

119TH CONGRESS
1ST SESSION

H. R. 5801

To appropriate funds for pay and allowances of excepted Federal employees for periods of work performed during a lapse in appropriations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 2025

Mr. JOHNSON of South Dakota (for himself, Mr. MACKENZIE, Mr. WIED, Mrs. BICE, Mr. ISSA, Mr. LAWLER, Mr. MANN, Mr. AUSTIN SCOTT of Georgia, and Mrs. MILLER-MEEKS) introduced the following bill; which was referred to the Committee on Appropriations

A BILL

To appropriate funds for pay and allowances of excepted Federal employees for periods of work performed during a lapse in appropriations, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Shutdown Fairness
5 Act”.

6 **SEC. 2. APPROPRIATIONS.**

7 (a) DEFINITIONS.—In this section—

1 (1) the term “agency” means each authority of
2 the executive, legislative, or judicial branch of the
3 Government of the United States;

4 (2) the term “excepted employee”—

5 (A) means an employee of an agency who
6 the head of that agency determines is an ex-
7 cepted employee or an employee performing
8 emergency work, as those terms are defined by
9 the Office of Personnel Management; and

10 (B) includes—

11 (i) a contractor who—

12 (I) provides support to an em-
13 ployee described in subparagraph (A);
14 and

15 (II) is required to perform work
16 during a lapse in appropriations, as
17 determined by the head of the agency
18 with respect to which the contractor
19 provides support; and

20 (ii) a member of the Armed Forces on
21 active duty; and

22 (3) the term “excepted work” means work per-
23 formed by an excepted employee during a period
24 during which interim or full-year appropriations for

1 the applicable fiscal year are not in effect for the ap-
2 plicable agency.

3 (b) APPROPRIATIONS.—For fiscal year 2026, and any
4 fiscal year thereafter, for any period during which interim
5 continuing appropriations or full-year appropriations for
6 that fiscal year are not in effect for an agency, there are
7 appropriated to the head of the agency, out of any money
8 in the Treasury not otherwise appropriated, such sums as
9 are necessary to provide standard rates of pay, allowances,
10 pay differentials, benefits, and other payments otherwise
11 payable on a regular basis to excepted employees of the
12 agency with respect to any period of excepted work per-
13 formed by the excepted employees.

14 (c) TERMINATION.—Appropriations and funds made
15 available and authority granted under subsection (b) shall
16 be available to the head of an agency until whichever of
17 the following first occurs:

18 (1) The enactment into law of appropriations
19 for the agency until the end of the applicable fiscal
20 year (including a continuing appropriation) that pro-
21 vide amounts for the purposes for which amounts
22 are made available under subsection (b).

23 (2) The enactment into law of appropriations
24 for the agency until the end of the applicable fiscal

1 year (including a continuing appropriation) without
2 any appropriation for such purposes.

3 (d) INTERIM CONTINUING APPROPRIATIONS.—Ap-
4 propriations made available under subsection (b) may not
5 be obligated by the head of an agency during any period
6 during which continuing appropriations for the purposes
7 for which amounts are made available under subsection
8 (b) are in effect for the agency.

9 (e) CHARGING TO FULL-YEAR APPROPRIATIONS.—
10 Obligations or expenditures made by the head of an agen-
11 cy pursuant to subsection (b) shall be charged to the appli-
12 cable appropriation for the agency whenever a regular ap-
13 propriation bill or a measure making continuing appro-
14 priations until the end of the applicable fiscal year for the
15 agency becomes law.

16 (f) RETROACTIVE EFFECTIVE DATE.—This Act shall
17 take effect as if enacted on September 30, 2025.

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