

## HR 5860

Continuing Appropriations Act, 2024 and Other Extensions Act

**Congress:** 118 (2023–2025, Ended)

**Chamber:** House

**Policy Area:** Economics and Public Finance

**Introduced:** Sep 30, 2023

**Current Status:** Became Public Law No: 118-15.

**Latest Action:** Became Public Law No: 118-15. (Sep 30, 2023)

**Law:** 118-15 (Enacted Sep 30, 2023)

**Official Text:** <https://www.congress.gov/bill/118th-congress/house-bill/5860>

### Sponsor

**Name:** Rep. Granger, Kay [R-TX-12]

**Party:** Republican • **State:** TX • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Appropriations Committee	House	Referred To	Sep 30, 2023
Budget Committee	House	Referred To	Sep 30, 2023
Ways and Means Committee	House	Referred To	Sep 30, 2023

### Subjects & Policy Tags

*No subjects or policy tags are listed for this bill.*

### Related Bills

Bill	Relationship	Last Action
118 HR 6503	Related bill	<b>Dec 26, 2023:</b> Became Public Law No: 118-34.
118 HR 5711	Related bill	<b>Sep 27, 2023:</b> Referred to the Subcommittee on Aviation.
118 HR 1418	Related bill	<b>Sep 20, 2023:</b> Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 210.
118 S 1844	Related bill	<b>Jul 26, 2023:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 174.
118 S 1308	Related bill	<b>Jul 20, 2023:</b> Held at the desk.

## **Continuing Appropriations Act, 2024 and Other Extensions Act**

This bill provides continuing FY2024 appropriations to federal agencies through November 17, 2023, and provides emergency funding for disaster relief.

It also extends several expiring programs and authorities, including several Federal Aviation Administration programs, the National Flood Insurance Program, Federal Drug Administration user fees for animal drug applications, and several public health programs.

### **DIVISION A--CONTINUING APPROPRIATIONS ACT, 2024**

This division provides continuing FY2024 appropriations to federal agencies through the earlier of November 17, 2023, or the enactment of the applicable appropriations act.

It is known as a continuing resolution (CR) and prevents a government shutdown that would otherwise occur if the FY2024 appropriations bills have not been enacted when FY2024 begins on October 1, 2023.

The CR funds most programs and activities at the FY2023 levels with several exceptions that provide funding flexibility and additional appropriations for various programs.

This division also provides emergency funding to respond to natural disasters.

(Sec. 101) This section provides FY2024 appropriations to federal agencies for continuing projects or activities at the levels and under the conditions included in specified FY2023 appropriations acts. The section also extends several immigration-related programs and specifies several exceptions.

(Sec. 102) This section prohibits the Department of Defense (DOD) from funding new or accelerated production of certain projects and other activities and certain multiyear procurements prior to the enactment of the regular annual appropriations act.

(Sec. 103) This section specifies that funds provided by Section 101 of this division shall be available to the extent and in the manner that would be provided in the pertinent appropriations act.

(Sec. 104) This section generally prohibits appropriations provided by Section 101 of this division from being used to initiate or resume any project or activity that was not funded during FY2023.

(Sec. 105) This section specifies that appropriations provided by the CR are to be used to conduct FY2024 activities and programs during the period of the CR.

(Sec. 106) This section continues the appropriations provided by this division through the earlier of November 17, 2023, or the enactment of the applicable appropriations act.

(Sec. 107) This section requires expenditures for activities funded in this division to be charged to the full-year appropriations bill and relevant account when the applicable appropriations bill becomes law.

(Sec. 108) This section waives the normal time limitations for submission and approval of apportionments of accounts funded in annual appropriations acts.

(Sec. 109) This section limits disbursements for programs that would otherwise have high initial rates of operation or would complete distribution of funding at the beginning of the fiscal year if those actions would impinge on final congressional funding prerogatives.

(Sec. 110) This section requires this division to be implemented so that only the most limited funding action permitted by this division is taken in order to provide for continuation of projects and activities.

(Sec. 111) This section continues funding for certain appropriated entitlements and other mandatory payments with budget authority provided in an FY2023 appropriations act at the rate necessary to maintain program levels under current law. It also provides authority to obligate funds for mandatory payments that are due up to 30 days following the expiration of the CR.

(Sec. 112) This section permits funding made available by this division for civilian personnel compensation and benefits in each department and agency to be apportioned at the rate necessary to avoid furloughs. It also requires all necessary actions to reduce or defer non-personnel-related administrative expenses to be taken prior to using this authority.

(Sec. 113) This section permits funds appropriated by this division to be obligated and expended notwithstanding specified statutory provisions restricting appropriations for foreign assistance, the Department of State, international broadcasting, and intelligence activities in the absence of prior authorizations.

(Sec. 114) This section extends designations of emergency requirements to funds provided by this division that previously carried those designations. (Emergency spending is generally exempt from discretionary spending limits.)

This section also extends other specified designations (e.g. disaster relief funds) to funds provided by this division. (These designations generally allow adjustments to discretionary spending limits to accommodate additional spending for specified purposes.)

(Sec. 115) This section sets forth requirements for the treatment of rescissions when federal agencies implement the funding levels provided by the CR.

(Sec. 116) This section allows the Department of Agriculture's (USDA's) Farm Service Agency to apportion funding for the Agricultural Credit Insurance Fund Program account at the rate necessary to accommodate approved applications for direct and guaranteed farm ownership loans.

(Sec. 117) This section allows USDA to apportion funding at the rate necessary to maintain activities for the Rural Housing Service's Rental Assistance Program.

(Sec. 118) This section allows USDA to apportion funding at the rate necessary to maintain participation in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

(Sec. 119) This section allows USDA to apportion funding at the rate necessary to maintain the current program caseload for the Commodity Supplemental Food Program.

(Sec. 120) This section extends various authorities under the Livestock Mandatory Reporting Act of 1999, which requires buyers of live cattle, swine, and lamb and sellers of wholesale beef, pork, and lamb to report prices, volumes, and other marketing characteristics to USDA's Agricultural Marketing Service.

(Sec. 121) This section allows the National Telecommunications and Information Administration to apportion funding for

Salaries and Expenses at the rate necessary to administer broadband programs.

(Sec. 122) This section extends the availability of specified funds that were provided to the National Aeronautics and Space Administration (NASA) for Space Operations.

(Sec. 123) This section extends the U.S. Parole Commission through the duration of the CR.

(Sec. 124) This section allows DOD to obligate specified funds from the Shipbuilding and Conversion, Navy account for the procurement of one Columbia Class Submarine.

(Sec. 125) This section extends the authority for DOD to provide physical protection and personal security for certain former or retired DOD officials who face serious and credible threats arising from duties performed while employed by DOD.

(Sec. 126) This section provides additional funding to the Office of Personnel Management for Salaries and Expenses.

(Sec. 127) This section authorizes the District of Columbia to spend local funds at the rates set forth in the Fiscal Year 2024 Local Budget Act of 2023 for programs and activities that were funded in FY2023.

(Sec. 128) This section allows the Federal Emergency Management Agency (FEMA) to apportion funding for the Disaster Relief Fund at the rate necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(Sec. 129) This section provides emergency funding to FEMA for the Disaster Relief Fund. It also requires specified funds to be transferred to the Office of the Inspector General for related audits and activities.

(Sec. 130) This section reauthorizes the National Flood Insurance Program through November 17, 2023.

(Sec. 131) This section extends the authority for the Department of Homeland Security's National Cybersecurity Protection System (commonly known as EINSTEIN) and related reporting requirements.

(Sec. 132) This section allows the Department of the Interior and the Forest Service to apportion funds at the rate necessary to continue funding a base salary increase for federal wildland firefighters.

(Sec. 133) This section extends funding for the Temporary Assistance for Needy Families (TANF) program.

(Sec. 134) This section extends the authority for DOD to obligate funds for certain military construction projects.

(Sec. 135) This section extends the authority for the Department of State and the U.S. Agency for International Development to hire certain Personal Service Contractors.

(Sec. 136) This section extends the term of a member of the board of the Millennium Challenge Corporation.

(Sec. 137) This section makes additional funding available to the Federal Aviation Administration for the personnel and related expenses funded by the Facilities and Equipment account.

DIVISION B--OTHER MATTERS

TITLE I--EXTENSIONS AND OTHER MATTERS

(Sec. 2101) This section extends through November 17, 2023, certain provisions of the Compact of Free Association with the Federated States of Micronesia (FSM) that provide grants and other financial assistance for the FSM.

The section also extends the authority for certain federal programs and services in the FSM and the Republic of the Marshall Islands until new federal programs and services agreements take effect.

(Sec. 2102) This section extends the deadlines for the Department of the Interior to issue proposed and final regulations pursuant to negotiated rulemaking for the Tribal Self-Governance Program. (The PROGRESS for Indian Tribes Act revised Interior's process for approving self-governance compacts and funding agreements with tribes. The act also authorized a negotiated rulemaking committee to negotiate and promulgate regulations for its implementation.)

## TITLE II--FAA EXTENSION

This title temporarily extends specific Federal Aviation Administration (FAA) programs and activities.

### Subtitle A--Federal Aviation Programs

(Sec. 2201) This section extends through December 31, 2023, the Airport Improvement Program (AIP). This program provides grants for planning, development, and noise compatibility projects at or associated with certain public-use airports.

(Sec. 2202) This section extends through December 31, 2023, certain expiring Department of Transportation (DOT) and FAA authorities and programs.

This section extends through December 31, 2023, the authority of DOT to provide insurance and reinsurance for the federal government for risks from operating an aircraft and providing related goods or services.

This section extends through December 31, 2023, the FAA's Unmanned Aircraft Systems (UAS) Test Site Program, which provides verification of the safety of public and civil UAS, operations, and related navigation procedures before their integration into the national airspace system.

This section extends through December 31, 2023, the authority of DOT to provide exemptions from some requirements for UAS by using a risk-based approach to determine if certain UAS may operate safely in the national airspace system.

This section extends through December 31, 2023, the FAA's airport safety and airspace hazard mitigation and enforcement program to test and evaluate technologies or systems that detect and mitigate potential aviation safety risks posed by UAS.

This section extends through December 31, 2023, competitive access disclosure requirements for AIP grant applications for large and medium hub airports. Specifically, an airport must provide assurances to DOT that it will report if it has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to provide service or expanded service.

This section extends authorization through December 31, 2023, for AIP grants for airports located in the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

This section extends authorization through December 31, 2023, for the FAA AIP supplementary discretionary funds for grants for airport or terminal development projects.

This section extends through December 31, 2023, AIP grant authorization for compatible land use planning and projects by state and local governments. Airport-compatible land uses are those that can coexist with a nearby airport without constraining the safe and efficient operation of the airport, or exposing people living or working nearby to significant environmental impacts.

This section extends through December 31, 2023, authorization for the AIP non-movement area surveillance surface display systems pilot grant program. These systems use on-airport sensors to track vehicles or aircraft that are equipped with transponders on portions of the airfield surface that are not under the control of air traffic control.

This section extends through December 31, 2023, authorization for the FAA weather reporting programs.

This section extends through January 1, 2024, a *learning period* (i.e., moratorium) that applies to certain DOT commercial spaceflight safety regulations governing the design or operation of a launch vehicle to protect the health and safety of crew, government astronauts, and space flight participants.

This section extends through December 31, 2023, authority for DOT to enter into a reimbursable agreement with the Department of Interior for the purpose of funding airport development at Midway Island Airport.

This section extends through December 31, 2023, the termination date for a final order establishing mileage and adjustment eligibility under the Essential Air Service Program using the most commonly used route between the place and the nearest medium hub airport or large hub airport. (DOT established the program to ensure that small communities that were served by certificated air carriers before the Airline Deregulation Act of 1978 would continue to receive scheduled passenger service.)

This section extends through December 31, 2023, the moratorium on discontinuing the FAA Contract Weather Observer Program at any airport.

This section extends through December 31, 2023, the authority for the FAA remote tower pilot program. A remote tower is a remotely operated air navigation facility, including all necessary system components, that provides the functions and capabilities of an air traffic control tower whereby air traffic services are provided to operators at an airport from a location that may not be on or near the airport.

This section extends through December 31, 2023, the authority for DOT to provide AIP grants for airport access roads in certain remote locations and for storage facilities for certain snow removal and safety equipment.

This section extends through December 31, 2023, the authority for the FAA's UAS remote detection and identification pilot program. Under the program, the FAA uses available remote detection or identification technologies for safety oversight, including enforcement actions against operators of UAS that are not in compliance with federal aviation laws and regulations.

This section extends through December 31, 2023, the authority for the Aviation Consumer Protection Advisory Committee, which advises DOT in carrying out activities relating to airline customer service improvements.

This section extends through December 31, 2023, the requirement that the Aviation Consumer Advocate at DOT submit an annual report to Congress summarizing aviation consumer complaints and recommendations.

This section extends through December 31, 2023, the authority for the FAA Air Carrier Access Act Advisory Committee to address the needs of passengers with disabilities.

This section extends through December 31, 2023, the authority for an FAA pilot program to provide air traffic control services on a preferential basis to aircraft equipped with certain Next Generation Air Transportation System (NextGen) avionics.

This section extends through December 31, 2023, the pilot program that allows AIP funds to be used for activities related to the redevelopment of airport properties.

(Sec. 2203) This section reauthorizes through December 31, 2023, FAA salaries, operations, and maintenance.

Further, this section extends through December 31, 2023, DOT's authority to reduce the FAA's expenses for non-safety-related activities if DOT determines that the funding levels are insufficient to meet the FAA's authorized salary, operations and maintenance expenses.

(Sec. 2204) This section extends through December 31, 2023, the FAA's authority to acquire, establish, and improve air navigation facilities and equipment.

(Sec. 2205) This section extends through December 31, 2023, the FAA's authority to conduct civil aviation research, engineering, and development.

(Sec. 2206) This section reauthorizes through December 31, 2023, the FAA Essential Air Service Program.

Further, this section reauthorizes through December 31, 2023, the Small Community Air Service Development Program, a DOT grant program designed to help small communities address air service and airfare issues.

#### Subtitle B--Aviation Revenue Provisions

(Sec. 2211) This section extends through December 31, 2023, the FAA's authority for expenditures from the Airport and Airway Trust Fund (AATF). The AATF is the primary funding source for all major FAA accounts that fund federal aviation programs, with the remainder coming from general fund appropriations.

(Sec. 2212) This section extends through December 31, 2023, the authority for the FAA to collect various taxes and fees to fund the AATF, including taxes on aviation fuel and airline tickets.

#### Subtitle C--Expiring Counter-UAS 12 Authorities

(Sec. 2221) This section extends through November 18, 2023, the authority of the Department of Homeland Security and the Department of Justice to take certain actions to mitigate a credible threat to certain facilities or assets from an unmanned aircraft system (UAS). These include certain facilities that are located in the United States and identified as high-risk and a potential target for unlawful UAS activity.

### TITLE III--HEALTH AND HUMAN SERVICES

#### Subtitle A--Animal Drug and Animal Generic Drug User Fee Amendments

This subtitle reauthorizes the Food and Drug Administration (FDA) to collect fees for brand-name and generic animal drug applications through FY2028. Animal drugs are drugs that are intended for animals other than humans (e.g., pets and livestock). Animal drugs must be approved by the FDA before they may be offered on the commercial market. The FDA is authorized to collect fees for animal drug applications in order to support its regulatory activities; this authority currently expires at the end of FY2023.

## Chapter 1--Fees Relating to Animal Drugs

### *Animal Drug User Fee Amendments of 2023*

(Sec. 2302) This section updates statutory references to mutual agreements between the United States and the European Union regarding animal drug manufacturing to include specific mutual recognition agreements between the United States and the European Union and between the United States and the United Kingdom.

(Sec. 2303) This section reauthorizes the FDA to collect fees for brand-name animal drug applications through FY2028 and makes related updates to fee calculations.

(Sec. 2304) This section updates FDA reporting requirements to reflect the reauthorization.

(Sec. 2305) This section provides that current law continues to apply with respect to fees for brand-name animal drug applications that were accepted by the FDA before October 1, 2023.

(Sec. 2306) This section provides that the fee changes apply to brand-name animal drug applications that are received on or after October 1, 2023.

(Sec. 2307) This section provides that the fee authorizations expire on October 1, 2028, and that related reporting requirements expire on January 31, 2029.

## Chapter 2--Fees Relating to Generic Animal Drugs

### *Animal Generic Drug User Fee Amendments of 2023*

(Sec. 2312) This section reauthorizes the FDA to collect fees for generic animal drug applications through FY2028 and makes related updates to fee calculations. It also provides for a specific fee for requests to establish generic investigational new animal drug files and requires other application fees to be adjusted accordingly.

(Sec. 2313) This section updates FDA reporting requirements to reflect the reauthorization.

(Sec. 2314) This section provides that current law continues to apply with respect to fees for generic animal drug applications that were accepted by the FDA before October 1, 2023.

(Sec. 2315) This section provides that the fee changes apply to generic animal drug applications that are received on or after October 1, 2023.

(Sec. 2316) This section provides that the fee authorizations expire on October 1, 2028, and that related reporting requirements expire on January 31, 2029.

## Subtitle B--Public Health Extenders

(Sec. 2321) This section extends through November 17, 2023, funding for the Teaching Health Center Graduate Medical Education Program, the Community Health Center Fund, and the National Health Services Corps. (The program supports education and training of medical students in primary care residency programs in community-based ambulatory patient care centers. The fund supports (1) grants for outpatient health care facilities that serve medically underserved populations; and (2) the National Health Service Corps, which provides scholarships and student loan repayment awards to health care providers who agree to work in areas with health care provider shortages.)

(Sec. 2322) This section extends funding through November 17, 2023, for the Special Diabetes Program for Type I Diabetes and the Special Diabetes Program for Indians. (The Special Diabetes Program for Type I Diabetes supports research on the prevention and cure of Type I diabetes, and the Special Diabetes Program for Indians supports diabetes treatment and prevention for tribal populations.)

#### Subtitle C--Necessary Authorities to Respond to Threats

(Sec. 2331) This section extends through November 17, 2023, the authority of the Department of Health and Human Services (HHS) to directly appoint candidates to positions within the National Disaster Medical System if HHS determines the number of personnel in the system is insufficient to address a public health emergency or potential public health emergency. Currently, the authorization expires on September 30, 2023.

The National Disaster Medical System is a partnership between HHS, the Department of Defense, and other federal departments that responds to public health and other emergencies, including by deploying medical response teams.

(Sec. 2332) This section extends through November 17, 2023, the authority that allows states and tribes to request the temporary reassignment of state and local health department personnel who are funded through certain federal programs to immediately address a public health emergency. Currently, the authorization expires on September 30, 2023.

(Sec. 2333) This section extends through November 17, 2023, the National Advisory Committee on Children and Disasters, the National Advisory Committee on Seniors and Disasters, and the National Advisory Committee on Individuals with Disabilities and Disasters. Currently, these committees terminate on September 30, 2023.

#### Subtitle D--Medicaid

(Sec. 2341) This section delays reductions to Medicaid disproportionate-share hospital (DSH) allotments until November 18, 2023. (DSHs are hospitals that receive additional payments under Medicaid for treating a large share of low-income patients.)

(Sec. 2342) This section reduces the amount of funding available to the Medicaid Improvement Fund for activities relating to mechanized claims systems beginning in FY2028.

#### Subtitle E--Human Services

(Sec. 2351) This section funds through November 17, 2023, programs that support child welfare services and activities. Specifically, it funds the (1) Stephanie Tubbs Jones Child Welfare Service Program, which provides grants to states and Indian tribes to support preventive interventions and other activities to keep families together; and (2) the MaryLee Allen Promoting Safe and Stable Families Program, which supports efforts to prevent the unnecessary separation of children from their families, improve quality of care and services to children and their families, and ensure permanent living arrangements for children (e.g., parental reunification or adoption).

(Sec. 2352) This section extends funding through November 17, 2023, for the Sexual Risk Avoidance Education Program. This program supports projects to implement sexual risk avoidance education that teaches participants to voluntarily refrain from nonmarital sexual activities.

(Sec. 2353) This section extends funding through November 17, 2023, for the Personal Responsibility Education Program. This program provides grants to states to educate young people about abstinence and contraception for prevention of pregnancy and sexually transmitted infections. The program also supports pregnant and parenting youth.

## TITLE IV-- BUDGETARY EFFECTS

(Sec. 2401) This section exempts the budgetary effects of this division from (1) the Statutory Pay-As-You-Go Act of 2010 (PAYGO Act), (2) the Senate PAYGO rule, and (3) certain budget scorekeeping rules.

### Actions Timeline

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- **Sep 30, 2023:** Introduced in House
- **Sep 30, 2023:** Referred to the Committee on Appropriations, and in addition to the Committees on the Budget, and Ways and Means, 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.
- **Sep 30, 2023:** Ms. Granger moved to suspend the rules and pass the bill, as amended.
- **Sep 30, 2023:** Ms. Granger moved to suspend the rules and pass the bill. H.R. 5860 "Making continuing appropriations for fiscal year 2024, and for other purposes."
- **Sep 30, 2023:** Considered under suspension of the rules. (consideration: CR H4915-4926)
- **Sep 30, 2023:** DEBATE - The House proceeded with forty minutes of debate on H.R. 5860.
- **Sep 30, 2023:** DEBATE - The House resumed debate on H.R. 5860. (consideration: CR H4927-4933)
- **Sep 30, 2023:** ORDER OF PROCEDURE - Mr. Diaz-Balart asked unanimous consent for an additional 10 minutes of debate on each side of the aisle. Agreed to without objection.
- **Sep 30, 2023:** Mr. Diaz-Balart asked unanimous consent that the text of H.R. 5860 be modified by the amendment placed at the desk. Agreed to without objection.
- **Sep 30, 2023:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 335 - 91 (Roll no. 513). (text: CR H4915-4923)
- **Sep 30, 2023:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 335 - 91 (Roll no. 513). (text: CR H4915-4923)
- **Sep 30, 2023:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 30, 2023:** Passed/agreed to in Senate: Received in the Senate, read twice, considered, read the third time, and passed, under the order of 9/30/23, having achieved 60 votes in the affirmative, without amendment by Yea-Nay Vote. 88 - 9. Record Vote Number: 247.(consideration: CR S4887-4888)
- **Sep 30, 2023:** Received in the Senate, read twice, considered, read the third time, and passed, under the order of 9/30/23, having achieved 60 votes in the affirmative, without amendment by Yea-Nay Vote. 88 - 9. Record Vote Number: 247. (consideration: CR S4887-4888)
- **Sep 30, 2023:** Message on Senate action sent to the House.
- **Sep 30, 2023:** Presented to President.
- **Sep 30, 2023:** Signed by President.
- **Sep 30, 2023:** Became Public Law No: 118-15.