

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2069

To help avoid the costs and disruptions of agency shutdowns when there is a lapse in appropriations.

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IN THE HOUSE OF REPRESENTATIVES

JULY 19, 1995

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

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## A BILL

To help avoid the costs and disruptions of agency shutdowns when there is 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. AUTHORITY TO OBLIGATE DURING LAPSE IN**

4 **APPROPRIATIONS.**

5 (a) Chapter 13 of title 31, United States Code, is  
6 amended by inserting after section 1310 the following new  
7 section:

1 **“§ 1311. Authority to obligate during lapse in appro-**  
2 **priations**

3 “(a)(1) Notwithstanding section 1341 of this title, if  
4 any appropriation bill for a fiscal year does not become  
5 law prior to the beginning of such fiscal year, an officer  
6 or employee of the United States Government or of the  
7 District of Columbia government may incur obligations as  
8 may be necessary to continue any project or activity for  
9 which funds were provided in the preceding fiscal year—

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

12 “(B) if the corresponding regular appropriation  
13 bill for such preceding fiscal year did not become  
14 law, pursuant to this section.

15 “(2) The authority to incur obligations for a project  
16 or activity for any fiscal year pursuant to this section shall  
17 be at a rate of operations not in excess of the lower of—

18 “(A) the rate of operations provided for in the  
19 regular appropriation Act, including any continuing  
20 resolution, for such project or activity for the pre-  
21 ceding fiscal year; or

22 “(B) in the absence of such an Act, the rate of  
23 operations provided for such project or activity pur-  
24 suant to this section for such preceding fiscal year.

25 “(3) The authority to incur obligations, for any fiscal  
26 year pursuant to this section for a project or activity shall

1 be available for the period beginning with the first day  
2 of such fiscal year and ending with the earlier of—

3           “(A) the date on which the applicable regular  
4           appropriation bill for such fiscal year becomes law  
5           (whether or not such law provides for such project  
6           or activity), or

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

8           “(b) The authority to incur obligations for a project  
9           or activity for any fiscal year pursuant to this section shall  
10          be subject to the terms and conditions imposed with re-  
11          spect to the appropriation made and funds made available  
12          or authority granted for such project or activity for the  
13          preceding fiscal year.

14          “(c) Expenditures made to liquidate any obligation  
15          incurred for a project or activity for any fiscal year pursu-  
16          ant to this section shall be paid out of the applicable ap-  
17          propriation fund whenever the appropriation bill providing  
18          for such project or activity becomes law.

19          “(d) This section shall not apply to a project or activ-  
20          ity during a fiscal year if program authorization for the  
21          project or activity has expired.

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

1           “(1) makes an appropriation, makes funds  
2 available, or grants authority for such project or ac-  
3 tivity to continue for such period, or

4           “(2) specifically provides that no appropriation  
5 shall be made, no funds shall be made available, or  
6 no authority shall be granted for such project or ac-  
7 tivity to continue for such period.

8           “(f) For purposes of this section ‘regular appropria-  
9 tion bill’ means any regular appropriation bill (within the  
10 meaning given to such term in section 307 of the Congres-  
11 sional Budget Act of 1974 (2 U.S.C. 638)) making appro-  
12 priations, otherwise making funds available, or granting  
13 authority, for any of the following categories of projects  
14 and activities:

15           “(1) Agriculture, rural development, and relat-  
16 ed agencies programs.

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

19           “(3) The Department of Defense.

20           “(4) The government of the District of Colum-  
21 bia and other activities chargeable in whole or in  
22 part against the revenues of the District.

23           “(5) The Department of Labor, Health and  
24 Human Services, and Education, and related agen-  
25 cies.

1           “(6) The Department of Housing and Urban  
2           Development, and sundry independent agencies,  
3           boards, commissions, corporations, and offices.

4           “(7) Energy and water development.

5           “(8) Foreign assistance and related programs.

6           “(9) The Department of the Interior and relat-  
7           ed agencies.

8           “(10) Military construction.

9           “(11) The Department of Transportation and  
10          related agencies.

11          “(12) The Treasury Department, the United  
12          States Postal Service, the Executive Office of the  
13          President, and certain independent agencies.

14          “(13) The legislative branch.

15          “(g) Obligations incurred under the authority of this  
16          section may not be liquidated prior to the enactment of  
17          the applicable regular appropriation bill.”.

18          (b) The table of sections for chapter 13 of title 31,  
19          United States Code, is amended by inserting after the  
20          item relating to section 1310 the following new item:

          “1311. Authority to obligate during lapse in appropriations.”.

21          (c) The amendments made by this subsection shall  
22          apply with respect to fiscal years beginning after the date  
23          of enactment of this Act.

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