

116TH CONGRESS  
1ST SESSION

# S. 281

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 Senate if appropriations are not enacted.

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IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2019

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

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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 Senate 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 Senate to move to proceed to any mat-  
14          ter, including any privileged matter, other than a measure  
15          making regular or continuing appropriations for such fis-  
16          cal 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 majority leader, with the concurrence  
20          of the minority leader, to be emergency legislation.

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

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

3       “(D) This paragraph is enacted—

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

9             “(ii) with full recognition of the constitutional  
10 right of the Senate to change the rules (so far as re-  
11 lating to the procedure of the Senate) at any time,  
12 in the same manner, and to the same extent as in  
13 the case of any other rule of the Senate.

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

1       “(b) An appropriation or funds made available, or au-  
2 thority granted, for a program, project, or activity for any  
3 fiscal year pursuant to this section shall be subject to the  
4 terms and conditions imposed with respect to the appro-  
5 priation made or funds made available for the preceding  
6 fiscal year, or authority granted for such program, project,  
7 or activity under current law.

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

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

19               “(1) makes an appropriation, makes funds  
20 available, or grants authority for such program,  
21 project, or activity to continue for such period; or

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

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

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

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