

**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.

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**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

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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 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 appropria-  
19 tions 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 appropria-  
23 tion Acts for such fiscal year or continuing appropria-  
24 tions 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



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

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

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

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

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

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

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

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

23 (I) the nomination of an indi-  
24 vidual—

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.



Calendar No. 321

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**S. 3009**

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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 enact appropriations.

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DECEMBER 11, 2019

Read the second time and placed on the calendar