

118TH CONGRESS
1ST SESSION

S. 2729

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2023

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

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

11 “(A) for the Congressional Budget Office, 10
12 days after the date on which appropriation Acts pro-
13 viding funding for the entire Federal Government
14 through the end of such fiscal year have been en-
15 acted; and

16 “(B) for the Office of Management and Budget,
17 15 days after the date on which appropriation Acts
18 providing funding for the entire Federal Government
19 through the end of such fiscal year have been en-
20 acted.

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

1 fiscal year, or authority granted for such program, project,
2 or activity under current law.

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

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

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

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

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

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

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