

Congress of the United States

Washington, DC 20510

October 15, 2025

The Honorable Russell Vought
Director
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Vought:

The Office of Management and Budget's (OMB) recent update to the Frequently Asked Questions During a Lapse in Appropriations document implies that furloughed federal workers are not entitled to back pay. Additionally, a draft OMB memo stated the administration would deny back pay to furloughed federal workers for the current government shutdown.^[1] During the 2018-2019 shutdown, we worked with President Trump to enact the Government Employee Fair Treatment Act (GEFTA) of 2019, the intent of which is clear – federal employees are entitled to retroactive pay in the event of a government shutdown. We applauded President Trump for signing this bipartisan bill into law.

On January 16, 2019, the Senate unanimously passed the Government Employee Fair Treatment Act to guarantee back pay for all impacted federal workers once a government shutdown ends. This law was enacted during the longest government shutdown which lasted 35 days at the end of 2018, and into the beginning of 2019. Prior to the law's passage, Congress had to pass specific legislation after each shutdown to ensure furloughed workers received back pay.

Explicitly, the law guarantees back pay for all federal employees in the event of a government shutdown. "Each employee of the United States Government or of a District of Columbia public employer furloughed as a result of a covered lapse in appropriations shall be paid for the period of the lapse in appropriations, and each excepted employee who is required to perform work during a covered lapse in appropriations shall be paid for such work, at the employee's standard rate of pay, at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates, and subject to the enactment of appropriations Acts ending the lapse."^[2] The law requires that retroactive pay be required in the event of *any* government shutdown after December 22, 2018.

^[1] Marc Caputo, Scoop: White House Memo Says Furloughed Federal Workers Aren't Entitled to Back Pay, Axios, October 7, 2025

^[2] 31 U.S. Code § 1341(c)(2)

The law is clear: all impacted government employees, regardless of excepted or furloughed status, are entitled to back pay after a government shutdown ends, which is consistent with the guidance currently provided by federal agencies, including the Office of Personnel Management (OPM). OPM's shutdown guidance from September 2025 still states that furloughed federal workers will be provided back pay once the government reopens.^[3] The decision by OMB to remove critical guidance on federal employee back pay is causing unnecessary stress for the federal workforce comprised of nearly 2.2 million employees.

Thus, we request you immediately clarify and update the Frequently Asked Questions During a Lapse in Appropriations Document and other relevant materials to affirm that furloughed employees will receive back pay, as is required by law.

Sincerely,



Tim Kaine
United States Senator



Lisa Murkowski
United States Senator



Chris Van Hollen
United States Senator



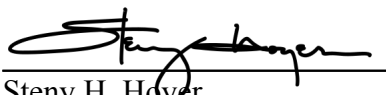
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United States Senator



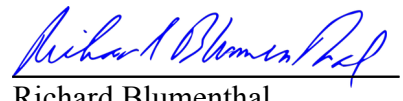
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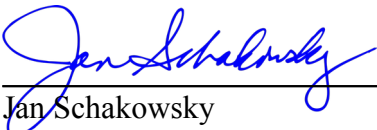
^[3] Office of Personnel Management, Guidance for Shutdown Furloughs, September 28, 2025



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Member of Congress



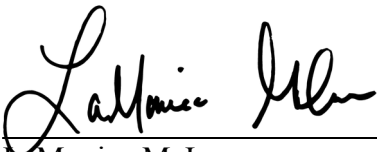
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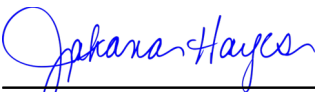
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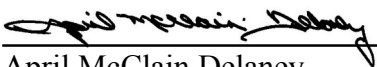
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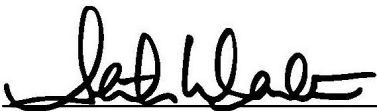
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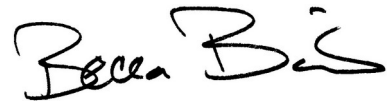
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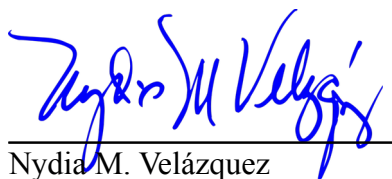
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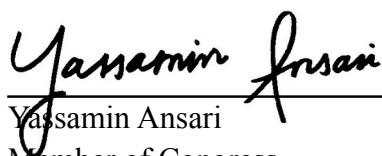
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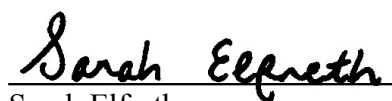
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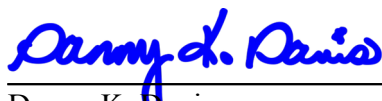
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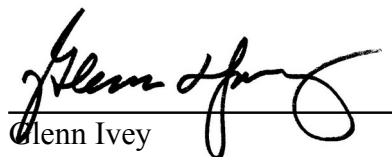
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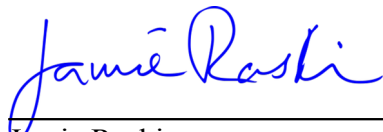
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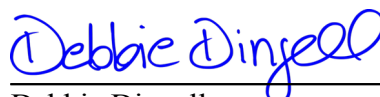
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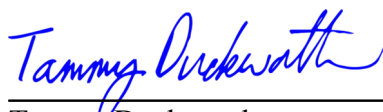
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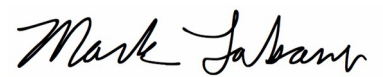
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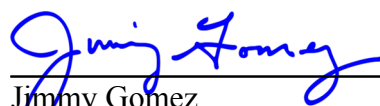
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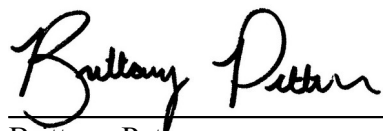
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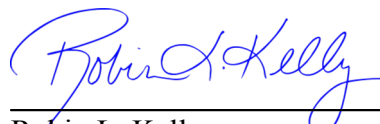
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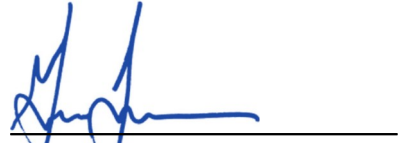
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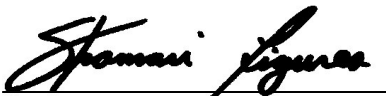
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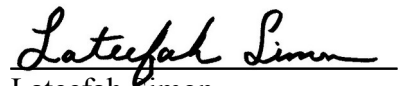
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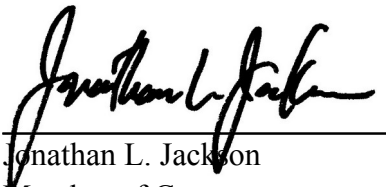
Pramila Jayapal
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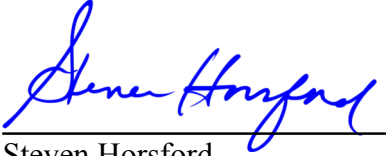
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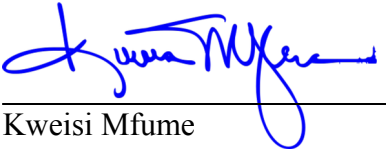
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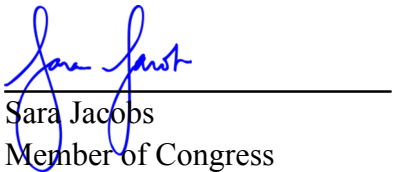
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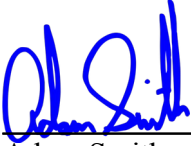
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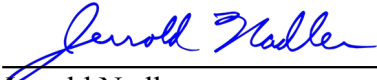
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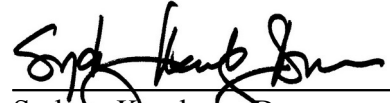
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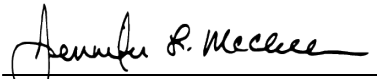
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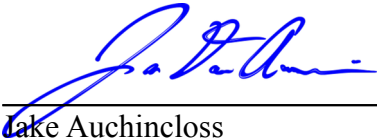
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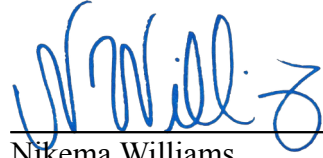
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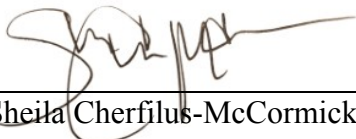
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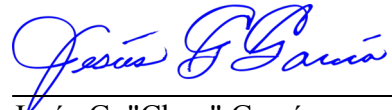
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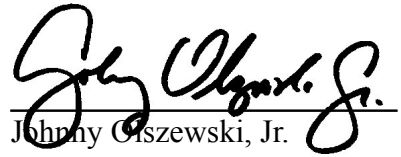
Sheila Cherfilus-McCormick
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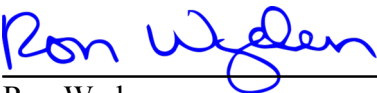
Jesús G. "Chuy" García
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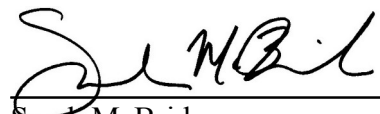
Diana DeGette
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United States Senator



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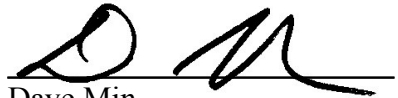
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Emilia Strong Sykes
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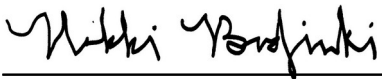
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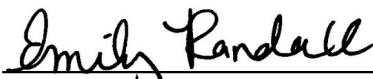
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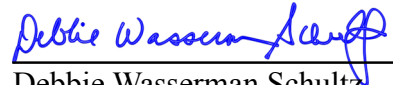
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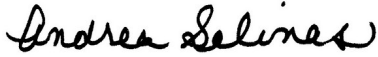
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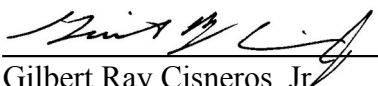
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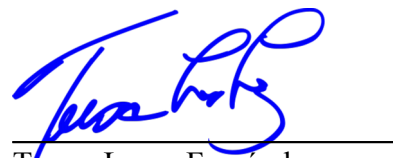
Bill Foster
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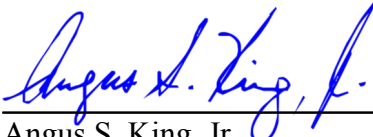
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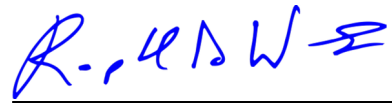
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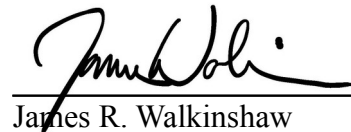
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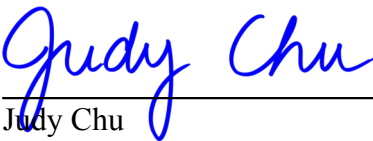
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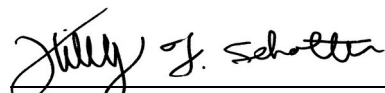
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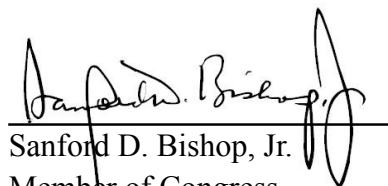
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United States Senator



Sanford D. Bishop, Jr.
Member of Congress



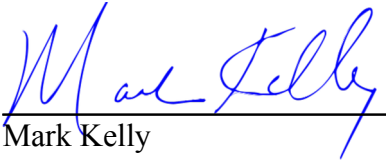
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Juan Vargas
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Frank J. Mrvan
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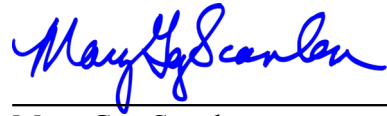
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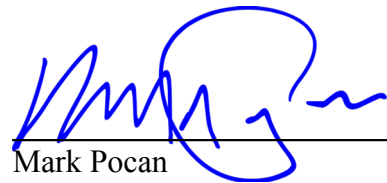
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Member of Congress



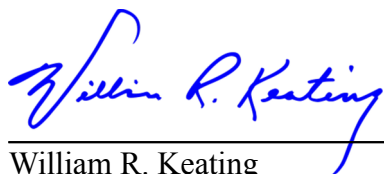
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Josh Gottheimer
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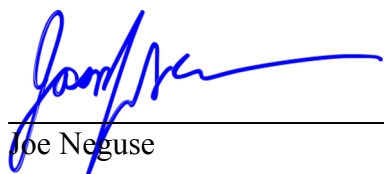
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William R. Keating
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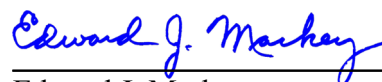
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