119TH CONGRESS
1ST SESSION

S. _____

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

Mr. VAN HOLLEN introduced the following bill; which was read twice and referred to the Committee on _____

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''True Shutdown Fairness Act''.

SEC. 2. APPROPRIATIONS.

(a) DEFINITIONS.—In this section—

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

(2) the term ''covered individual''—

(A) means each employee of an agency, without regard to whether, during the period of the covered lapse in appropriations with respect to that agency occurring before the date of enactment of this Act—

(i) the head of that agency determined that the individual was an excepted employee or an employee performing emergency work, as those terms are defined by the Office of Personnel Management; or

(ii) the individual was subject to furlough; and

(B) includes—

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

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

(3) the term ''covered lapse in appropriations'' means, with respect to an agency, the lapse in appropriations with respect to that agency beginning

on October 1, 2025, and ending on the termination date; and

(4) the term ''termination date'' means the date on which, after the start of the covered lapse in appropriations—

(A) there are enacted into law appropriations for the agency (including a continuing appropriation) that provide amounts for the purposes for which amounts are made available under subsection (b); or

(B) there are enacted into law appropriations for the agency (including a continuing appropriation) without any appropriation for such purposes.

(b) APPROPRIATIONS.—For fiscal year 2026, there are appropriated to the head of each agency with respect to which there is a covered lapse in appropriations, out of any money in the Treasury not otherwise appropriated, such sums as are necessary to provide, with respect to the covered lapse in appropriations, standard rates of pay, allowances, pay differentials, benefits, and other payments otherwise payable on a regular basis to covered individuals with respect to the agency.

(c) TERMINATION.—Appropriations and funds made available and authority granted under subsection (b) shall

be available to the head of an agency until the termination date.

(d) CHARGE TO FUTURE APPROPRIATIONS.—Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is enacted into law.

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

SEC. 3. LIMITATION ON REDUCTIONS IN FORCE.

(a) DEFINITIONS.—In this section, the terms ''agency'' and ''covered lapse in appropriations'' have the meanings given those terms in section 2(a).

(b) PROHIBITION.—During the covered lapse in appropriations, none of the funds made available by this or any other Act may be used to—

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

(2) place any employee of an agency in administrative leave for more than 10 work days in any calendar year.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect a voluntary separation

payment offered to an employee under section 3523 of title 5, United States Code.