

116TH CONGRESS  
1ST SESSION

# S. 589

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 complete regular appropriations.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2019

Mr. LANKFORD (for himself and Ms. HASSAN) 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 establish procedures and consequences in the event of a failure to complete regular 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 October 1 of each fiscal year,  
7 if an appropriation Act for such fiscal year with respect  
8 to the account for a program, project, or activity has not  
9 been enacted and continuing appropriations are not in ef-  
10 fect with respect to the program, project, or activity, there  
11 are appropriated such sums as may be necessary to con-  
12 tinue, at the rate for operations specified in subparagraph  
13 (B), the program, project, or activity if funds were pro-  
14 vided for the program, project, or activity during the pre-  
15 ceding 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 “(b) An appropriation or funds made available, or au-  
4 thority granted, for a program, project, or activity for any  
5 fiscal year pursuant to this section shall be subject to the  
6 terms and conditions imposed with respect to the appro-  
7 priation made or funds made available for the preceding  
8 fiscal year, or authority granted for such program, project,  
9 or activity under current law.

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

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

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

24 “(2) specifically provides that no appropriation  
25 shall be made, no funds shall be made available, or

1 no authority shall be granted for such program,  
 2 project, or activity to continue for such period.”.

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

“1311. Automatic continuing appropriations.”.

6 **SEC. 3. TIMELY ENACTMENT OF REGULAR APPROPRIATION**  
 7 **ACTS.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “covered officer or employee”  
 10 means—

11 (A) an officer or employee of the Office of  
 12 Management and Budget;

13 (B) an individual serving in a position on  
 14 level I of the Executive Schedule under section  
 15 5312 of title 5, United States Code;

16 (C) a Member of Congress, as defined in  
 17 section 2106 of title 5, United States Code; or

18 (D) an employee of the personal office of  
 19 a Member of Congress, a committee of either  
 20 House of Congress, or a joint committee of  
 21 Congress;

22 (2) the term “covered period” means any period  
 23 on and after October 1 of a fiscal year, if all regular  
 24 appropriation Acts for such fiscal year have not been  
 25 enacted;

1           (3) the term “emergency legislation” means leg-  
2       islation—

3           (A) providing assistance for an area with  
4       respect to which the President has declared a  
5       major disaster under section 401 of the Robert  
6       T. Stafford Disaster Relief and Emergency As-  
7       sistance Act (42 U.S.C. 5170);

8           (B) directly addressing a national emer-  
9       gency declared by the President under title II  
10      of the National Emergencies Act (50 U.S.C.  
11      1621 et seq.); or

12          (C) that, if not enacted, would be inimical  
13      to the national security of the United States;

14          (4) the term “Member of Congress” has the  
15      meaning given that term in section 2106 of title 5,  
16      United States Code; and

17          (5) the term “National Capital Region” has the  
18      meaning given that term in section 8702 of title 40,  
19      United States Code.

20      (b) LIMITS ON TRAVEL EXPENDITURES.—

21          (1) LIMITS ON OFFICIAL TRAVEL.—

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

1 (B) EXCEPTIONS.—

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

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

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

19 (A) in subsection (a)(2), by striking “for  
 20 ordinary” and inserting “except as provided in  
 21 subsection (d), for ordinary”; and

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

23 “(d) RESTRICTION ON USE OF CAMPAIGN FUNDS  
 24 FOR OFFICIAL TRAVEL DURING LAPSE IN APPROPRIA-  
 25 TIONS.—

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

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

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

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

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

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

23                               (ii) emergency legislation; or

24                               (iii) a motion relating to determining  
 25                               or obtaining the presence of a quorum;



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, the Presiding Officer  
5           shall direct the clerk to determine whether a  
6           quorum is present.

7           (2) WAIVER.—Paragraph (1) may only be  
8           waived or suspended upon an affirmative vote of  
9           two-thirds of the Members of the applicable House  
10          of Congress, duly chosen and sworn.

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