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Past Government Shutdowns: Key Resources

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Committees of Congress

Summary

When federal government agencies and programs lack budget authority after the expiration of either full-year or interim appropriations, they experience a "funding gap." Under the Antideficiency Act (31 U.S.C. §§1341 et seq.), they must cease operations, except in certain circumstances when continued activities are authorized by law. When there is a funding gap that affects many federal entities, the situation is often referred to as a government shutdown. In the past, there have occasionally been funding gaps that led to government shutdowns, one of which lasted 21 days, from December 16, 1995, to January 6, 1996. A shutdown occurred at the beginning of FY2014 (October 1, 2013) and lasted for a total of 16 days. Subsequently, two comparatively brief shutdowns occurred during FY2018, in January and February 2018, respectively. The longest shutdown occurred in FY2019—beginning at the end of the day on December 21, 2018, and lasting 35 days.

The relevant laws that govern shutdowns have remained relatively constant in recent decades. However, agencies and officials may exercise some discretion in how they interpret the laws, and circumstances that confront agencies and officials may differ over time. Consequently, it is difficult to predict what might happen in the event of a future shutdown. Still, information about past events may offer some insight into possible outcomes and help inform future deliberations.

This report provides an annotated list of historical documents and other resources related to several past government shutdowns. Sources for these documents and resources include the Congressional Research Service (CRS), Government Accountability Office (GAO), House and Senate Committees, Office of Management and Budget (OMB), Office of Personnel Management (OPM), and Executive Office of the President. When possible, the report includes links to full-text documents.

For more information about federal government shutdowns and funding gaps, see CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, coordinated by Clinton T. Brass. For more information about funding gaps, see CRS Report RS20348, *Federal Funding Gaps: A Brief Overview*, by James V. Saturno. For information on federal employee furloughs, see CRS In Focus IF11703, *Federal Employee Furloughs: Types and Implications*, by Taylor N. Riccard.

This report will be updated as additional resources are identified.

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Introduction

This report provides historical documents and other resources related to past government shutdowns, along with brief annotations that describe the contents of the documents. The report includes links to full-text documents when available. There is limited information and guidance related to shutdowns, and it is difficult to predict what might happen in the event of one, but information about past events may help inform future deliberations.

The following annotated resources are meant to guide readers to relevant materials from governmental and selected nongovernmental sources.

Congressional Research Service Products

The following CRS products include information related to past government shutdowns.

CRS Products

- CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, coordinated by Clinton T. Brass

  The report discusses the causes, processes, and effects of federal government shutdowns, including potential issues for Congress.

- CRS Report RS20348, *Federal Funding Gaps: A Brief Overview*, by James V. Saturno

  The report provides a discussion of funding gaps in recent decades and a more detailed chronology of legislative actions and funding gaps that led to the two shutdowns of FY1996 and the single shutdown of FY2014.

- CRS Report R43292, *The FY2014 Government Shutdown: Economic Effects*, by Marc Labonte

  The report discusses the effects of the FY2014 government shutdown on the economy and financial markets. It also reviews third-party estimates of the effects of the shutdown on the economy.

- CRS Report R43250, *CRS Resources on the FY2014 Funding Gap, Shutdown, and Status of Appropriations*, by Justin Murray

  The brief report includes short annotations and links to CRS products related to the October 2013 government shutdown.

- CRS Legal Sidebar LSB10243, *How a Government Shutdown Affects Government Contracts*, by David H. Carpenter

  The Legal Sidebar briefly covers potential effects of a shutdown on new and existing contracts.

- CRS In Focus IF11703, *Federal Employee Furloughs: Types and Implications*, by Taylor N. Riccard

  The In Focus includes brief descriptions of federal employee furlough types and procedures.

- CRS In Focus IF11079, National Park Service: Government Shutdown Issues, by Laura B. Comay and Carol Hardy Vincent

  The In Focus covers the National Parks Service and topics such as the accessibility and funding for limited operations during a government shutdown.

- CRS Insight IN11011, *Economic Effects of the FY2019 Government Shutdown*, by Marc Labonte

  The Insight briefly covers the FY2019 shutdown and its effects on economic activity and employment.

- CRS Insight IN11020, *Federal Grants to State and Local Governments: Issues Raised by the Partial Government Shutdown*, by Natalie Keegan

  The Insight briefly covers the FY2019 shutdown and its effect on the timing and payment of grant awards.

Government Accountability Office

The U.S. Government Accountability Office (GAO)[1] has published reports related to past and potential shutdowns. The following documents investigate possible issues and provide historical context surrounding government shutdowns.

- U.S. Government Accountability Office, FY 2019 Government Shutdown: Selected Agencies Could Improve Contingency Planning for Potential Shutdown Scenarios and Strengthen Some Internal Controls, GAO-20-377, June 1, 2020, available at https://www.gao.gov/products/gao-20-377.

  GAO examined four agencies' contingency plans and operations during FY2019's partial shutdown and reported recommendations for future potential shutdowns.

- U.S. Government Accountability Office, *Government Shutdown: Three Departments Reporting Varying Degrees of Impacts on Operations, Grants, and Contracts*, GAO-15-86, November 14, 2014, available at https://www.gao.gov/products/GAO-15-86.

  GAO reviewed how the 2013 shutdown affected some operations and services at three departments: the Departments of Energy, Health and Human Services (HHS), and Transportation (DOT). GAO selected these three departments for review based on the value of grants and contracts, the percentage of employees expected to be furloughed, and the potential for longer-term effects.

  GAO recommended that the Office of Management and Budget (OMB) instruct agencies to document lessons learned in planning for and implementing a shutdown, as well as for resuming activities following a shutdown should a funding gap longer than five days occur in the future. OMB staff did not state whether they agreed or disagreed with the recommendation.

- U.S. General Accounting Office, *Cost of the Recent Partial Shutdown of Government Offices*, PAD-82-24, December 10, 1981, available at http://www.gao.gov/products/PAD-82-24.

[1] Until 2004, GAO was called the General Accounting Office.

According to GAO, the report was completed "in response to congressional requests," for which "GAO contacted 13 cabinet departments and 12 selected agencies and offices to obtain information about the costs of a 1981 partial shutdown of government offices." It includes cost estimates, background information about the costs, and GAO recommendations to Congress concerning agency operations in the event of a government shutdown.

- U.S. General Accounting Office, *Funding Gaps Jeopardize Federal Government Operations*, PAD-81-31, March 3, 1981, available at http://www.gao.gov/products/PAD-81-31.[2]

  According to GAO, as of March 1981, "interruptions in federal agency funding at the beginning of the fiscal year (FY) and operations on continuing resolutions have become the norm rather than the exception." For years, many federal agencies continued to operate during a funding gap, while "minimizing all nonessential operations and obligations, believing that Congress did not intend that agencies close down" while waiting for the enactment of annual appropriations acts or continuing resolutions. During the FY1981 appropriations process, the President requested opinions on the Antideficiency Act from the then-U.S. Attorney General, Benjamin Civiletti.[3] In two memoranda issued in 1980 and 1981, the Attorney General stated that the act required agencies to terminate all operations when their current appropriations expired. According to GAO, agencies were uncertain how to respond to the Attorney General's opinion and what activities they would be able to continue if appropriations expired. The GAO report outlines some of the problems surrounding late appropriations and funding gaps. It also includes Attorney General Civiletti's opinions within Appendices IV and VIII.[4]

- U.S. General Accounting Office, *Government Shutdown: Funding Lapse Furlough Information*, GGD-96-52R, December 1, 1995, available at http://www.gao.gov/products/GGD-96-52R.

  GAO was asked to provide available information on the numbers of federal employees who might have been subject to furlough in the event of a second shutdown in 1995. GAO provided numbers that were based on plans provided by the Office of Management and Budget (OMB) to GAO in October 1995. The numbers included within the document do not represent actual furloughs. The numbers represent planned furloughs in advance of the two shutdowns, which occurred later in November and December–January.

- U.S. General Accounting Office, *Government Shutdown: Permanent Funding Lapse Legislation Needed*, GGD-91-76, June 6, 1991, available at http://www.gao.gov/products/GGD-91-76.

  In 1990, GAO issued a questionnaire to government agencies in an attempt to measure the effects of a partial shutdown which occurred on Columbus Day weekend. The report

[2] Information about historical context in this section was provided by Clinton Brass. For more information on government shutdowns, see CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, coordinated by Clinton T. Brass.

[3] Benjamin Civiletti was U.S. Attorney General from 1979 to 1981.

[4] The opinions stated that, with some exceptions, the head of an agency could avoid violating the Antideficiency Act only by suspending the agency's operations until the enactment of an appropriation. In the absence of appropriations, exceptions would be allowed only when there is "some reasonable and articulable connection between the function to be performed and the safety of human life or the protection of property." For discussion of exemptions, see U.S. GAO, *Principles of Federal Appropriations Law*, 3rd ed., vol., GAO-06-382SP, February 2006, ch. 6, pp. 6-146–6-159, available at http://www.gao.gov/products/GAO-06-382SP.

also includes estimates on the effects of a hypothetical three-day shutdown during a nonholiday workweek.

House and Senate Committee Prints and Hearings

Committee Prints

The following committee print includes historical information on a past government shutdown.

- U.S. Congress, House Committee on Post Office and Civil Service, *Cost of Shutting Down Federal Government on November, 23, 1981*, committee print, 97th Congress, 2nd session, March 25, 1982 (Washington: GPO, 1982), available at http://hdl.handle.net/2027/pur1.32754077662413.

  The committee print assessed the cost of the November 23, 1981, shutdown of federal offices resulting from a presidential veto of a continuing resolution for FY1982. It includes individual federal departments' and agencies' shutdown impact assessments that were collected by GAO (pp. 73-212).[5] It also includes cost estimates, an OMB memorandum, and a presidential veto statement.

Hearings

The following are congressional hearings that include historical information on past shutdowns. Some of these hearings include items for the record such as OMB memoranda.

- U.S. Congress, House and Senate Committees on the Budget, *Effects of Potential Government Shutdown*, hearing, 104th Congress, 1st session, September 19, 1995 (Washington: GPO, 1995), available at http://www.archive.org/stream/effectsofpotenti00unit.

  The hearing took place before the November 1995 shutdown, and it examined potential scenarios if a shutdown were to occur. The hearing includes testimony from Walter Dellinger, Assistant Attorney General, U.S. Department of Justice, and Alice M. Rivlin, Director, OMB. The hearing includes additional materials such as articles, letters from the Federal Reserve System, and a memo[6] from Walter Dellinger to Alice Rivlin.

- U.S. Congress, House Committee on Government Reform and Oversight, Subcommittee on Civil Service, *Government Shutdown I: What's Essential*? hearings, 104th Congress, 1st session, December 6, and 14, 1995 (Washington: GPO 1997), available at https://www.govinfo.gov/content/pkg/CHRG-104hhrg23275/pdf/CHRG-104hhrg23275.pdf.

  These hearings were held in December 1995 and generally covered the November 1995 shutdown.[7] Because the hearings were not published until 1997, some additional

[5] U.S. General Accounting Office, *Cost of the Recent Partial Shutdown of Government Offices*, PAD-82-24, December 10, 1981, available at http://www.gao.gov/products/PAD-82-24.

[6] U.S. Department of Justice, Office of Legal Counsel, *Government Operation in the Event of a Lapse in Appropriations*, memorandum from Walter Dellinger, Assistant Attorney General, for Alice Rivlin, Director, Office of Management and Budget, August 16, 1995. Reprinted in the hearing print at pp. 77-85.

[7] The hearing print includes inserted material from the Department of Veterans Affairs (VA) *Shutdown Plan, September 1995*, pp. 80-90; VA, *Agency Shutdown Guidance*, August 14, 1995, pp. 119-131; VA, *Lapse of*

information related to the December 1995-January 1996 government shutdown is included.[8]

- U.S. Congress, House Committee on Resources, *State Service Donations in Budgetary Shutdowns*, hearing, 104th Congress, 1st session, December 5, 1995 (Washington: GPO 1996), available at http://www.archive.org/stream/stateservicedona00unit.

  The hearing was held to consider legislation[9] that would have directed the Department of the Interior to accept donations of assistance from state governments' employee services for operating national parks and wildlife refuges during federal government shutdowns.

- U.S. Congress, House Committee on Oversight and Government Reform, *As Difficult As Possible: The National Park Service's Implementation of the Government Shutdown*, hearing, 113th Congress, 1st session, October 16, 2013, available at https://www.govinfo.gov/content/pkg/CHRG-113hhrg88621/pdf/CHRG-113hhrg88621.pdf.

  The hearing was held during the October 2013 shutdown and looked at the National Park Service's implementation of the government shutdown.

- U.S. Congress, House Committee on Veterans' Affairs, *Effect of Government Shutdown on VA Benefits and Services to Veterans*, hearing, 113th Congress, 1st session, October 9, 2013, available at https://www.govinfo.gov/content/pkg/CHRG-113hhrg85863/pdf/CHRG-113hhrg85863.pdf.

  The hearing was held during the October 2013 shutdown and focused on the impact of the shutdown on benefits payments and services for veterans.

- U.S. Congress, Senate Committee on Commerce, Science, and Transportation, *Impacts of the Government Shutdown on Our Economic Security*, hearing, 113th Congress, 1st session, October 11, 2013, available at https://www.govinfo.gov/content/pkg/CHRG-113shrg93946/pdf/CHRG-113shrg93946.pdf.

  The hearing was held during the October 2013 shutdown and focused on the possible and emerging economic and other impacts related to the shutdown.

- U.S. Congress, Senate Committee on Small Business and Entrepreneurship, *Small Businesses Speak: Surviving the Government Shutdown?* hearing, 113th Congress, 1st session, October 15, 2013, available at https://www.govinfo.gov/content/pkg/CHRG-113shrg87989/pdf/CHRG-113shrg87989.pdf.

  The hearing was held during the October 2013 shutdown and it examined the impacts the shutdown was having on small businesses.

- U.S. Congress, House Committee on Armed Services, Subcommittee on Readiness, *The Interpretation of H.R. 3210: 'Pay Our Military Act'*, hearing, 113th Congress, 1st session, October 10, 2013, available at

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Appropriation Furlough Guidance, September 19, 1995, pp. 132-151; and VA, *Updated Plans for Implementing a Government Shutdown*, December 14, 1995, pp. 354-374.

[8] The hearing includes an OMB letter with information about the effects of the shutdowns and counts of employees who were excepted and not excepted from furlough; see pp. 266-270 and 272-274.

[9] Includes the text of H.R. 2677 and H.R. 2706, 104th Congress.

https://www.govinfo.gov/content/pkg/CHRG-113hhrg85325/pdf/CHRG-113hhrg85325.pdf.

The hearing was held during the October 2013 shutdown, and it examined interpretations of H.R. 3210, the Pay Our Military Act, which ultimately was enacted as P.L. 113-39.

- U.S. Congress, Senate Joint Economic Committee, *The Way Forward: Long-Term Fiscal Responsibility and Economic Growth*, hearing, 113th Congress, 1st session, October 11, 2013, available at https://www.govinfo.gov/content/pkg/CHRG-113shrg85408/pdf/CHRG-113shrg85408.pdf.

  The hearing was held during the October 2013 shutdown. The hearing examined policy options for ending the shutdown and addressing the debt ceiling, and it also reviewed potential solutions to promote fiscal sustainability and economic growth.

- U.S. Congress, House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, *The Power of the Purse: A Review of Agency Spending Restrictions During a Shutdown*, hearing, 116th Congress, 1st Session, February 6, 2019. Select testimony and video footage available at https://appropriations.house.gov/legislation/hearings/the-power-of-the-purse-a-review-of-agency-spending-restrictions-during-a.

  The hearing examined the FY2019 partial shutdown and agency restrictions.

- U.S. Congress, House Committee on Small Business, Subcommittee on Investigations, Oversight, and Regulations, *Shutdown Lessons: SBA Capital Access Programs,* hearing 116th Congress, 1st Session, February 26, 2019, available at https://www.govinfo.gov/content/pkg/CHRG-116hhrg34741/pdf/CHRG-116hhrg34741.pdf.

  The hearing examined the FY2019 partial government shutdown and impacts on the Small Business Administration (SBA) and small business access to capital.

- U.S. Congress, House Committee on Oversight and Reform, Subcommittee on Governmental Operations, *Government Shutdowns: Contract Killers*, hearing, 116th Congress, 1st Session, May 6, 2019, available at https://www.govinfo.gov/content/pkg/CHRG-116hhrg36438/pdf/CHRG-116hhrg36438.pdf.

  The field hearing examined the impact on federal contractors from the FY2019 partial shutdown.

Office of Management and Budget

Guidance Documents for Agencies

OMB documents and guidance regarding potential or actual funding gaps and shutdowns may provide insights into current and future practices. The Office of Personnel Management (OPM) has provided links to copies of previous OMB bulletins and memoranda for reference.[10] The

[10] Some of these documents have been reproduced within legislative branch documents mentioned within this report. See U.S. Congress, House and Senate Committees on the Budget, *Effects of Potential Government Shutdown*, hearing 104th Cong., 1st sess., September 19, 1995, pp. 77-85; U.S. General Accounting Office, *Funding Gaps Jeopardize Federal Government Operations*, Appendices V, VI, and VII; and U.S. Congress, House Committee on Government

website, entitled *Pay & Leave Furlough Guidance: Shutdown Furlough*, is available at http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/#url=Shutdown-Furlough.

Some of the OMB documents include the following:

- OMB Bulletin No. 80-14, *Shutdown of Agency Operations Upon Failure by the Congress to Enact Appropriations*, August 28, 1980 (citing the 1980 Civiletti opinion[11] and requiring agencies to develop shutdown plans);
- OMB Memorandum, *Agency Operations in the Absence of Appropriations*, November 17, 1981 (referencing OMB Bulletin No. 80-14; stating the 1981 Civiletti opinion[12] remains in effect; and providing examples of "excepted activities" that may be continued under a funding gap);
- OMB Bulletin No. 80-14, Supplement No. 1, *Agency Operations in the Absence of Appropriations*, August 20, 1982 ("updating" OMB Bulletin No. 80-14 and newly requiring agencies to submit contingency plans for review by OMB);
- OMB Memorandum M-91-02, *Agency Operations in the Absence of Appropriations*, October 5, 1990 (referencing OMB Bulletin No. 80-14; stating that OMB Bulletin No. 80-14 was "amended" by the OMB Memorandum of November 17, 1981; stating the 1981 Civiletti opinion remains in effect; and directing agencies how to respond to an anticipated funding gap that would begin during the weekend);
- OMB Memorandum M-95-18, *Agency Plans for Operations During Funding Hiatus*, August 22, 1995 (referencing OMB Bulletin No. 80-14, as amended; citing the 1981 Civiletti opinion; transmitting to agencies a 1995 Office of Legal Counsel opinion as an "update" to the 1981 Civiletti opinion;[13] and directing agencies to send updated contingency plans to OMB);
- OMB Memorandum M-13-22, *Planning for Agency Operations during a Potential Lapse in Appropriations*, September 17, 2013 (citing Section 124 of Circular A-11 and providing guidance and coordinating efforts to facilitate contingency planning in accordance with the Antideficiency Act); and
- OMB Memorandum M-18-05, *Planning for Agency Operations during a Potential Lapse in Appropriations*, January 19, 2018 (citing Section 124 of Circular A-11 and providing guidance and coordinating efforts to facilitate contingency planning in accordance with the Antideficiency Act).

OMB also provides agencies with annual instructions in *Circular No. A-11* on how to prepare for and operate during a funding gap.

Reform and Oversight, Subcommittee on Civil Service, *Government Shutdown I: What's Essential?*, hearings, 104th Cong., 1st sess., December 6, and 14, 1995, pp. 99-112, 121-131, and 428-430.

[11] For the 1980 Civiletti opinion, see U.S. General Accounting Office, *Funding Gaps Jeopardize Federal Government Operations*, PAD-81-31, March 3, 1981, pp. 63-69, available at http://www.gao.gov/products/PAD-81-31.

[12] For the 1981 Civiletti opinion, see U.S. General Accounting Office, *Funding Gaps Jeopardize Federal Government Operations*, PAD-81-31, March 3, 1981, pp. 77-92, available at http://www.gao.gov/products/PAD-81-31.

[13] U.S. Department of Justice, Office of Legal Counsel, *Government Operation in the Event of a Lapse in Appropriations*, memorandum from Walter Dellinger, Assistant Attorney General, for Alice Rivlin, Director, Office of Management and Budget, August 16, 1995, reprinted in U.S. Congress, House and Senate Committees on the Budget, *Effects of Potential Government Shutdown*, hearing, 104th Cong., 1st sess., September 19, 1995 (Washington: GPO, 1995), pp. 77-85, available at http://www.archive.org/details/effectsofpotenti00unit.

- U.S. Executive Office of the President, Office of Management and Budget, *Circular No. A-11: Preparation, Submission, and Execution of the Budget*, June 2018, Section 124, available at https://www.whitehouse.gov/wp-content/uploads/2018/06/s124.pdf.

  The circular establishes two "policies" regarding the absence of appropriations: (1) a prohibition on incurring obligations unless the obligations are otherwise authorized by law; and (2) permission to incur obligations "as necessary for orderly termination of an agency's functions," but prohibition of any disbursement (i.e., payment).

  The circular also directs agency heads to develop and maintain shutdown plans, which are to be submitted to OMB at a minimum every two years starting August 1, 2015, and also when revised to reflect certain changes in circumstances. Agency heads are to use the Civiletti opinions, a 1995 Department of Justice, Office of Legal Counsel opinion, and the circular to "decide what agency activities are excepted or otherwise legally authorized to continue during a lapse in appropriations."[14]

Agency Contingency Plans

OMB has a website with links to agency shutdown contingency plans arranged by agency. The website, entitled "Agency Contingency Plans," is available at https://www.whitehouse.gov/omb/information-for-agencies/Agency-Contingency-Plans.[15]

Impacts and Costs of Shutdowns

FY1996

The hearing entitled *Government Shutdown I: What's Essential*? includes some estimates related to the December 1995–January 1996 shutdowns. It includes an OMB letter with information about the effects of the shutdowns and counts of employees who were excepted and not excepted from furlough; see pp. 266-270 and 272-274. The hearing is available at http://www.gpo.gov/fdsys/pkg/CHRG-104hhrg23275/pdf/CHRG-104hhrg23275.pdf.

FY2014

OMB released a report on November 7, 2013, with some estimates on the cost of the October 2013 shutdown. The report includes information on federal employee furloughs, economic effects of the shutdown, and some impact estimates related to select programs.[16] The report is available at http://web.archive.org/web/20140701035515/http://www.whitehouse.gov/sites/default/files/omb/reports/impacts-and-costs-of-october-2013-federal-government-shutdown-report.pdf.

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[14] U.S. Executive Office of the President, Office of Management and Budget (OMB), *Circular No. A-11*, Section 124.1, June 2018. For the Department of Justice, Office of Legal Counsel document, see U.S. Congress, House and Senate Committees on the Budget, *Effects of Potential Government Shutdown*, hearing, 104th Cong., 1st sess., September 19, 1995 (Washington: GPO, 1995), pp. 77-85, available at http://www.archive.org/details/effectsofpotenti00unit. For more information on federal government shutdown causes, processes, and effects, see CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, coordinated by Clinton T. Brass.

[15] Some historical agency shutdown plans can be found on the Internet Archive at https://web.archive.org/web/20170501000000*/https://www.whitehouse.gov/omb/Agency-Contingency-Plans.

[16] An accompanying OMB blog post entitled *Impacts and Costs of the Government Shutdown* is available at https://obamawhitehouse.archives.gov/blog/2013/11/07/impacts-and-costs-government-shutdown.

FY2019

The Congressional Budget Office (CBO) released a report on January 28, 2019, with some estimates of effects of the December 2018–January 2019 partial government shutdown. The report includes estimates related to the shutdown's effect on discretionary spending, economic activity and GDP. The report is available at https://www.cbo.gov/publication/54937.

Office of Personnel Management

OPM has some information publicly available on the internet related to government shutdowns and furloughs.

- U.S. Office of Personnel Management, *Pay & Leave Furlough Guidance*, available at https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/#url=Shutdown-Furlough.

  The website includes links to guidance related to administrative and shutdown furloughs. The shutdown portion of the website includes the following additional references to historical guidance including

  - U.S. Office of Personnel Management, *Memorandum to Agencies on Retroactive Pay and Other Matters*, October 17, 2013;
  - U.S. Office of Personnel Management, *Information on Paychecks for September 22 through October 5, 2013 Pay Period*;
  - U.S. Office of Personnel Management, *Guidance for Shutdown Furloughs*, September 2015;
  - U.S. Chief Human Capital Council, *Memorandum for Heads of Executive Departments and Agencies. Fact Sheet: Pay and Benefits Information for Employees Affected by the Lapse in Appropriations*, January 23, 2019;
  - U.S. Chief Human Capital Council, *Memorandum for Heads of Executive Departments and Agencies. Government Fair Treatment Act of 2019*, January 23, 2019;
  - U.S. Chief Human Capital Council, *Memorandum for Heads of Executive Departments and Agencies. Telework and other Workplace Flexibilities for Excepted Employees during a Lapse in Appropriations*, January 23, 2019.

Presidential Materials

The following documents are from the National Archives and Records Administration (NARA) and current Administration websites. These documents cover statements made by Presidents and Administration officials during government shutdowns and are arranged by date.

Presidential Statements Related to FY1996 Shutdowns

The November 1995 Shutdown

Historical Context.[17] The November 1995 shutdown began on November 14, 1995, and ended on November 19, 1995. An estimated 800,000 federal employees were furloughed during the five full days of the shutdown.[18] The furlough action was due to the expiration of a continuing resolution (P.L. 104-31), which funded the government through November 13, 1995. On November 13, President William Clinton vetoed a second continuing resolution (H.J.Res. 115) and a debt limit extension bill (H.R. 2586) and instructed agencies to begin shutdown operations. The following presidential statements occurred during this time period.

- U.S. President (Clinton), November 13, 1995, *President's Message to Congress on Continuing Resolution Veto*, available at https://clintonwhitehouse6.archives.gov/1995/11/1995-11-13-president-message-to-congress-on-continuing-res-veto.html.
- U.S. President (Clinton), November 14, 1995, *Statement by the President on Government Shutdown*, available at https://clintonwhitehouse6.archives.gov/1995/11/1995-11-14-for-the-record-president-on-government-shutdown.html.
- U.S. President (Clinton), November 17, 1995, *Transmittal to Congress of Presidential C.R.*, available at https://clintonwhitehouse6.archives.gov/1995/11/1995-11-17-transmittal-to-congress-of-presidential-cr.html.
- U.S. President (Clinton), November 18, 1995, *Radio Address by the President to the Nation*, available at https://clintonwhitehouse6.archives.gov/1995/11/1995-11-18-radio-address-by-the-president-to-the-nation.html.
- U.S. President (Clinton), November 19, 1995, *Statement by the President on Budget Agreement*, available at https://clintonwhitehouse6.archives.gov/1995/11/1995-11-19-statement-by-the-president-on-budget-agreement.html.

The December 1995-January 1996 Shutdown

Historical Context.[19] The December 1995-January 1996 shutdown began on December 16, 1995, and ended on January 6, 1996. The shutdown was triggered by the expiration of a continuing funding resolution enacted on November 20, 1995 (P.L. 104-56), which funded the government through December 15, 1995. The shutdown officially ended on January 6, with the passage of three continuing resolutions (CRs) (P.L. 104-91, P.L. 104-92, and P.L. 104-94). There were five additional short-term continuing resolutions needed to prevent further funding gaps from occurring through April 26, 1996, when the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134) was enacted to fund any agencies or programs not yet funded through FY1996. The following presidential statements occurred during the time period of December 15, 1995, through January 6, 1996.

- U.S. President (Clinton), December 15, 1995, *Statement by the President on Budget Negotiations*, available at https://clintonwhitehouse6.archives.gov/1995/12/1995-12-15-president-statement-on-budget-negotiations.html.

[17] Jessica Tollestrup, CRS Specialist in Social Policy, provided information about the historical context in this section.

[18] See U.S. Congress, House Committee on Government Reform and Oversight, Subcommittee on Civil Service, *Government Shutdown I: What's Essential?* hearings, 104th Cong., 1st sess., December 6, and 14, 1995, p 4.

[19] Jessica Tollestrup, CRS Specialist in Social Policy, provided information about the historical context in this section.

- U.S. President (Clinton), December 16, 1995, *Radio Address by the President to the Nation*, available at https://clintonwhitehouse6.archives.gov/1995/12/1995-12-16-radio-address-by-the-president-to-the-nation.html.
- U.S. President (Clinton), December 18, 1995, *Statement by the President on the Budget*, available at https://clintonwhitehouse6.archives.gov/1995/12/1995-12-18-statement-by-the-president-on-the-budget.html.
- U.S. President (Clinton), December 22, 1995, *Statement by the President on Signing House Joint Res. 136*, available at https://clintonwhitehouse6.archives.gov/1995/12/1995-12-22-president-statement-on-signing-house-joint-res.html.
- U.S. President (Clinton), December 23, 1995, *Radio Address by the President to the Nation*, available at https://clintonwhitehouse6.archives.gov/1995/12/1995-12-23-radio-address-by-the-president-to-the-nation.html.
- U.S. President (Clinton), January 4, 1996, *Statement by the President on House Joint Resolution 153*, available at https://clintonwhitehouse6.archives.gov/1996/01/1996-01-04-president-statement-on-house-joint-resolution.html.
- U.S. President (Clinton), January 6, 1996, *Statement by the President on Balanced Budget Proposal*, available at https://clintonwhitehouse6.archives.gov/1996/01/1996-01-06-president-remarks-on-balanced-budget-proposal.html.
- U.S. President (Clinton), January 6, 1996, *Statement by the President in Signing* H.R. 1358, available at https://clintonwhitehouse6.archives.gov/1996/01/1996-01-06-president-statement-in-signing-hr.html.
- U.S. President (Clinton), January 6, 1996, *Statement by the President in Signing* H.R. 1643, available at https://clintonwhitehouse6.archives.gov/1996/01/1996-01-06-president-statement-in-signing-hr-a.html.
- U.S. President (Clinton), January 6, 1996, *Radio Address by the President to the Nation*, available at https://clintonwhitehouse6.archives.gov/1996/01/1996-01-06-radio-address-by-the-president-to-the-nation.html.

Presidential Statements Related to FY2014 Shutdown

Historical Context.[20] A shutdown occurred at the beginning of FY2014 (October 1, 2013) and lasted for a total of 16 full days. At the beginning of the fiscal year, none of the 12 regular appropriations bills for FY2014 were enacted. In addition, a continuing resolution to provide temporary funding for the previous year's projects and activities had also not been enacted. On September 30, however, an automatic continuing resolution was enacted that covered FY2014 pay and allowances for (1) certain members of the Armed Forces, (2) certain Department of Defense (DOD) civilian personnel, and (3) other specified DOD and Department of Homeland Security contractors (P.L. 113-39).[21]

A continuing resolution was signed into law (P.L. 113-46) on October 17, 2013, which ended the shutdown and allowed government departments and agencies to reopen. The following presidential statements occurred during the time period of September 30, 2013, through October 19, 2013, and included discussion of the shutdown.

[20] Jessica Tollestrup, CRS Specialist in Social Policy, provided information about the historical context in this section.

[21] For more information on automatic continuing resolutions, see CRS Report R41948, *Automatic Continuing Resolutions: Background and Overview of Recent Proposals*, by Jessica Tollestrup.

- U.S. President (Obama), September 30, 2013, *Statement by the President*, available at https://obamawhitehouse.archives.gov/the-press-office/2013/09/30/statement-president.
- U.S. President (Obama), September 30, 2013, *Weekly Address: Averting a Government Shutdown and Expanding Access to Affordable Healthcare*, available at https://obamawhitehouse.archives.gov/blog/2013/09/28/weekly-address-averting-government-shutdown-and-expanding-access-affordable-healthca.
- U.S. President (Obama), October 1, 2013, *Remarks by the President on the Affordable Care Act and the Government Shutdown*, available at https://obamawhitehouse.archives.gov/the-press-office/2013/10/01/remarks-president-affordable-care-act-and-government-shutdown.
- U.S. President (Obama), October 3, 2013, *Remarks by the President on the Government Shutdown,* available at https://obamawhitehouse.archives.gov/the-press-office/2013/10/03/remarks-president-government-shutdown.
- U.S. President (Obama), October 5, 2013, *Weekly Address: End This Government Shutdown*, available at https://obamawhitehouse.archives.gov/blog/2013/10/05/your-weekly-address-end-government-shutdown.
- U.S. President (Obama), October 7, 2013, *Remarks by the President at FEMA Headquarters,* available at https://obamawhitehouse.archives.gov/the-press-office/2013/10/07/remarks-president-fema-headquarters.
- U.S. President (Obama), October 12, 2013, *Weekly Address: Let's Get Back to the Work of the American People*, available at https://obamawhitehouse.archives.gov/blog/2013/10/12/weekly-address-let-s-get-back-work-american-people.
- U.S. President (Obama), October 16, 2013, *Statement by the President of the United States,* available at https://obamawhitehouse.archives.gov/the-press-office/2013/10/16/statement-president-united-states.
- U.S. President (Obama), October 17, 2013, *Remarks by the President on the Reopening of the Government*, available at https://obamawhitehouse.archives.gov/the-press-office/2013/10/17/remarks-president-reopening-government.
- U.S. President (Obama), October 19, 2013, *Weekly Address: Working Together on Behalf of the American People,* available at https://obamawhitehouse.archives.gov/blog/2013/10/19/weekly-address-working-together-behalf-american-people.

Presidential and Administration Statements Related to the FY2018 Shutdown

Historical Context.[22] At the beginning of FY2018, none of the 12 regular appropriations bills had been enacted, so the federal government operated under a series of CRs. The first, P.L. 115-56, provided government-wide funding through December 8, 2017. The second, P.L. 115-90,

[22] More details on the shutdown can be found in CRS Report RS20348, *Federal Funding Gaps: A Brief Overview*, by James V. Saturno.

extended funding through December 22, and the third, P.L. 115-96, extended it through January 19, 2018.

In the absence of agreement on legislation that would further extend the period of these CRs, a funding gap began with the expiration of P.L. 115-96 at midnight on January 19. A furlough of federal personnel began over the weekend and continued through Monday of the following week, ending with enactment of a fourth CR, P.L. 115-120, on January 22.

The following presidential and Trump Administration statements occurred during the time period of January 19, 2018, through January 22, 2018, and included discussion of the shutdown.

- January19, 2018, *Press Briefing by OMB Director Mick Mulvaney and Legislative Affairs Director Marc Short on the Potential Government Shutdown,* available at https://trumpwhitehouse.archives.gov/briefings-statements/press-briefing-by-omb-director-mick-mulvaney-and-legislative-affairs-director-marc-short-on-the-potential-government-shutdown01192018/.
- January 20, 2018, *Press Briefing by OMB Director Mick Mulvaney and Legislative Affairs Director Marc Short on the Government Shutdown,* available at https://trumpwhitehouse.archives.gov/briefings-statements/press-briefing-omb-director-mick-mulvaney-legislative-affairs-director-marc-short-government-shutdown/.
- U.S. President (Trump) January 22, 2018, *Statement from President Donald J. Trump,* available at https://trumpwhitehouse.archives.gov/briefings-statements/statement-president-donald-j-trump-8/.
- January 22, 2018, *Press Briefing by Press Secretary Sarah Sanders,* available at https://trumpwhitehouse.archives.gov/briefings-statements/press-briefing-press-secretary-sarah-sanders-012218/.

Presidential Statements Related to FY2019 Shutdown

Historical Context. The December 2018-January 2019 partial government shutdown began on December 22, 2018, and ended on January 25, 2019. At the beginning of FY2019 (October 1, 2018), five of the 12 regular appropriations bills had been enacted[23] in consolidated appropriations bills and the other seven appropriations bills were funded under two CRs. The first CR, P.L. 115-245, provided funding for these remaining seven appropriations bills[24] through December 7, 2018. The second CR, P.L. 115-298, extended funding for these seven appropriations bills through December 21, 2018. When no agreement was reached on legislation to further extend the period of these CRs for the remaining seven appropriations bills, a funding gap began with the expiration of the funding in P.L. 115-298 at midnight at the end of the day on December 21, 2018.

The funding gap ended when a CR was signed into law on January 25, 2019, which ended the partial government shutdown and allowed government departments and agencies to reopen. The partial government shutdown lasted 35 days making it the longest shutdown in history, compared with other shutdowns that have occurred since key Department of Justice opinions were issued in

[23] P.L. 115-245 provided funding for Defense and Labor-HHS-ED, and P.L. 115-244 provided funding for Energy and Water, Legislative Branch, and Military Constructions-Veterans Affairs.

[24] Agriculture and Related Agencies; Commerce-Justice-Science and Related Agencies; Financial Service and General Government; Homeland Security; Interior; Environment, and Related Agencies; State, Foreign Operations and Related Programs; and Transportation, Housing and Urban Development, and Related Agencies.

1980 and 1981. The following presidential statements occurred during the time period of December 21, 2019, through January 25, 2019, and included discussion of the shutdown.

- U.S. President (Trump), December 27, 2018, *Remarks by President Trump in Christmas Video Teleconference with Members of the Military,* available at https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-christmas-video-teleconference-members-military/.
- U.S. President (Trump), January 4, 2019, *Remarks by President Trump After Meeting with Congressional Leadership on Border Security,* available at https://trumpwhitehouse.archives.gov//briefings-statements/remarks-president-trump-meeting-congressional-leadership-border-security/.
- U.S. President (Trump), January 8, 2019, *President Donald J. Trump's Address to the Nation on the Crisis at the Border,* available at https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trumps-address-nation-crisis-border/.
- U.S. President (Trump), January 11, 2019, *Remarks by President Trump During Briefing at the Rio Grande Valley U.S.-Mexico Border,* available at https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-briefing-rio-grande-valley-u-s-mexico-border/.
- U.S. Vice President (Pence) January 11, 2019, *Remarks by Vice President Pence Before Meet-and-Greet with U.S. Customs and Border Patrol Employees,* available at https://trumpwhitehouse.archives.gov/briefings-statements/remarks-vice-president-pence-meet-greet-u-s-customs-border-patrol-employees/.
- U.S. President (Trump), January 25, 2019, *Remarks by President Trump on the Government Shutdown,* available at https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-government-shutdown/.

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