

116TH CONGRESS  
1ST SESSION

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To 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

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

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**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.