

Campaign Finance Policy and a Lapse in Federal Appropriations: Frequently Asked Questions

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Current appropriations for the federal government expire on September 30, 2023. If federal funds are not appropriated for FY2024 before October 1, only certain functions may continue at federal agencies, and many employees would be furloughed. This CRS Insight provides brief answers to frequently asked questions concerning potential implications for campaign finance policy and [Federal Election Commission](#) (FEC) operations. Several [other CRS products](#) discuss various aspects of past government “shutdowns” resulting from a lapse in appropriations.

An appropriations lapse that affected the FEC would most directly affect [campaign finance policy](#). The FEC is an independent federal agency charged with civil enforcement and administration of federal [campaign finance law](#) and regulation. A lapse in appropriations affecting other agencies, such as the Department of Justice (DOJ), which enforces criminal law; or the Internal Revenue Service (IRS), which administers parts of the Presidential Election Campaign Fund, also might affect campaign finance policy, albeit less directly than a lack of funding for the FEC.

Is the FEC funded by federal appropriations?

Yes. FEC operations and personnel expenses are funded through annual appropriations acts. (The FEC charges modest fees for some [training conferences](#).) Enforcement penalties, such as those assessed through the FEC’s [Administrative Fine Program](#), are deposited into the general fund of the U.S. Treasury. They do not affect the FEC’s budget or operations. Recent Congresses have provided funds for the FEC through the annual Financial Services and General Government (FSGG) appropriations measures or through omnibus bills.

The FY2023 Consolidated Appropriations Act (P.L. 117-328, Division E) provided \$81.7 million for the FEC. For FY2024, the [FEC requested](#) \$93.5 million. That amount would be 14.4% more than the FY2023 enacted appropriation. In its [report](#) accompanying FY2024 FSGG bill H.R. 4664, the House Appropriations Committee recommended \$74.5 million. That amount would be 8.8% less than the

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FY2023 enacted appropriation. In its [report](#) accompanying Senate bill S. 2309, the Senate Appropriations Committee recommended \$81.7 million, the same amount as appropriated in FY2023.

What might happen at the FEC during a lapse in federal appropriations?

As discussed in other CRS products ([such as this one](#)), the Antideficiency Act requires that federal agency operations cease during appropriations lapses, except in specific cases. Agencies publish shutdown plans per [Office of Management and Budget \(OMB\) guidance](#) ([OMB Circular A-11, Section 124](#)).

On September 26, 2023, the FEC issued an [updated plan](#) outlining what would happen at the agency during a FY2024 lapse in appropriations. The agency issued a similar version of the plan in July 2023. The plan explains that “[v]irtually all core agency functions” would cease, including “[a]ll management, legal, [human resources], financial and [information technology] functions *not* related to continuation of permissible operations during furlough” would halt. These include, for example, enforcement of the [Federal Election Campaign Act](#) (FECA), review of campaign finance disclosure reports, work on advisory opinions and rulemakings, and assistance to [political committees](#) and members of the public regarding campaign finance law. Functions that would continue, according to the FEC plan, include “[p]rotection against imminent threats to Commission property, principally in electronic form”; and management, legal, and human resources functions related to limited permissible operations, or restoration of operations upon approved appropriations.

Approximately 90% of the FEC’s 309 full-time equivalent employees (FTEs), as of September 25, 2023, would be furloughed during a shutdown. The September 26, 2023, shutdown plan identifies 32 FTE positions that would be necessary to conduct excepted duties. The FEC staff director would serve as furlough manager and would remain on duty. The general counsel also would remain on duty. Limited personnel in FEC legal, human resources, information technology, and financial positions also would continue working. Commissioners may continue working but, as with other personnel, would be unpaid during a shutdown. Commissioner staffs are expected to be furloughed.

Provided that at least four commissioners remained in their positions during a shutdown, the commission would not lose its [policymaking quorum](#). However, because funds may not be expended or obligated, the commission could not engage in regulatory or enforcement activity. Enforcement investigations or other actions (e.g., assessing penalties) could be pursued after agency operations resumed. Enforcement investigations that were ongoing before a shutdown also would be delayed during a shutdown. FECA specifies a five-year [statute of limitations](#).

Is campaign finance law still in effect during a lapse in federal appropriations?

Yes. The FECA and other provisions in federal law and regulation affecting campaign finance policy remain in effect.

Do campaign finance disclosure reports still have to be submitted during a lapse in federal appropriations?

Yes. FECA requires disclosure reports, which summarize political committee financial activity, to be submitted by specified deadlines. Most disclosure reports [are due](#) quarterly or monthly. The FEC shutdown plan notes, however, that personnel would be unavailable to assist filers during an appropriations lapse. Reports submitted during a shutdown would not be reviewed for compliance or, if requiring manual processing, not be available for public review, until normal FEC operations resumed.

May Members of Congress or other candidates fundraise or conduct other campaign operations during a lapse in federal appropriations?

Yes. Political campaigns and other political committees (e.g., political action committees [PACs]) are nongovernmental entities. Their operations are not affected by appropriations, and their strategic decisionmaking generally is not subject to federal law or regulation, provided that the conduct is otherwise lawful. During previous shutdowns, [according to media reports](#), some political committees have elected to continue fundraising; others have not. As with non-shutdown scenarios, Members and congressional staff with questions about compliance with chamber rules may contact the [House](#) or [Senate](#) Ethics Committees for individual guidance.

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