

116TH CONGRESS
1ST SESSION

H. R. 1172

To amend title 31, United States Code, to provide for automatic continuing appropriations, to withhold the pay of the President and Members of Congress during any period in which such automatic continuing appropriations are in effect, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2019

Mr. KILDEE (for himself and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committees on Oversight and Reform, House Administration, and the Budget, 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 amend title 31, United States Code, to provide for automatic continuing appropriations, to withhold the pay of the President and Members of Congress during any period in which such automatic continuing appropriations are 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 “Ensure Washington
5 Funds Government Responsibly Act”.

1 **SEC. 2. 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 new section:

5 **“SEC. 1311. CONTINUING APPROPRIATIONS.**

6 “(a)(1) If any appropriation measure for a fiscal year
7 is not enacted before the beginning of such fiscal year or
8 a joint resolution making continuing appropriations is not
9 in effect, there are appropriated such sums as may be nec-
10 essary to continue any program, project, or activity for
11 which funds were provided in the preceding fiscal year—

12 “(A) in the corresponding appropriation Act for
13 such preceding fiscal year; or

14 “(B) if the corresponding appropriation bill for
15 such preceding fiscal year did not become law, then
16 in a joint resolution making continuing appropria-
17 tions for such preceding fiscal year.

18 “(2)(A) Appropriations and funds made available,
19 and authority granted, for a program, project, or activity
20 for any fiscal year pursuant to this section shall be at a
21 rate of operations not in excess of the lower of—

22 “(i) 100 percent of the rate of operations pro-
23 vided for in the regular appropriation Act providing
24 for such program, project, or activity for the pre-
25 ceding fiscal year, increased by the percent increase
26 (if any) in the Consumer Price Index for Urban

1 Consumers (CPI-U, published by the Bureau of
2 Labor Statistics of the Department of Labor) be-
3 tween the 2 months immediately preceding the date
4 this section begins to be in effect;

5 “(ii) in the absence of such an Act, 100 percent
6 of the rate of operations provided for such program,
7 project, or activity pursuant to a joint resolution
8 making continuing appropriations for such preceding
9 fiscal year, increased by the percent increase (if any)
10 in the CPI-U between the 2 months immediately
11 preceding the date this section begins to be in effect;
12 or

13 “(iii) 100 percent of the annualized rate of op-
14 erations provided for in the most recently enacted
15 joint resolution making continuing appropriations
16 for part of that fiscal year or any funding levels es-
17 tablished under the provisions of this Act, increased
18 by the percent increase (if any) in the CPI-U be-
19 tween the 2 months immediately preceding the date
20 this section begins to be in effect.

21 “(B) During the period in which this section is in
22 effect in a fiscal year, the applicable rate of operations
23 under subparagraph (A) shall be increased by the percent
24 increase (if any) in the CPI-U. The increase provided
25 under this subparagraph shall—

1 “(i) occur on any date during such period that
2 the Bureau publishes the CPI-U; and

3 “(ii) extend beyond the last day of that fiscal
4 year in the same manner.

5 “(C) If this section is in effect at the end of a fiscal
6 year, funding levels shall continue as provided in this sec-
7 tion for the next fiscal year.

8 “(D) During any period in which this section is in
9 effect, any sequestration order with respect to discre-
10 tionary spending under section 254 of the Balanced Budg-
11 et and Emergency Deficit Control Act of 1985 (2 U.S.C.
12 904) shall have no force or effect.

13 “(3) Appropriations and funds made available, and
14 authority granted, for any fiscal year pursuant to this sec-
15 tion for a program, project, or activity shall be available
16 for the period beginning with the first day of a lapse in
17 appropriations and ending with the date on which the ap-
18 plicable regular appropriation bill for such fiscal year be-
19 comes law (whether or not such law provides for such pro-
20 gram, project, or activity) or a continuing resolution mak-
21 ing appropriations becomes law, as the case may be.

22 “(b) An appropriation or funds made available, or au-
23 thority granted, for a program, project, or activity for any
24 fiscal year pursuant to this section shall be subject to the
25 terms and conditions imposed with respect to the appro-

1 priation made or funds made available for the preceding
2 fiscal year, or authority granted for such program, project,
3 or activity under current law.

4 “(c) Expenditures made for a program, project, or
5 activity for any fiscal year pursuant to this section shall
6 be charged to the applicable appropriation, fund, or au-
7 thorization whenever a regular appropriation bill or a joint
8 resolution making continuing appropriations until the end
9 of a fiscal year providing for such program, project, or
10 activity for such period becomes law.

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

15 “(1) makes an appropriation, makes funds
16 available, or grants authority for such program,
17 project, or activity to continue for such period; or

18 “(2) specifically provides that no appropriation
19 shall be made, no funds shall be made available, or
20 no authority shall be granted for such program,
21 project, or activity to continue for such period.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 of chapter 13 of title 31, United States Code, is amended
24 by inserting after the item relating to section 1310 the
25 following new item:

“1311. Continuing appropriations.”.

1 **SEC. 3. PROHIBITING PAYING THE PRESIDENT OR MEM-**
2 **BERS OF CONGRESS WHILE AUTOMATIC CON-**
3 **TINUING APPROPRIATIONS ARE IN EFFECT.**

4 (a) RULE FOR ONE HUNDRED SIXTEENTH CON-
5 GRESS.—

6 (1) HOLDING SALARIES IN ESCROW.—If a pay
7 period occurs during the One Hundred Sixteenth
8 Congress during the period described in paragraph
9 (2), the payroll administrator of each House of Con-
10 gress shall—

11 (A) deposit in an escrow account and ex-
12 clude from the payments otherwise required to
13 be made with respect to that pay period for the
14 compensation of each Member of Congress who
15 serves in that House of Congress an amount
16 equal to the product of—

17 (i) the daily rate of pay of the Mem-
18 ber under section 601(a) of the Legislative
19 Reorganization Act of 1946 (2 U.S.C.
20 4501); and

21 (ii) the number of 24-hour periods
22 during the pay period; and

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

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

3 (A) begins on the day on which appropria-
4 tions and funds are made available pursuant to
5 section 1311 of title 31, United States Code (as
6 added by section 3(a)); and

7 (B) ends on the earlier of—

8 (i) the date on which appropriations
9 and funds are no longer made available
10 pursuant to section 1311 of such title; or

11 (ii) the last day of the One Hundred
12 Sixteenth Congress.

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

21 (4) RELEASE OF AMOUNTS AT END OF THE
22 CONGRESS.—In order to ensure that this subsection
23 is carried out in a manner that shall not vary the
24 compensation of Senators or Representatives in vio-
25 lation of the twenty-seventh amendment to the Con-

1 stitution of the United States, the payroll adminis-
2 trator of a House of Congress shall release for pay-
3 ment to Members of that House of Congress any
4 amounts remaining in any escrow account under this
5 section on the last day of the One Hundred Six-
6 teenth Congress.

7 (b) SUBSEQUENT CONGRESSES.—

8 (1) REDUCTION IN SALARIES.—If a pay period
9 occurs during the One Hundred Seventeenth Con-
10 gress or any succeeding Congress during the period
11 described in paragraph (2), the payroll administrator
12 of each House of Congress shall exclude from the
13 payments otherwise required to be made with re-
14 spect to that pay period for the compensation of
15 each Member of Congress who serves in that House
16 of Congress an amount equal to the product of—

17 (A) the daily rate of pay of the Member
18 under section 601(a) of the Legislative Reorga-
19 nization Act of 1946 (2 U.S.C. 4501); and

20 (B) the number of 24-hour periods during
21 the pay period.

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

24 (A) begins on the day on which appropria-
25 tions and funds are made available pursuant to

1 section 1311 of title 31, United States Code (as
2 added by section 3(a)); and

3 (B) ends on the date on which appropria-
4 tions and funds are no longer made available
5 pursuant to section 1311 of such title.

6 (c) PRESIDENT’S SALARY.—The salary of the Presi-
7 dent shall be withheld, deposited in escrow, and released
8 in the same manner as prescribed under subsections (a)
9 and (b) for a Member of Congress.

10 (d) ROLE OF SECRETARY OF THE TREASURY.—The
11 Secretary of the Treasury shall provide the payroll admin-
12 istrator of each House of Congress with such assistance
13 as may be necessary to enable the payroll administrator
14 to carry out this section.

15 (e) DEFINITION.—In this section, the following defi-
16 nitions apply:

17 (1) The term “Member of Congress” means a
18 Senator or a Representative in, or Delegate or Resi-
19 dent Commissioner to, the Congress.

20 (2) The term “payroll administrator”, with re-
21 spect to a House of Congress, means—

22 (A) in the case of the House of Represent-
23 atives, the Chief Administrative Officer of the
24 House of Representatives, or an employee of
25 the Office of the Chief Administrative Officer

1 who is designated by the Chief Administrative
2 Officer to carry out this section; and

3 (B) in the case of the Senate, the Sec-
4 retary of the Senate, or an employee of the Of-
5 fice of the Secretary of the Senate who is des-
6 ignated by the Secretary to carry out this sec-
7 tion.

○