

116TH CONGRESS  
1ST SESSION

# S. 222

To amend section 1341 of title 31, United States Code, to require payment of interest on back pay for employees affected by a lapse in appropriations.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2019

Mr. JONES (for himself, Mr. CARDIN, Mr. KAINE, Mr. VAN HOLLEN, Ms. HIRONO, Mr. WYDEN, Ms. BALDWIN, Ms. KLOBUCHAR, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Appropriations

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## A BILL

To amend section 1341 of title 31, United States Code, to require payment of interest on back pay for employees affected by a lapse 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 “Back Pay Fairness  
5 Act of 2019”.

6 **SEC. 2. INTEREST ON BACK PAY FOR EMPLOYEES AF-**  
7 **FFECTED BY A LAPSE IN APPROPRIATIONS.**

8 (a) IN GENERAL.—Section 1341(c) of title 31,  
9 United States Code, is amended—

1           (1) by redesignating paragraph (3) as para-  
2           graph (4); and

3           (2) by inserting after paragraph (2) the fol-  
4           lowing:

5           “(3)(A) If a payment under paragraph (2) to an em-  
6           ployee furloughed as a result of a covered lapse in appro-  
7           priations or to an excepted employee is made after the reg-  
8           ularly scheduled pay date for such payment in the absence  
9           of a lapse in appropriations, the payment shall include an  
10          interest payment prorated daily which shall accrue from  
11          such regularly scheduled pay date.

12          “(B) An interest payment under subparagraph (A)—

13                 “(i) shall be computed at the rate of interest es-  
14                 tablished by the Secretary of the Treasury under  
15                 section 3902 that is in effect on the first day of the  
16                 covered lapse in appropriations; and

17                 “(ii) shall be in addition to any other remedy  
18                 available under any other law, rule, or regulation.”.

19          (b) APPLICABILITY.—The amendments made by this  
20          section shall apply with respect to any covered lapse in  
21          appropriations (as defined in section 1341(c) of title 31,  
22          United States Code) that begins before, on, or after the  
23          date of enactment of this Act.

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