

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for automatic continuing resolutions.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 74

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. PAUL

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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 A LAPSE IN NORMAL APPROPRIA-**

8 **TIONS.**

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

1 (1) HOLDING SALARIES IN ESCROW.—For any
2 day during a pay period occurring during the One
3 Hundred Sixteenth Congress during which a lapse in
4 normal appropriations is in effect, the payroll ad-
5 ministrator of each 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 of Congress under section 601(a) of
14 the Legislative Reorganization Act of 1946
15 (2 U.S.C. 4501); and

16 (ii) the number of 24-hour periods
17 during the pay period during which the
18 lapse in normal appropriations is in effect;
19 and

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

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

1 (A) begins on the first day on which the
2 applicable lapse in normal appropriations is in
3 effect; and

4 (B) ends on the earlier of—

5 (i) the date on which the applicable
6 lapse in normal appropriations is no longer
7 in effect; 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, for
6 any pay period during which a lapse in normal appropria-
7 tions is in effect, the payroll administrator of each House
8 of 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 of Con-
14 gress under section 601(a) of the Legislative Reor-
15 ganization Act of 1946 (2 U.S.C. 4501); and

16 (2) the number of 24-hour periods during the
17 pay period during which the lapse in normal appro-
18 priations 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 section.

24 (d) DEFINITIONS.—In this section—

1 (1) the term “lapse in normal appropriations”
2 means appropriations are in effect for 1 or more
3 programs, projects, or activities under section 1311
4 of title 31, United States Code, as added by section
5 3 of this Act;

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 section; 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 sec-
23 tion.

1 **SEC. 3. AUTOMATIC CONTINUING APPROPRIATIONS.**

2 (a) IN GENERAL.—Chapter 13 of title 31, United
3 States Code, is amended by inserting after section 1310
4 the following:

5 **“§ 1311. Continuing appropriations**

6 “(a)(1) On and after October 1 of each fiscal year,
7 if the appropriation Act for such fiscal year for the ac-
8 count for a program, project, or activity has not been en-
9 acted and a law, other than this section, making con-
10 tinuing appropriations is not in effect with respect to the
11 program, project, or activity, there are appropriated such
12 sums as may be necessary to continue any such program,
13 project, or activity for which funds were provided in the
14 preceding fiscal year—

15 “(A) in the corresponding appropriation Act for
16 such preceding fiscal year;

17 “(B) if the corresponding appropriation bill for
18 such preceding fiscal year did not become law, in the
19 law, other than this section, making continuing ap-
20 propriations for such preceding fiscal year; or

21 “(C) under this section.

22 “(2)(A)(i) For the period of 90 days, appropriations
23 and funds made available, and authority granted, for a
24 program, project, or activity for any fiscal year pursuant
25 to this section shall be at a rate of operations not in excess
26 of the lower of—

1 “(I) 99 percent of the rate of operations pro-
2 vided for in the regular appropriation Act providing
3 for such program, project, or activity for the pre-
4 ceding fiscal year;

5 “(II) in the absence of such an Act, 99 percent
6 of the rate of operations provided for such program,
7 project, or activity pursuant to the law, other than
8 this section, making continuing appropriations for
9 such preceding fiscal year;

10 “(III) 99 percent of the annualized rate of op-
11 erations provided for in the most recently enacted
12 law, other than this section, making continuing ap-
13 propriations for part of that fiscal year; or

14 “(IV) the funding levels established under the
15 provisions of this section.

16 “(ii) After the first 90-day period during which this
17 subsection is in effect for a fiscal year, the applicable rate
18 of operations under clause (i) shall be reduced by 1 per-
19 centage point.

20 “(iii) After each 90-day period after the period de-
21 scribed in clause (ii) during which this subsection is in
22 effect for a fiscal year, the applicable rate of operations
23 shall be reduced by an additional 1 percentage point. The
24 90-day period reductions under this clause shall extend be-
25 yond the last day of that fiscal year.

1 “(B) If this section is in effect at the end of a fiscal
2 year, funding levels shall continue as provided in this sec-
3 tion for the next fiscal year.

4 “(3) Appropriations and funds made available, and
5 authority granted, for any fiscal year pursuant to this sec-
6 tion for a program, project, or activity shall be available
7 for the period beginning with the first day of a lapse in
8 appropriations and ending with the date on which the ap-
9 plicable regular appropriation bill for such fiscal year be-
10 comes law (whether or not such law provides for such pro-
11 gram, project, or activity) or a continuing resolution mak-
12 ing appropriations becomes law, as the case may be.

13 “(b) An appropriation or funds made available, or au-
14 thority granted, for a program, project, or activity for any
15 fiscal year pursuant to this section shall be subject to the
16 terms and conditions imposed with respect to the appro-
17 priation made or funds made available for the preceding
18 fiscal year, or authority granted for such program, project,
19 or activity under current law.

20 “(c) Expenditures made for a program, project, or
21 activity for any fiscal year pursuant to this section shall
22 be charged to the applicable appropriation, fund, or au-
23 thorization whenever a regular appropriation bill or a joint
24 resolution making continuing appropriations until the end

1 of a fiscal year providing for such program, project, or
2 activity for such period becomes law.

3 “(d) This section shall not apply to a program,
4 project, or activity during a fiscal year if any other provi-
5 sion of law (other than an authorization of appropria-
6 tions)—

7 “(1) makes an appropriation, makes funds
8 available, or grants authority for such program,
9 project, or activity to continue for such period; or

10 “(2) specifically provides that no appropriation
11 shall be made, no funds shall be made available, or
12 no authority shall be granted for such program,
13 project, or activity to continue for such period.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 for chapter 13 of title 31, United States Code, is amended
16 by inserting after the item relating to section 1310 the
17 following:

“1311. Continuing appropriations.”.