

118TH CONGRESS
1ST SESSION

H. R. 5543

To amend title 31, United States Code, to provide for automatic continuing resolutions.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2023

Ms. MACE introduced the following bill; which was referred to the Committee on Appropriations

A BILL

To amend title 31, United States Code, to provide for automatic continuing resolutions.

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 “Government Shutdown
5 Prevention Act of 2023”.

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

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

1 **“§ 1311. Continuing appropriations**

2 “(a)(1) On and after the first day of each fiscal year,
3 if an appropriation Act for such fiscal year with respect
4 to the account for a program, project, or activity has not
5 been enacted and continuing appropriations are not in ef-
6 fect with respect to the program, project, or activity, there
7 are appropriated, at the rate for operations specified in
8 paragraph (2), such sums as may be necessary to continue
9 the program, project, or activity if funds were provided
10 for the program, project, or activity during the preceding
11 fiscal year—

12 “(A) in the corresponding appropriation Act for
13 such preceding fiscal year; or

14 “(B) if the corresponding appropriation bill for
15 such preceding fiscal year did not become law, in a
16 law making continuing appropriations for such pre-
17 ceding fiscal year.

18 “(2)(A) Appropriations and funds made available,
19 and authority granted, for a program, project, or activity
20 for any fiscal year pursuant to this section shall be at a
21 rate of operations not in excess of the lower of—

22 “(i) 99 percent of the rate of operations pro-
23 vided for in the regular appropriation Act providing
24 for such program, project, or activity for the pre-
25 ceding fiscal year;

1 “(ii) in the absence of such an Act, 99 percent
2 of the rate of operations provided for such program,
3 project, or activity pursuant to a law making con-
4 tinuing appropriations for such preceding fiscal year;
5 or

6 “(iii) 99 percent of the annualized rate of oper-
7 ations provided for in the most recently enacted law
8 making continuing appropriations for part of that
9 fiscal year or any funding levels established under
10 the provisions of this section,

11 for the period of 90 days. After the first 90-day period
12 during which this subsection is in effect for that fiscal
13 year, the applicable rate of operations shall be reduced by
14 1 percentage point. For each subsequent 90-day period
15 during which this subsection is in effect for that fiscal
16 year, the applicable rate of operations shall be reduced by
17 1 percentage point. The 90-day period reductions shall ex-
18 tend beyond the last day of that fiscal year.

19 “(B) If this section is in effect at the end of a fiscal
20 year, funding levels shall continue as provided in this sec-
21 tion for the next fiscal year.

22 “(3) Appropriations and funds made available, and
23 authority granted, for any fiscal year pursuant to this sec-
24 tion for a program, project, or activity shall be available
25 for the period beginning with the first day of a lapse in

1 appropriations and ending with the date on which the ap-
2 plicable regular appropriation bill for such fiscal year be-
3 comes law (whether or not such law provides for such pro-
4 gram, project, or activity) or a continuing resolution mak-
5 ing appropriations becomes law, as the case may be.

6 “(b) 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 “(c) Notwithstanding any other provision of this sec-
14 tion, for those programs, projects, or activities that would
15 otherwise have high initial rates of operation or complete
16 distribution of appropriations at the beginning of a fiscal
17 year for which funding is made available under this section
18 because of distributions of funding to States, foreign coun-
19 tries, grantees, or others, such high initial rates of oper-
20 ation or complete distribution shall not be made, and no
21 grants shall be awarded for such programs, projects, or
22 activities funded by this section that would impinge on
23 final funding prerogatives.

24 “(d) Expenditures made for a program, project, or
25 activity for any fiscal year pursuant to this section shall

1 be charged to the applicable appropriation, fund, or au-
2 thorization whenever a regular appropriation bill or a
3 measure making continuing appropriations until the end
4 of a fiscal year providing for such program, project, or
5 activity for such period becomes law.

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

10 “(1) makes an appropriation, makes funds
11 available, or grants authority for such program,
12 project, or activity to continue for such period; or

13 “(2) specifically provides that no appropriation
14 shall be made, no funds shall be made available, or
15 no authority shall be granted for such program,
16 project, or activity to continue for such period.”.

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

“1311. Continuing appropriations.”.

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