

116TH CONGRESS
1ST SESSION

S. 104

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

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2019

Mr. PORTMAN (for himself, Mr. ENZI, Mr. RISCH, Mr. BARRASSO, Mr. LEE, Mr. GRASSLEY, Mr. DAINES, Mr. ISAKSON, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Appropriations

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”.

6 **SEC. 2. AUTOMATIC CONTINUING APPROPRIATIONS.**

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 **“SEC. 1311. CONTINUING APPROPRIATIONS.**

2 “(a)(1) If any appropriation measure for a fiscal year
3 is not enacted before the beginning of such fiscal year or
4 a joint resolution making continuing appropriations is not
5 in effect, there are appropriated such sums as may be nec-
6 essary to continue any program, project, or activity for
7 which funds were provided in the preceding fiscal year—

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

10 “(B) if the corresponding appropriation bill for
11 such preceding fiscal year did not become law, then
12 in a joint resolution making continuing appropria-
13 tions for such preceding fiscal year.

14 “(2)(A) Appropriations and funds made available,
15 and authority granted, for a program, project, or activity
16 for any fiscal year pursuant to this section shall be at a
17 rate of operations not in excess of the lower of—

18 “(i) 100 percent of the rate of operations pro-
19 vided for in the regular appropriation Act providing
20 for such program, project, or activity for the pre-
21 ceding fiscal year;

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

1 “(iii) 100 percent of the annualized rate of op-
2 erations provided for in the most recently enacted
3 joint resolution making continuing appropriations
4 for part of that fiscal year or any funding levels es-
5 tablished under the provisions of this Act,
6 for the period of 120 days. After the first 120-day period
7 during which this subsection is in effect for that fiscal
8 year, the applicable rate of operations shall be reduced by
9 1 percentage point. For each subsequent 90-day period
10 during which this subsection is in effect for that fiscal
11 year, the applicable rate of operations shall be reduced by
12 1 percentage point. The 90-day period reductions shall ex-
13 tend beyond the last day of that fiscal year.

14 “(B) If this section is in effect at the end of a fiscal
15 year, funding levels shall continue as provided in this sec-
16 tion for the next fiscal year.

17 “(3) Appropriations and funds made available, and
18 authority granted, for any fiscal year pursuant to this sec-
19 tion for a program, project, or activity shall be available
20 for the period beginning with the first day of a lapse in
21 appropriations and ending with the date on which the ap-
22 plicable regular appropriation bill for such fiscal year be-
23 comes law (whether or not such law provides for such pro-
24 gram, project, or activity) or a continuing resolution mak-
25 ing appropriations becomes law, as the case may be.

1 “(b) An appropriation or funds made available, or au-
2 thority granted, for a program, project, or activity for any
3 fiscal year pursuant to this section shall be subject to the
4 terms and conditions imposed with respect to the appro-
5 priation made or funds made available for the preceding
6 fiscal year, or authority granted for such program, project,
7 or activity under current law.

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

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

19 “(1) makes an appropriation, makes funds
20 available, or grants authority for such program,
21 project, or activity to continue for such period; or

22 “(2) specifically provides that no appropriation
23 shall be made, no funds shall be made available, or
24 no authority shall be granted for such program,
25 project, or activity to continue for such period.”.

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

“1311. Continuing appropriations.”.

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