

119TH CONGRESS
1ST SESSION

S. 3039

To appropriate funds for pay and allowances of Federal employees during the lapse in appropriations that began on October 1, 2025, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2025

Mr. VAN HOLLEN (for himself, Mr. PETERS, Mrs. MURRAY, Mr. WARNER, Ms. ALSOBROOKS, Mr. KAINE, Mr. KIM, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. LUJÁN, Mr. PADILLA, Mr. GALLEG0, Mr. COONS, Ms. WARREN, Mr. MARKEY, Ms. DUCKWORTH, Ms. BLUNT ROCHESTER, Mr. WELCH, Ms. SMITH, Ms. HIRONO, Mr. HEINRICH, Mr. DURBIN, Mr. SANDERS, Mr. KELLY, Ms. KLOBUCHAR, Mr. MERKLEY, Mr. WARNOCK, Mr. WHITEHOUSE, Mr. BOOKER, Mr. SCHIFF, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To appropriate funds for pay and allowances of Federal employees during the lapse in appropriations that began on October 1, 2025, 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 “True Shutdown Fair-
5 ness Act”.

1 **SEC. 2. APPROPRIATIONS.**

2 (a) DEFINITIONS.—In this section—

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

6 (2) the term “covered individual”—

7 (A) means each employee of an agency,
8 without regard to whether, during the period of
9 the covered lapse in appropriations with respect
10 to that agency occurring before the date of en-
11 actment of this Act—

12 (i) the head of that agency determined
13 that the individual was an excepted em-
14 ployee or an employee performing emer-
15 gency work, as those terms are defined by
16 the Office of Personnel Management; or

17 (ii) the individual was subject to fur-
18 lough; and

19 (B) includes—

20 (i) a contractor who provides support
21 to an employee described in subparagraph
22 (A);

23 (ii) a member of the Armed Forces on
24 active duty; and

25 (iii) a member of a reserve component
26 who, during the covered lapse in appropria-

1 tions with respect to the applicable agency,
2 performs active service or inactive-duty
3 training;

4 (3) the term “covered lapse in appropriations”
5 means, with respect to an agency, the lapse in ap-
6 propriations with respect to that agency beginning
7 on October 1, 2025, and ending on the termination
8 date; and

9 (4) the term “termination date” means the date
10 on which, after the start of the covered lapse in ap-
11 propriations—

12 (A) there are enacted into law appropria-
13 tions for the agency (including a continuing ap-
14 propriation) that provide amounts for the pur-
15 poses for which amounts are made available
16 under subsection (b); or

17 (B) there are enacted into law appropria-
18 tions for the agency (including a continuing ap-
19 propriation) without any appropriation for such
20 purposes.

21 (b) APPROPRIATIONS.—For fiscal year 2026, there
22 are appropriated to the head of each agency with respect
23 to which there is a covered lapse in appropriations, out
24 of any money in the Treasury not otherwise appropriated,
25 such sums as are necessary to provide, with respect to the

1 covered lapse in appropriations, standard rates of pay, al-
2 lowances, pay differentials, benefits, and other payments
3 otherwise payable on a regular basis to covered individuals
4 with respect to the agency.

5 (c) TERMINATION.—Appropriations and funds made
6 available and authority granted under subsection (b) shall
7 be available to the head of an agency until the termination
8 date.

9 (d) CHARGE TO FUTURE APPROPRIATIONS.—Ex-
10 penditures made pursuant to this Act shall be charged to
11 the applicable appropriation, fund, or authorization when-
12 ever a bill in which such applicable appropriation, fund,
13 or authorization is enacted into law.

14 (e) RETROACTIVE EFFECTIVE DATE.—This section
15 shall take effect as if enacted on September 30, 2025.

16 **SEC. 3. LIMITATION ON REDUCTIONS IN FORCE.**

17 (a) DEFINITIONS.—In this section, the terms “agen-
18 cy” and “covered lapse in appropriations” have the mean-
19 ings given those terms in section 2(a).

20 (b) PROHIBITION.—During the covered lapse in ap-
21 propriations, none of the funds made available by this or
22 any other Act may be used to—

23 (1) propose or implement a reduction in force,
24 or any similar effort, to permanently reduce the
25 number of employees employed by an agency; or

1 (2) place any employee of an agency in adminis-
2 trative leave for more than 10 work days in any cal-
3 endar year.

4 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion may be construed to affect a voluntary separation
6 payment offered to an employee under section 3523 of title
7 5, United States Code.

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