

119TH CONGRESS  
2D SESSION

# H. R. 7137

To appropriate funds for pay and allowances of Federal employees, contract employees, and members of the Armed Forces during a lapse in appropriations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2026

Mr. JOHNSON of South Dakota (for himself, Mr. GOTTHEIMER, Mr. MACKENZIE, Ms. GOODLANDER, Mr. MANN, Mr. PANETTA, Mr. WITTMAN, Mr. CARBAJAL, Mr. STEIL, Mr. GOLDEN of Maine, Mr. FITZPATRICK, Mr. SOTO, Mr. BRESNAHAN, Mr. KRISHNAMOORTHY, Mr. GARBARINO, and Mr. DAVIS of North Carolina) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committees on Armed Services, Oversight and Government Reform, House Administration, and the Judiciary, 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 appropriate funds for pay and allowances of Federal employees, contract employees, and members of the Armed Forces 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Shutdown Fairness  
3 Act”.

4 **SEC. 2. APPROPRIATIONS.**

5       (a) DEFINITIONS.—In this section—

6           (1) the term “agency”—

7               (A) means each authority of the executive,  
8               legislative, or judicial branch of the Government  
9               of the United States; and

10            (B) includes each element of the District  
11            of Columbia public employer, as defined in sec-  
12            tion 1341(c) of title 31, United States Code;

13            (2) the term “covered contractor” means a con-  
14            tractor—

15               (A) with which an agency has a contract;  
16               and

17               (B) that, under the contract described in  
18               subparagraph (A)—

19                   (i) provides support to an employee  
20                   described in paragraph (3)(A); and

21                   (ii) is required to perform work dur-  
22                   ing a lapse in regular appropriations with  
23                   respect to the agency to which the con-  
24                   tractor provides support, as described in  
25                   clause (i), based on a determination by the  
26                   head of that agency that incurring an obli-

1           gation to pay for that support in advance  
2           of available appropriations would be per-  
3           missible under applicable law, including  
4           section 1341 of title 31, United States  
5           Code;

6           (3) the term “covered employee”—

7           (A) means each employee of an agency,  
8           without regard to whether, for any portion of  
9           the period beginning on October 1, 2025, and  
10          ending on the date of enactment of this Act—

11           (i) the head of that agency determined  
12           that the individual was an excepted em-  
13           ployee or an employee performing emer-  
14           gency work; or

15           (ii) the individual was subject to fur-  
16           lough;

17          (B) includes—

18           (i) a member of the Armed Forces on  
19           active duty; and

20           (ii) a member of a reserve component  
21           who, during a lapse in regular appropria-  
22           tions with respect to the applicable agency,  
23           performs active service or inactive duty  
24           training; and

1 (C) only includes an individual described in  
2 subparagraph (A) or (B) who was an employee  
3 or member on, or had accepted an offer of em-  
4 ployment with the agency or had enlisted in or  
5 accepted an appointment to the Armed Forces  
6 (including a reserve component) on or before,  
7 the day before the date on which the applicable  
8 lapse in regular appropriations began;

9 (4) the term “lapse in regular appropriations”,  
10 with respect to an agency, means any period during  
11 which interim or full-year appropriations for the ap-  
12 plicable fiscal year are not in effect for the agency;  
13 and

14 (5) the term “standard employee compensa-  
15 tion” means, with respect to a covered employee, the  
16 standard rate of basic pay, allowances, pay differen-  
17 tials, benefits, and other payments otherwise payable  
18 on a regular basis to the covered employee.

19 (b) APPROPRIATIONS.—

20 (1) IN GENERAL.—For fiscal year 2026, and  
21 any fiscal year thereafter, for any lapse in regular  
22 appropriations with respect to an agency, there are  
23 appropriated to the head of the agency, out of any  
24 money in the Treasury not otherwise appropriated,  
25 such sums as are necessary to provide—

1 (A) standard employee compensation to  
2 covered employees of the agency with respect to  
3 the period of the lapse in regular appropria-  
4 tions; and

5 (B) payment to covered contractors with  
6 respect to work that those covered contractors  
7 are required to perform for the agency during  
8 the period of the lapse in regular appropria-  
9 tions, pursuant to the terms of applicable con-  
10 tracts with those covered contractors.

11 (2) AGENCY REQUIREMENT.—The head of each  
12 agency to whom amounts are made available under  
13 paragraph (1) shall provide standard employee com-  
14 pensation to covered employees of the agency—

15 (A) if there is a lapse in regular appropria-  
16 tions ongoing on the date of enactment of this  
17 Act, as soon as is practicable, but not later  
18 than 7 days after the date of enactment of this  
19 Act, without regard to—

20 (i) scheduled pay dates; or

21 (ii) whether the covered employee was  
22 subject to furlough during such period; and

23 (B) with respect to any period of a lapse  
24 in regular appropriations beginning on or after  
25 the date of enactment of this Act, on the regu-

1           larly scheduled pay dates of the covered employ-  
2           ees.

3           (c) TERMINATION.—Appropriations and funds made  
4   available and authority granted under subsection (b) shall  
5   be available to the head of an agency until whichever of  
6   the following first occurs:

7           (1) The enactment into law of appropriations  
8   for the agency until the end of the applicable fiscal  
9   year (including a continuing appropriation) that pro-  
10   vide amounts for the purposes for which amounts  
11   are made available under subsection (b).

12          (2) The enactment into law of appropriations  
13   for the agency until the end of the applicable fiscal  
14   year (including a continuing appropriation) without  
15   any appropriation for such purposes.

16          (d) LIMITATION TO INDIVIDUALS AFFECTED BY A  
17   SHUTDOWN.—Amounts provided under subsection (b)  
18   may not be used for a purpose described in subparagraph  
19   (A) or (B) of subsection (b)(1) for any portion of a lapse  
20   in regular appropriations for which a covered employee is  
21   provided with standard employee compensation, or a cov-  
22   ered contractor is provided payment for performance of  
23   the applicable contract, respectively, using amounts other  
24   than amounts provided under subsection (b).

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

7 (f) CHARGING TO FUTURE APPROPRIATIONS.—Ex-  
8 penditures made pursuant to subsection (b) shall be  
9 charged to the applicable appropriation, fund, or author-  
10 ization whenever an Act in which such applicable appro-  
11 priation, fund, or authorization is included is enacted into  
12 law.

13 (g) LIMITATION ON TRANSFER AUTHORITY.—Not-  
14 withstanding any other provision of law (including any ap-  
15 propriation Act), the amounts provided under subsection  
16 (b)—

17 (1) shall be available solely for a purpose de-  
18 scribed in subparagraph (A) or (B) of subsection  
19 (b)(1); and

20 (2) may not be transferred, reprogrammed, ob-  
21 ligated, or expended for any other purpose.

22 (h) TERMS AND CONDITIONS.—

23 (1) IN GENERAL.—For fiscal year 2027, and  
24 each fiscal year thereafter, standard employee com-  
25 pensation, and payments to covered contractors, pro-

1 vided by an agency using amounts provided under  
2 subsection (b) shall be subject to the requirements,  
3 authorities, conditions, and limitations applicable  
4 with respect to the provision of standard employee  
5 compensation, or payment to covered contractors, re-  
6 spectively, by the agency under the Act that pro-  
7 vided appropriations for the agency to provide stand-  
8 ard employee compensation, or payment to covered  
9 contractors, respectively, immediately before the  
10 lapse in regular appropriations.

11 (2) FISCAL YEAR 2026.—For fiscal year 2026,  
12 standard employee compensation, and payments to  
13 covered contractors, provided by an agency using  
14 amounts provided under subsection (b) shall be sub-  
15 ject to—

16 (A) the requirements, authorities, condi-  
17 tions, and limitations applicable with respect to  
18 the provision of standard employee compensa-  
19 tion, or payment to covered contractors, respec-  
20 tively, by the agency under the Continuing Ap-  
21 propriations Act, 2026 (division A of Public  
22 Law 119–37); or

23 (B) if an Act is enacted after the date of  
24 enactment of the Continuing Appropriations  
25 Act, 2026 (division A of Public Law 119–37)



1           that provides continuing appropriations for fis-  
2           cal year 2026 for the agency to provide stand-  
3           ard employee compensation, or payment to cov-  
4           ered contractors, respectively, the requirements,  
5           authorities, conditions, and limitations applica-  
6           ble with respect to the provision of standard  
7           employee compensation, or payment to covered  
8           contractors, respectively, by the agency under  
9           that subsequently enacted Act.

10       (i) AUTHORIZATION TO OBLIGATE AND EXPEND  
11 FUNDS.—Funds appropriated by this Act may be obli-  
12 gated and expended notwithstanding section 15 of the  
13 State Department Basic Authorities Act of 1956 (22  
14 U.S.C. 2680) and section 504(a)(1) of the National Secu-  
15 rity Act of 1947 (50 U.S.C. 3094(a)(1)).

16       (j) RULES OF CONSTRUCTION.—

17           (1) STANDARD EMPLOYEE COMPENSATION.—

18       This section shall be construed to provide each cov-  
19       ered employee with standard employee compensation  
20       for the period of the lapse in regular appropriations  
21       as if the covered employee was performing the duties  
22       of the covered employee during the lapse in regular  
23       appropriations.

24           (2) NO CHANGE IN AGENCY RESPONSIBIL-  
25 ITIES.—Nothing in this section may be construed to

1       require an agency to take any action that the agency  
2       is not required to take under the terms of a contract  
3       with a covered contractor during any period during  
4       which there is not a lapse in regular appropriations.

5       (k) AGENCY ACTIVITIES.—

6           (1) IN GENERAL.—Covered employees and em-  
7       ployees of covered contractors shall perform their  
8       typical duties to the maximum extent practicable  
9       during a lapse in regular appropriations.

10       (2) OTHER OBLIGATIONS OR EXPENDITURES.—

11       This section does not authorize or necessarily imply  
12       that an agency or employee may incur any obliga-  
13       tions or expenditures that are not explicitly author-  
14       ized by this Act.

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