

117TH CONGRESS
1ST SESSION

S. 2892

To provide for continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, other than for the legislative branch and the Executive Office of the President.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2021

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Appropriations

A BILL

To provide for continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, other than for the legislative branch and the Executive Office of the President.

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 the Shutdowns
5 Transferring Unnecessary Pain and Inflicting Damage In
6 The coming Years Act”.

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

2 (a) IN GENERAL.—Chapter 13 of title 31, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 1311. Automatic continuing appropriations**

6 “(a) In this section, the term ‘excluded account’
7 means an appropriation account—

8 “(1) for any agency, office, or other entity in or
9 under the legislative branch; or

10 “(2) for any agency, office, or other entity in or
11 under the Executive Office of the President.

12 “(b)(1)(A) If an appropriation Act for a fiscal year
13 with respect to the account for a program, project, or ac-
14 tivity has not been enacted and continuing appropriations
15 are not in effect during any period during such fiscal year
16 with respect to the program, project, or activity, there are
17 appropriated such sums as may be necessary to continue,
18 at the rate for operations specified in subparagraph (B),
19 the program, project, or activity if—

20 “(i) the program, project, or activity is not
21 funded under an excluded account; and

22 “(ii) funds were provided for the program,
23 project, or activity during the preceding fiscal year.

24 “(B) The rate for operations specified in this sub-
25 paragraph with respect to a program, project, or activ-
26 ity—

1 “(i) is the rate for operations for the preceding
2 fiscal year for the program, project, or activity—

3 “(I) provided in the corresponding appro-
4 priation Act for such preceding fiscal year; or

5 “(II) if the corresponding appropriation
6 bill for such preceding fiscal year was not en-
7 acted, provided in the law providing continuing
8 appropriations for such preceding fiscal year; or

9 “(ii) if the corresponding appropriation bill and
10 a law providing continuing appropriations for such
11 preceding fiscal year were not enacted, is the rate
12 for operations for the preceding fiscal year for the
13 program, project, or activity provided under this sec-
14 tion for such preceding fiscal year, as increased by
15 the percentage increase, if any, in the gross domestic
16 product for the calendar year ending during such
17 preceding fiscal year as compared to the gross do-
18 mestic product for the calendar year before such cal-
19 endar year.

20 “(2) Appropriations and funds made available, and
21 authority granted, for any fiscal year pursuant to this sec-
22 tion for a program, project, or activity shall be available
23 for the period beginning with the first day of any lapse
24 in appropriations during such fiscal year and ending with
25 the date on which the applicable regular appropriation bill

1 for such fiscal year is enacted (whether or not such law
2 provides appropriations for such program, project, or ac-
3 tivity) or a law making continuing appropriations for the
4 program, project, or activity is enacted, as the case may
5 be.

6 “(c) An appropriation or funds made available, or au-
7 thority granted, for a program, project, or activity for any
8 fiscal year pursuant to this section shall be subject to the
9 terms and conditions imposed with respect to the appro-
10 priation made or funds made available for the preceding
11 fiscal year, or authority granted for such program, project,
12 or activity under current law.

13 “(d) Expenditures made for a program, project, or
14 activity for any fiscal year pursuant to this section shall
15 be charged to the applicable appropriation, fund, or au-
16 thorization whenever a regular appropriation Act, or a law
17 making continuing appropriations until the end of such
18 fiscal year, for such program, project, or activity is en-
19 acted.

20 “(e) This section shall not apply to a program,
21 project, or activity during a fiscal year if any other provi-
22 sion of law (other than an authorization of appropria-
23 tions)—

1 “(1) makes an appropriation, makes funds
2 available, or grants authority for such program,
3 project, or activity 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 program,
7 project, or activity to continue for such period.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for chapter 13 of title 31, United States Code, is amended
10 by adding at the end the following:

“1311. Automatic continuing appropriations.”.

