

## Calendar No. 35

115TH CONGRESS  
1ST SESSION

# S. 861

To provide for the compensation of Federal employees affected by lapses  
in appropriations.

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### IN THE SENATE OF THE UNITED STATES

APRIL 5 (legislative day, APRIL 4), 2017

Mr. CARDIN (for himself, Mr. VAN HOLLEN, Mr. LEAHY, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. SCHATZ, Mr. CARPER, Mr. WARNER, Mr. MARKEY, Mr. SANDERS, Mr. UDALL, Ms. HIRONO, Mrs. SHAHEEN, Ms. BALDWIN, Mr. KAINE, Mrs. MURRAY, and Mr. BROWN) introduced the following bill; which was read the first time

APRIL 7, 2017

Read the second time and placed on the calendar

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## A BILL

To provide for the compensation of Federal employees  
affected by lapses in appropriations.

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 “Federal Employee Fair  
5 Treatment Act of 2017”.

1 **SEC. 2. COMPENSATION FOR FEDERAL EMPLOYEES AF-**  
2 **FECTED BY A LAPSE IN APPROPRIATIONS.**

3 Section 1341 of title 31, United States Code, is  
4 amended—

5 (1) in subsection (a)(1), by striking “An offi-  
6 cer” and inserting “Except as specified in this sub-  
7 chapter or any other provision of law, an officer”;  
8 and

9 (2) by adding at the end the following:

10 “(c)(1) In this subsection—

11 “(A) the term ‘covered lapse in appropriations’  
12 means any lapse in appropriations that begins on or  
13 after April 28, 2017; and

14 “(B) the term ‘excepted employee’ means an ex-  
15 cepted employee or an employee performing emer-  
16 gency work, as such terms are defined by the Office  
17 of Personnel Management.

18 “(2) Each Federal employee furloughed as a result  
19 of a covered lapse in appropriations shall be paid for the  
20 period of the lapse in appropriations, and each excepted  
21 employee who is required to perform work during a cov-  
22 ered lapse in appropriations shall be paid for such work,  
23 at the employee’s standard rate of pay, at the earliest date  
24 possible after the lapse in appropriations ends, regardless  
25 of scheduled pay dates.

1       “(3) During a covered lapse in appropriations, each  
2 excepted employee who is required to perform work shall  
3 be entitled to use leave under chapter 63 of title 5, or  
4 any other applicable law governing the use of leave by the  
5 excepted employee, for which compensation shall be paid  
6 at the earliest date possible after the lapse in appropri-  
7 ations ends, regardless of scheduled pay dates.”.

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