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.

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[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

Angela D. Alsobrooks
United States Senator

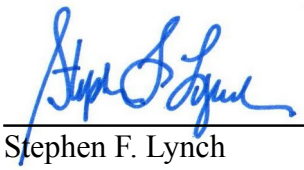
Mark R. Warner
United States Senator

Donald S. Beyer Jr.
Member of Congress

Steny H. Hoyer
Member of Congress

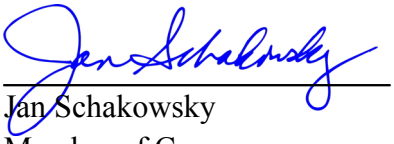
Richard Blumenthal
United States Senator

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

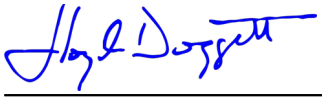


Stephen F. Lynch
Member of Congress

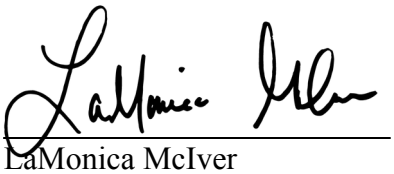
Dan Goldman
Member of Congress



Jan Schakowsky
Member of Congress

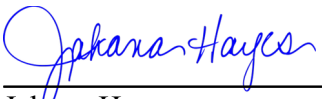


Lloyd Doggett
Member of Congress



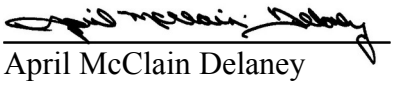
LaMonica McIver
Member of Congress

Bernard Sanders
United States Senator

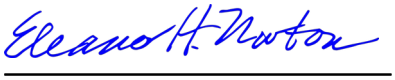


Jahana Hayes
Member of Congress

Kevin Mullin
Member of Congress

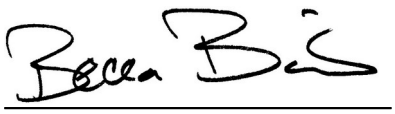


April McClain Delaney
Member of Congress

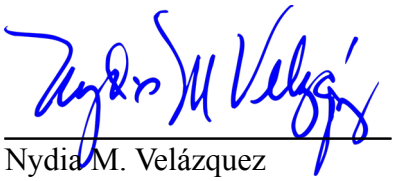


Eleanor Holmes Norton
Member of Congress

Seth Moulton
Member of Congress

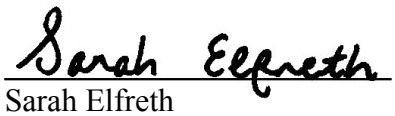


Becca Balint
Member of Congress

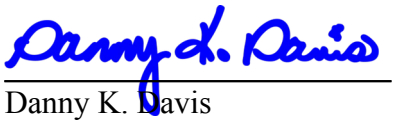


Nydia M. Velázquez
Member of Congress

Yassamin Ansari
Member of Congress



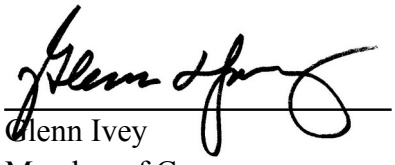
Sarah Elfreth
Member of Congress



Danny K. Davis
Member of Congress

Rashida Tlaib
Member of Congress

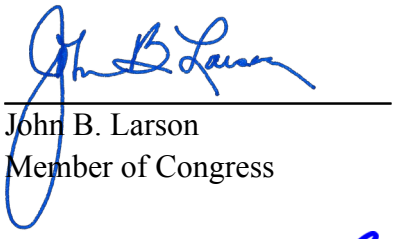
Delia C. Ramirez
Member of Congress



Glenn Ivey
Member of Congress

Derek T. Tran
Member of Congress

Chris Pappas
Member of Congress



John B. Larson
Member of Congress

Madeleine Dean
Member of Congress

Mike Quigley
Member of Congress

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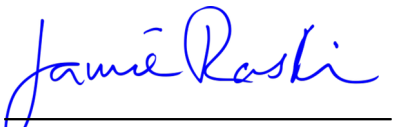
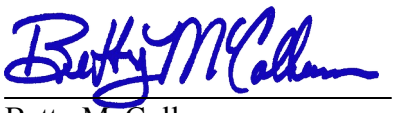
Member of Congress

Mike Thompson
Member of Congress



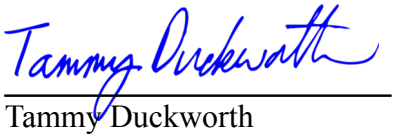
Jamie Raskin
Member of Congress

Debbie Dingell
Member of Congress



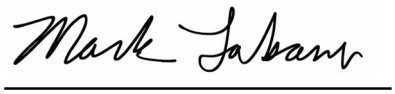
Betty McCollum
Member of Congress

Veronica Escobar
Member of Congress

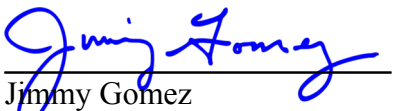


Tammy Duckworth
United States Senator

Emanuel Cleaver, II
Member of Congress

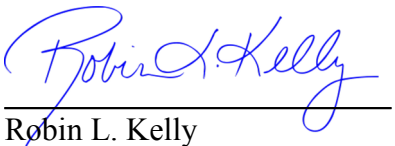


Mark Takano
Member of Congress



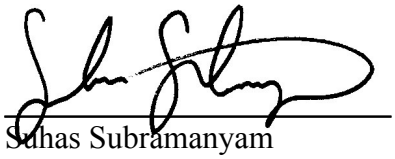
Jimmy Gomez
Member of Congress

Brittany Pettersen
Member of Congress



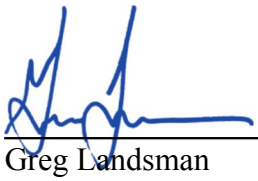
Robin L. Kelly
Member of Congress

Wesley Bell
Member of Congress

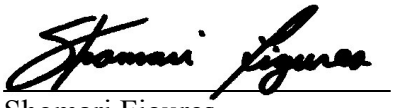


Suhas Subramanyam
Member of Congress

Maxine Dexter
Member of Congress



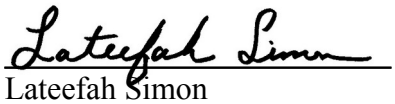
Greg Landsman
Member of Congress



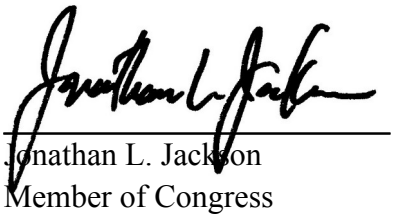
Shomari Figures
Member of Congress

Pramila Jayapal
Member of Congress

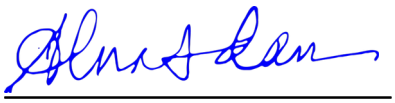
Mazie K. Hirono
United States Senator



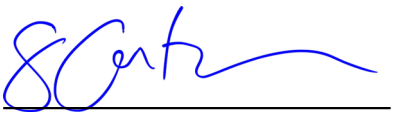
Lateefah Simon
Member of Congress



Jonathan L. Jackson
Member of Congress



Alma S. Adams, Ph.D.
Member of Congress



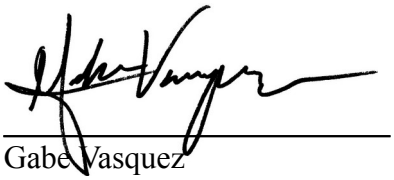
Sean Casten
Member of Congress

Angie Craig
Member of Congress

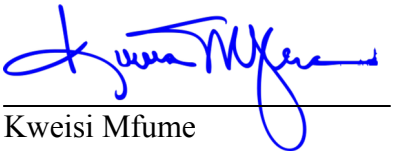
Steven Horsford
Member of Congress

Robert Garcia
Member of Congress

Jill Tokuda
Member of Congress



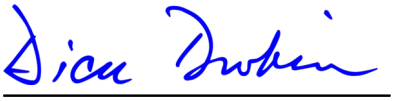
Gabe Vasquez
Member of Congress



Kweisi Mfume
Member of Congress

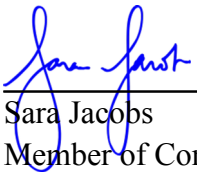
Lisa Blunt Rochester
United States Senator

Summer L. Lee
Member of Congress

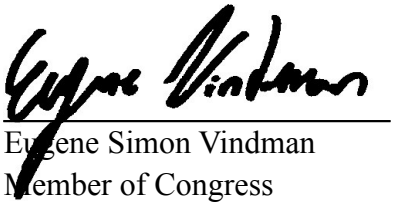


Richard J. Durbin
United States Senator

Ami Bera, M.D.
Member of Congress

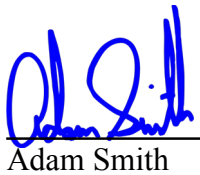


Sara Jacobs
Member of Congress



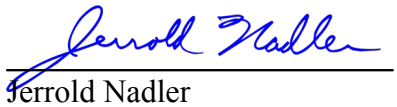
Eugene Simon Vindman
Member of Congress

Alexandria Ocasio-Cortez
Member of Congress



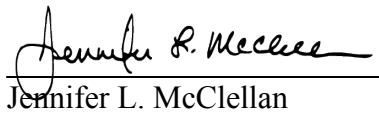
Adam Smith
Member of Congress

Paul D. Tonko
Member of Congress



Jerrold Nadler
Member of Congress

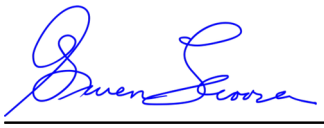
Sydney Kamlager-Dove
Member of Congress



Jennifer L. McClellan
Member of Congress

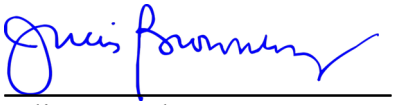
Terri A. Sewell
Member of Congress

Ed Case
Member of Congress

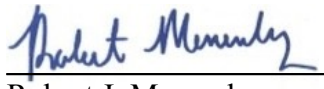


Gwen S. Moore
Member of Congress

Deborah K. Ross
Member of Congress

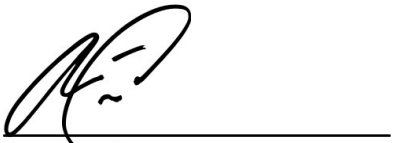


Julia Brownley
Member of Congress



Robert J. Menendez
Member of Congress

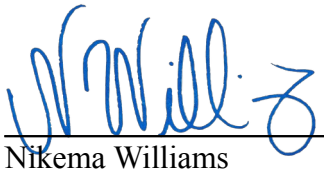
Dina Titus
Member of Congress



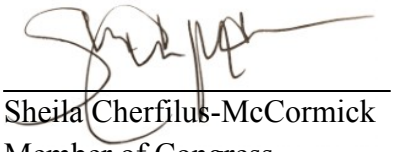
André Carson
Member of Congress

Luz M. Rivas
Member of Congress

Jake Auchincloss
Member of Congress

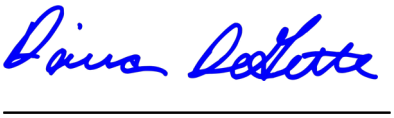


Nikema Williams
Member of Congress

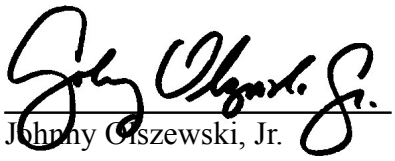


Sheila Cherfilus-McCormick
Member of Congress

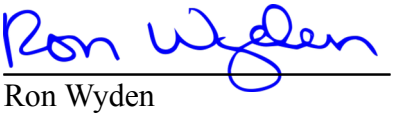
Jesús G. "Chuy" García
Member of Congress



Diana DeGette
Member of Congress



Johnny Olszewski, Jr.
Member of Congress



Ron Wyden
United States Senator

Sarah McBride
Member of Congress

John Garamendi
Member of Congress

Emilia Strong Sykes
Member of Congress

Grace Meng
Member of Congress

Dave Min
Member of Congress

Brad Sherman
Member of Congress

Lauren Underwood
Member of Congress

Yvette D. Clarke
Member of Congress

James P. McGovern
Member of Congress

Nikki Budzinski
Member of Congress

Mark DeSaulnier
Member of Congress

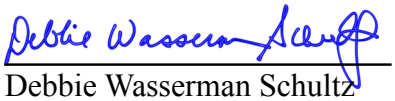
Dwight Evans
Member of Congress

Jeanne Shaheen
United States Senator

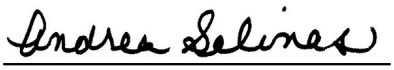
Emily Randall
Member of Congress

Kathy Castor
Member of Congress

Bradley Scott Schneider
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Andrea Salinas
Member of Congress

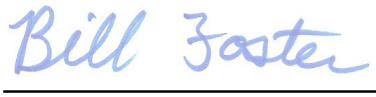
Frederica S. Wilson
Member of Congress

Gabe Amo
Member of Congress

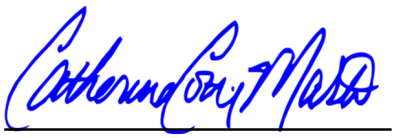
Maggie Goodlander
Member of Congress

Lizzie Fletcher
Member of Congress

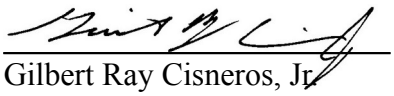
Jack Reed
United States Senator



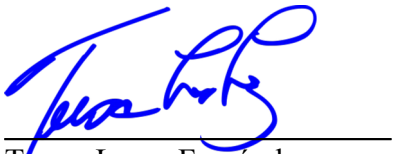
Bill Foster
Member of Congress



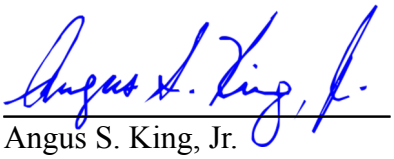
Catherine Cortez Masto
United States Senator



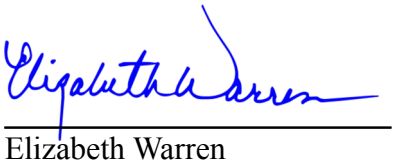
Gilbert Ray Cisneros, Jr.
Member of Congress



Teresa Leger Fernández
Member of Congress



Angus S. King, Jr.
United States Senator

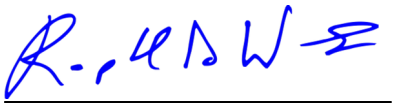


Elizabeth Warren
United States Senator

Bonnie Watson Coleman
Member of Congress

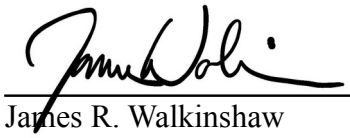
Susie Lee
Member of Congress

Martin Heinrich
United States Senator



Raphael Warnock
United States Senator

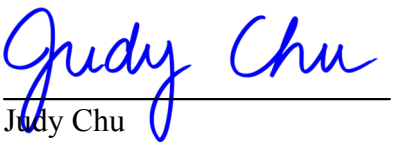
Sheldon Whitehouse
United States Senator



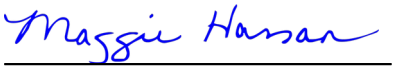
James R. Walkinshaw
Member of Congress

Alex Padilla
United States Senator

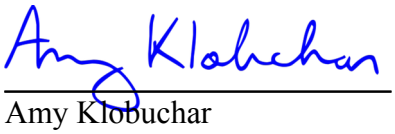
Sylvia R. Garcia
Member of Congress



Judy Chu
Member of Congress

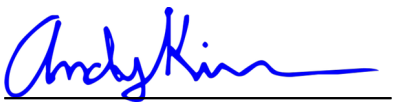


Margaret Wood Hassan
United States Senator

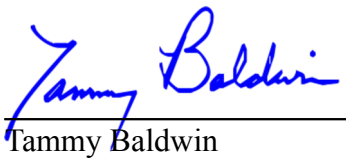


Amy Klobuchar
United States Senator

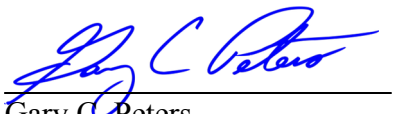
Kirsten Gillibrand
United States Senator



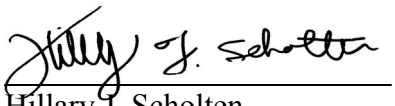
Andy Kim
United States Senator



Tammy Baldwin
United States Senator



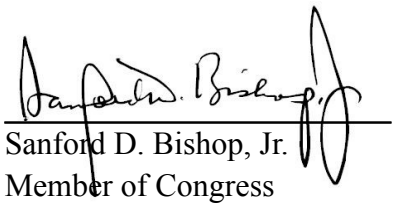
Gary C. Peters
United States Senator



Hillary J. Scholten
Member of Congress

Robert C. "Bobby" Scott
Member of Congress

Jacky Rosen
United States Senator

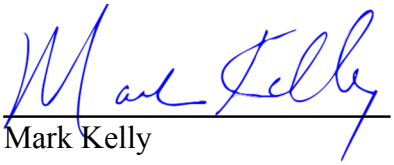


Sanford D. Bishop, Jr.
Member of Congress

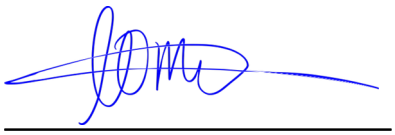
Eric Swalwell
Member of Congress

Juan Vargas
Member of Congress

Frank J. Mrvan
Member of Congress

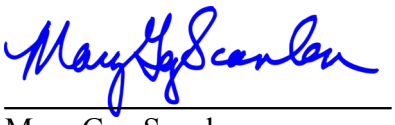


Mark Kelly
United States Senator



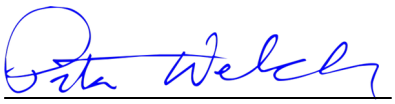
Ilhan Omar
Member of Congress

Jim Costa
Member of Congress

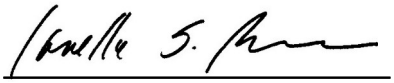


Mary Gay Scanlon
Member of Congress

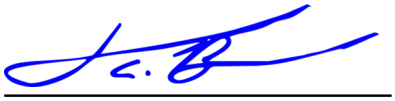
Lois Frankel
Member of Congress



Peter Welch
United States Senator

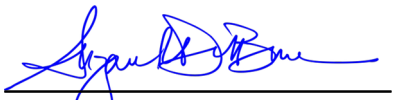


Janelle S. Bynum
Member of Congress



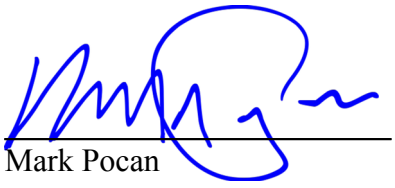
Cory A. Booker
United States Senator

Shontel M. Brown
Member of Congress



Suzan K. DelBene
Member of Congress

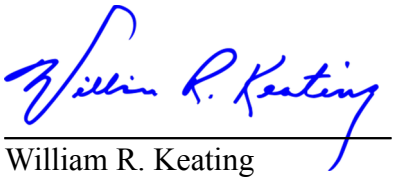
Frank Pallone, Jr.
Member of Congress



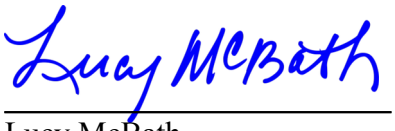
Mark Pocan
Member of Congress

Josh Gottheimer
Member of Congress

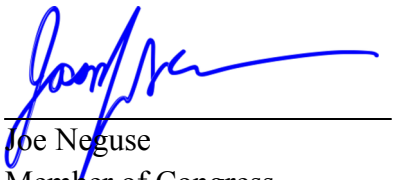
Joseph D. Morelle
Member of Congress



William R. Keating
Member of Congress



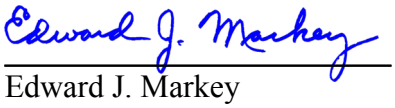
Lucy McBath
Member of Congress



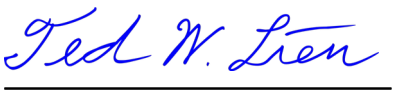
Joe Neguse
Member of Congress

Doris Matsui
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

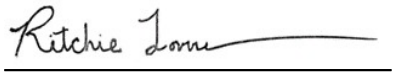


Edward J. Markey
United States Senator



Ted W. Lieu
Member of Congress

Mike Levin
Member of Congress



Ritchie Torres
Member of Congress

Greg Casar
Member of Congress

Thomas R. Suozzi
Member of Congress

Marilyn Strickland
Member of Congress

Pablo José Hernández
Member of Congress

Val Hoyle
Member of Congress