

110TH CONGRESS  
2D SESSION

# H. R. 6863

To prevent Government shutdowns.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2008

Mr. HENSARLING introduced the following bill; which was referred to the  
Committee on Appropriations

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## A BILL

To prevent Government shutdowns.

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”.

6 **SEC. 2. AMENDMENT TO TITLE 31.**

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:

10 **“§ 1311. Continuing appropriations**

11 “(a)(1) If any regular appropriation bill for a fiscal  
12 year (or, if applicable, for each fiscal year in a biennium)

1 does not become law before the beginning of such fiscal  
2 year or a joint resolution making continuing appropria-  
3 tions is not in effect, there are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, and  
5 out of applicable corporate or other revenues, receipts, and  
6 funds, such sums as may be necessary to continue any  
7 project or activity for which funds were provided in the  
8 preceding fiscal year—

9           “(A) in the corresponding regular appropriation  
10       Act for such preceding fiscal year; or

11           “(B) if the corresponding regular appropriation  
12       bill for such preceding fiscal year did not become  
13       law, then in a joint resolution making continuing ap-  
14       propriations for such preceding fiscal year.

15       “(2) Appropriations and funds made available, and  
16       authority granted, for a project or activity for any fiscal  
17       year pursuant to this section shall be at a rate of oper-  
18       ations not in excess of the lower of—

19           “(A) the rate of operations provided for in the  
20       regular appropriation Act providing for such project  
21       or activity for the preceding fiscal year;

22           “(B) in the absence of such an Act, the rate of  
23       operations provided for such project or activity pur-  
24       suant to a joint resolution making continuing appropria-  
25       tions for such preceding fiscal year;

1           “(C) the rate of operations provided for in the  
2 regular appropriation bill as passed by the House of  
3 Representatives or the Senate for the fiscal year in  
4 question, except that the lower of these two versions  
5 shall be ignored for any project or activity for which  
6 there is a budget request if no funding is provided  
7 for that project or activity in either version; or

8           “(D) the annualized rate of operations provided  
9 for in the most recently enacted joint resolution  
10 making continuing appropriations for part of that  
11 fiscal year or any funding levels established under  
12 the provisions of this Act.

13           “(3) Appropriations and funds made available, and  
14 authority granted, for any fiscal year pursuant to this sec-  
15 tion for a project or activity shall be available for the pe-  
16 riod beginning with the first day of a lapse in appropria-  
17 tions and ending with the earlier of—

18           “(A) the date on which the applicable regular  
19 appropriation bill for such fiscal year becomes law  
20 (whether or not such law provides for such project  
21 or activity) or a continuing resolution making appro-  
22 priations becomes law, as the case may be; or

23           “(B) the last day of such fiscal year.

24           “(b) An appropriation or funds made available, or au-  
25 thority granted, for a project or activity for any fiscal year

1 pursuant to this section shall be subject to the terms and  
2 conditions imposed with respect to the appropriation made  
3 or funds made available for the preceding fiscal year, or  
4 authority granted for such project or activity under cur-  
5 rent law.

6 “(c) Appropriations and funds made available, and  
7 authority granted, for any project or activity for any fiscal  
8 year pursuant to this section shall cover all obligations or  
9 expenditures incurred for such project or activity during  
10 the portion of such fiscal year for which this section ap-  
11 plies to such project or activity.

12 “(d) Expenditures made for a project or activity for  
13 any fiscal year pursuant to this section shall be charged  
14 to the applicable appropriation, fund, or authorization  
15 whenever a regular appropriation bill or a joint resolution  
16 making continuing appropriations until the end of a fiscal  
17 year providing for such project or activity for such period  
18 becomes law.

19 “(e) This section shall not apply to a project or activ-  
20 ity during a fiscal year if any other provision of law (other  
21 than an authorization of appropriations)—

22 “(1) makes an appropriation, makes funds  
23 available, or grants authority for such project or ac-  
24 tivity to continue for such period; or

1           “(2) specifically provides that no appropriation  
2 shall be made, no funds shall be made available, or  
3 no authority shall be granted for such project or ac-  
4 tivity to continue for such period.

5           “(f) Notwithstanding any other provision of this Act,  
6 this Act imposes no prohibition on funds being expended—

7           “(1) to prepare or publish final regulations re-  
8 garding a commercial leasing program for oil shale  
9 resources on public lands pursuant to section 369(d)  
10 of the Energy Policy Act of 2005 (Public Law 109-  
11 58) or to conduct an oil shale lease sale pursuant to  
12 subsection 369(e) of such Act;

13           “(2) by the Department of the Interior for the  
14 conduct of offshore preleasing, leasing and related  
15 activities placed under restriction in the President’s  
16 moratorium statement of June 12, 1998, in the  
17 areas of northern, central, and southern California;  
18 the North Atlantic; Washington and Oregon; and the  
19 eastern Gulf of Mexico south of 26 degrees north  
20 latitude and east of 86 degrees west longitude; or

21           “(3) by the Department of the Interior to con-  
22 duct oil and natural gas preleasing, leasing and re-  
23 lated activities in the mid-Atlantic and South Atlan-  
24 tic planning areas.

1           “(g) For purposes of this section, the term ‘regular  
2 appropriation bill’ means any annual appropriation bill  
3 making appropriations, otherwise making funds available,  
4 or granting authority, for any of the following categories  
5 of projects and activities:

6           “(1) Agriculture, rural development, Food and  
7 Drug Administration, and related agencies pro-  
8 grams.

9           “(2) The Departments of Commerce, Justice,  
10 Science, and related agencies.

11           “(3) The Department of Defense.

12           “(4) Energy and water development, and re-  
13 lated agencies.

14           “(5) Financial services and general government.

15           “(6) The Department of Homeland Security.

16           “(7) The Department of the Interior, environ-  
17 ment, and related agencies.

18           “(8) The Departments of Labor, Health and  
19 Human Services, and Education, and related agen-  
20 cies.

21           “(9) The legislative branch.

22           “(10) Military construction and veterans af-  
23 fairs.

24           “(11) The Department of State, foreign oper-  
25 ations, and related programs.

1           “(12) The Departments of Transportation,  
2           Housing and Urban Development, and related agen-  
3           cies.”.

4           (b) CLERICAL AMENDMENT.—The analysis of chap-  
5           ter 13 of title 31, United States Code, is amended by in-  
6           serting after the item relating to section 1310 the fol-  
7           lowing new item:

          “1311. Continuing appropriations.”.

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