

118TH CONGRESS  
1ST SESSION

# H. R. 5805

To amend the Federal Election Campaign Act of 1971 to prohibit Members of Congress from making direct and personal solicitations of campaign funds or making campaign expenditures during a Government shutdown, to reduce the pay of Members of Congress if a Government shutdown takes effect, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2023

Mr. MILLER of Ohio (for himself and Mr. COLLINS) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Accountability, 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

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## A BILL

To amend the Federal Election Campaign Act of 1971 to prohibit Members of Congress from making direct and personal solicitations of campaign funds or making campaign expenditures during a Government shutdown, to reduce the pay of Members of Congress if a Government shutdown takes 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Work, No Pay Act  
3 of 2023”.

4 **SEC. 2. PROHIBITING MEMBERS OF CONGRESS FROM EN-**  
5 **GAGING IN CERTAIN CAMPAIGN ACTIVITIES**  
6 **DURING GOVERNMENT SHUTDOWN.**

7 Title III of the Federal Election Campaign Act of  
8 1971 (52 U.S.C. 30101 et seq.) is amended by adding at  
9 the end the following new section:

10 **“SEC. 325. PROHIBITING MEMBERS OF CONGRESS FROM**  
11 **ENGAGING IN CERTAIN CAMPAIGN ACTIVI-**  
12 **TIES DURING GOVERNMENT SHUTDOWN.**

13 “(a) **DIRECT AND PERSONAL SOLICITATION OF CON-**  
14 **TRIBUTIONS.**—An individual holding the office of Senator  
15 or Representative in, or Delegate or Resident Commis-  
16 sioner to, the Congress may not make a direct and per-  
17 sonal solicitation of funds in connection with an election  
18 for Federal office at any time during which a Government  
19 shutdown is in effect.

20 “(b) **EXPENDITURES BY AUTHORIZED COMMIT-**  
21 **TEES.**—An authorized committee of a candidate who is an  
22 individual holding the office of Senator or Representative  
23 in, or Delegate or Resident Commissioner to, the Congress  
24 may not make an expenditure in connection with an elec-  
25 tion for Federal office at any time during which a Govern-  
26 ment shutdown is in effect.

1       “(c) DETERMINATION OF GOVERNMENT SHUT-  
2 DOWN.—For purposes of this section, a Government shut-  
3 down shall be considered to be in effect if there is a lapse  
4 in appropriations for any Federal agency or department  
5 as a result of a failure to enact a regular appropriations  
6 bill or continuing resolution.”.

7 **SEC. 3. REDUCTION OF PAY OF MEMBERS OF CONGRESS IF**  
8 **GOVERNMENT SHUTDOWN OCCURS.**

9       (a) REDUCTION OF PAY FOR EACH DAY OF GOVERN-  
10 MENT SHUTDOWN.—

11           (1) REDUCTION.—If on any day during a year  
12 a Government shutdown is in effect, the annual rate  
13 of pay applicable under section 601(a) of the Legis-  
14 lative Reorganization Act of 1946 (2 U.S.C. 4501)  
15 with respect to each Member of Congress for the  
16 year shall be reduced by an amount equal to the  
17 product of—

18                   (A) an amount equal to one day’s worth of  
19 pay under such annual rate; and

20                   (B) the number of 24-hour periods during  
21 which the Government shutdown is in effect.

22       (2) EFFECTIVE DATE.—This subsection shall  
23 apply with respect to days occurring after the date  
24 of the regularly scheduled general election for Fed-  
25 eral office held in November 2024.

1 (b) SPECIAL RULE FOR ONE HUNDRED EIGHT-  
2 EENTH CONGRESS.—

3 (1) HOLDING SALARIES IN ESCROW.—If on any  
4 day during the One Hundred Eighteenth Congress a  
5 Government shutdown is in effect, the payroll ad-  
6 ministrator of that House of Congress shall—

7 (A) withhold from the payments otherwise  
8 required to be made with respect to a pay pe-  
9 riod for the compensation of each Member of  
10 Congress who serves in that House of Congress  
11 an amount equal to the product of—

12 (i) an amount equal to one day's  
13 worth of pay under the annual rate of pay  
14 applicable to the Member under section  
15 601(a) of the Legislative Reorganization  
16 Act of 1946 (2 U.S.C. 4501); and

17 (ii) the number of 24-hour periods  
18 during which the Government shutdown is  
19 in effect which occur during the pay pe-  
20 riod; and

21 (B) deposit in an escrow account all  
22 amounts withheld under paragraph (1).

23 (2) RELEASE OF AMOUNTS AT END OF THE  
24 CONGRESS.—In order to ensure that this subsection  
25 is carried out in a manner that shall not vary the

1 compensation of Senators or Representatives in vio-  
2 lation of the twenty-seventh article of amendment to  
3 the Constitution of the United States, the payroll  
4 administrator of a House of Congress shall release  
5 for payments to Members of that House of Congress  
6 any amounts remaining in any escrow account under  
7 this subsection on the last day of the One Hundred  
8 Eighteenth Congress.

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

10 The Secretary of the Treasury shall provide the pay-  
11 roll administrators of the Houses of Congress with  
12 such assistance as may be necessary to enable the  
13 payroll administrators to carry out this subsection.

14 (4) PAYROLL ADMINISTRATOR DEFINED.—In

15 this subsection, the “payroll administrator” of a  
16 House of Congress means—

17 (A) in the case of the House of Represent-  
18 atives, the Chief Administrative Officer of the  
19 House of Representatives, or an employee of  
20 the Office of the Chief Administrative Officer  
21 who is designated by the Chief Administrative  
22 Officer to carry out this subsection; and

23 (B) in the case of the Senate, the Sec-  
24 retary of the Senate, or an employee of the Of-  
25 fice of the Secretary of the Senate who is des-

1           ignated by the Secretary to carry out this sub-  
2           section.

3           (5) EXCEPTION FOR DAYS OCCURRING AFTER  
4           GENERAL ELECTION.—This subsection does not  
5           apply with respect to any day during the One Hun-  
6           dred Eighteenth Congress which occurs after the  
7           date of the regularly scheduled general election for  
8           Federal office held in November 2024.

9   **SEC. 4. PROHIBITING MEMBER OFFICIAL TRAVEL DURING**  
10                                   **SHUTDOWN.**

11           (a) PROHIBITION.—Except as provided in subsection  
12           (b), no appropriated funds, including official funds of the  
13           House of Representatives, official funds of the Senate, or  
14           funds available under any Federal law, rule, or regulation,  
15           may be used to pay for the costs of travel by a Member  
16           of Congress during any period in which a Government  
17           shutdown is in effect.

18           (b) EXCEPTION FOR TRAVEL BY MEMBER TO WASH-  
19           INGTON METROPOLITAN AREA.—Subsection (a) does not  
20           apply with respect to travel by a Member of Congress to  
21           the Washington Metropolitan Area.

22           (c) WASHINGTON METROPOLITAN AREA DEFINED.—  
23           In this section, the term “Washington Metropolitan Area”  
24           means the District of Columbia, the Counties of Mont-  
25           gomery and Prince Georges in Maryland, and the Counties

1 of Arlington, Fairfax, Loudon, and Prince William and the  
2 Cities of Alexandria and Falls Church in Virginia.

3 **SEC. 5. DETERMINATION OF GOVERNMENT SHUTDOWN.**

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

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

10 In this Act, the term “Member of Congress” means  
11 an individual serving in a position under subparagraph  
12 (A), (B), or (C) of section 601(a) of the Legislative Reor-  
13 ganization Act of 1946 (2 U.S.C. 4501).

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