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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To provide for automatic continuing appropriations.

IN THE HOUSE OF REPRESENTATIVES

Mr. JOHNSON of South Dakota introduced the following bill; which was
referred to the Committee on _____

A BILL

To provide for automatic continuing 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. SHORT TITLE.**

4 This Act may be cited as the “Eliminate Shutdowns
5 Act”.

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

7 (a) IN GENERAL.—Subchapter I of chapter 13 of title
8 31, United States Code, is amended by adding at the end
9 the following:

1 **“§ 1311. Automatic continuing appropriations**

2 “(a) For purposes of this section—

3 “(1) the term ‘lapse in appropriations’ means a
4 time period during which—

5 “(A) the applicable full-year appropriation
6 Act for a program, project, or activity has not
7 been enacted for the current fiscal year;

8 “(B) the program, project, or activity was
9 provided funding in the preceding applicable ap-
10 propriation Act; and

11 “(C) no continuing appropriation Act is in
12 effect for such program, project, or activity;
13 and

14 “(2) the term ‘preceding applicable appropria-
15 tion Act’ means—

16 “(A) the most recent continuing appropria-
17 tion Act enacted; or

18 “(B) if no continuing appropriation Act
19 has been enacted for the current fiscal year, the
20 most recent applicable full-year appropriation
21 Act (including a full-year continuing appropria-
22 tion Act) enacted for the immediately preceding
23 fiscal year (excluding any supplemental appro-
24 priation Act).

25 “(b)(1) On and after the first day of each fiscal year,
26 if a lapse in appropriations occurs with respect to a pro-

1 gram, project, or activity, there are appropriated such
2 sums as may be necessary, at the rate for operations as
3 provided in the preceding applicable appropriation Acts
4 under the authorities and conditions provided in such
5 Acts, for continuing programs, projects or activities (in-
6 cluding the costs of direct loans and loan guarantees) that
7 were conducted under such Acts and for which appropria-
8 tions, funds, or other authorities were made available in
9 such Acts.

10 “(2)(A) Appropriations and funds made available and
11 authority granted under paragraph (1) shall be available
12 for a period of 14 calendar days.

13 “(B) If, at the end of the first 14 calendar-day period
14 during which appropriations and funds are made available
15 and authority is granted under paragraph (1), and the end
16 of every 14 calendar-day period thereafter, a lapse in ap-
17 propriations with respect to a program, project, or activity
18 continues, the appropriations and funds made available
19 and authority granted under paragraph (1) with respect
20 to the program, project, or activity shall be extended for
21 an additional 14 calendar-day period.

22 “(3) For entitlements and other mandatory payments
23 whose budget authority was provided for in preceding ap-
24 plicable appropriation Acts, under a law other than this
25 section providing full-year continuing appropriations for

1 the preceding fiscal year, or under this section, and for
2 activities under the Food and Nutrition Act of 2008, ap-
3 propriations and funds made available for a fiscal year
4 under paragraph (1) shall be at the rate necessary to
5 maintain program levels under current law, and under the
6 authority and conditions provided in the preceding appli-
7 cable appropriation Act.

8 “(c) Appropriations and funds made available, and
9 authority granted, for any fiscal year pursuant to this sec-
10 tion for a program, project, or activity shall be available,
11 in accordance with subsection (b), for the period—

12 “(1) beginning on the first day of any lapse in
13 appropriations during such fiscal year; and

14 “(2) ending on the date of enactment of an ap-
15 propriation Act for such fiscal year with respect to
16 the account for such program, project, or activity
17 (whether or not such Act provides appropriations for
18 such program, project, or activity) or a continuing
19 appropriation Act providing funding for the pro-
20 gram, project, or activity, as applicable.

21 “(d) Expenditures made for a program, project, or
22 activity for any fiscal year pursuant to this section shall
23 be charged to the applicable appropriation, fund, or au-
24 thorization whenever an appropriation Act for such fiscal
25 year with respect to the account for a program, project,

1 or activity or a law making continuing appropriations until
2 the end of such fiscal year for such program, project, or
3 activity is enacted.

4 “(e) Appropriations and funds made available by, or
5 authority granted pursuant to, this section may be used
6 without regard to the time limitations for submission and
7 approval of apportionments set forth in section 1513 of
8 this, but nothing in this section shall be construed to waive
9 any other provision of law governing the apportionment
10 of funds.

11 “(f) Notwithstanding any other provision of this sec-
12 tion, except for subsection (c), for those programs that
13 would otherwise have high initial rates of operation or
14 complete distribution of appropriations at the beginning
15 of the applicable fiscal year because of distributions of
16 funding to States, foreign countries, grantees, or others,
17 such high initial rates of operation or complete distribu-
18 tion shall not be made, and no grants shall be awarded
19 for such programs funded by this section that would im-
20 ping on final funding prerogatives.

21 “(g) This section shall be implemented so that only
22 the most limited funding action of that permitted under
23 this section shall be taken in order to provide for continu-
24 ation of programs, projects and activities.

1 “(h) This section shall not apply to a program,
2 project, or activity during a lapse in appropriations if any
3 other provision of law (other than an authorization of ap-
4 propriations or an appropriation Act for a prior fiscal year
5 making carryover funds available)—

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

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

13 “(i)(1) Subject to paragraph (2), the head of an
14 agency may, with the approval of the Office of Manage-
15 ment and Budget, transfer funds made available to such
16 agency for an appropriation account pursuant to this sec-
17 tion to any other appropriation account of such agency.

18 “(2) Not more than 5 percent of any appropriation
19 account may be transferred to another appropriation ac-
20 count under paragraph (1).

21 “(3) The authority provided by this subsection to
22 transfer appropriated funds—

23 “(A) may be used only to provide funds for
24 items relating to activities necessary for a program,
25 project, or activity that has a higher priority than

1 the programs, projects, or activities carried out
2 using amounts from the accounts from which the
3 funds are transferred; and

4 “(B) may not be used to provide funds for an
5 item for which Congress has specifically denied
6 funds.

7 “(4) The head of an agency executing a transfer
8 under this subsection shall promptly notify the Committee
9 on Appropriations of the Senate and the Committee on
10 Appropriations of the House of Representatives of any
11 transfer of funds to or from any appropriation.

12 “(j) No appropriation of funds made available or au-
13 thority granted pursuant to this section shall be used to
14 initiate or resume any program, project or activity for
15 which appropriations, funds, or other authority were spe-
16 cifically prohibited during the previous fiscal year under
17 the appropriation Act.”.

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

“1311. Automatic continuing appropriations.”.

22 **SEC. 3. BUDGETARY EFFECTS.**

23 (a) CLASSIFICATION OF BUDGETARY EFFECTS.—
24 The budgetary effects of this Act and the amendments
25 made by this Act shall be estimated as if this Act and

1 the amendments made by this Act are discretionary appro-
2 priation Acts for purposes of section 251 of the Balanced
3 Budget and Emergency Deficit Control Act of 1985 (2
4 U.S.C. 901).

5 (b) BASELINE.—For purposes of calculating the
6 baseline under section 257 of the Balanced Budget and
7 Emergency Deficit Control Act of 1985 (2 U.S.C. 907),
8 the provision of budgetary resources under section 1311
9 of title 31, United States Code, as added by this Act, for
10 an account shall be considered to be a continuing appro-
11 priation in effect for such account for less than the entire
12 current year.

13 (c) ENFORCEMENT OF DISCRETIONARY SPENDING
14 LIMITS.—

15 (1) IN GENERAL.—For purposes of enforcing
16 the discretionary spending limits under section
17 251(a) of the Balanced Budget and Emergency Def-
18 icit Control Act of 1985 (2 U.S.C. 901(a)), the
19 budgetary resources made available under section
20 1311 of title 31, United States Code, as added by
21 this Act, shall be considered part-year appropria-
22 tions for purposes of section 251(a)(4) of the Bal-
23 anced Budget and Emergency Deficit Control Act of
24 1985 (2 U.S.C. 901(a)(4)).

1 (2) REPORT.—If a report under section 254(f)
2 of the Balanced Budget and Emergency Deficit Con-
3 trol Act of 1985 (2 U.S.C. 904(f)) is required dur-
4 ing a lapse in appropriations, the due date of such
5 report shall be the later of the date specified in sec-
6 tion 251(a)(1) of such Act (2 U.S.C. 901(a)(1)) or
7 30 calendar days after the first day of the lapse in
8 appropriations.

9 **SEC. 4. EFFECTIVE DATE.**

10 This Act and the amendments made by this Act shall
11 take effect on September 30, 2025.