

116TH CONGRESS
1ST SESSION

H. R. 834

To amend title 31, United States Code, to provide for automatic continuing appropriations, to prohibit the use of funds for the official travel of Members of Congress and executive branch employees and other activities during any period in which such automatic continuing appropriations are in effect, to withhold the pay of Members of Congress during any period in which such automatic continuing appropriations are in effect, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2019

Ms. HOULAHAN (for herself, Ms. SLOTKIN, Mr. PHILLIPS, Mr. ALLRED, Mrs. AXNE, Mr. CISNEROS, Mrs. CRAIG, Ms. FINKENAUER, Mr. HARDER of California, Ms. KENDRA S. HORN of Oklahoma, Mr. KIM, Mrs. LEE of Nevada, Mr. MALINOWSKI, Mr. MCADAMS, Ms. MUCARSEL-POWELL, Mr. PAPPAS, Mr. ROSE of New York, Ms. SHERRILL, Ms. SPANBERGER, Ms. TORRES SMALL of New Mexico, and Mrs. TRAHAN) 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 Rules, 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 prohibit the use of funds for the official travel of Members of Congress and executive branch employees and other activities during any period in which such automatic continuing appropriations are in effect, to withhold the pay of Members of Congress during any period in which such auto-

matic 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 Shutdown to End All
 5 Shutdowns Act”.

6 **SEC. 2. AUTOMATIC CONTINUING APPROPRIATIONS.**

7 (a) IN GENERAL.—Chapter 13 of title 31, United
 8 States Code, is amended by inserting after section 1310
 9 the following new section:

10 **“SEC. 1311. CONTINUING APPROPRIATIONS.**

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

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

19 “(B) if the corresponding appropriation bill for
 20 such preceding fiscal year did not become law, then
 21 in a joint resolution making continuing appropria-
 22 tions for such preceding fiscal year.

23 “(2)(A) Appropriations and funds made available,
 24 and authority granted, for a program, project, or activity

1 for any fiscal year pursuant to this section shall be at a
2 rate of operations not in excess of the lower of—

3 “(i) 100 percent of the rate of operations pro-
4 vided for in the regular appropriation Act providing
5 for such program, project, or activity for the pre-
6 ceding fiscal year;

7 “(ii) in the absence of such an Act, 100 percent
8 of the rate of operations provided for such program,
9 project, or activity pursuant to a joint resolution
10 making continuing appropriations for such preceding
11 fiscal year; or

12 “(iii) 100 percent of the annualized rate of op-
13 erations provided for in the most recently enacted
14 joint resolution making continuing appropriations
15 for part of that fiscal year or any funding levels es-
16 tablished under the provisions of this Act.

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

20 “(3) Appropriations and funds made available, and
21 authority granted, for any fiscal year pursuant to this sec-
22 tion for a program, project, or activity shall be available
23 for the period beginning with the first day of a lapse in
24 appropriations and ending with the date on which the ap-
25 plicable regular appropriation bill for such fiscal year be-

1 comes law (whether or not such law provides for such pro-
2 gram, project, or activity) or a continuing resolution mak-
3 ing appropriations becomes law, as the case may be.

4 “(b) An appropriation or funds made available, or au-
5 thority granted, for a program, project, or activity for any
6 fiscal year pursuant to this section shall be subject to the
7 terms and conditions imposed with respect to the appro-
8 priation made or funds made available for the preceding
9 fiscal year, or authority granted for such program, project,
10 or activity under current law.

11 “(c) Expenditures made for a program, project, or
12 activity for any fiscal year pursuant to this section shall
13 be charged to the applicable appropriation, fund, or au-
14 thorization whenever a regular appropriation bill or a joint
15 resolution making continuing appropriations until the end
16 of a fiscal year providing for such program, project, or
17 activity for such period becomes law.

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

22 “(1) makes an appropriation, makes funds
23 available, or grants authority for such program,
24 project, or activity to continue for such period; or

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

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

“1311. Continuing appropriations.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply with respect to fiscal year 2020
11 and each succeeding fiscal year.

12 **SEC. 3. PROHIBITING USE OF FUNDS FOR CERTAIN GOV-**
13 **ERNMENT ACTIVITIES WHILE AUTOMATIC**
14 **CONTINUING APPROPRIATIONS ARE IN EF-**
15 **FECT.**

16 (a) PROHIBITION.—During the period described in
17 subsection (c), no appropriated funds, including official
18 funds of the House of Representatives, official funds of
19 the Senate, or funds available under any Federal law, rule,
20 or regulation, may be used to pay for the costs of any
21 of the following:

22 (1) TRAVEL BY MEMBERS OF CONGRESS.—
23 Travel by a Member of Congress (except as provided
24 in paragraph (1) of subsection (b)).

1 (2) TRAVEL BY EXECUTIVE BRANCH EMPLOY-
2 EES.—Travel by an employee of an executive agency
3 (except as provided in paragraph (2) of subsection
4 (b)).

5 (3) BONUSES AND OTHER PAY INCENTIVES.—
6 Payments to covered political appointees for reloca-
7 tion expenses or allowances, differentials, bonuses,
8 awards, or other similar cash payments under title
9 5, United States Code, or any other provision of law.

10 (4) RECEPTION AND REPRESENTATION EX-
11 PENSES.—Official reception and representation ex-
12 penses.

13 (5) EXERCISE FACILITIES AND GOLF
14 COURSES.—The operation of an exercise facility or
15 golf course.

16 (b) EXCEPTIONS.—

17 (1) TRAVEL BY MEMBERS TO WASHINGTON
18 METROPOLITAN AREA.—Subsection (a) does not
19 apply with respect to travel by a Member of Con-
20 gress to the Washington Metropolitan Area.

21 (2) WAIVERS IN CASE OF EMERGENCY OR
22 THREATS TO SECURITY.—The head of an executive
23 agency may waive the application of subsection (a)
24 to travel by an employee of the agency if the head
25 of the agency determines that travel by the employee

1 is necessary to respond to a threat to national secu-
2 rity, a significant law enforcement event, or a nat-
3 ural disaster or other similar emergency.

4 (c) PERIOD DESCRIBED.—The period described in
5 this paragraph is the period that—

6 (1) begins on the 31st consecutive day on which
7 appropriations and funds are made available pursu-
8 ant to section 1311 of title 31, United States Code
9 (as added by section 2(a)); and

10 (2) ends on the date on which appropriations
11 and funds are no longer made available pursuant to
12 section 1311 of such title.

13 (d) DEFINITIONS.—In this section, the following defi-
14 nitions apply:

15 (1) The term “covered political appointee”
16 means any full-time, noncareer Presidential or Vice-
17 Presidential appointee, noncareer appointee in the
18 Senior Executive Service (or other SES-type sys-
19 tem), or appointee to a position that has been ex-
20 cepted from the competitive service by reason of
21 being of a confidential or policymaking character
22 (Schedule C and other positions excepted under com-
23 parable criteria) in an executive agency, but does not
24 include any individual appointed as a member of the

1 Senior Foreign Service or solely as a uniformed serv-
2 ice commissioned officer.

3 (2) The term “executive agency” has the mean-
4 ing given that term in section 105 of title 5, United
5 States Code, and includes the Executive Office of
6 the President, the United States Postal Service, and
7 Postal Regulatory Commission, but does not include
8 the Government Accountability Office.

9 (3) The term “Washington Metropolitan Area”
10 means the District of Columbia, the Counties of
11 Montgomery and Prince George’s in Maryland, and
12 the Counties of Arlington, Fairfax, Loudon, and
13 Prince William and the Cities of Alexandria and
14 Falls Church in Virginia.

15 **SEC. 4. PROHIBITING PAYING MEMBERS OF CONGRESS**
16 **WHILE AUTOMATIC CONTINUING APPRO-**
17 **PRIATIONS ARE IN EFFECT.**

18 (a) RULE FOR ONE HUNDRED SIXTEENTH CON-
19 GRESS.—

20 (1) HOLDING SALARIES IN ESCROW.—If a pay
21 period occurs during the One Hundred Sixteenth
22 Congress during the period described in paragraph
23 (2), the payroll administrator of each House of Con-
24 gress shall—

1 (A) deposit in an escrow account and ex-
2 clude from the payments otherwise required to
3 be made with respect to that pay period for the
4 compensation of each Member of Congress who
5 serves in that House of Congress an amount
6 equal to the product of—

7 (i) the daily rate of pay of the Mem-
8 ber under section 601(a) of the Legislative
9 Reorganization Act of 1946 (2 U.S.C.
10 4501); and

11 (ii) the number of 24-hour periods
12 during the pay period; and

13 (B) release amounts deposited in an es-
14 crow account under subparagraph (A) to such
15 Member of Congress only upon the expiration of
16 the period described in paragraph (2).

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

19 (A) begins on the 31st consecutive day on
20 which appropriations and funds are made avail-
21 able pursuant to section 1311 of title 31,
22 United States Code (as added by section 2(a));
23 and

24 (B) ends on the earlier of—

- 1 (i) the date on which appropriations
2 and funds are no longer made available
3 pursuant to section 1311 of such title; or
4 (ii) the last day of the One Hundred
5 Sixteenth Congress.

6 (3) WITHHOLDING AND REMITTANCE OF
7 AMOUNTS FROM PAYMENTS HELD IN ESCROW.—The
8 payroll administrator of each House of Congress
9 shall provide for the same withholding and remit-
10 tance with respect to a payment deposited in an es-
11 crow account under paragraph (1) that would apply
12 to the payment if the payment were not subject to
13 paragraph (1).

14 (4) RELEASE OF AMOUNTS AT END OF THE
15 CONGRESS.—In order to ensure that this subsection
16 is carried out in a manner that shall not vary the
17 compensation of Senators or Representatives in vio-
18 lation of the twenty-seventh amendment to the Con-
19 stitution of the United States, the payroll adminis-
20 trator of a House of Congress shall release for pay-
21 ment to Members of that House of Congress any
22 amounts remaining in any escrow account under this
23 section on the last day of the One Hundred Six-
24 teenth Congress.

25 (b) SUBSEQUENT CONGRESSES.—

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

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

13 (B) the number of 24-hour periods during
14 the pay period.

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

17 (A) begins on the 31st consecutive day on
18 which appropriations and funds are made avail-
19 able pursuant to section 1311 of title 31,
20 United States Code (as added by section 2(a));
21 and

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

1 (c) **ROLE OF SECRETARY OF THE TREASURY.**—The
2 Secretary of the Treasury shall provide the payroll admin-
3 istrator of each House of Congress with such assistance
4 as may be necessary to enable the payroll administrator
5 to carry out this section.

6 (d) **DEFINITION.**—In this section, the term “payroll
7 administrator”, with respect to a House of Congress,
8 means—

9 (1) in the case of the House of Representatives,
10 the Chief Administrative Officer of the House of
11 Representatives, or an employee of the Office of the
12 Chief Administrative Officer who is designated by
13 the Chief Administrative Officer to carry out this
14 section; and

15 (2) in the case of the Senate, the Secretary of
16 the Senate, or an employee of the Office of the Sec-
17 retary of the Senate who is designated by the Sec-
18 retary to carry out this section.

19 **SEC. 5. QUORUM CALLS.**

20 On each day on which appropriations and funds are
21 made available pursuant to section 1311 of title 31,
22 United States Code (as added by section 2(a)), including
23 weekends and legal public holidays, each House of Con-
24 gress shall convene and hold a quorum call of its members.

1 **SEC. 6. MEMBER OF CONGRESS DEFINED.**

2 In this Act, the term “Member of Congress” means
3 a Senator or a Representative in, or Delegate or Resident
4 Commissioner to, the Congress.

