

Calendar No. 321

116TH CONGRESS
1ST SESSION

S. 3009

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

DECEMBER 10, 2019

Mr. LANKFORD (for himself, Ms. HASSAN, Mr. ENZI, Mr. JOHNSON, Mr. KING, and Mr. KAINE) introduced the following bill; which was read the first time

DECEMBER 11, 2019

Read the second time and placed on the calendar

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Prevent Government
3 Shutdowns Act of 2019”.

4 **SEC. 2. AUTOMATIC CONTINUING APPROPRIATIONS.**

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

8 **“§ 1311. Automatic continuing appropriations**

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

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

24 “(I) provided in the corresponding appropria-
25 tion 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
6 and a law providing continuing appropriations for
7 such preceding fiscal year were not enacted, pro-
8 vided under this section for such preceding fiscal
9 year.

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

20 “(2) Appropriations and funds made available, and
21 authority granted, for any fiscal year pursuant to this sec-
22 tion for a program, project, or activity shall be available
23 for the period beginning with the first day of any lapse
24 in appropriations during such fiscal year and ending with
25 the date on which the applicable regular appropriation bill

1 for such fiscal year is enacted (whether or not such law
2 provides appropriations for such program, project, or ac-
3 tivity) or a law making continuing appropriations for the
4 program, project, or activity is enacted, as the case may
5 be.

6 “(3) Notwithstanding section 251(a)(1) of the Bal-
7 anced Budget and Emergency Deficit Control Act of 1985
8 (2 U.S.C. 901(a)(1)) and the timetable in section 254(a)
9 of such Act (2 U.S.C. 904(a)), for any fiscal year for
10 which appropriations and funds are made available under
11 this section, the final sequestration report for such fiscal
12 year pursuant to section 254(f)(1) of such Act (2 U.S.C.
13 904(f)(1)) and any order for such fiscal year pursuant to
14 section 254(f)(5) of such Act (2 U.S.C. 901(f)(5)) shall
15 be issued—

16 “(A) for the Congressional Budget Office, 10
17 days after the date on which all regular appropria-
18 tion Acts for such fiscal year or continuing appro-
19 priations through the end of such fiscal year have
20 been enacted; and

21 “(B) for the Office of Management and Budget,
22 15 days after the date on which all regular appro-
23 priation Acts for such fiscal year or continuing ap-
24 propriations through the end of such fiscal year have
25 been enacted.

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.”.

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

5 (a) DEFINITIONS.—In this section—

6 (1) the term “covered officer or employee”
 7 means—

8 (A) an officer or employee of the Office of
 9 Management and Budget;

10 (B) a Member of Congress; or

11 (C) an employee of the personal office of a
 12 Member of Congress, a committee of either
 13 House of Congress, or a joint committee of
 14 Congress;

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

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

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

4 (b) LIMITS ON TRAVEL EXPENDITURES.—

5 (1) LIMITS ON OFFICIAL TRAVEL.—

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

10 (B) EXCEPTIONS.—

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

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

1 (iii) NATIONAL SECURITY EVENTS.—

2 During a covered period, if a national se-
 3 curity event that triggers a continuity of
 4 operations or continuity of Government
 5 protocol occurs, amounts may be obligated
 6 and expended for official travel by a cov-
 7 ered officer or employee for any official
 8 travel relating to responding to the na-
 9 tional security event or implementing the
 10 continuity of operations or continuity of
 11 Government protocol.

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

15 (A) in subsection (a)(2), by striking “for
 16 ordinary” and inserting “except as provided in
 17 subsection (d), for ordinary”; and

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

19 “(d) RESTRICTION ON USE OF CAMPAIGN FUNDS
 20 FOR OFFICIAL TRAVEL DURING LAPSE IN APPROPRIA-
 21 TIONS.—

22 “(1) IN GENERAL.—Except as provided in para-
 23 graph (2), during a covered period (as defined in
 24 section 3 of the Prevent Government Shutdowns Act
 25 of 2019), a contribution or donation described in

subsection (a) may not be obligated or expended for travel in connection with duties of the individual as a holder of Federal office.

“(2) RETURN TO DC.—If the individual is away from the seat of Government on the date on which a covered period (as so defined) begins, a contribution or donation described in subsection (a) may be obligated and expended for travel by the individual to return to the seat of Government.”.

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

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

(A) it shall not be in order to move to proceed to any matter except for—

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

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

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

(I) the nomination of an individual—

1 (aa) to a position at level I
2 of the Executive Schedule under
3 section 5312 of title 5 of the
4 United States Code; or

5 (bb) to serve as Chief Jus-
6 tice of the United States or an
7 Associate Justice of the Supreme
8 Court of the United States; or

9 (II) a measure extending the pe-
10 riod during which a program, project,
11 or activity is authorized to be carried
12 out (without substantive change to the
13 program, project, or activity or any
14 other program, project, or activity)
15 if—

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

1 (bb) the program, project, or
2 activity has expired since the be-
3 ginning of such fiscal year or will
4 expire during the 30-day period
5 beginning on the date of the mo-
6 tion;

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

10 (C) at noon each day, or immediately fol-
11 lowing any constructive convening of the Senate
12 under rule IV, paragraph 2 of the Standing
13 Rules of the Senate, the Presiding Officer shall
14 direct the clerk to determine whether a quorum
15 is present.

16 (2) WAIVER.—

17 (A) LIMITATION ON PERIOD.—It shall not
18 be in order in the Senate or the House of Rep-
19 resentatives to move to waive any provision of
20 paragraph (1) for a period that is longer than
21 7 days.

22 (B) SUPERMAJORITY VOTE.—A provision
23 of paragraph (1) may only be waived or sus-
24 pended upon an affirmative vote of two-thirds

1 of the Members of the applicable House of Con-
2 gress, duly chosen and sworn.

3 (d) MOTION TO PROCEED TO APPROPRIATIONS.—

4 (1) IN GENERAL.—On and after the 30th cal-
5 endar day after the first day of each fiscal year, if
6 an appropriation Act for such fiscal year with re-
7 spect to a program, project, or activity has not been
8 passed in identical form by both Houses and trans-
9 mitted to Secretary of the Senate or Clerk of the
10 House for enrollment and presentment to the Presi-
11 dent for his signature, it shall be in order in the
12 Senate, notwithstanding rule XXII or any pending
13 executive measure or matter, to move to proceed to
14 any appropriations bill or joint resolution for the
15 program, project, or activity that has been sponsored
16 and cosponsored by not less than 3 Senators who
17 are members of or caucus with the party in the ma-
18 jority in the Senate and not less than 3 Senators
19 who are members of or caucus with the party in the
20 minority in the Senate.

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

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

1 (B) the motion to proceed to the bill or
2 joint resolution shall be debatable for not to ex-
3 ceed 6 hours, equally divided between the pro-
4 ponents and opponents of the motion, and upon
5 the use or yielding back of time, the Senate
6 shall vote on the motion to proceed.

7 **SEC. 4. BUDGETARY EFFECTS.**

8 (a) CLASSIFICATION OF BUDGETARY EFFECTS.—
9 The budgetary effects of this Act and the amendments
10 made by this Act shall be estimated as if this Act and
11 the amendments made by this Act are discretionary appro-
12 priations Acts for purposes of section 251 of the Balanced
13 Budget and Emergency Deficit Control Act of 1985 (2
14 U.S.C. 900 et seq.).

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

23 (c) ENFORCEMENT OF DISCRETIONARY SPENDING
24 LIMITS.—For purposes of enforcing the discretionary
25 spending limits under section 251(a) of the Balanced

1 Budget and Emergency Deficit Control Act of 1985 (2
2 U.S.C. 901(a)), the budgetary resources made available
3 under section 1311 of title 31, United States Code, as
4 added by this Act, shall be considered part-year appropria-
5 tions for purposes of section 251(a)(4) of the Balanced
6 Budget and Emergency Deficit Control Act of 1985 (2
7 U.S.C. 901(a)(4)).

8 **SEC. 5. EFFECTIVE DATE.**

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

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