

118TH CONGRESS  
1ST SESSION

# H. R. 5353

To provide for a period of continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, and to prohibit consideration of other matters in the House of Representatives if appropriations are not enacted.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2023

Mr. BEYER (for himself and Mr. RASKIN) 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

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## A BILL

To provide for a period of continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, and to prohibit consideration of other matters in the House of Representatives if appropriations are not enacted.

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 Shutdowns Act”.

1 **SEC. 2. AUTOMATIC CONTINUING APPROPRIATIONS; RE-**  
2 **QUIREMENT TO CONSIDER APPROPRIATIONS**  
3 **MEASURES.**

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

7 **“§ 1311. Automatic continuing appropriations; re-**  
8 **quirement to consider appropriations**  
9 **measures**

10 “(a)(1)(A) On and after October 1 of each fiscal year,  
11 if an appropriation Act for such fiscal year with respect  
12 to the account for a program, project, or activity has not  
13 been enacted and continuing appropriations are not in ef-  
14 fect with respect to the program, project, or activity, there  
15 are appropriated such sums as may be necessary to con-  
16 tinue, at the rate for operations specified in subparagraph  
17 (B), the program, project, or activity if funds were pro-  
18 vided for the program, project, or activity during the pre-  
19 ceding fiscal year.

20 “(B) The rate for operations specified in this sub-  
21 paragraph with respect to a program, project, or activity  
22 is the rate for operations for the preceding fiscal year for  
23 the program, project, or activity—

24 “(i) provided in the corresponding appropriation  
25 Act for such preceding fiscal year;

1           “(ii) if the corresponding appropriation bill for  
2           such preceding fiscal year was not enacted, provided  
3           in the law providing continuing appropriations for  
4           such preceding fiscal year; or

5           “(iii) if the corresponding appropriation bill and  
6           a law providing continuing appropriations for such  
7           preceding fiscal year were not enacted, provided  
8           under this section for such preceding fiscal year.

9           “(2)(A) On and after October 1 of each fiscal year,  
10          if continuing appropriations for such fiscal year are in ef-  
11          fect under paragraph (1) for any program, project, or ac-  
12          tivity, except as provided in subparagraph (B), it shall not  
13          be in order in the House of Representatives to move to  
14          proceed to any matter, including any privileged matter,  
15          other than a measure making regular or continuing appro-  
16          priations for such fiscal year.

17          “(B)(i) During a period described in subparagraph  
18          (A), it shall be in order to move to proceed to legislation  
19          determined by the Speaker of the House of Representa-  
20          tives, with the concurrence of the minority leader, to be  
21          emergency legislation.

22          “(ii) For purposes of clause (i), the term ‘emergency’  
23          means a situation that is related to the prevention or miti-  
24          gation of, or response to, loss of life or property, an act  
25          of terror, or a threat to national security.

1       “(C) This paragraph may not be waived or suspended  
2 in the House of Representatives.

3       “(D) This paragraph is enacted—

4           “(i) as an exercise of the rulemaking power of  
5 the House of Representatives and as such it is  
6 deemed a part of the rules of the House of Rep-  
7 resentatives, but applicable only with respect to the  
8 procedure to be followed in the House of Represent-  
9 atives during a period described in subparagraph  
10 (A); and

11           “(ii) with full recognition of the constitutional  
12 right of the House of Representatives to change the  
13 rules (so far as relating to the procedure of the  
14 House of Representatives) at any time, in the same  
15 manner, and to the same extent as in the case of  
16 any other rule of the House of Representatives.

17       “(3) Appropriations and funds made available, and  
18 authority granted, for any fiscal year pursuant to this sec-  
19 tion for a program, project, or activity shall be available  
20 for the period beginning with the first day of any lapse  
21 in appropriations during such fiscal year and ending with  
22 the date on which the applicable regular appropriation bill  
23 for such fiscal year is enacted (whether or not such law  
24 provides appropriations for such program, project, or ac-  
25 tivity) or a law making continuing appropriations for the

1 program, project, or activity is enacted, as the case may  
2 be.

3 “(4) Notwithstanding section 251(a)(1) of the Bal-  
4 anced Budget and Emergency Deficit Control Act of 1985  
5 (2 U.S.C. 901(a)(1)) and the timetable in section 254(a)  
6 of such Act (2 U.S.C. 904(a)), for any fiscal year for  
7 which appropriations and funds are made available under  
8 this section, the final sequestration report for such fiscal  
9 year pursuant to section 254(f)(1) of such Act (2 U.S.C.  
10 904(f)(1)) and any order for such fiscal year pursuant to  
11 section 254(f)(5) of such Act (2 U.S.C. 901(f)(5)) shall  
12 be issued—

13 “(A) for the Congressional Budget Office, 10  
14 days after the date on which appropriation Acts pro-  
15 viding funding for the entire Federal Government  
16 through the end of such fiscal year have been en-  
17 acted; and

18 “(B) for the Office of Management and Budget,  
19 15 days after the date on which appropriation Acts  
20 providing funding for the entire Federal Government  
21 through the end of such fiscal year have been en-  
22 acted.

23 “(b) An appropriation or funds made available, or au-  
24 thority granted, for a program, project, or activity for any  
25 fiscal year pursuant to this section shall be subject to the

1 terms and conditions imposed with respect to the appro-  
2 priation made or funds made available for the preceding  
3 fiscal year, or authority granted for such program, project,  
4 or activity under current law.

5 “(c) Expenditures made for a program, project, or  
6 activity for any fiscal year pursuant to this section shall  
7 be charged to the applicable appropriation, fund, or au-  
8 thorization whenever a regular appropriation Act, or a law  
9 making continuing appropriations until the end of such  
10 fiscal year, for such program, project, or activity is en-  
11 acted.

12 “(d) This section shall not apply to a program,  
13 project, or activity during a fiscal year if any other provi-  
14 sion of law (other than an authorization of appropria-  
15 tions)—

16 “(1) makes an appropriation, makes funds  
17 available, or grants authority for such program,  
18 project, or activity to continue for such period; or

19 “(2) specifically provides that no appropriation  
20 shall be made, no funds shall be made available, or  
21 no authority shall be granted for such program,  
22 project, or activity to continue for such period.”.

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

“1311. Automatic continuing appropriations; requirement to consider appropriations measures.”.

