

115TH CONGRESS
1ST SESSION

H. R. 536

To provide that the salaries of Members of a House of Congress will be held in escrow if that House has not agreed to a concurrent resolution on the budget for fiscal year 2018 by April 15, 2017, and to withhold the salary of the Director of OMB upon failure to submit the President's budget to Congress as required by section 1105 of title 31, United States Code.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2017

Mr. BIGGS introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on the Budget, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that the salaries of Members of a House of Congress will be held in escrow if that House has not agreed to a concurrent resolution on the budget for fiscal year 2018 by April 15, 2017, and to withhold the salary of the Director of OMB upon failure to submit the President's budget to Congress as required by section 1105 of title 31, United States Code.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protection From
3 Obamacare Mandates and Congressional Equity Act”.

4 **SEC. 2. HOLDING SALARIES OF MEMBERS OF CONGRESS IN**
5 **ESCROW UPON FAILURE TO AGREE TO BUDG-**
6 **ET RESOLUTION.**

7 (a) HOLDING SALARIES IN ESCROW.—

8 (1) IN GENERAL.—If by April 15, 2017, a
9 House of Congress has not agreed to a concurrent
10 resolution on the budget for fiscal year 2018 pursu-
11 ant to section 301 of the Congressional Budget Act
12 of 1974, during the period described in paragraph
13 (2) the payroll administrator of that House of Con-
14 gress shall deposit in an escrow account all pay-
15 ments otherwise required to be made during such
16 period for the compensation of Members of Congress
17 who serve in that House of Congress, and shall re-
18 lease such payments to such Members only upon the
19 expiration of such period.

20 (2) PERIOD DESCRIBED.—With respect to a
21 House of Congress, the period described in this
22 paragraph is the period which begins on April 16,
23 2017, and ends on the earlier of—

24 (A) the day on which the House of Con-
25 gress agrees to a concurrent resolution on the
26 budget for fiscal year 2018 pursuant to section

1 301 of the Congressional Budget Act of 1974;
2 or

3 (B) the last day of the One Hundred Fif-
4 teenth Congress.

5 (3) WITHHOLDING AND REMITTANCE OF
6 AMOUNTS FROM PAYMENTS HELD IN ESCROW.—The
7 payroll administrator shall provide for the same
8 withholding and remittance with respect to a pay-
9 ment deposited in an escrow account under para-
10 graph (1) that would apply to the payment if the
11 payment were not subject to paragraph (1).

12 (4) RELEASE OF AMOUNTS AT END OF THE
13 CONGRESS.—In order to ensure that this section is
14 carried out in a manner that shall not vary the com-
15 pensation of Senators or Representatives in violation
16 of the twenty-seventh article of amendment to the
17 Constitution of the United States, the payroll ad-
18 ministrator of a House of Congress shall release for
19 payments to Members of that House of Congress
20 any amounts remaining in any escrow account under
21 this section on the last day of the One Hundred Fif-
22 teenth Congress.

23 (5) ROLE OF SECRETARY OF THE TREASURY.—
24 The Secretary of the Treasury shall provide the pay-
25 roll administrators of the Houses of Congress with

1 such assistance as may be necessary to enable the
2 payroll administrators to carry out this section.

3 (b) TREATMENT OF DELEGATES AS MEMBERS.—In
4 this section, the term “Member of Congress” includes a
5 Delegate or Resident Commissioner to the Congress.

6 (c) PAYROLL ADMINISTRATOR DEFINED.—In this
7 section, the term “payroll administrator” of a House of
8 Congress means—

9 (1) in the case of the House of Representatives,
10 the Chief Administrative Officer of the House of
11 Representatives, or an employee of the Office of the
12 Chief Administrative Officer who is designated by
13 the Chief Administrative Officer to carry out this
14 section; and

15 (2) in the case of the Senate, the Secretary of
16 the Senate, or an employee of the Office of the Sec-
17 retary of the Senate who is designated by the Sec-
18 retary to carry out this section.

19 **SEC. 3. DETERMINATION OF COMPLIANCE WITH STATU-**
20 **TORY REQUIREMENT TO SUBMIT THE PRESI-**
21 **DENT’S BUDGET.**

22 Not later than 3 days after the President’s budget
23 is due, the Inspector General of the Office of Personnel
24 Management shall—

1 (1) make an annual determination of whether
2 the Director of the Office of Management and Budg-
3 et (OMB) and the President are in compliance with
4 section 1105 of title 31, United States Code; and

5 (2) provide a written notification of such deter-
6 mination to the Chairpersons of the Committee on
7 the Budget and the Committee on Appropriations of
8 the Senate and the Chairpersons of the Committee
9 on the Budget and the Committee on Appropriations
10 of the House of Representatives.

11 **SEC. 4. NO PAY UPON FAILURE TO TIMELY SUBMIT THE**
12 **PRESIDENT'S BUDGET TO CONGRESS.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of law, no funds may be appropriated or otherwise
15 be made available from the United States Treasury for
16 the pay of the Director of OMB, Deputy Director of OMB,
17 and the Deputy Director for Management of OMB during
18 any period of noncompliance determined by the Inspector
19 General of the Office of Personnel Management under sec-
20 tion 3.

21 (b) NO RETROACTIVE PAY.—The Director of OMB,
22 Deputy Director of OMB, and the Deputy Director for
23 Management of OMB may not receive pay for any period
24 of noncompliance determined by the Inspector General of

1 the Office of Personnel Management under section 3 at
2 any time after the end of that period.

3 **SEC. 5. EFFECTIVE DATE.**

4 Sections 3 and 4 shall take effect upon the date of
5 enactment of this Act.

