granted for such program,
11 project, or activity to continue for such period.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 of chapter 13 of title 31, United States Code, is amended
14 by inserting after the item relating to section 1310 the
15 following new item:

“1311. Continuing appropriations.”.

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