

116TH CONGRESS
1ST SESSION

S. 1877

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

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2019

Mr. LANKFORD (for himself, Ms. HASSAN, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To 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 “Government Shutdown
5 Accountability Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

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

1 (A) an officer or employee of the Office of
2 Management and Budget;

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

6 (C) a Member of Congress; or

7 (D) an employee of the personal office of
8 a Member of Congress, a committee of either
9 House of Congress, or a joint committee of
10 Congress;

11 (2) the term “emergency legislation” means leg-
12 islation—

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

18 (B) directly addressing a national emer-
19 gency declared by the President under title II
20 of the National Emergencies Act (50 U.S.C.
21 1621 et seq.); or

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

24 (3) the term “Government shutdown” means a
25 lapse in appropriations for 1 or more Federal agen-

1 cies or departments as a result of a failure to enact
 2 a regular appropriations bill or continuing resolu-
 3 tion;

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

7 (5) the term “National Capital region” has the
 8 meaning given that term in section 8702 of title 40,
 9 United States Code.

10 **SEC. 3. DESIGNATING CERTAIN FEHBP-RELATED SERVICES**

11 **AS EXCEPTED SERVICES UNDER THE ANTI-**
 12 **DEFICIENCY ACT.**

13 (a) IN GENERAL.—Section 8905 of title 5, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing:

16 “(i) In the event of a lapse in appropriations, the Di-
 17 rector of the Office of Personnel Management shall des-
 18 ignate any officer or employee who performs services relat-
 19 ing to enrolling individuals in a health benefits plan under
 20 this chapter, or changing the enrollment of an individual
 21 already so enrolled due to a qualifying life event, as an
 22 excepted employee (as defined in section 1341(c) of title
 23 31).”.

1 (b) APPLICATION.—The amendment made by sub-
2 section (a) shall apply to any lapse in appropriations be-
3 ginning on or after the date of enactment of this Act.

4 **SEC. 4. EMPLOYMENT DURING A GOVERNMENT SHUT-**
5 **DOWN.**

6 (a) OUTSIDE EMPLOYMENT PERMITTED.—

7 (1) IN GENERAL.—Notwithstanding any other
8 law, rule, or regulation, and subject to paragraph
9 (3), during any lapse in appropriations beginning on
10 or after December 22, 2018, any Federal employee
11 of an agency with respect to which appropriations
12 have lapsed and who is furloughed or excepted from
13 furlough and working without pay may, during such
14 lapse, seek and obtain employment outside the Fed-
15 eral Government.

16 (2) PRIOR APPROVAL NOT REQUIRED.—An em-
17 ployee subject to this subsection may seek and ob-
18 tain such employment without prior approval from
19 the employee’s employing agency.

20 (3) LIMITATIONS.—This subsection shall not be
21 construed to waive any restrictions or requirement
22 with respect to conflicts of interest, including section
23 208 of title 18, United States Code, or part 2635 of
24 title 5, Code of Federal Regulations.

1 (b) BACKPAY.—Any compensation received by an em-
2 ployee by operation of subsection (a) shall not be taken
3 into account for purposes of determining the amount of
4 backpay such employee is entitled to under section 1341(c)
5 of title 31, United States Code.

6 **SEC. 5. LIMITS ON TRAVEL EXPENDITURES.**

7 (a) LIMITS ON OFFICIAL TRAVEL.—

8 (1) LIMITATION.—Except as provided in para-
9 graph (2), during a Government shutdown no
10 amounts may be obligated or expended for official
11 travel by a covered officer or employee.

12 (2) EXCEPTIONS.—

13 (A) RETURN TO DC.—If a covered officer
14 or employee is away from the seat of Govern-
15 ment on the date on which a Government shut-
16 down begins, funds may be obligated and ex-
17 pended for official travel by the covered officer
18 or employee to return to the seat of Govern-
19 ment.

20 (B) TRAVEL IN NATIONAL CAPITAL RE-
21 GION.—During a Government shutdown,
22 amounts may be obligated and expended for of-
23 ficial travel by a covered officer or employee
24 from one location in the National Capital region

1 to another location in the National Capital re-
 2 gion.

3 (b) RESTRICTION ON USE OF CAMPAIGN FUNDS.—
 4 Section 313 of the Federal Election Campaign Act of
 5 1971 (52 U.S.C. 30114) is amended—

6 (1) in subsection (a)(2), by striking “for ordi-
 7 nary” and inserting “except as provided in sub-
 8 section (d), for ordinary”; and

9 (2) by adding at the end the following:

10 “(d) RESTRICTION ON USE OF CAMPAIGN FUNDS
 11 FOR OFFICIAL TRAVEL DURING LAPSE IN APPROPRIA-
 12 TIONS.—

13 “(1) IN GENERAL.—Except as provided in para-
 14 graph (2), during a Government shutdown (as de-
 15 fined in section 2 of the Government Shutdown Ac-
 16 countability Act), a contribution or donation de-
 17 scribed in subsection (a) may not be obligated or ex-
 18 pended for travel in connection with duties of the in-
 19 dividual as a holder of Federal office.

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

1 **SEC. 6. PROCEDURES IN THE SENATE AND HOUSE OF REP-**
 2 **RESENTATIVES.**

3 (a) IN GENERAL.—During a Government shutdown,
 4 in the Senate and the House of Representatives—

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

7 (A) a measure making appropriations for
 8 the fiscal year during which the Government
 9 shutdown begins;

10 (B) emergency legislation; or

11 (C) a motion relating to determining or ob-
 12 taining the presence of a quorum;

13 (2) it shall not be in order to move to recess or
 14 adjourn for a period of more than 23 hours; and

15 (3) at noon each day, the Presiding Officer
 16 shall direct the clerk to determine whether a quorum
 17 is present.

18 (b) WAIVER.—Subsection (a) may only be waived or
 19 suspended upon an affirmative vote of two-thirds of the
 20 Members of the applicable House of Congress, duly chosen
 21 and sworn.

○