

116TH CONGRESS
1ST SESSION

H. R. 5085

To remove the discretionary inflater from the baseline and to provide that the salaries of Members of a House of Congress will be held in escrow if that House has not agreed to a concurrent resolution on the budget for fiscal year 2022.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2019

Mr. BIGGS (for himself and Mr. NORMAN) introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committees on House Administration, and Oversight and Reform, 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 remove the discretionary inflater from the baseline and to provide that the salaries of Members of a House of Congress will be held in escrow if that House has not agreed to a concurrent resolution on the budget for fiscal year 2022.

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 “Budget Process En-
5 hancement Act”.

1 **TITLE I—CHANGES IN THE**
2 **BASELINE**

3 **SEC. 101. CHANGES IN THE BASELINE.**

4 Section 257(c) of the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985 is amended—

6 (1) in the second sentence of paragraph (1), by
7 striking everything that follows “current year,” and
8 inserting “excluding resources designated as an
9 emergency requirement and any resources provided
10 in supplemental appropriation laws.”;

11 (2) by striking paragraphs (2), (3), (4), and
12 (5);

13 (3) by redesignating paragraph (6) as para-
14 graph (2); and

15 (4) by inserting after paragraph (2) the fol-
16 lowing new paragraph:

17 “(3) NO ADJUSTMENT FOR INFLATION.—No
18 adjustment shall be made for inflation or for any
19 other factor.”.

1 **TITLE II—BUDGET ACCOUNT-**
2 **ABILITY OF MEMBERS OF**
3 **CONGRESS**

4 **SEC. 201. HOLDING SALARIES OF MEMBERS OF CONGRESS**
5 **IN ESCROW UPON FAILURE TO AGREE TO**
6 **BUDGET RESOLUTION.**

7 (a) HOLDING SALARIES IN ESCROW.—

8 (1) IN GENERAL.—If by April 15, 2021, a
9 House of Congress has not agreed to a concurrent
10 resolution on the budget for fiscal year 2022 pursu-
11 ant to section 301 of the Congressional Budget Act
12 of 1974, during the period described in paragraph
13 (2) the payroll administrator of that House of Con-
14 gress shall deposit in an escrow account all pay-
15 ments otherwise required to be made during such
16 period for the compensation of Members of Congress
17 who serve in that House of Congress, and shall re-
18 lease such payments to such Members only upon the
19 expiration of such period.

20 (2) PERIOD DESCRIBED.—With respect to a
21 House of Congress, the period described in this
22 paragraph is the period which begins on April 16,
23 2021, and ends on the earlier of—

24 (A) the day on which the House of Con-
25 gress agrees to a concurrent resolution on the

1 budget for fiscal year 2021 pursuant to section
2 301 of the Congressional Budget Act of 1974;
3 or

4 (B) the last day of the One Hundred Sev-
5 enteenth Congress.

6 (3) WITHHOLDING AND REMITTANCE OF
7 AMOUNTS FROM PAYMENTS HELD IN ESCROW.—The
8 payroll administrator shall provide for the same
9 withholding and remittance with respect to a pay-
10 ment deposited in an escrow account under para-
11 graph (1) that would apply to the payment if the
12 payment were not subject to paragraph (1).

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

24 (5) ROLE OF SECRETARY OF THE TREASURY.—
25 The Secretary of the Treasury shall provide the pay-

1 roll administrators of the Houses of Congress with
2 such assistance as may be necessary to enable the
3 payroll administrators to carry out this section.

4 (b) TREATMENT OF DELEGATES AS MEMBERS.—In
5 this section, the term “Member of Congress” includes a
6 Delegate or Resident Commissioner to the Congress.

7 (c) PAYROLL ADMINISTRATOR DEFINED.—In this
8 section, the term “payroll administrator” of a House of
9 Congress means—

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

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

20 **SEC. 202. DETERMINATION OF COMPLIANCE WITH STATU-**
21 **TORY REQUIREMENT TO SUBMIT THE PRESI-**
22 **DENT’S BUDGET.**

23 Not later than 3 days after the President’s budget
24 is due, the Inspector General of the Office of Personnel
25 Management shall—

1 (1) make an annual determination of whether
2 the Director of the Office of Management and Budg-
3 et (OMB) and the President are in compliance with
4 section 1105 of title 31, United States Code; and

5 (2) provide a written notification of such deter-
6 mination to the Chairs of the Committee on the
7 Budget and the Committee on Appropriations of the
8 Senate and the Chairs of the Committee on the
9 Budget and the Committee on Appropriations of the
10 House of Representatives.

11 **SEC. 203. NO PAY UPON FAILURE TO TIMELY SUBMIT THE**
12 **PRESIDENT'S BUDGET TO CONGRESS.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of law, no funds may be appropriated or otherwise
15 be made available from the United States Treasury for
16 the pay of the Director of OMB, Deputy Director of OMB,
17 and the Deputy Director for Management of OMB during
18 any period of noncompliance determined by the Inspector
19 General of the Office of Personnel Management under sec-
20 tion 202.

21 (b) NO RETROACTIVE PAY.—The Director of OMB,
22 Deputy Director of OMB, and the Deputy Director for
23 Management of OMB may not receive pay for any period
24 of noncompliance determined by the Inspector General of

1 the Office of Personnel Management under section 202
2 at any time after the end of that period.

3 **SEC. 204. EFFECTIVE DATE.**

4 Sections 202 and 203 shall take effect upon the date
5 of enactment of this Act.

