

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) Except as provided in subparagraph (B),  
23 for the period of 90 days, appropriations and funds made  
24 available, and authority granted, for a program, project,  
25 or activity for any fiscal year pursuant to this section shall  
26 be at a rate for operations not in excess of the lower of—

1           “(I) 99 percent of the rate for 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 for 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 for 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          for 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 for 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) For entitlements and other mandatory pay-  
2 ments whose budget authority was provided for the pre-  
3 vious fiscal year in appropriations Acts, under a law other  
4 than this section providing continuing appropriations for  
5 such previous year, or under this section, and for activities  
6 under the Food and Nutrition Act of 2008, appropriations  
7 and funds made available during a fiscal year under this  
8 section—

9               “(i) shall be at the rate necessary to maintain  
10 program levels under current law, under the author-  
11 ity and conditions provided in the applicable appro-  
12 priations Act; and

13               “(ii) shall not be reduced under subparagraph  
14 (A).

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

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



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

11           “(d) Appropriations made and funds made available  
12 by or authority granted pursuant to this section may be  
13 used without regard to the time limitations for submission  
14 and approval of apportionments set forth in section 1513  
15 of title 31, United States Code, but, except as provided  
16 in subsections (g) and (h), nothing in this section may  
17 be construed to waive any other provision of law governing  
18 the apportionment of funds.

19           “(e) Notwithstanding any other provision of this sec-  
20 tion, for those programs that would otherwise have high  
21 initial rates of operation or complete distribution of appro-  
22 priations at the beginning of the period during which  
23 funding is made available under this section because of  
24 distributions of funding to States, foreign countries,  
25 grantees, or others, such high initial rates of operation or

1 complete distribution shall not be made, and no grants  
2 shall be awarded for such programs funded by this section  
3 that would impinge on final funding prerogatives.

4 “(f) This section shall be implemented so that only  
5 the most limited funding action of that permitted under  
6 this section shall be taken in order to provide for continu-  
7 ation of projects and activities.

8 “(g) Amounts made available under this section for  
9 civilian personnel compensation and benefits in each de-  
10 partment and agency may be apportioned up to the rate  
11 for operations necessary to avoid furloughs within such de-  
12 partment or agency, consistent with the applicable appro-  
13 priations Act, except that such authority provided under  
14 this subsection shall not be used until after the depart-  
15 ment or agency has taken all necessary actions to reduce  
16 or defer non-personnel-related administrative expenses.

17 “(h) Funds appropriated by this section may be obli-  
18 gated and expended notwithstanding section 10 of Public  
19 Law 91–672 (22 U.S.C. 2412), section 15 of the State  
20 Department Basic Authorities Act of 1956 (22 U.S.C.  
21 2680), section 313 of the Foreign Relations Authorization  
22 Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and  
23 section 504(a)(1) of the National Security Act of 1947  
24 (50 U.S.C. 3094(a)(1)).

1       “(i) For purposes of apportioning and distributing  
2 funds made available under this section, the head of a de-  
3 partment or agency shall assume that funding shall be in  
4 effect under this section for a period of 90 days.

5       “(j) Expenditures made for a program, project, or ac-  
6 tivity for any fiscal year pursuant to this section shall be  
7 charged to the applicable appropriation, fund, or author-  
8 ization whenever a regular appropriation bill or a law mak-  
9 ing continuing appropriations until the end of a fiscal year  
10 providing for such program, project, or activity for such  
11 period is enacted.

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

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

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

23       (b) CLERICAL AMENDMENT.—The table of sections  
24 for chapter 13 of title 31, United States Code, is amended

- 1 by inserting after the item relating to section 1310 the
- 2 following:

“1311. Continuing appropriations.”