

116TH CONGRESS
1ST SESSION

S. _____

To provide for a period of continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, and establish procedures and consequences in the event of a failure to enact appropriations.

IN THE SENATE OF THE UNITED STATES

Mr. LANKFORD introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for a period of continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, and establish procedures and consequences in the event of a failure to enact appropriations.

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 “Prevent Government
5 Shutdowns Act of 2019”.

1 **SEC. 2. AUTOMATIC CONTINUING APPROPRIATIONS.**

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

5 **“§ 1311. Automatic continuing appropriations**

6 “(a)(1)(A) On and after the first day of each fiscal
7 year, if an appropriation Act for such fiscal year with re-
8 spect to the account for a program, project, or activity
9 has not been enacted and continuing appropriations are
10 not in effect with respect to the program, project, or activ-
11 ity, there are appropriated such sums as may be necessary
12 to continue, at the rate for operations specified in sub-
13 paragraph (B), the program, project, or activity if funds
14 were provided for the program, project, or activity during
15 the preceding fiscal year.

16 “(B)(i) Except as provided in clause (ii), the rate for
17 operations specified in this subparagraph with respect to
18 a program, project, or activity is the rate for operations
19 for the preceding fiscal year for the program, project, or
20 activity—

21 “(I) provided in the corresponding appropria-
22 tion Act for such preceding fiscal year;

23 “(II) if the corresponding appropriation bill for
24 such preceding fiscal year was not enacted, provided
25 in the law providing continuing appropriations for
26 such preceding fiscal year; or

1 “(III) if the corresponding appropriation bill
2 and a law providing continuing appropriations for
3 such preceding fiscal year were not enacted, pro-
4 vided under this section for such preceding fiscal
5 year.

6 “(ii) For entitlements and other mandatory payments
7 whose budget authority was provided for the previous fis-
8 cal year in appropriations Acts, under a law other than
9 this section providing continuing appropriations for such
10 previous year, or under this section, and for activities
11 under the Food and Nutrition Act of 2008, appropriations
12 and funds made available during a fiscal year under this
13 section shall be at the rate necessary to maintain program
14 levels under current law, under the authority and condi-
15 tions provided in the applicable appropriations Act.

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

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

3 “(3) 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 all regular appropria-
15 tion Acts for such fiscal year or continuing appropria-
16 tions through the end of such fiscal year have
17 been enacted; and

18 “(B) for the Office of Management and Budget,
19 15 days after the date on which all regular appropria-
20 tion Acts for such fiscal year or continuing appropria-
21 tions through the end of such fiscal year have
22 been enacted.

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.”.

1 **SEC. 3. TIMELY ENACTMENT OF APPROPRIATION ACTS.**

2 (a) DEFINITIONS.—In this section—

3 (1) the term “covered officer or employee”
4 means—

5 (A) an officer or employee of the Office of
6 Management and Budget;

7 (B) a Member of Congress; or

8 (C) an employee of the personal office of a
9 Member of Congress, a committee of either
10 House of Congress, or a joint committee of
11 Congress;

12 (2) the term “covered period” means any period
13 on and after the first day of a fiscal year, if all gen-
14 eral appropriations Acts have not been passed in
15 identical form by both Houses and transmitted to
16 Secretary of the Senate or Clerk of the House for
17 enrollment and presentment to the President for his
18 signature;

19 (3) the term “Member of Congress” has the
20 meaning given that term in section 2106 of title 5,
21 United States Code; and

22 (4) the term “National Capital Region” has the
23 meaning given that term in section 8702 of title 40,
24 United States Code.

25 (b) LIMITS ON TRAVEL EXPENDITURES.—

26 (1) LIMITS ON OFFICIAL TRAVEL.—

1 (A) LIMITATION.—Except as provided in
2 subparagraph (B), during a covered period no
3 amounts may be obligated or expended for offi-
4 cial travel by a covered officer or employee.

5 (B) EXCEPTIONS.—

6 (i) RETURN TO DC.—If a covered offi-
7 cer or employee is away from the seat of
8 Government on the date on which a cov-
9 ered period begins, funds may be obligated
10 and expended for official travel for a single
11 return trip to the seat of Government by
12 the covered officer or employee.

13 (ii) TRAVEL IN NATIONAL CAPITAL
14 REGION.—During a covered period,
15 amounts may be obligated and expended
16 for official travel by a covered officer or
17 employee from one location in the National
18 Capital Region to another location in the
19 National Capital Region.

20 (iii) NATIONAL SECURITY EVENTS.—
21 During a covered period, if a national se-
22 curity event that triggers a continuity of
23 operations or continuity of Government
24 protocol occurs, amounts may be obligated
25 and expended for official travel by a cov-

1 ered officer or employee for any official
2 travel relating to responding to the na-
3 tional security event or implementing the
4 continuity of operations or continuity of
5 Government protocol.

6 (2) RESTRICTION ON USE OF CAMPAIGN
7 FUNDS.—Section 313 of the Federal Election Cam-
8 paign Act of 1971 (52 U.S.C. 30114) is amended—

9 (A) in subsection (a)(2), by striking “for
10 ordinary” and inserting “except as provided in
11 subsection (d), for ordinary”; and

12 (B) by adding at the end the following:

13 “(d) RESTRICTION ON USE OF CAMPAIGN FUNDS
14 FOR OFFICIAL TRAVEL DURING LAPSE IN APPROPRIA-
15 TIONS.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), during a covered period (as defined in
18 section 3 of the Prevent Government Shutdowns Act
19 of 2019), a contribution or donation described in
20 subsection (a) may not be obligated or expended for
21 travel in connection with duties of the individual as
22 a holder of Federal office.

23 “(2) RETURN TO DC.—If the individual is away
24 from the seat of Government on the date on which
25 a covered period (as so defined) begins, a contribu-

1 tion or donation described in subsection (a) may be
2 obligated and expended for travel by the individual
3 to return to the seat of Government.”.

4 (c) PROCEDURES IN THE SENATE AND HOUSE OF
5 REPRESENTATIVES.—

6 (1) IN GENERAL.—During a covered period, in
7 the Senate and the House of Representatives—

8 (A) it shall not be in order to move to pro-
9 ceed to any matter except for—

10 (i) a measure making appropriations
11 for the fiscal year during which the covered
12 period begins;

13 (ii) a motion relating to determining
14 or obtaining the presence of a quorum; or

15 (iii) on and after the 30th calendar
16 day after the first day of a fiscal year—

17 (I) the nomination of an indi-
18 vidual—

19 (aa) to a position at level I
20 of the Executive Schedule under
21 section 5312 of title 5 of the
22 United States Code; or

23 (bb) to serve as Chief Jus-
24 tice of the United States or an

10

1 Associate Justice of the Supreme
2 Court of the United States; or

3 (II) a measure extending the pe-
4 riod during which a program, project,
5 or activity is authorized to be carried
6 out (without substantive change to the
7 program, project, or activity or any
8 other program, project, or activity)
9 if—

10 (aa) an appropriation Act
11 for such fiscal year with respect
12 to the program, project, or activ-
13 ity has not been passed in iden-
14 tical form by both Houses and
15 transmitted to Secretary of the
16 Senate or Clerk of the House for
17 enrollment and presentment to
18 the President for his signature;
19 and

20 (bb) the program, project, or
21 activity has expired since the be-
22 ginning of such fiscal year or will
23 expire during the 30-day period
24 beginning on the date of the mo-
25 tion;

1 (B) it shall not be in order to move to re-
2 cess or adjourn for a period of more than 23
3 hours; and

4 (C) at noon each day, or immediately fol-
5 lowing any constructive convening of the Senate
6 under rule IV, paragraph 2 of the Standing
7 Rules of the Senate, the Presiding Officer shall
8 direct the clerk to determine whether a quorum
9 is present.

10 (2) WAIVER.—

11 (A) LIMITATION ON PERIOD.—It shall not
12 be in order in the Senate or the House of Rep-
13 resentatives to move to waive any provision of
14 paragraph (1) for a period that is longer than
15 7 days.

16 (B) SUPERMAJORITY VOTE.—A provision
17 of paragraph (1) may only be waived or sus-
18 pended upon an affirmative vote of two-thirds
19 of the Members of the applicable House of Con-
20 gress, duly chosen and sworn.

21 (d) MOTION TO PROCEED TO APPROPRIATIONS.—

22 (1) IN GENERAL.—On and after the 30th cal-
23 endar day after the first day of each fiscal year, if
24 an appropriation Act for such fiscal year with re-
25 spect to a program, project, or activity has not been

1 passed in identical form by both Houses and trans-
2 mitted to Secretary of the Senate or Clerk of the
3 House for enrollment and presentment to the Presi-
4 dent for his signature, it shall be in order in the
5 Senate, notwithstanding rule XXII or any pending
6 executive measure or matter, to move to proceed to
7 any appropriations bill or joint resolution for the
8 program, project, or activity that has been sponsored
9 and cosponsored by not less than 3 Senators who
10 are members of or caucus with the party in the ma-
11 jority in the Senate and not less than 3 Senators
12 who are members of or caucus with the party in the
13 minority in the Senate.

14 (2) CONSIDERATION.—For a bill or joint reso-
15 lution described in paragraph (1)—

16 (A) the bill or joint resolution may be con-
17 sidered the same day as it is introduced and
18 shall not have to lie over 1 day; and

19 (B) the motion to proceed to the bill or
20 joint resolution shall be debatable for not to ex-
21 ceed 6 hours, equally divided between the pro-
22 ponents and opponents of the motion, and upon
23 the use or yielding back of time, the Senate
24 shall vote on the motion to proceed.

1 **SEC. 4. BUDGETARY EFFECTS.**

2 (a) CLASSIFICATION OF BUDGETARY EFFECTS.—

3 The budgetary effects of this Act and the amendments
4 made by this Act shall be estimated as if this Act and
5 the amendments made by this Act are discretionary appro-
6 priations Acts for purposes of section 251 of the Balanced
7 Budget and Emergency Deficit Control Act of 1985 (2
8 U.S.C. 900 et seq.).

9 (b) BASELINE.—For purposes of calculating the
10 baseline under section 257 of the Balanced Budget and
11 Emergency Deficit Control Act of 1985 (2 U.S.C. 907),
12 the provision of budgetary resources under section 1311
13 of title 31, United States Code, as added by this Act, for
14 an account shall be considered to be a continuing appro-
15 priation in effect for such account for less than the entire
16 current year.

17 (c) ENFORCEMENT OF DISCRETIONARY SPENDING

18 LIMITS.—For purposes of enforcing the discretionary
19 spending limits under section 251(a) of the Balanced
20 Budget and Emergency Deficit Control Act of 1985 (2
21 U.S.C. 901(a)), the budgetary resources made available
22 under section 1311 of title 31, United States Code, as
23 added by this Act, shall be considered part-year appropria-
24 tions for purposes of section 251(a)(4) of the Balanced
25 Budget and Emergency Deficit Control Act of 1985 (2
26 U.S.C. 901(a)(4)).

1 SEC. 5. EFFECTIVE DATE.

2 This Act and the amendments made by this Act shall
3 take effect on September 30, 2020.