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INSIGHT

Government Shutdowns and Legislative Branch Operations: Frequently Asked Questions

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This Insight provides brief answers to selected questions related to legislative branch operations during a lapse in appropriations.

For a general explanation of the Antideficiency Act, including Title 31, Sections 1341-1342 and 1511-1519, of the *U.S. Code*, as well as excepted activities, see

- CRS Report R47693, *Government Shutdowns and Executive Branch Operations: Frequently Asked Questions (FAQ)*, coordinated by Taylor N. Riccard.

For additional information and CRS resources, see

- CRS Report R41759, *Past Government Shutdowns: Key Resources*, by Justin Murray and Carol Wilson;
- CRS Report R41723, *Funding Gaps and Government Shutdowns: CRS Experts*, coordinated by Dominick A. Fiorentino and Clinton T. Brass; and
- CRS Report RS20348, *Federal Funding Gaps: A Brief Overview*, by James V. Saturno.

1. When has the legislative branch experienced a lapse in appropriations?

Between FY1996 and FY2026, the legislative branch experienced four funding gaps (see list below). Note that the first date is the final date of budget authority (budget authority expired at the end of that day) prior to a gap, and the second date is the day the gap was terminated by the enactment of a continuing resolution or one or more regular appropriations acts:

- FY1996, between November 13 and 19, 1995 (5 full days). Legislative branch appropriations were enacted after this funding gap and before the subsequent 21-day lapse in appropriations that impacted some other portions of the federal government.
- FY2014, between September 30 and October 17, 2013 (16 full days).

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- FY2018, between January 19 and 22, 2018 (2 full days). Funding expired at midnight on Friday, January 19. Funding was enacted on Monday, January 22, although shutdown procedures (e.g., activities to enable an orderly shutdown, building closures, cancellation of public events) had already commenced.
- FY2026, between September 30 and November 12, 2025 (42 full days).

Legislative branch appropriations were enacted prior to the start of FY2019, and before the 34-day lapse in appropriations that impacted some other portions of the federal government. Similarly, legislative branch appropriations were enacted prior to the second and third funding gaps that impacted some other portions of the federal government during FY2026.

2. What actions did Congress take during previous shutdowns?

During the FY1996, FY2014, and FY2026 shutdowns, the House and Senate continued to engage in many aspects of the legislative process. For example

- in 2013, legislation was introduced, reported, and passed in both the House and Senate; some roll call votes occurred (these are listed in the Senate's 2013 annual roll call list, and House votes are listed by date, for example, October 1, 2013); committees held hearings and meetings and nominations were received and considered in the Senate.
- in 2025, legislation was introduced and reported (and passed in the Senate); some roll call votes occurred (these are listed in the Senate's 2025 annual roll call list); committees held hearings and meetings; and nominations were received and considered in the Senate.

3. What shutdown guidance is available to House and Senate offices?

In prior Congresses, guidance has been issued by the Committee on House Administration, the Senate Committee on Rules and Administration, and House and Senate support offices (e.g., the Senate Chief Counsel for Employment, the House and Senate disbursing or payroll offices). For example, see the guidance issued in 2013 and in 1995 by the House. The Committee on House Administration posted updated guidance in September 2025.

4. What information is available regarding legislative branch agency shutdown plans?

During a lapse in appropriations, activities of legislative branch agencies would likely be restricted, in consultation with Congress, to activities required to support Congress in the performance of its constitutional duties or those necessary to protect life and property (see 1990 Government Accountability Office General Counsel letter).

Although executive branch agencies are required to submit their shutdown plans to the Office of Management and Budget (OMB) pursuant to *OMB Circular No. A-11*, this requirement does not apply to the legislative branch.

In advance of prior shutdowns (or potential shutdowns), some information related to planned operations was posted online (for example, by the Library of Congress, the Government Publishing Office, and the Congressional Budget Office). In addition, information on some agency services (e.g., expected levels of facilities services provided by or contracted by the Architect of the Capitol) was communicated through "Dear Colleague" letters.

5. How does a lapse in appropriations impact salaries for Members of Congress?

Due to their constitutional responsibilities, Members of Congress are not subject to furlough.

Members of Congress continue to receive their pay during a lapse in appropriations for a number of reasons:

- Member salaries have been provided by a permanent, mandatory appropriation since the enactment of P.L. 97-51 (95 Stat. 966, September 11, 1981, 2 U.S.C. §4501 note).
- Article I, §6 of the Constitution states, "Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States."
- The Twenty-Seventh Amendment to the Constitution added: "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."
- Additionally, the Government Accountability Office's (GAO's) *Principles of Federal Appropriations Law* (p. 6-105) states: "The salary of a Member of Congress is fixed by statute and therefore cannot be waived without specific statutory authority. B-159835, April 22, 1975; B-123424, March 7, 1975; B-123424, April 15, 1955; A-8427, March 19, 1925; B-206396.2, November 15, 1988 (nondecision letter). However, as each of these cases points out, nothing prevents a Senator or Representative from accepting the salary and then, as several have done, donate part or all of it back to the United States Treasury."

Whether scheduled Member pay disbursements coincide with a lapse in appropriations impacting some portion of the federal government depends on timing. Members of the House receive a paycheck monthly (2 U.S.C. §5301 and §5302), on the first business day of the month. Senators are paid "twice a month, on the 20th (for the 1st through the 15th of that month) and on the 5th (for the last half of the preceding month). If the pay date falls on a Saturday, Sunday or holiday, payday is the preceding workday" (*Senate Handbook*, and 2 U.S.C. §5303).

Both the House and Senate have considered legislation to prohibit or withhold pay during a shutdown (e.g., in the 119th Congress, H.R. 518, H.R. 1973, H.R. 5637, H.R. 5678, H.R. 5792, H.R. 5802, H.R. 5891, H.R. 6692, S.Res. 493, S. 3057, and S.Res. 526, which was agreed to in the Senate by voice vote on May 14, 2026).

For information and links to legislation introduced since the 112th Congress, see CRS Report 97-1011, *Salaries of Members of Congress: Recent Actions and Historical Tables*, by Ida A. Brudnick.

For more historical information from 1995, see CRS Report 97-615, *Salaries of Members of Congress: Congressional Votes, 1990-2025*, by Ida A. Brudnick.

6. How does a lapse in appropriations impact salaries for legislative branch employees?

There is no authority to disburse pay absent an appropriation, including for employees who are exempt from furlough and required to work.

Pay dates and frequency vary across the House, Senate, and legislative branch agencies.

Following the end of a lapse in appropriations, retroactive pay is statutorily required for all employees (including, pursuant to the Government Employee Fair Treatment Act of 2019, P.L. 116-1, any furloughed employees).

For additional information, see CRS In Focus IF11703, *Federal Employee Furloughs: Types and Implications*, by Taylor N. Riccard.

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