



AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 3012

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. JOHNSON (for himself, Mr. COT-
TON, Mr. CRAPO, Mr. LANKFORD, Mr. RISCH, and Mr.
SULLIVAN) + *Mr. Scott of Florida*

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 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—
- 8 (1) the term “agency”—

1 (A) means each authority of the executive,
2 legislative, or judicial branch of the Government
3 of the United States; and

4 (B) includes each element of the District
5 of Columbia public employer, as defined in sec-
6 tion 1341(e) of title 31, United States Code (as
7 in effect on the day before the date of enact-
8 ment of this Act);

9 (2) the term “covered employee”—

10 (A) means each employee of an agency,
11 without regard to whether, during the period
12 beginning on October 1, 2025, and ending on
13 the date of enactment of this Act—

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

19 (ii) the individual was subject to fur-
20 lough; and

21 (B) includes—

22 (i) a contractor who—

23 (I) provides support to an em-
24 ployee described in subparagraph (A);
25 and

1 (II) is required to perform work
 2 during a lapse in regular appropria-
 3 tions with respect to the agency to
 4 which the contractor provides support,
 5 as determined by the head of that
 6 agency;

7 (ii) a member of the Armed Forces on
 8 active duty; and

9 (iii) a member of a reserve component
 10 who, during a lapse in regular appropria-
 11 tions with respect to the applicable agency,
 12 performs active service or inactive duty
 13 training; and

14 (3) the term “lapse in regular appropriations”,
 15 with respect to an agency, means any period during
 16 which interim or full-year appropriations for the ap-
 17 plicable fiscal year are not in effect for the agency.

18 (b) APPROPRIATIONS.—For fiscal year 2026, and any
 19 fiscal year thereafter, for any lapse in regular appropria-
 20 tions with respect to an agency, there are appropriated
 21 to the head of the agency, out of any money in the Treas-
 22 ury not otherwise appropriated, such sums as are nec-
 23 essary to provide standard rates of pay, allowances, pay
 24 differentials, benefits, and other payments otherwise pay-
 25 able on a regular basis to covered employees of the agency

1 with respect to the period of the lapse in regular appro-
2 priations.

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) INTERIM CONTINUING APPROPRIATIONS.—Ap-
17 propriations made available under subsection (b) may not
18 be obligated by the head of an agency during any period
19 during which continuing appropriations for the purposes
20 for which amounts are made available under subsection
21 (b) are in effect for the agency.

22 (e) CHARGING TO FUTURE APPROPRIATIONS.—Ex-
23 penditures made pursuant to subsection (b) shall be
24 charged to the applicable appropriation, fund, or author-
25 ization whenever an Act in which such applicable appro-

1 priation, fund, or authorization is included is enacted into
2 law.

3 (f) ~~AUTHORIZATION TO OBLIGATE AND EXPEND~~
4 ~~FUNDS.~~—Funds appropriated by this Act may be obli-
5 gated and expended notwithstanding section 15 of the
6 State Department Basic Authorities Act of 1956 (22
7 U.S.C. 2680) and section 504(a)(1) of the National Secu-
8 rity Act of 1947 (50 U.S.C. 3094(a)(1)).

9 (g) ~~RETROACTIVE EFFECTIVE DATE.~~—This Act shall
10 take effect as if enacted on September 30, 2025.