

112TH CONGRESS
1ST SESSION

H. R. 339

To deem any adjournment of the House of Representatives which is in effect on the date of the regularly scheduled general election for Federal office held during a Congress to be adjournment sine die, and to amend title 31, United States Code, to provide for automatic continuing appropriations if a regular appropriation bill for a fiscal year does not become law before the date of the regularly scheduled general election for Federal office held during such fiscal year.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 2011

Ms. JENKINS (for herself, Mr. PITTS, Mr. POMPEO, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. ROSS of Florida, Mr. KLINE, Mrs. BIGGERT, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. POSEY, Mr. WEST, Mr. HUNTER, Mr. SENSENBRENNER, Mr. BILBRAY, Mrs. SCHMIDT, Mr. ROGERS of Alabama, Mr. SULLIVAN, Mrs. MYRICK, Mr. MILLER of Florida, Mr. GRAVES of Missouri, Mr. LUETKEMEYER, Mr. STIVERS, Mr. CRAWFORD, Mr. DUNCAN of South Carolina, and Mr. KELLY) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To deem any adjournment of the House of Representatives which is in effect on the date of the regularly scheduled general election for Federal office held during a Congress to be adjournment sine die, and to amend title 31, United States Code, to provide for automatic continuing appropriations if a regular appropriation bill for a fiscal

year does not become law before the date of the regularly scheduled general election for Federal office held during such fiscal year.

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 the Lame Duck
 5 Act”.

6 **SEC. 2. MANDATORY SINE DIE ADJOURNMENT AFTER GEN-**
 7 **ERAL ELECTION DATE.**

8 (a) MANDATORY SINE DIE ADJOURNMENT.—Except
 9 as provided in subsection (b), if the House of Representa-
 10 tives stands adjourned on the date of the regularly sched-
 11 uled general election for Federal office during a Congress
 12 (beginning with the One Hundred Twelfth Congress) pur-
 13 suant to a concurrent resolution providing for the adjourn-
 14 ment of the House, the House shall be considered to be
 15 adjourned sine die.

16 (b) REASSEMBLY OF CONGRESS IN CERTAIN CIR-
 17 CUMSTANCES.—

18 (1) COUNTING OF ELECTORS.—Nothing in sub-
 19 section (a) shall be construed to prohibit the Con-
 20 gress from meeting to count electoral votes pursuant
 21 to section 15 of title 3, United States Code.

22 (2) PERMITTING REASSEMBLY UPON AGREE-
 23 MENT OF LEADERSHIP.—After the date described in

1 subsection (a), the Speaker of the House of Rep-
2 resentatives and the majority leader of the Senate,
3 or their respective designees, acting jointly and with
4 the written agreement of the minority leader of the
5 House and the minority leader of the Senate, may
6 notify the Members of the House and Senate, re-
7 spectively, to reassemble if each determines that it
8 is in the interest of the United States to do so.

9 **SEC. 3. AUTOMATIC CONTINUING APPROPRIATIONS.**

10 (a) IN GENERAL.—Chapter 13 of title 31, United
11 States Code, is amended by inserting after section 1310
12 the following new section:

13 **“§ 1311. Continuing appropriations**

14 “(a)(1) If any regular appropriation bill for a fiscal
15 year does not become law before the date of the regularly
16 scheduled general election for Federal office held during
17 such fiscal year or a joint resolution making continuing
18 appropriations is not in effect, there are appropriated, out
19 of any money in the Treasury not otherwise appropriated,
20 and out of applicable corporate or other revenues, receipts,
21 and funds, such sums as may be necessary to continue
22 any project or activity for which funds were provided in
23 the preceding fiscal year—

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

1 “(B) if the corresponding regular appropriation
2 bill for such preceding fiscal year did not become
3 law, then in a joint resolution making continuing ap-
4 propriations for such preceding fiscal year.

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

9 “(A) the rate of operations provided for in the
10 regular appropriation Act providing for such project
11 or activity for the preceding fiscal year;

12 “(B) in the absence of such an Act, the rate of
13 operations provided for such project or activity pur-
14 suant to a joint resolution making continuing appro-
15 priations for such preceding fiscal year;

16 “(C) the rate of operations provided for in the
17 regular appropriation bill as passed by the House of
18 Representatives or the Senate for the fiscal year in
19 question, except that the lower of these two versions
20 shall be ignored for any project or activity for which
21 there is a budget request if no funding is provided
22 for that project or activity in either version; or

23 “(D) the annualized rate of operations provided
24 for in the most recently enacted joint resolution
25 making continuing appropriations for part of that

1 fiscal year or any funding levels established under
2 the provisions of this Act.

3 “(3) Appropriations and funds made available, and
4 authority granted, for any fiscal year pursuant to this sec-
5 tion for a project or activity shall be available for the pe-
6 riod beginning with the first day of a lapse in appropria-
7 tions and ending with the earlier of—

8 “(A) the date on which the applicable regular
9 appropriation bill for such fiscal year becomes law
10 (whether or not such law provides for such project
11 or activity) or a continuing resolution making appro-
12 priations becomes law, as the case may be; or

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

14 “(b) An appropriation or funds made available, or au-
15 thority granted, for a project or activity for any fiscal year
16 pursuant to this section shall be subject to the terms and
17 conditions imposed with respect to the appropriation made
18 or funds made available for the preceding fiscal year, or
19 authority granted for such project or activity under cur-
20 rent law.

21 “(c) Appropriations and funds made available, and
22 authority granted, for any project or activity for any fiscal
23 year pursuant to this section shall cover all obligations or
24 expenditures incurred for such project or activity during

1 the portion of such fiscal year for which this section ap-
2 plies to such project or activity.

3 “(d) Expenditures made for a project or activity for
4 any fiscal year pursuant to this section shall be charged
5 to the applicable appropriation, fund, or authorization
6 whenever a regular appropriation bill or a joint resolution
7 making continuing appropriations until the end of a fiscal
8 year providing for such project or activity for such period
9 becomes law.

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

13 “(1) makes an appropriation, makes funds
14 available, or grants authority for such project or ac-
15 tivity to continue for such period; or

16 “(2) specifically provides that no appropriation
17 shall be made, no funds shall be made available, or
18 no authority shall be granted for such project or ac-
19 tivity to continue for such period.

20 “(f) For purposes of this section, the term ‘regular
21 appropriation bill’ means any annual appropriation bill
22 making appropriations, otherwise making funds available,
23 or granting authority, for any of the following categories
24 of projects and activities:

1 “(1) Agriculture, Rural Development, Food and
2 Drug Administration, and Related Agencies.

3 “(2) Commerce, Justice, Science, and Related
4 Agencies.

5 “(3) Department of Defense.

6 “(4) Energy and Water Development and Re-
7 lated Agencies.

8 “(5) Financial Services and General Govern-
9 ment.

10 “(6) Department of Homeland Security.

11 “(7) Department of the Interior, Environment,
12 and Related Agencies.

13 “(8) Departments of Labor, Health and
14 Human Services, Education, and Related Agencies.

15 “(9) Legislative Branch.

16 “(10) Military Construction and Veterans’ Af-
17 fairs.

18 “(11) Department of State, Foreign Oper-
19 ations, and Related Programs.

20 “(12) Transportation, Housing and Urban De-
21 velopment, and Related Agencies.”.

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

“1311. Continuing appropriations.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to fiscal years beginning after Sep-
3 tember 30, 2012.

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