

The Penalty for Failing to Produce a Federal Budget

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On 1 Apr 2011, the U. S. House of Representatives passed a bill specifying penalties for the failure of Congress and the President to pass, and sign into law, a budget for the U. S. government. The penalty is that the President and all members of Congress shall be deprived of their paychecks should a federal budget not be passed and agreed-to before the commencement of the fiscal year.

On the floor of the House, Rep. Steny Hoyer (D-MD) ridiculed the bill as an April Fool's joke, claiming, in so many words, that this was just another rhetorical trick led by the Republicans.

I must agree with Rep. Hoyer on this one.

First of all, this bill will never pass in the Senate. Even if it did, the President would never sign it. The Congress would never override the President's veto. Secondly, it is unconstitutional. Article 2, Section 1 of the U. S. Constitution states: "The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them." Therefore, the pay of the President cannot be altered, and the schedule of his compensation probably cannot be altered either. If the President is going to be paid, you can be sure that the members of Congress will ensure that they also get paid, even if late. It is exactly like the so-called "government shutdown" in the late 1990's. Every federal worker eventually got all their back pay. In the end, the federal workforce got a paid 5-week vacation at taxpayer expense.

But the whole thing really is a joke. What rational person believes that either the President or any member of Congress would be inconvenienced by a temporary (or even a real) loss of their paycheck? The vast majority of members of Congress are independently wealthy. So, this bill, even if enacted, would accomplish nothing.

If the members of Congress really were interested in imposing a penalty upon themselves and the President for their dereliction of duty, perhaps they could impose a penalty that matters. Here are a few ideas for them to consider.

Resolved, If Congress and the President fail to agree to a budget in a timely fashion:

- a) All Political Action Committees for which any member of Congress or the President is associated shall be abolished, and all contributions unspent are to be returned to the donors.
- b) All Congressional and Presidential re-election campaign funds shall be liquidated, and contributions unspent shall be returned to the donors.
- c) Every member of the Budget Committee in both Houses shall be fired from those positions, and replaced by members chosen by the leadership of their respective parties.

There is, of course, no chance that any of these could ever be voted on, since these penalties would strike at their power. So, you may be sure, my friends, that there will never be any true penalty for failure by the President or Congress.