

116TH CONGRESS
1ST SESSION

S. 162

To provide back pay to low-wage contractor employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2019

Ms. SMITH (for herself, Mr. BROWN, Mr. VAN HOLLEN, Mr. WARNER, Mr. CARDIN, Mr. KAINE, Mr. MARKEY, Ms. KLOBUCHAR, Ms. WARREN, Ms. HASSAN, Mr. JONES, Ms. HARRIS, Mr. UDALL, Mr. HEINRICH, Ms. DUCKWORTH, Mr. KING, Ms. HIRONO, Mr. MENENDEZ, Mr. SCHATZ, Mr. TESTER, Mrs. FEINSTEIN, Mr. WHITEHOUSE, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide back pay to low-wage contractor employees, 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 “Fair Compensation
5 for Low-Wage Contractor Employees Act of 2019”.

6 **SEC. 2. APPROPRIATION.**

7 There is hereby appropriated, out of any money in
8 the Treasury not otherwise appropriated, for the fiscal

1 year ending September 30, 2019, such sums as may be
2 necessary for each Federal agency subject to the lapse in
3 appropriations that began on or about December 22,
4 2018, for adjustments in the price of contracts of such
5 agency under section 3.

6 **SEC. 3. BACK COMPENSATION FOR LOW-WAGE EMPLOYEES**
7 **OF GOVERNMENT CONTRACTORS IN CONNEC-**
8 **TION WITH THE LAPSE IN APPROPRIATIONS.**

9 (a) IN GENERAL.—Each Federal agency subject to
10 the lapse in appropriations that began on or about Decem-
11 ber 22, 2018, shall adjust the price of any contract of such
12 agency for which the contractor was ordered to suspend,
13 delay, or interrupt all or part of the work of such contract,
14 or stop all or any part of the work called for in such con-
15 tract, as a result of the lapse in appropriations to com-
16 pensate the contractor for reasonable costs incurred—

17 (1) to provide compensation, at an employee’s
18 standard rate of compensation, to any employee who
19 was furloughed or laid off, or who was not working,
20 who experienced a reduction of hours, or who experi-
21 enced a reduction in compensation, as a result of the
22 lapse in appropriations (for the period of the lapse);
23 or

24 (2) to restore paid leave taken by any employee
25 during the lapse in appropriations, if the contractor

1 required employees to use paid leave as a result of
2 the lapse in appropriations.

3 (b) LIMITATION ON AMOUNT OF WEEKLY COM-
4 PENSATION COVERED BY ADJUSTMENT.—The maximum
5 amount of weekly compensation of an employee for which
6 an adjustment may be made under subsection (a) may not
7 exceed the lesser of—

8 (1) the employee’s actual weekly compensation;

9 or

10 (2) \$965.

11 (c) TIMING OF ADJUSTMENTS.—The adjustments re-
12 quired by subsection (a) shall be made as soon as prac-
13 ticable after the end of the lapse in appropriations de-
14 scribed in that subsection.

15 (d) DEFINITIONS.—In this section:

16 (1) The term “compensation” has the meaning
17 given that term in section 6701 of title 41, United
18 States Code.

19 (2) The term “employee” means the following:

20 (A) A “service employee” as that term is
21 defined in section 6701(3) of title 41, United
22 States Code, except that the term also includes
23 service employees described in subparagraph
24 (C) of that section notwithstanding that sub-
25 paragraph.

1 (B) A “laborer or mechanic” covered by
2 section 3142 of title 40, United States Code.

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