

In the Senate of the United States,

January 25 (legislative day, January 24), 2019.

Resolved, That the resolution from the House of Representatives (H.J. Res. 28) entitled “Joint resolution making further continuing appropriations for fiscal year 2019, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 *SECTION 1. SHORT TITLE. This joint resolution may*
2 *be cited as the “Further Additional Continuing Appropria-*
3 *tions Act, 2019”.*

4 *SEC. 101. The Continuing Appropriations Act, 2019*
5 *(division C of Public Law 115–245) is further amended—*

6 *(1) by striking the date specified in section*
7 *105(3) and inserting “February 15, 2019”; and*

8 *(2) by adding after section 136 the following:*

9 *“SEC. 137. Amounts made available in this Act for*
10 *personnel pay, allowances, and benefits in each department*

1 *and agency shall be available for obligations incurred pur-*
 2 *suant to subsection (c) of section 1341 of title 31, United*
 3 *States Code.*

4 “*SEC. 138. All obligations incurred and in anticipa-*
 5 *tion of the appropriations made and authority granted by*
 6 *this Act for the purposes of maintaining the essential level*
 7 *of activity to protect life and property and bringing about*
 8 *orderly termination of Government function, and for pur-*
 9 *poses as otherwise authorized by law, are hereby ratified*
 10 *and approved if otherwise in accord with the provisions of*
 11 *this Act.*

12 “*SEC. 139. (a) If a State (or another Federal grantee)*
 13 *used State funds (or the grantee’s non-Federal funds) to*
 14 *continue carrying out a Federal program or furloughed*
 15 *State employees (or the grantee’s employees) whose com-*
 16 *pensation is advanced or reimbursed in whole or in part*
 17 *by the Federal Government—*

18 “(1) *such furloughed employees shall be com-*
 19 *pensated at their standard rate of compensation for*
 20 *such period;*

21 “(2) *the State (or such other grantee) shall be re-*
 22 *imbursed for expenses that would have been paid by*
 23 *the Federal Government during such period had ap-*
 24 *propriations been available, including the cost of com-*
 25 *pensating such furloughed employees, together with*

1 *interest thereon calculated under section 6503(d) of*
 2 *title 31, United States Code; and*

3 *“(3) the State (or such other grantee) may use*
 4 *funds available to the State (or the grantee) under*
 5 *such Federal program to reimburse such State (or the*
 6 *grantee), together with interest thereon calculated*
 7 *under section 6503(d) of title 31, United States Code.*

8 *“(b) For purposes of this section, the term ‘State’ and*
 9 *the term ‘grantee’ shall have the meaning as such term is*
 10 *defined under the applicable Federal program under sub-*
 11 *section (a). In addition, ‘to continue carrying out a Federal*
 12 *program’ means the continued performance by a State or*
 13 *other Federal grantee, during the period of a lapse in ap-*
 14 *propriations, of a Federal program that the State or such*
 15 *other grantee had been carrying out prior to the period of*
 16 *the lapse in appropriations.*

17 *“(c) The authority under this section applies with re-*
 18 *spect to any period in fiscal year 2019 (not limited to peri-*
 19 *ods beginning or ending after the date of the enactment of*
 20 *this Act) during which there occurs a lapse in appropria-*
 21 *tions with respect to any department or agency of the Fed-*
 22 *eral Government which, but for such lapse in appropria-*
 23 *tions, would have paid, or made reimbursement relating to,*
 24 *any of the expenses referred to in this section with respect*
 25 *to the program involved. Payments and reimbursements*

1 *under this authority shall be made only to the extent and*
 2 *in amounts provided in advance in appropriations Acts.*

3 “*SEC. 140. Notwithstanding section 251(a)(1) of the*
 4 *Balanced Budget and Emergency Deficit Control Act of*
 5 *1985 and the timetable in section 254(a) of such Act, the*
 6 *final sequestration report for fiscal year 2019 pursuant to*
 7 *section 254(f)(1) of such Act and any order for fiscal year*
 8 *2019 pursuant to section 254(f)(5) of such Act shall be*
 9 *issued, for the Congressional Budget Office, 10 days after*
 10 *the date specified in section 105(3), and for the Office of*
 11 *Management and Budget, 15 days after the date specified*
 12 *in section 105(3).*

13 “*SEC. 141. Section 319L(e)(1)(A) of the Public Health*
 14 *Service Act (42 U.S.C. 247d–7e(e)(1)(A)) shall continue in*
 15 *effect through the date specified in section 105(3) of this*
 16 *Act.*

17 “*SEC. 142. Section 405(a) of the Pandemic and All*
 18 *Hazards Preparedness Act (42 U.S.C. 247d–6a note) shall*
 19 *continue in effect through the date specified in section*
 20 *105(3) of this Act.*”.

21 *SEC. 102. For the purposes of division C of Public Law*
 22 *115–245, the time covered by such division shall be consid-*
 23 *ered to include the period which began on or about Decem-*
 24 *ber 22, 2018, during which there occurred a lapse in appro-*
 25 *priations.*

1 *SEC. 103. Subsection (c)(2) of section 1341 of title 31,*
2 *United States Code, is amended by inserting “, and subject*
3 *to the enactment of appropriations Acts ending the lapse”*
4 *before the period.*

5 *SEC. 104. For the purposes of the annual report issued*
6 *pursuant to section 5 of the Statutory Pay-As-You-Go Act*
7 *of 2010 (2 U.S.C. 934) after adjournment of the second ses-*
8 *sion of the 115th Congress, and for determining whether a*
9 *sequestration order is necessary under such section, the*
10 *debit for the budget year on the 5-year scorecard, if any,*
11 *and the 10-year scorecard, if any, shall be deducted from*
12 *such scorecard in 2019 and added to such scorecard in*
13 *2020.*

Attest:

Secretary.

116TH CONGRESS
1ST SESSION

H. J. RES. 28

AMENDMENT