

**[Discussion Draft]**  
**AMENDMENT TO H.R. 1**  
**OFFERED BY MR. FITZPATRICK OF**  
**PENNSYLVANIA**

At the end of subtitle E of title IX, insert the following (and redesignate the subsequent subtitle and section accordingly):

1       **Subtitle F—Pay for Members of**  
2                                   **Congress**

3       **SEC. 9401. SHORT TITLE.**

4           This subtitle may be cited as the “No Work, No Pay  
5 Act of 2021”.

6       **SEC. 9402. PROHIBITING PAYING MEMBERS OF CONGRESS**  
7                                   **DURING GOVERNMENT SHUTDOWNS.**

8           (a) RULE FOR THE ONE HUNDRED SEVENTEENTH  
9 CONGRESS.—

10                   (1) HOLDING SALARIES IN ESCROW.—If on any  
11 day during a pay period occurring during the One  
12 Hundred Seventeenth Congress a Government shut-  
13 down is in effect, the payroll administrator of each  
14 House of Congress shall—

15                                   (A) deposit in an escrow account and ex-  
16 clude from the payments otherwise required to

1           be made with respect to that pay period for the  
2           compensation of each Member of Congress who  
3           serves in that House of Congress an amount  
4           equal to the product of—

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

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

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

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

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

21                   (B) ends on the earlier of—

22                           (i) the date on which the applicable  
23                           Government shutdown is no longer in ef-  
24                           fect; or

1 (ii) the last day of the One Hundred  
2 Seventeenth Congress.

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

11 (4) RELEASE OF AMOUNTS AT THE END OF  
12 THE CONGRESS.—In order to ensure that this sub-  
13 section is carried out in a manner that shall not  
14 vary the compensation of Senators or Representa-  
15 tives in violation of the of the twenty-seventh amend-  
16 ment to the Constitution of the United States, the  
17 payroll administrator of a House of Congress shall  
18 release for payment to Members of that House of  
19 Congress any amounts remaining in any escrow ac-  
20 count under this section on the last day of the One  
21 Hundred Seventeenth Congress.

22 (b) SUBSEQUENT CONGRESSES.—On and after the  
23 first day of the One Hundred Eighteenth Congress, if on  
24 any day during a pay period a Government shutdown is  
25 in effect, the payroll administrator of each House of Con-

1 gress shall exclude from the payments otherwise required  
2 to be made with respect to that pay period for the com-  
3 pensation of each Member of Congress who serves in that  
4 House of Congress an amount equal to the product of—

5 (1) the daily rate of pay of the Member under  
6 section 601(a) of the Legislative Reorganization Act  
7 of 1946 (2 U.S.C. 4501); and

8 (2) the number of 24-hour periods during the  
9 pay period during which the Government shutdown  
10 is in effect.

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 **SEC. 9403. DEFINITIONS.**

17 In this subtitle:

18 (1) **GOVERNMENT SHUTDOWN.**—The term  
19 “Government shutdown” means a lapse in appro-  
20 priations for 1 or more Federal agencies or depart-  
21 ments as a result of a failure to enact a regular ap-  
22 propriations bill or continuing resolution.

23 (2) **MEMBER OF CONGRESS.**—The term “Mem-  
24 ber of Congress” means an individual serving in a  
25 position covered under subparagraph (A), (B), or

1 (C) of section 601(a)(1) of the Legislative Reorga-  
2 nization Act of 1946 (2 U.S.C. 4501(a)(1)).

3 (3) PAYROLL ADMINISTRATOR.—The term  
4 “payroll administrator”, with respect to a House of  
5 Congress, means—

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

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

