

115TH CONGRESS
2D SESSION

H. R. 4852

To make continuing appropriations for military pay in the event of a shutdown of the Federal Government, to reduce the pay of Members of Congress during periods in which such a shutdown is in effect, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 2018

Ms. MCSALLY (for herself, Mr. POLIQUIN, Mr. PITTENGER, Mr. BILIRAKIS, Mr. GALLAGHER, Mr. FASO, Mr. YODER, Mr. MULLIN, Mr. THOMPSON of Pennsylvania, Mr. SMUCKER, Mr. ZELDIN, Mr. COLE, and Mr. GOTTHEIMER) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committees on House Administration, 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 make continuing appropriations for military pay in the event of a shutdown of the Federal Government, to reduce the pay of Members of Congress during periods in which such a 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Pay Our Protectors
3 Not Our Politicians Act of 2018”.

4 **SEC. 2. CONTINUING APPROPRIATIONS FOR MEMBERS OF**
5 **THE ARMED FORCES AND EMPLOYEES OF**
6 **THE DEPARTMENT OF HOMELAND SECURITY.**

7 (a) IN GENERAL.—There are hereby appropriated for
8 fiscal year 2018, out of any money in the Treasury not
9 otherwise appropriated, for any period during which in-
10 terim or full-year appropriations for fiscal year 2018 are
11 not in effect—

12 (1) such sums as are necessary to provide pay
13 and allowances to members of the Armed Forces (as
14 defined in section 101(a)(4) of title 10, United
15 States Code), including reserve components thereof,
16 who perform active service during such period, in-
17 cluding Active Guard and Reserve duty under sec-
18 tion 328 of title 32, United States Code;

19 (2) such sums as are necessary to provide pay
20 and allowances to members of the reserve compo-
21 nents of the Armed Forces (as named in section
22 10101 of title 10, United States Code) who perform
23 inactive-duty training (as defined in section
24 101(d)(7) of such title) during such period;

25 (3) such sums as are necessary to provide pay
26 and allowances to the civilian personnel of the De-

1 partment of Defense (and the Department of Home-
2 land Security in the case of the Coast Guard) whom
3 the Secretary concerned determines are providing
4 support to members of the Armed Forces described
5 in paragraph (1);

6 (4) such sums as are necessary to provide pay
7 and allowances to contractors of the Department of
8 Defense (and the Department of Homeland Security
9 in the case of the Coast Guard) whom the Secretary
10 concerned determines are providing support to mem-
11 bers of the Armed Forces described in paragraph
12 (1);

13 (5) such sums as are necessary to provide pay
14 and allowances to employees of the Department of
15 Homeland Security whom the Secretary concerned
16 determines are performing national security activi-
17 ties;

18 (6) such sums as are necessary to provide death
19 gratuities under sections 1475–1477 and 1489 of
20 title 10, United States Code;

21 (7) such sums as are necessary to provide pay-
22 ment or reimbursement for funeral and burial ex-
23 penses authorized under sections 1481 and 1482 of
24 title 10, United States Code;

1 (8) such sums as are necessary to provide pay-
2 ment or reimbursement of authorized funeral travel
3 and travel related to the dignified transfer of re-
4 mains and unit memorial services under section 481f
5 of title 37, United States Code; and

6 (9) such sums as are necessary to provide the
7 temporary continuation of a basic allowance of hous-
8 ing for dependents of members dying on active duty,
9 as authorized by section 403(1) of title 37, United
10 States Code.

11 (b) TERMINATION.—Appropriations and funds made
12 available and authority granted pursuant to this section
13 shall be available until whichever of the following first oc-
14 curs: (1) the enactment into law of an appropriation (in-
15 cluding a continuing appropriation) for any purpose for
16 which amounts are made available in section 2; (2) the
17 enactment into law of the applicable regular or continuing
18 appropriations resolution or other Act without any appro-
19 priation for such purpose; or (3) January 1, 2019.

20 (c) SECRETARY CONCERNED DEFINED.—In this sec-
21 tion, the term “Secretary concerned” means—

22 (1) the Secretary of Defense with respect to
23 matters concerning the Department of Defense; and

1 (2) the Secretary of Homeland Security with re-
2 spect to matters concerning the Department of
3 Homeland Security or the Coast Guard.

4 **SEC. 3. REQUIRING REDUCTION OF PAY OF MEMBERS OF**
5 **CONGRESS IF GOVERNMENT SHUTDOWN OC-**
6 **CURS.**

7 (a) REDUCTION OF PAY FOR EACH DAY OF GOVERN-
8 MENT SHUTDOWN.—If on any day during a year a Gov-
9 ernment shutdown is in effect, the annual rate of pay ap-
10 plicable under section 601(a) of the Legislative Reorga-
11 nization Act of 1946 (2 U.S.C. 4501) with respect to each
12 Member of Congress for the year shall be reduced by an
13 amount equal to the product of—

14 (1) an amount equal to one day’s worth of pay
15 under such annual rate; and

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

18 (b) EFFECTIVE DATE.—Subsection (a) shall apply
19 only with respect to days occurring during the One Hun-
20 dred Sixteenth Congress and each succeeding Congress.

21 (c) SPECIAL RULE FOR ONE HUNDRED FIFTEENTH
22 CONGRESS.—

23 (1) HOLDING SALARIES IN ESCROW.—If on any
24 day during the One Hundred Fifteenth Congress a

1 Government shutdown is in effect, the payroll ad-
2 ministrator of that House of Congress shall—

3 (A) withhold from the payments otherwise
4 required to be made with respect to a pay pe-
5 riod for the compensation of each Member of
6 Congress who serves in that House of Congress
7 an amount equal to the product of—

8 (i) an amount equal to one day's
9 worth of pay under the annual rate of pay
10 applicable to the Member under section
11 601(a) of the Legislative Reorganization
12 Act of 1946 (2 U.S.C. 4501); and

13 (ii) the number of 24-hour periods
14 during which the Government shutdown is
15 in effect which occur during the pay pe-
16 riod; and

17 (B) deposit in an escrow account all
18 amounts withheld under paragraph (1).

19 (2) RELEASE OF AMOUNTS AT END OF THE
20 CONGRESS.—In order to ensure that this section is
21 carried out in a manner that shall not vary the com-
22 pensation of Senators or Representatives in violation
23 of the twenty-seventh article of amendment to the
24 Constitution of the United States, the payroll ad-
25 ministrator of a House of Congress shall release for

1 payments to Members of that House of Congress
2 any amounts remaining in any escrow account under
3 this section on the last day of the One Hundred Fif-
4 teenth Congress.

5 (3) ROLE OF SECRETARY OF THE TREASURY.—
6 The Secretary of the Treasury shall provide the pay-
7 roll administrators of the Houses of Congress with
8 such assistance as may be necessary to enable the
9 payroll administrators to carry out this section.

10 (4) EXCEPTION FOR DAYS OCCURRING AFTER
11 GENERAL ELECTION.—This section does not apply
12 with respect to any day during the One Hundred
13 Fifteenth Congress which occurs after the date of
14 the regularly scheduled general election for Federal
15 office held in November 2018.

16 (d) DETERMINATION OF GOVERNMENT SHUT-
17 DOWN.—For purposes of this section, a Government shut-
18 down shall be considered to be in effect if there is a lapse
19 in appropriations for any Federal agency or department
20 as a result of a failure to enact a regular appropriations
21 bill or continuing resolution.

22 (e) DEFINITIONS.—In this section:

23 (1) The term “Member of Congress” means an
24 individual serving in a position under subparagraph

1 (A), (B), or (C) of section 601(a) of the Legislative
2 Reorganization Act of 1946 (2 U.S.C. 4501).

3 (2) The term “payroll administrator” of a
4 House of Congress means—

5 (A) in the case of the House of Represent-
6 atives, the Chief Administrative Officer of the
7 House of Representatives, or an employee of
8 the Office of the Chief Administrative Officer
9 who is designated by the Chief Administrative
10 Officer to carry out this section; and

11 (B) in the case of the Senate, the Sec-
12 retary of the Senate, or an employee of the Of-
13 fice of the Secretary of the Senate who is des-
14 ignated by the Secretary to carry out this sec-
15 tion.

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