

5 AN AMENDMENT TO BE OFFERED BY

REPRESENTATIVE HENSARLING OF

TEXAS, OR HIS DESIGNEE,

DEBATABLE FOR 10 MINUTES.

12

**AMENDMENT TO H.R. 3973, AS REPORTED
OFFERED BY MR. HENSARLING OF TEXAS**

At the end, add the following new section:

1 **SEC. . GOVERNMENT SHUTDOWN PROTECTION.**

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

5 **“§ 1311. Continuing appropriations**

6 “(a)(1) If any regular appropriation bill for a fiscal
7 year does not become law before the beginning of such
8 fiscal year or a joint resolution making continuing appro-
9 priations is not in effect, there are appropriated, out of
10 any money in the Treasury not otherwise appropriated,
11 and out of applicable corporate or other revenues, receipts,
12 and funds, such sums as may be necessary to continue
13 any project or activity for which funds were provided in
14 the preceding fiscal year—

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

17 “(B) if the corresponding regular appropriation
18 bill for such preceding fiscal year did not become
19 law, then in a joint resolution making continuing ap-
20 propriations for such preceding fiscal year.

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

5 “(A) the rate of operations provided for in the
6 regular appropriation Act providing for such project
7 or activity for the preceding fiscal year;

8 “(B) in the absence of such an Act, the rate of
9 operations provided for such project or activity pur-
10 suant to a joint resolution making continuing appro-
11 priations for such preceding fiscal year;

12 “(C) the rate of operations provided for in the
13 regular appropriation bill as passed by the House of
14 Representatives or the Senate for the fiscal year in
15 question, except that the lower of these two versions
16 shall be ignored for any project or activity for which
17 there is a budget request if no funding is provided
18 for that project or activity in either version; or

19 “(D) the annualized rate of operations provided
20 for in the most recently enacted joint resolution
21 making continuing appropriations for part of that
22 fiscal year or any funding levels established under
23 the provisions of this Act.

24 “(3) Appropriations and funds made available, and
25 authority granted, for any fiscal year pursuant to this sec-

1 tion for a project or activity shall be available for the pe-
2 riod beginning with the first day of a lapse in appropria-
3 tions and ending with the earlier of—

4 “(A) the date on which the applicable regular
5 appropriation bill for such fiscal year becomes law
6 (whether or not such law provides for such project
7 or activity) or a continuing resolution making appro-
8 priations becomes law, as the case may be; or

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

10 “(b) An appropriation or funds made available, or au-
11 thority granted, for a project or activity for any fiscal year
12 pursuant to this section shall be subject to the terms and
13 conditions imposed with respect to the appropriation made
14 or funds made available for the preceding fiscal year, or
15 authority granted for such project or activity under cur-
16 rent law.

17 “(c) Appropriations and funds made available, and
18 authority granted, for any project or activity for any fiscal
19 year pursuant to this section shall cover all obligations or
20 expenditures incurred for such project or activity during
21 the portion of such fiscal year for which this section ap-
22 plies to such project or activity.

23 “(d) Expenditures made for a project or activity for
24 any fiscal year pursuant to this section shall be charged
25 to the applicable appropriation, fund, or authorization

1 whenever a regular appropriation bill or a joint resolution
2 making continuing appropriations until the end of a fiscal
3 year providing for such project or activity for such period
4 becomes law.

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

8 “(1) makes an appropriation, makes funds
9 available, or grants authority for such project or ac-
10 tivity to continue for such period; or

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

15 “(f) For purposes of this section, the term ‘regular
16 appropriation bill’ means any annual appropriation bill
17 making appropriations, otherwise making funds available,
18 or granting authority, for any of the following categories
19 of projects and activities:

20 “(1) Agriculture, rural development, Food and
21 Drug Administration, and related agencies pro-
22 grams.

23 “(2) The Departments of Commerce, Justice,
24 and State, the Judiciary, and related agencies.

25 “(3) The Department of Defense.

1 “(4) The government of the District of Colum-
2 bia and other activities chargeable in whole or in
3 part against the revenues of the District.

4 “(5) Energy and water development.

5 “(6) Foreign operations, export financing, and
6 related programs.

7 “(7) The Department of Homeland Security.

8 “(8) The Department of the Interior and re-
9 lated agencies.

10 “(9) The Departments of Labor, Health and
11 Human Services, and Education, and related agen-
12 cies.

13 “(10) The Legislative Branch.

14 “(11) Military construction, family housing, and
15 base realignment and closure for the Department of
16 Defense.

17 “(12) The Departments of Transportation and
18 Treasury, and independent agencies.

19 “(13) The Departments of Veterans Affairs and
20 Housing and Urban Development, and sundry inde-
21 pendent agencies, boards, commissions, corporations,
22 and offices.”.

23 (b) CLERICAL AMENDMENT.—The analysis of chap-
24 ter 13 of title 31, United States Code, is amended by in-

1 serring after the item relating to section 1310 the fol-

2 lowing new item:

“1311. Continuing appropriations.”