



Legislative Bulletin.....April 1, 2011

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H.R. 1255—Government Shutdown Prevention Act

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Order of Business: The bill is scheduled to be considered on Friday, April 1, 2011 under a yet to be determined rule.

Summary:

Enactment of House-Passed CR Should Senate Fail to Act: The legislation would enact [H.R. 1](#), the FY 2011 Full-Year Continuing Appropriations Act, into law *if* the Senate has not passed legislation to wrap up the FY 2011 appropriations bills before April 6, 2011 (which would be just two days before the government runs out of funding authority).

It is important to note that the bill would do nothing to change the fact that, just like any other bill, it has to be passed by the Senate and signed by the President to become law.

However, passage of the legislation would mean that the House will have handed the Senate two bills (H.R. 1 and this legislation) that, should the Senate consent to them, would lead to a final resolution of the FY 2011 process. The Senate has yet to make any progress on passing any legislation to this end.

Member/President Pay in Event of Government Shutdown: The legislation suspends pay of all Congressmen (Senators and Representatives) in the event that Congress fails to pass legislation keeping the government open—if it is of a duration of more than 24 hours. This would also apply if the debt limit is breached for more than 24 hours.

These provisions concerning pay would also apply to the President.

Additional Background: The previous Congress failed to enact a final spending plan for FY 2011 (in fact, it failed to enact into law *any* of the twelve FY 2011 appropriations bills).

On February 19, 2011, the House passed [H.R. 1](#), the FY 2011 Full Year Continuing Resolution Appropriations Act. This legislation would enact a final FY 2011 spending level (through the remainder of the fiscal year) \$61 billion below last year's spending and \$100 billion below the President's request (approximately \$81 billion of this spending reduction was for

“non-security spending”). The Senate has yet to pass any legislation wrapping up the FY 2011 process.

This year, Congress has enacted two short-term continuing resolutions. The current one expires after April 8, 2011.

RSC Bonus Fact: The House-passed continuing resolution cuts spending by \$61 billion compared to FY 2010. At current deficit levels (\$1.425 trillion projected FY 2011 deficit under the President’s budget as scored by CBO), this would pay for just 16 days of deficit spending. Yet, Senate Democrats, and the President, argue the House-passed continuing resolution contains draconian spending cuts.

Committee Action: The legislation has not been considered by any committee.

Administration Position: No Statement of Administration Policy (SAP) is publicly available.

Cost to Taxpayers: No CBO score is available. In a world where the Senate decided to ignore the legislation’s deadline, but passed H.R. 1255, this legislation would reduce discretionary spending by \$61 billion compared to FY 2010. The bill could also lead to savings from reductions to pay of Members of Congress and the President.

Does the Bill Expand the Size and Scope of the Federal Government?: No. The legislation would reduce the size of the federal government (as noted above).

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No statement containing that information is available.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The bill contains no earmarks.

Constitutional Authority: According to the sponsor:

“Section 2 is enacted pursuant to the rulemaking powers provided in clause 2 of section 5 of article I of the United States Constitution in furtherance of the appropriation power provided in clause 7 of section 9 of article I of the Constitution and spending power provided in clause 1 of section 8 of article I of the Constitution.

Section 3(a) is enacted pursuant to the rulemaking powers provided in clause 2 of section 5 of article I of the United States Constitution. Section 3(a) is consistent with article XXVII in that it does not vary the compensation of Members and Senators but only seeks to regulate its disbursement during certain periods.

Section 3(b) is enacted pursuant to clause 18 of section 8 of article I of the United States Constitution. Section 3(b) is consistent with clause 7 of section 1 of article II of the United States Constitution in that it does not vary the compensation of the President but only seeks to regulate its disbursement during certain periods.”

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