

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide back pay to low-wage contractor employees.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

H. R. 3055

Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. SMITH

Viz:

1 At the end, add the following:

2 **DIVISION E—FAIR COMPENSA-**
 3 **TION FOR LOW-WAGE CON-**
 4 **TRACTOR EMPLOYEES ACT**
 5 **OF 2019**

6 **SECTION 1. SHORT TITLE.**

7 This division may be cited as the “Fair Compensation
 8 for Low-Wage Contractor Employees Act of 2019”.

9 **SEC. 2. APPROPRIATION.**

10 There is hereby appropriated, out of any money in
 11 the Treasury not otherwise appropriated, such sums as

1 may be necessary, to remain available until expended, for
2 each Federal agency subject to the lapse in appropriations
3 that began on or about December 22, 2018, for adjust-
4 ments in the price of contracts of such agency under sec-
5 tion 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 enactment of this Act.

14 (d) DEFINITIONS.—In this section:

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

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

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

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

3 **SEC. 4. EFFECTIVE DATE.**

4 This division shall take effect upon the date of enact-
5 ment of this Act.

6 **SEC. 5. BUDGETARY EFFECTS.**

7 (a) CLASSIFICATION OF BUDGETARY EFFECTS.—
8 Notwithstanding Rule 3 of the Budget Scorekeeping
9 Guidelines set forth in the joint explanatory statement of
10 the committee of conference accompanying Conference Re-
11 port 105–217 and section 250(c)(8) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985, the
13 budgetary effects of this division shall not be estimated—

14 (1) for purposes of section 251 of such Act; and

15 (2) for purposes of paragraph (4)(C) of section
16 3 of the Statutory Pay-As-You-Go Act of 2010 as
17 being included in an appropriation Act.

18 (b) DETERMINATION OF BUDGETARY EFFECTS.—

19 The budgetary effects of this division, for the purpose of
20 complying with the Statutory Pay-As-You-Go Act of 2010,
21 shall be determined by reference to the latest statement
22 titled “Budgetary Effects of PAYGO Legislation” for this
23 division, submitted for printing in the Congressional
24 Record by the Chairman of the House Budget Committee,

- 1 provided that such statement has been submitted prior to
- 2 the vote on passage.