

118TH CONGRESS
1ST SESSION

H. R. 3538

To reduce the annual rate of pay of Members of Congress if the public debt limit is reached or a Government shutdown occurs during a year, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Ms. SPANBERGER (for herself and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Accountability, 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 reduce the annual rate of pay of Members of Congress if the public debt limit is reached or a Government shutdown occurs during a year, 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 Pay for Congress
5 During Default or Shutdown Act”.

1 **SEC. 2. REQUIRING REDUCTION OF PAY OF MEMBERS OF**
2 **CONGRESS IF PUBLIC DEBT LIMIT IS**
3 **REACHED.**

4 (a) REDUCTION OF PAY FOR EACH DAY OF GOVERN-
5 MENT SHUTDOWN.—

6 (1) IN GENERAL.—If on any day during a year
7 the public debt limit is reached, the annual rate of
8 pay applicable under section 601(a) of the Legisla-
9 tive Reorganization Act of 1946 (2 U.S.C. 4501)
10 with respect to each Member of Congress for the
11 year shall be reduced by an amount equal to the
12 product of—

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

15 (B) the number of 24-hour periods during
16 which the public debt limit is reached.

17 (2) EFFECTIVE DATE.—This subsection shall
18 apply with respect to days occurring after the date
19 of the regularly scheduled general election for Fed-
20 eral office held in November 2024.

21 (b) SPECIAL RULE FOR ONE HUNDRED EIGHT-
22 EENTH CONGRESS.—

23 (1) HOLDING SALARIES IN ESCROW.—If on any
24 day during the One Hundred Eighteenth Congress
25 the public debt limit is reached, the payroll adminis-
26 trator of that House of Congress shall—

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

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

11 (ii) the number of 24-hour periods
12 during which the public debt limit is
13 reached which occur during the pay period;
14 and

15 (B) deposit in an escrow account all
16 amounts withheld under subparagraph (A).

17 (2) RELEASE OF AMOUNTS AT END OF THE
18 CONGRESS.—In order to ensure that this subsection
19 is carried out in a manner that shall not vary the
20 compensation of Members of Congress in violation of
21 the twenty-seventh article of amendment to the Con-
22 stitution of the United States, the payroll adminis-
23 trator of a House of Congress shall release for pay-
24 ments to Members of that House of Congress any
25 amounts remaining in any escrow account under this

1 subsection on the last day of the One Hundred
2 Eighteenth Congress.

3 (3) EXCEPTION FOR DAYS OCCURRING AFTER
4 GENERAL ELECTION.—This subsection does not
5 apply with respect to any day during the One Hun-
6 dred Eighteenth Congress which occurs after the
7 date of the regularly scheduled general election for
8 Federal office held in November 2024.

9 (c) DETERMINATION OF REACHING OF PUBLIC DEBT
10 LIMIT.—For purposes of this section, the public debt limit
11 shall be considered to be reached if the Federal Govern-
12 ment is unable to make payments or meet obligations be-
13 cause the public debt limit under section 3101 of title 31,
14 United States Code, has been reached.

15 **SEC. 3. REQUIRING REDUCTION OF PAY OF MEMBERS OF**
16 **CONGRESS IF GOVERNMENT SHUTDOWN OC-**
17 **CURS.**

18 (a) REDUCTION OF PAY FOR EACH DAY OF GOVERN-
19 MENT SHUTDOWN.—

20 (1) IN GENERAL.—If on any day during a year
21 a Government shutdown is in effect, the annual rate
22 of pay applicable under section 601(a) of the Legis-
23 lative Reorganization Act of 1946 (2 U.S.C. 4501)
24 with respect to each Member of Congress for the

1 year shall be reduced by an amount equal to the
2 product of—

3 (A) an amount equal to one day’s worth of
4 pay under such annual rate; and

5 (B) the number of 24-hour periods during
6 which the Government shutdown is in effect.

7 (2) EFFECTIVE DATE.—This subsection shall
8 apply with respect to days occurring after the date
9 of the regularly scheduled general election for Fed-
10 eral office held in November 2024.

11 (b) SPECIAL RULE FOR ONE HUNDRED EIGHT-
12 EENTH CONGRESS.—

13 (1) HOLDING SALARIES IN ESCROW.—If on any
14 day during the One Hundred Eighteenth Congress a
15 Government shutdown is in effect, the payroll ad-
16 ministrator of that House of Congress shall—

17 (A) withhold from the payments otherwise
18 required to be made with respect to a pay pe-
19 riod for the compensation of each Member of
20 Congress who serves in that House of Congress
21 an amount equal to the product of—

22 (i) an amount equal to one day’s
23 worth of pay under the annual rate of pay
24 applicable to the Member under section

1 601(a) of the Legislative Reorganization
2 Act of 1946 (2 U.S.C. 4501); and

3 (ii) the number of 24-hour periods
4 during which the Government shutdown is
5 in effect which occur during the pay pe-
6 riod; and

7 (B) deposit in an escrow account all
8 amounts withheld under subparagraph (A).

9 (2) RELEASE OF AMOUNTS AT END OF THE
10 CONGRESS.—In order to ensure that this subsection
11 is carried out in a manner that shall not vary the
12 compensation of Senators or Representatives in vio-
13 lation of the twenty-seventh article of amendment to
14 the Constitution of the United States, the payroll
15 administrator of a House of Congress shall release
16 for payments to Members of that House of Congress
17 any amounts remaining in any escrow account under
18 this subsection on the last day of the One Hundred
19 Eighteenth Congress.

20 (3) EXCEPTION FOR DAYS OCCURRING AFTER
21 GENERAL ELECTION.—This subsection does not
22 apply with respect to any day during the One Hun-
23 dred Eighteenth Congress which occurs after the
24 date of the regularly scheduled general election for
25 Federal office held in November 2024.

1 (c) DETERMINATION OF GOVERNMENT SHUT-
2 DOWN.—For purposes of this section, a Government shut-
3 down shall be considered to be in effect if there is a lapse
4 in appropriations for any Federal agency or department
5 as a result of a failure to enact a regular appropriations
6 bill or continuing resolution.

7 **SEC. 4. ROLE OF SECRETARY OF THE TREASURY.**

8 The Secretary of the Treasury shall provide the pay-
9 roll administrators of the Houses of Congress with such
10 assistance as may be necessary to enable the payroll ad-
11 ministrators to carry out this Act.

12 **SEC. 5. DEFINITIONS.**

13 (a) MEMBER OF CONGRESS.—In this Act, the term
14 “Member of Congress” means an individual serving in a
15 position under subparagraph (A), (B), or (C) of section
16 601(a) of the Legislative Reorganization Act of 1946 (2
17 U.S.C. 4501).

18 (b) PAYROLL ADMINISTRATOR.—In this Act, the
19 “payroll administrator” of a House of Congress means—

20 (1) in the case of the House of Representatives,
21 the Chief Administrative Officer of the House of
22 Representatives, or an employee of the Office of the
23 Chief Administrative Officer who is designated by
24 the Chief Administrative Officer to carry out this
25 Act; and

1 (2) in the case of the Senate, the Secretary of
2 the Senate, or an employee of the Office of the Sec-
3 retary of the Senate who is designated by the Sec-
4 retary to carry out this Act.

○