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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To provide for the payment of certain Federal Government employees during any lapse in discretionary appropriations and to withhold the payment of salaries to Members of Congress, the President, and the Vice President during a Government shutdown, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the payment of certain Federal Government employees during any lapse in discretionary appropriations and to withhold the payment of salaries to Members of Congress, the President, and the Vice President during a Government shutdown, 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 “Make America Govern
5 Again Act” or the “MAGA Act”.

1 **SEC. 2. ENSURING PAY OF CERTAIN FEDERAL GOVERN-**
2 **MENT EMPLOYEES DURING LAPSE IN DIS-**
3 **CRETIONARY APPROPRIATIONS.**

4 (a) IN GENERAL.—There are hereby appropriated,
5 out of any money in the Treasury not otherwise appro-
6 priated, during any lapse in discretionary appropriations
7 beginning on or after the date of the enactment of this
8 Act, such sums as are necessary for the salary and ex-
9 penses of any employee in the civil service or the uni-
10 formed services (as those terms are defined in section
11 2101 of title 5, United States Code).

12 (b) EXCEPTION.—Subsection (a) shall not apply to—
13 (1) the head of any Executive department (as
14 that term is defined in section 101 of such title); or
15 (2) any deputy secretary (or equivalent) of such
16 a department.

17 **SEC. 3. PROHIBITING PAYING SALARIES OF MEMBERS OF**
18 **CONGRESS DURING GOVERNMENT SHUT-**
19 **DOWS.**

20 (a) RULE FOR ONE HUNDRED NINETEENTH CON-
21 GRESS.—

22 (1) HOLDING SALARIES IN ESCROW.—If on any
23 day during a pay period occurring during the One
24 Hundred Nineteenth Congress a Government shut-
25 down is in effect, the payroll administrator of each
26 House of Congress 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 during which the
13 Government shutdown is in effect; and

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

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

20 (A) begins on the first day on which the
21 applicable Government shutdown is in effect;
22 and

23 (B) ends on the earlier of—

1 (i) the date on which the applicable
2 Government shutdown is no longer in ef-
3 fect; or

4 (ii) the last day of the One Hundred
5 Nineteenth 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 Nine-
24 teenth Congress.

25 (b) SUBSEQUENT CONGRESSES.—

1 (1) HOLDING SALARIES IN ESCROW.—On and
2 after the first day of the One Hundred Twentieth
3 Congress, if on any day during a pay period a Gov-
4 ernment shutdown is in effect, the payroll adminis-
5 trator 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 under section 601(a) of the Legislative
14 Reorganization Act of 1946 (2 U.S.C.
15 4501); and

16 (ii) the number of 24-hour periods
17 during the pay period during which the
18 Government shutdown is in effect; and

19 (B) release amounts deposited in an es-
20 crow account under subparagraph (A) to such
21 Member of Congress only upon the expiration of
22 the period described in paragraph (2).

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

1 (A) begins on the first day on which the
2 applicable Government shutdown is in effect;
3 and

4 (B) ends on the earlier of—

5 (i) the date on which the applicable
6 Government shutdown is no longer in ef-
7 fect; or

8 (ii) the last day of the Congress dur-
9 ing which the period began under subpara-
10 graph (A).

11 (c) ROLE OF SECRETARY OF THE TREASURY.—The
12 Secretary of the Treasury shall provide the payroll admin-
13 istrator of each House of Congress with such assistance
14 as may be necessary to enable the payroll administrator
15 to carry out this Act.

16 (d) DEFINITIONS.—In this section—

17 (1) the term “Member of Congress” means an
18 individual serving in a position covered under sub-
19 paragraph (A), (B), or (C) of section 601(a)(1) of
20 the Legislative Reorganization Act of 1946 (2
21 U.S.C. 4501(1)); and

22 (2) the term “payroll administrator”, with re-
23 spect to a House of Congress, means—

24 (A) in the case of the House of Represent-
25 atives, the Chief Administrative Officer of the

1 House of Representatives, or an employee of
2 the Office of the Chief Administrative Officer
3 who is designated by the Chief Administrative
4 Officer to carry out this Act; and

5 (B) in the case of the Senate, the Sec-
6 retary of the Senate, or an employee of the Of-
7 fice of the Secretary of the Senate who is des-
8 ignated by the Secretary to carry out this Act.

9 **SEC. 4. PROHIBITING PAYING SALARIES OF PRESIDENT**
10 **AND VICE PRESIDENT DURING GOVERNMENT**
11 **SHUTDOWNS.**

12 (a) HOLDING SALARIES IN ESCROW.—If on any day
13 during a pay period occurring during the term of office
14 of the President or Vice President a Government shut-
15 down is in effect, the Director of the Office of Personnel
16 Management shall—

17 (1) deposit in an escrow account and exclude
18 from the payments otherwise required to be made
19 with respect to that pay period for the compensation
20 of the President and the Vice President an amount
21 equal to the product of—

22 (A) the daily rate of pay of the President
23 or Vice President (as the case may be) under
24 applicable law; and

1 (B) the number of 24-hour periods during
2 the pay period during which the Government
3 shutdown is in effect; and

4 (2) release amounts deposited in an escrow ac-
5 count under paragraph (1) to the President and the
6 Vice President only upon the expiration of the period
7 described in subsection (b).

8 (b) PERIOD DESCRIBED.—The period described in
9 this subsection is the period that—

10 (1) begins on the first day on which the appli-
11 cable Government shutdown is in effect; and

12 (2) ends on the earlier of—

13 (A) the date on which the applicable Gov-
14 ernment shutdown is no longer in effect; or

15 (B) the last day of the term of office of the
16 President and Vice President during which the
17 period begins.

18 (c) WITHHOLDING AND REMITTANCE OF AMOUNTS
19 FROM PAYMENTS HELD IN ESCROW.—The Director of
20 the Office of Personnel Management shall provide for the
21 same withholding and remittance with respect to a pay-
22 ment deposited in an escrow account under subsection (a)
23 that would apply to the payment if the payment were not
24 subject to subsection (a).

1 (d) RELEASE OF AMOUNTS AT END OF TERM.—The
2 Director of the Office of Personnel Management shall re-
3 lease for payment to the President and Vice President any
4 amounts remaining in the escrow account under this sec-
5 tion on the last day of the term of office of the President
6 and Vice President during which the period described in
7 subsection (b) begins.

8 **SEC. 5. PROHIBITING PAYING SALARIES OF CERTAIN EXEC-**
9 **UTIVE EMPLOYEES DURING GOVERNMENT**
10 **SHUTDOWNS.**

11 During any period in which a Government shutdown
12 is in effect, no funds may be made available for the salary
13 and expenses of any officer or employee in the Executive
14 Office of the President who occupies a position—

15 (1) described under sections 5312 through 5316
16 of title 5, United States Code (relating to the Execu-
17 tive Schedule);

18 (2) under a noncareer appointment in the Sen-
19 ior Executive Service, as defined under paragraph
20 (7) of section 3132(a) of such title; or

21 (3) in the executive branch of the Government
22 of a confidential or policy-determining character
23 under schedule C of subpart C of part 213 of title
24 5, Code of Federal Regulations.

1 **SEC. 6. DETERMINATION OF GOVERNMENT SHUTDOWN.**

2 For purposes of this Act, a Government shutdown
3 shall be considered to be in effect if there is a lapse in
4 appropriations for any Federal agency or department as
5 a result of a failure to enact a regular appropriations bill
6 or continuing resolution.