

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. _____

To establish procedures and consequences in the event of
a failure to complete regular appropriations.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. LANKFORD (for himself, Ms.
HASSAN, and Mr. JOHNSON)

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prevent Government

5 Shutdowns Act of 2019”.

6 **SEC. 2. AUTOMATIC CONTINUING APPROPRIATIONS.**

7 (a) IN GENERAL.—Chapter 13 of title 31, United

8 States Code, is amended by adding at the end the fol-

9 lowing:

1 **“§ 1311. Automatic continuing appropriations**

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

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

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

19 “(II) if the corresponding appropriation bill for
20 such preceding fiscal year was not enacted, provided
21 in the law providing continuing appropriations for
22 such preceding fiscal year; or

23 “(III) if the corresponding appropriation bill
24 and a law providing continuing appropriations for
25 such preceding fiscal year were not enacted, pro-

1 vided under this section for such preceding fiscal
2 year.

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

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

24 “(3) Notwithstanding section 251(a)(1) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985

1 (2 U.S.C. 901(a)(1)) and the timetable in section 254(a)
2 of such Act (2 U.S.C. 904(a)), for any fiscal year for
3 which appropriations and funds are made available under
4 this section, the final sequestration report for such fiscal
5 year pursuant to section 254(f)(1) of such Act (2 U.S.C.
6 904(f)(1)) and any order for such fiscal year pursuant to
7 section 254(f)(5) of such Act (2 U.S.C. 901(f)(5)) shall
8 be issued—

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

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

19 “(b) An appropriation or funds made available, or au-
20 thority granted, for a program, project, or activity for any
21 fiscal year pursuant to this section shall be subject to the
22 terms and conditions imposed with respect to the appro-
23 priation made or funds made available for the preceding
24 fiscal year, or authority granted for such program, project,
25 or activity under current law.

1 “(c) Expenditures made for a program, project, or
2 activity for any fiscal year pursuant to this section shall
3 be charged to the applicable appropriation, fund, or au-
4 thorization whenever a regular appropriation Act, or a law
5 making continuing appropriations until the end of such
6 fiscal year, for such program, project, or activity is en-
7 acted.

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

12 “(1) makes an appropriation, makes funds
13 available, or grants authority for such program,
14 project, or activity to continue for such period; or

15 “(2) specifically provides that no appropriation
16 shall be made, no funds shall be made available, or
17 no authority shall be granted for such program,
18 project, or activity to continue for such period.”.

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

“1311. Automatic continuing appropriations.”.

22 **SEC. 3. TIMELY ENACTMENT OF REGULAR APPROPRIATION**
23 **ACTS.**

24 (a) DEFINITIONS.—In this section—

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

3 (A) an officer or employee of the Office of
4 Management and Budget;

5 (B) an individual serving in a position on
6 level I of the Executive Schedule under section
7 5312 of title 5, United States Code;

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

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

14 (2) the term “covered period” means any period
15 on and after the first day of a fiscal year, if all reg-
16 ular appropriation Acts for such fiscal year have not
17 been enacted;

18 (3) the term “emergency legislation” means leg-
19 islation—

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

1 (B) directly addressing a national emer-
2 gency declared by the President under title II
3 of the National Emergencies Act (50 U.S.C.
4 1621 et seq.); or

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

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

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

13 (b) LIMITS ON TRAVEL EXPENDITURES.—

14 (1) LIMITS ON OFFICIAL TRAVEL.—

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

19 (B) EXCEPTIONS.—

20 (i) RETURN TO DC.—If a covered offi-
21 cer or employee is away from the seat of
22 Government on the date on which a cov-
23 ered period begins, funds may be obligated
24 and expended for official travel for a single

1 return trip to the seat of Government by
2 the covered officer or employee.

3 (ii) TRAVEL IN NATIONAL CAPITAL
4 REGION.—During a covered period,
5 amounts may be obligated and expended
6 for official travel by a covered officer or
7 employee from one location in the National
8 Capital Region to another location in the
9 National Capital Region.

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

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

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

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

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), during a covered period (as defined in
22 section 3 of the Prevent Government Shutdowns Act
23 of 2019), a contribution or donation described in
24 subsection (a) may not be obligated or expended for

1 travel in connection with duties of the individual as
2 a holder of Federal office.

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

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

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

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

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

18 (ii) emergency legislation; or

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

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

1 (C) at noon each day, the Presiding Officer
2 shall direct the clerk to determine whether a
3 quorum is present.

4 (2) WAIVER.—

5 (A) LIMITATION ON PERIOD.—It shall not
6 be in order in the Senate or the House of Rep-
7 resentatives to move to waive any provision of
8 paragraph (1) for a period that is longer than
9 7 days.

10 (B) SUPERMAJORITY VOTE.—A provision
11 of paragraph (1) may only be waived or sus-
12 pended upon an affirmative vote of two-thirds
13 of the Members of the applicable House of Con-
14 gress, duly chosen and sworn.