

116TH CONGRESS
1ST SESSION

S. 44

To reduce a portion of the annual pay of Members of Congress for the failure to adopt a concurrent resolution on the budget which does not provide for a balanced budget, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2019

Mr. DAINES introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To reduce a portion of the annual pay of Members of Congress for the failure to adopt a concurrent resolution on the budget which does not provide for a balanced budget, and for other purposes.

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; FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Balanced Budget Accountability Act”.

6 (b) **FINDINGS.**—Congress finds the following:

1 (1) The Federal debt exceeds
2 \$21,000,000,000,000, continues to grow rapidly, and
3 is larger than the size of the United States economy.

4 (2) The Federal budget has shown an annual
5 deficit in 49 of the last 54 years.

6 (3) Deficits and the Federal debt threaten to
7 shatter confidence in the Nation’s economy, suppress
8 job creation and economic growth, and leave future
9 generations of Americans with a lower standard of
10 living and fewer opportunities.

11 (4) It is the duty of Members of Congress to
12 develop and implement policies, including balancing
13 the Federal budget, that encourage robust job cre-
14 ation and economic growth in the United States.

15 (5) Members of Congress should be held ac-
16 countable for failing to pass annual budgets that re-
17 sult in a balanced budget.

18 **SEC. 2. EFFECT OF FAILURE TO ADOPT RESOLUTION PRO-**

19 **VIDING FOR BALANCED BUDGETS.**

20 (a) DEFINITIONS.—In this section—

21 (1) the term “balanced budget” means a con-
22 current resolution on the budget which provides that
23 for fiscal year 2029, and each fiscal year thereafter
24 to which the concurrent resolution on the budget ap-
25 plies—

1 (A) total outlays do not exceed total re-
2 ceipts; and

3 (B) total outlays are not more than 18
4 percent of the projected gross domestic product
5 of the United States (as determined by the Bu-
6 reau of Economic Analysis of the Department
7 of Commerce) for such fiscal year;

8 (2) the term “Director” means the Director of
9 the Office of Management and Budget; and

10 (3) the term “Member” includes a Delegate or
11 Resident Commissioner to Congress.

12 (b) DETERMINATION BY THE OFFICE OF MANAGE-
13 MENT AND BUDGET.—Upon adoption by a House of Con-
14 gress of a concurrent resolution on the budget for a fiscal
15 year, the Director shall—

16 (1) determine whether the concurrent resolution
17 on the budget is a balanced budget; and

18 (2) submit to the Speaker of the House of Rep-
19 resentatives or the President pro tempore of the
20 Senate (as the case may be) a certification as to
21 whether or not that House of Congress has adopted
22 a balanced budget.

23 (c) RULE FOR FISCAL YEARS 2020 AND 2021.—

24 (1) FISCAL YEAR 2020.—

1 (A) HOLDING SALARIES IN ESCROW.—If
2 the Director does not certify that a House of
3 Congress has adopted a balanced budget with
4 respect to fiscal year 2020 before April 16,
5 2019, during the period described in subpara-
6 graph (B) the payroll administrator of that
7 House of Congress shall deposit in an escrow
8 account all payments otherwise required to be
9 made during such period for the compensation
10 of Members of Congress who serve in that
11 House of Congress, and shall release such pay-
12 ments to such Members only upon the expira-
13 tion of such period.

14 (B) PERIOD DESCRIBED.—With respect to
15 a House of Congress, the period described in
16 this subparagraph is the period that begins on
17 April 16, 2019, and ends on the earlier of—

18 (i) the date on which the Director cer-
19 tifies that the House of Congress has
20 adopted a balanced budget with respect to
21 fiscal year 2020; or

22 (ii) the last day of the One Hundred
23 Sixteenth Congress.

24 (2) FISCAL YEAR 2021.—

1 (A) HOLDING SALARIES IN ESCROW.—If
2 the Director does not certify that a House of
3 Congress has adopted a balanced budget with
4 respect to fiscal year 2021 before April 16,
5 2020, during the period described in subpara-
6 graph (B) the payroll administrator of that
7 House of Congress shall deposit in an escrow
8 account all payments otherwise required to be
9 made during such period for the compensation
10 of Members of Congress who serve in that
11 House of Congress, and shall release such pay-
12 ments to such Members only upon the expira-
13 tion of such period.

14 (B) PERIOD DESCRIBED.—With respect to
15 a House of Congress, the period described in
16 this subparagraph is the period that begins on
17 April 16, 2020, and ends on the earlier of—

18 (i) the date on which the Director cer-
19 tifies that the House of Congress has
20 adopted a balanced budget with respect to
21 fiscal year 2021; or

22 (ii) the last day of the One Hundred
23 Sixteenth Congress.

24 (3) WITHHOLDING AND REMITTANCE OF
25 AMOUNTS FROM PAYMENTS HELD IN ESCROW.—The

1 payroll administrator shall provide for the same
2 withholding and remittance with respect to a pay-
3 ment deposited in an escrow account under para-
4 graph (1) or (2) that would apply to the payment if
5 the payment were not subject to paragraph (1) or
6 (2).

7 (4) RELEASE OF AMOUNTS AT END OF THE
8 CONGRESS.—In order to ensure that this subsection
9 is carried out in a manner that shall not vary the
10 compensation of Senators or Representatives in vio-
11 lation of the twenty-seventh amendment to the Con-
12 stitution of the United States, the payroll adminis-
13 trator of a House of Congress shall release for pay-
14 ments to Members of that House of Congress any
15 amounts remaining in any escrow account under this
16 section on the last day of the One Hundred Six-
17 teenth Congress.

18 (5) ROLE OF SECRETARY OF THE TREASURY.—
19 The Secretary of the Treasury shall provide the pay-
20 roll administrators of the Houses of Congress with
21 such assistance as may be necessary to enable the
22 payroll administrators to carry out this subsection.

23 (6) PAYROLL ADMINISTRATOR DEFINED.—In
24 this subsection, the “payroll administrator” of a
25 House of Congress means—

1 (A) in the case of the House of Represent-
 2 atives, the Chief Administrative Officer of the
 3 House of Representatives, or an employee of
 4 the Office of the Chief Administrative Officer
 5 who is designated by the Chief Administrative
 6 Officer to carry out this section; and

7 (B) in the case of the Senate, the Sec-
 8 retary of the Senate, or an employee of the Of-
 9 fice of the Secretary of the Senate who is des-
 10 ignated by the Secretary to carry out this sec-
 11 tion.

12 (d) **RULE FOR FISCAL YEAR 2022 AND SUBSEQUENT**
 13 **FISCAL YEARS.**—If the Director does not certify that a
 14 House of Congress has adopted a balanced budget with
 15 respect to fiscal year 2022, or any fiscal year thereafter,
 16 before April 16 of the fiscal year before such fiscal year,
 17 during pay periods which occur in the same calendar year
 18 after that date each Member of that House shall be paid
 19 at an annual rate of pay equal to \$1.

20 **SEC. 3. SUPERMAJORITY REQUIREMENT FOR INCREASING**
 21 **REVENUE.**

22 (a) **IN GENERAL.**—In the Senate and the House of
 23 Representatives, a bill, joint resolution, amendment, con-
 24 ference report, or amendment between the Houses that in-
 25 creases revenue shall only be agreed to upon an affirma-

1 tive vote of three-fifths of the Members of that House of
2 Congress duly chosen and sworn.

3 (b) RULES OF SENATE AND THE HOUSE OF REP-
4 RESENTATIVES.—Subsection (a) is enacted by Congress—

5 (1) as an exercise of the rulemaking power of
6 the Senate and House of Representatives, respec-
7 tively, and as such it is deemed a part of the rules
8 of each House, respectively, but applicable only with
9 respect to the procedure to be followed in that
10 House in the case of a bill, joint resolution, amend-
11 ment, conference report, or amendment between the
12 Houses that increases revenue, and it supersedes
13 other rules only to the extent that it is inconsistent
14 with such rules; and

15 (2) with full recognition of the constitutional
16 right of either House to change the rules (so far as
17 relating to the procedure of that House) at any time,
18 in the same manner, and to the same extent as in
19 the case of any other rule of that House.

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