

116TH CONGRESS  
1ST SESSION

# H. R. 1016

To amend title 31, United States Code, to reimburse employees of the Federal Government and the District of Columbia, Federal contractors, and the States for certain costs incurred as a result of a Government shutdown, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2019

Mr. HORSFORD (for himself and Mr. CASTEN of Illinois) introduced the following bill; which was referred to the Committee on Oversight and Reform

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## A BILL

To amend title 31, United States Code, to reimburse employees of the Federal Government and the District of Columbia, Federal contractors, and the States for certain costs incurred as a result of a Government shutdown, 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 “Pay Workers What  
5 They’ve Earned Act”.

1 **SEC. 2. REIMBURSEMENT FOR INDIVIDUALS AFFECTED BY**  
2 **GOVERNMENT SHUTDOWNS.**

3 Section 1341 of title 31, United States Code, as  
4 amended by the Government Employee Fair Treatment  
5 Act of 2019, is further amended by adding at the end the  
6 following:

7 “(d)(1) In this subsection—

8 “(A) the term ‘covered employee’ means—

9 “(i) any employee of the United States  
10 Government or of a District of Columbia public  
11 employer furloughed as a result of a covered  
12 lapse in appropriations;

13 “(ii) any excepted employee who is re-  
14 quired to perform work during such lapse; and

15 “(iii) any contractor with the Federal Gov-  
16 ernment (or an employee of such contractor)  
17 placed on unpaid leave as a result of such lapse;

18 “(B) the term ‘shutdown cost’ means any cost  
19 incurred by a covered employee as a direct result of  
20 a covered lapse in appropriations, including expenses  
21 for loans and credit cards, and any fees, fine, or in-  
22 terest resulting from the employees inability to make  
23 payments as a direct result of a loss in salary due  
24 to such lapse;

25 “(C) the terms ‘covered lapse in appropria-  
26 tions’, ‘District of Columbia public employer’, ‘em-

1 ployee’, and ‘excepted employee’ have the meaning  
2 given those terms in subsection (c); and

3 “(D) the term ‘State’ means any of the 50  
4 States, the District of Columbia, the Commonwealth  
5 of Puerto Rico, Guam, the Virgin Islands, American  
6 Samoa, the Commonwealth of the Northern Mariana  
7 Islands, and any territory or possession of the  
8 United States, and includes Indian Tribes.

9 “(2)(A) With respect to the covered lapse in appro-  
10 priations beginning on or about December 22, 2018, each  
11 covered employee shall be paid for any shutdown cost at  
12 the earliest date possible after the date of enactment of  
13 this subsection, and subject to the enactment of appropria-  
14 tions Acts ending the lapse.

15 “(B) With respect to any other covered lapse in ap-  
16 propriations of a duration of 14 days or longer, any cov-  
17 ered employee shall, subject to the availability of appro-  
18 priations, be paid for any shutdown cost at the earliest  
19 date possible after the lapse in appropriations ends.

20 “(3)(A) Any State that makes an expenditure of  
21 State funds for payments for assistance programs that  
22 would be, but for a covered lapse in appropriations of a  
23 duration of 14 days or longer (including the lapse de-  
24 scribed in subparagraph (A)), provided by the Federal

1 Government shall be reimbursed for such payments not  
2 later than 90 days after the lapse in appropriations ends.

3 “(B) This paragraph shall not apply to any State ex-  
4 penditure with respect to which reimbursement is provided  
5 by the Federal Government under any other provision of  
6 law, including unemployment compensation.

7 “(4)(A) In order to receive reimbursement under  
8 paragraph (2) or (3), a covered employee or State (as the  
9 case may be) shall submit an application to the Secretary  
10 of the Treasury, in such form and manner as the Sec-  
11 retary deems appropriate, not later than 1 year after the  
12 applicable lapse in appropriations ends.

13 “(B) The Secretary shall determine what documenta-  
14 tion shall be included with such an application to verify  
15 the shutdown costs or expenditure submitted by a covered  
16 employee or a State, respectively.

17 “(C) Upon approval by the Secretary, reimbursement  
18 shall be provided to the covered employee or State, con-  
19 sistent with the requirements of this subsection.

20 “(5)(A) There is established in the general fund of  
21 the Treasury a fund, to be known as the ‘Reserve Fund  
22 for Employees Affected By Government Shutdowns’ (in  
23 this paragraph referred to as the ‘Fund’), which shall con-  
24 sist of amounts appropriated into the Fund after the date  
25 of enactment of this subsection.

1       “(B) Subject to the availability of appropriations,  
2 amounts in the Fund shall be available for purposes of  
3 paying the shutdown costs of any covered employee during  
4 a covered lapse in appropriations beginning after the lapse  
5 referred to in paragraph (2)(A).”.

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