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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R.

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

Ms. MCSALLY introduced the following bill; which was referred to the Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. CONTINUING APPROPRIATIONS FOR MEMBERS OF**
2 **THE ARMED FORCES AND EMPLOYEES OF**
3 **THE DEPARTMENT OF HOMELAND SECURITY.**

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

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

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

22 (3) such sums as are necessary to provide pay
23 and allowances to the civilian personnel of the De-
24 partment of Defense (and the Department of Home-
25 land Security in the case of the Coast Guard) whom
26 the Secretary concerned determines are providing

1 support to members of the Armed Forces described
2 in paragraph (1);

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

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

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

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

22 (8) such sums as are necessary to provide pay-
23 ment or reimbursement of authorized funeral travel
24 and travel related to the dignified transfer of re-

1 mains and unit memorial services under section 481f
2 of title 37, United States Code; and

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

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

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

19 (1) the Secretary of Defense with respect to
20 matters concerning the Department of Defense; and

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

1 **SEC. 3. REQUIRING REDUCTION OF PAY OF MEMBERS OF**
2 **CONGRESS IF GOVERNMENT SHUTDOWN OC-**
3 **CURS.**

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

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

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

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

18 (c) SPECIAL RULE FOR ONE HUNDRED FIFTEENTH
19 CONGRESS.—

20 (1) HOLDING SALARIES IN ESCROW.—If on any
21 day during the One Hundred Fifteenth Congress a
22 Government shutdown is in effect, the payroll ad-
23 ministrator of that House of Congress shall—

24 (A) withhold from the payments otherwise
25 required to be made with respect to a pay pe-
26 riod for the compensation of each Member of

1 Congress who serves in that House of Congress
2 an amount equal to the product of—

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

8 (ii) the number of 24-hour periods
9 during which the Government shutdown is
10 in effect which occur during the pay pe-
11 riod; and

12 (B) deposit in an escrow account all
13 amounts withheld under paragraph (1).

14 (2) RELEASE OF AMOUNTS AT END OF THE
15 CONGRESS.—In order to ensure that this section is
16 carried out in a manner that shall not vary the com-
17 pensation of Senators or Representatives in violation
18 of the twenty-seventh article of amendment to the
19 Constitution of the United States, the payroll ad-
20 ministrator of a House of Congress shall release for
21 payments to Members of that House of Congress
22 any amounts remaining in any escrow account under
23 this section on the last day of the One Hundred Fif-
24 teenth Congress.

1 (3) ROLE OF SECRETARY OF THE TREASURY.—

2 The Secretary of the Treasury shall provide the pay-
3 roll administrators of the Houses of Congress with
4 such assistance as may be necessary to enable the
5 payroll administrators to carry out this section.

6 (4) EXCEPTION FOR DAYS OCCURRING AFTER

7 GENERAL ELECTION.—This section does not apply
8 with respect to any day during the One Hundred
9 Fifteenth Congress which occurs after the date of
10 the regularly scheduled general election for Federal
11 office held in November 2018.

12 (d) DETERMINATION OF GOVERNMENT SHUT-

13 DOWN.—For purposes of this section, a Government shut-
14 down shall be considered to be in effect if there is a lapse
15 in appropriations for any Federal agency or department
16 as a result of a failure to enact a regular appropriations
17 bill or continuing resolution.

18 (e) DEFINITIONS.—In this section:

19 (1) The term “Member of Congress” means an
20 individual serving in a position under subparagraph
21 (A), (B), or (C) of section 601(a) of the Legislative
22 Reorganization Act of 1946 (2 U.S.C. 4501).

23 (2) The term “payroll administrator” of a
24 House of Congress means—

1 (A) in the case of the House of Represent-
2 atives, the Chief Administrative Officer of the
3 House of Representatives, or an employee of
4 the Office of the Chief Administrative Officer
5 who is designated by the Chief Administrative
6 Officer to carry out this section; and
7 (B) in the case of the Senate, the Sec-
8 retary of the Senate, or an employee of the Of-
9 fice of the Secretary of the Senate who is des-
10 ignated by the Secretary to carry out this sec-
11 tion.