

118TH CONGRESS
1ST SESSION

H. R. 5758

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2023

Mr. HORSFORD introduced the following bill; which was referred to the Committee on Oversight and Accountability

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. REIMBURSEMENT FOR INDIVIDUALS AF-**
4 **FFECTED BY GOVERNMENT SHUTDOWNS.**

5 Section 1341 of title 31, United States Code, as
6 amended by the Government Employee Fair Treatment

1 Act of 2019, is further amended by adding at the end the
2 following:

3 “(d)(1) In this subsection—

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

5 “(i) any employee of the United States
6 Government or of a District of Columbia public
7 employer furloughed as a result of a covered
8 lapse in appropriations;

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

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

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

21 “(C) the terms ‘covered lapse in appropria-
22 tions’, ‘District of Columbia public employer’, ‘em-
23 ployee’, and ‘excepted employee’ have the meaning
24 given those terms in subsection (c); and

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

7 “(2)(A) With respect to the covered lapse in appro-
8 priations beginning on or about September 30, 2023, each
9 covered employee shall be paid for any shutdown cost at
10 the earliest date possible after the date of enactment of
11 this subsection, and subject to the enactment of appropria-
12 tions Acts ending the lapse.

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

18 “(3)(A) Any State that makes an expenditure of
19 State funds for payments for assistance programs that
20 would be, but for a covered lapse in appropriations of a
21 duration of 14 days or longer (including the lapse de-
22 scribed in subparagraph (A)), provided by the Federal
23 Government shall be reimbursed for such payments not
24 later than 90 days after the lapse in appropriations ends.

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

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

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

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

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

24 “(B) Subject to the availability of appropriations,
25 amounts in the Fund shall be available for purposes of

- 1 paying the shutdown costs of any covered employee during
- 2 a covered lapse in appropriations beginning after the lapse
- 3 referred to in paragraph (2)(A).”.

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