

116TH CONGRESS
1ST SESSION

S. 74

To prohibit paying Members of Congress during periods during which a Government shutdown is in effect, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2019

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

A BILL

To prohibit paying Members of Congress during periods during which a Government shutdown is in effect, 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.**

4 This Act may be cited as the “No Work, No Pay Act
5 of 2019”.

6 **SEC. 2. PROHIBITING PAYING MEMBERS OF CONGRESS**
7 **DURING GOVERNMENT SHUTDOWNS.**

8 (a) RULE FOR ONE HUNDRED SIXTEENTH CON-
9 GRESS.—

1 (1) HOLDING SALARIES IN ESCROW.—If on any
2 day during a pay period occurring during the One
3 Hundred Sixteenth Congress a Government shut-
4 down is in effect, the payroll administrator of each
5 House of Congress shall—

6 (A) deposit in an escrow account and ex-
7 clude from the payments otherwise required to
8 be made with respect to that pay period for the
9 compensation of each Member of Congress who
10 serves in that House of Congress an amount
11 equal to the product of—

12 (i) the daily rate of pay of the Mem-
13 ber under section 601(a) of the Legislative
14 Reorganization Act of 1946 (2 U.S.C.
15 4501); and

16 (ii) the number of 24-hour periods
17 during the pay period during which the
18 Government shutdown is in effect; and

19 (B) release amounts deposited in an es-
20 crow account under subparagraph (A) to such
21 Member of Congress only upon the expiration of
22 the period described in paragraph (2).

23 (2) PERIOD DESCRIBED.—The period described
24 in this paragraph is the period that—

1 (A) begins on the first day on which the
2 applicable Government shutdown is in effect;
3 and

4 (B) ends on the earlier of—

5 (i) the date on which the applicable
6 Government shutdown is no longer in ef-
7 fect; or

8 (ii) the last day of the One Hundred
9 Sixteenth Congress.

10 (3) WITHHOLDING AND REMITTANCE OF
11 AMOUNTS FROM PAYMENTS HELD IN ESCROW.—The
12 payroll administrator of each House of Congress
13 shall provide for the same withholding and remit-
14 tance with respect to a payment deposited in an es-
15 crow account under paragraph (1) that would apply
16 to the payment if the payment were not subject to
17 paragraph (1).

18 (4) RELEASE OF AMOUNTS AT END OF THE
19 CONGRESS.—In order to ensure that this subsection
20 is carried out in a manner that shall not vary the
21 compensation of Senators or Representatives in vio-
22 lation of the twenty-seventh amendment to the Con-
23 stitution of the United States, the payroll adminis-
24 trator of a House of Congress shall release for pay-
25 ment to Members of that House of Congress any

1 amounts remaining in any escrow account under this
2 section on the last day of the One Hundred Six-
3 teenth Congress.

4 (b) SUBSEQUENT CONGRESSES.—On and after the
5 first day of the One Hundred Seventeenth Congress, if
6 on any day during a pay period a Government shutdown
7 is in effect, the payroll administrator of each House of
8 Congress shall exclude from the payments otherwise re-
9 quired to be made with respect to that pay period for the
10 compensation of each Member of Congress who serves in
11 that House of Congress an amount equal to the product
12 of—

13 (1) the daily rate of pay of the Member under
14 section 601(a) of the Legislative Reorganization Act
15 of 1946 (2 U.S.C. 4501); and

16 (2) the number of 24-hour periods during the
17 pay period during which the Government shutdown
18 is in effect.

19 (c) ROLE OF SECRETARY OF THE TREASURY.—The
20 Secretary of the Treasury shall provide the payroll admin-
21 istrator of each House of Congress with such assistance
22 as may be necessary to enable the payroll administrator
23 to carry out this Act.

24 **SEC. 3. DEFINITIONS.**

25 In this Act—

1 (1) the term “Government shutdown” means a
2 lapse in appropriations for 1 or more Federal agen-
3 cies or departments as a result of a failure to enact
4 a regular appropriations bill or continuing resolu-
5 tion;

6 (2) the term “Member of Congress” means an
7 individual serving in a position covered under sub-
8 paragraph (A), (B), or (C) of section 601(a)(1) of
9 the Legislative Reorganization Act of 1946 (2
10 U.S.C. 4501(1)); and

11 (3) the term “payroll administrator”, with re-
12 spect to a House of Congress, means—

13 (A) in the case of the House of Represent-
14 atives, the Chief Administrative Officer of the
15 House of Representatives, or an employee of
16 the Office of the Chief Administrative Officer
17 who is designated by the Chief Administrative
18 Officer to carry out this Act; and

19 (B) in the case of the Senate, the Sec-
20 retary of the Senate, or an employee of the Of-
21 fice of the Secretary of the Senate who is des-
22 ignated by the Secretary to carry out this Act.

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