

# **Legislative Operations During a Lapse in Appropriations**



**Guidance Issued by the  
Committee on House  
Administration**

**Chairman Bryan Steil**

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The Committee on House Administration has issued the following guidance to assist House offices and legislative branch agencies in their efforts to understand and uphold their Constitutional responsibilities while operating during a lapse in appropriations.

Please note that this is only guidance, and that all staffing decisions are entirely at the discretion of each employing authority and must be consistent with the Congressional Accountability Act (“CAA”).

For the convenience of each employing authority, furlough authorization forms and sample letters will be located on HouseNet and the Committee’s website at <https://cha.house.gov>.

# Operational Overview and Decision Making

## 1. What is a “lapse in appropriations?”

A “lapse in appropriations” occurs when there are no appropriated funds to pay for an agency or program, as a result of no enacted appropriations law providing those funds. The Constitution requires that no money leave the Treasury except as a consequence of an appropriation.

## 2. What does a “lapse in appropriations” mean for the House?

The Legislative Branch, along with the rest of the federal government, is currently operating under an appropriation that provides funding through September 30, 2023. Absent any other action, there will be no appropriations for the Legislative Branch effective October 1, 2023. The House, however, will require the services of the employees that are essential to upholding its constitutional responsibilities and those activities that entail the safeguarding of human life and the protection of property.

## 3. How and when will employees be paid?

Neither essential nor furloughed employees are authorized to receive compensation during a lapse in government funding. Before 2019, employees who were furloughed during a funding gap were not entitled to retro-active pay unless language within the subsequent spending authority provided for such payments. The Government Employee Fair Treatment Act of 2019, 31 U.S.C. §1341, now statutorily requires retro-active pay for furloughed and essential employees following the end of a lapse in government funding. The exact timeframe for retro-active payment will depend on the length of the lapse in government funding and start date of the enacted continuing resolution or appropriations bill. The normal payroll cycle may be disrupted by a lapse in appropriations and checks may be issued at irregular times.

## 4. What is an “essential” versus a “non-essential” employee?

In the event of a lapse in appropriations, the House, consistent with the Constitution and the Anti-Deficiency Act, 31 U.S.C. §§ 1341, 1342, will retain the employees essential to performing the following activities:

1. Those activities that entail or directly support Members’ performance of their constitutional responsibilities (including activities that entail the protection of the House’s and Members’ constitutional prerogatives). Members’ constitutional responsibilities include all legislative activities which are broadly defined for this purpose as all activities that are an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed bills and resolutions. Members’ other constitutional responsibilities include such matters as rulemaking, impeachments, the maintenance, and publication of records of congressional proceedings, disciplinary activities (e.g., Ethics Committee proceedings and the provision of advice by that Committee), the resolution of contested elections, and the consideration of constitutional amendments. Accordingly, activities that entail Members’ performance of their constitutional responsibilities would encompass, but are not limited to, the preparation and introduction of legislation; floor activities; committee meetings, hearings and markups, and the issuance of subpoenas; meeting and negotiations in furtherance of such activities; the gathering of information (both formally and informally) in furtherance of these activities; and the like.

Activities that directly support Members' performance of their constitutional responsibilities would encompass, but are not limited to, such activities as vote tallying, bill and resolution drafting, parliamentary and legal advice and research, technical and technological support, and the like.

2. Those activities that entail the safeguarding of human life; and
3. Those activities that entail the protection of property.

Employees performing the activities (or supporting the functions) described above as determined by their employing authority should continue performing their normal duties. All other employees should be placed in furlough status.

## **5. Who decides who is an “essential” employee?**

Each Member and Committee Office is an “employing authority” under House Rules. Appointed House officers and agency directors are considered the “employing authorities” for legislative branch agencies. Employing authorities make the determination of who within their staff is an essential employee and who should be furloughed.

Although the Committee does not make essential/non-essential determination for employing authorities, for assistance with questions about whether a particular activity falls within one or more of the three categories of activities defined above, please contact the Committee on House Administration (Majority) at (202) 225-8281 or (Minority) (202) 225-2061.

## **6. What is a furlough?**

For the purposes of a discussion of a lapse in appropriation, a furlough is the placement of an employee in a temporary non-duty, non-pay status because of lack of work or funds, or other non-disciplinary reasons. More information is provided below and is also available by contacting your office's applicable human resources official or the Office of Payroll and Benefits at 202-225-1435.

## **7. What factors should an office use in determining which employees to furlough?**

Each employing authority should review the position descriptions and actual job duties of each employee to determine whether that employee's duties are associated with the employing office's constitutional responsibilities, the protection of human life, or the protection of property. While the Government Employee Fair Treatment Act of 2019 (“GEFTA”) provides that both essential and non-essential employees will be paid once the lapse in appropriations end, GEFTA does not alter an office's responsibility under the Anti-Deficiency Act to make determinations as to which employees are essential and non-essential and to make furlough decisions accordingly.

Each employing authority must use only non-discriminatory factors when making the determination as to whether a particular employee is essential or non-essential to avoid violating the Congressional Accountability Act (CAA). Among other things, the CAA prohibits employing authorities from discriminating against employees based on an employee's race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), age (40 years and older), national origin, military service, disability, and use of leave under the Family and Medical Leave Act (FMLA). House Rules also prohibit discrimination based on marital or parental status. If an office decides to furlough some but not all employees that hold the same job classification or perform the same (or substantially similar) duties, the office must use non-discriminatory factors, such as seniority or area of expertise, in making those decisions. Offices should document the factors for why a particular employee was furloughed, while another employee was retained, if a question is later raised as to the basis for a furlough determination. The Office of House Employment Counsel (“OHEC”) (202-225-7075) is available to assist employing offices to ensure that their designations are made consistent with the CAA.

## 8. Should essential employees that worked their designated work schedule be furloughed on the weekend?

No. Employees designated as essential are expected to remain available to perform their duties whenever required by their employing authority.

Under the Fair Labor Standards Act ("FLSA"), employing offices should continue to monitor hours worked by their non-exempt employees during a lapse and submit appropriate paperwork to the Office of Payroll and Benefits for payment of overtime, as applicable once the lapse ends. *(Determining whether an employee is exempt from overtime under the FLSA is entirely different than the essential/non-essential determinations for purposes of a lapse in appropriations; therefore, offices can consult with OHEC for guidance on determining employee overtime exempt status under the FLSA).*

## 9. Will the official expenses necessary to operate our office be paid?

Expenses incurred prior to midnight on September 30, 2023, will be paid using the usual procedure. Delays may occur in the processing of these vouchers. Starting the day appropriations lapse, and until funding is restored, House offices may obtain and utilize goods and services related to the protection of human life, protection of property, or necessary to support Members' constitutional duties.

Travel expenses to and from a Member's district and within the district are appropriate if it falls within the constitutional responsibilities of a Member of Congress. Any other travel utilizing federal appropriations will not be authorized, including previously authorized CODEL travel. Previously scheduled and approved privately sponsored travel will be cancelled, however the Committee on Ethics will continue to process paperwork for future scheduled privately sponsored trips.

Committees cannot incur travel expenses during a lapse in appropriations.

*Each individual authorizing an expense should document the reason for this expense (constitutional responsibilities, the protection of human life, or the protection of property).*

Employing authorities should notify all vendors and contractors with which they have an active contract about potential delays in payment or the need for reduced service.

## 10. What House and Legislative Branch offices will be closed?

Offices which are determined not to be related to the protection of human life, the protection of property, or constitutional responsibilities will be closed. Examples include but are not limited to: the House Gift Shop, the Capitol Visitors Center (public tours by CVC guides), the Botanic Garden and the Flag Office. Other offices may be closed or have reduced service depending on needs. For a complete listing of services that will be available or unavailable, please see pages 15-17 of this document or check HouseNet.

## 11. Will Capitol tours continue?

The Congressional Visitor Center will be closed during a lapse in funding and no red coat tours will be available. All dome tours will be cancelled. Only Member-led tours of the Capitol will be permitted but the Member will be required to remain with the group at all times or the group will be instructed to leave. Staff-led tours will not be allowed.

**12. Will the House Office Buildings be open to the public?**

Yes, the House Office Buildings will remain open to the public. There will be a limited number of doors open to the House Office Buildings so visitors to the House Office Buildings may experience delays.

**13. What effect will a funding lapse have on security?**

The Capitol Police will continue to provide protection for the Capitol complex and Members in the event of a lapse in appropriations.

**14. What about services provided by private contractors or outside entities like District Office Security and Residential Security?**

Some services will continue uninterrupted while others will be impacted.

For District Office Security, the Sergeant at Arms will temporarily suspend payments to vendors. However, the SAA will request the vendor continue to provide services on security contracts for district offices. The Sergeant at Arms District Office Security Program staff will be limited and all proactive outreach and services, including security awareness briefings, will cease.

For Residential Security, the Sergeant at Arms will be unable to process reimbursements to Members during a lapse in funding. Members will have to incur the expense and wait to seek reimbursement until government funding is restored or risk a lapse in service.

**15. Will the Architect of the Capitol continue to provide custodial services?**

The Architect of the Capitol will continue to provide limited custodial services. Trash will be collected but offices will be required to place their trash cans in the hallways to receive service. Public restrooms will be cleaned once a day. Private restrooms will not receive cleaning.

**16. Are we permitted to host events in the House Office Buildings?**

No, all events in the House Office Buildings and CVC other than necessary official committee proceedings (hearings, markups, and business meetings) will be cancelled. Catering services will be unavailable. CAO and AOC support staff will be unavailable to set up any events in the House Office Buildings.

**17. Can we continue to send Franked mail and mass communications?**

Yes, offices may continue to utilize the Frank to communicate with constituents and the Communications Standards Commission will continue to process Advisory Opinion requests for mass communications (tele-town hall included). Offices are reminded that the Office of Finance will not be processing vouchers during a lapse in appropriations so any costs incurred will be delayed in being paid. All rules and regulations regarding official communications remain in effect during a lapse in appropriations.

**18. Is a furloughed employee still an employee of the House?**

Yes, furloughed employees continue to occupy a payroll slot. Furthermore, the furloughed employee will not have their health benefits interrupted. Other benefits may be affected differently; see additional information below. Furloughed employees are still bound by the applicable rules concerning outside employment. Employees should consult with their applicable human resources official or the Office of Payroll and Benefits for more information regarding benefits while on furlough, and with the Committee on Ethics regarding outside employment restrictions.



## 19. If I furlough an employee, can he/she still come into work or telework?

No, if you have decided that an employee is non-essential, he/she cannot perform official duties, (either at the office or teleworking). According to the Anti-Deficiency Act and certain House rules, an employee **cannot** volunteer services.

## 20. Can an employing office communicate with a furloughed employee during the furlough?

As explained, a furloughed employee may not perform official duties and may not volunteer his or her services. Therefore, an employing office may not communicate with a furloughed employee about official duties and the furloughed employee may not perform official duties by email or telephone or any other manner. To ensure compliance with this rule, employing offices must require furloughed employees to either turn in or turn off their work cell phones, tablets, and/or laptops and should require furloughed employees to set an “out of office” message on their email accounts. Offices can collect their employees’ personal phone numbers so they can contact employees to notify them to return to work.

## 21. Can a “non-essential” employee on furlough use annual and/or sick leave during a lapse in appropriations?

No. A non-essential employee is not working during the lapse in appropriations and is not eligible to use annual or sick leave while on furlough. A non-essential furloughed employee who is not working is generally free to engage in personal travel during the shutdown but must be available to return to work as needed. An employee’s allotment of sick and/or annual leave is not reduced for any period when the furloughed employee is absent during the lapse in appropriations. Employing offices may choose to advise furloughed employees at the outset that they will be expected to return to work within 24 hours of the end of the lapse in appropriations. Under the Government Employee Fair Treatment Act of 2019 (“GEFTA”), non-essential employees will receive retro-active pay after the lapse in the appropriations ends.

## 22. Can an “essential” employee use annual and/or sick leave during a lapse in appropriations?

Maybe. Employing offices may authorize the use of annual or sick leave by essential employees under the established rules and procedures of the employing office, including the requirement of approval of supervisors and a consideration of the needs of the office during the shutdown, and employing offices may rescind previously approved annual leave of essential employees. However, essential employees who are sick should be allowed to take sick leave when they are sick. When an essential employee is on sick leave and/or when the employing office has authorized the essential employee to take annual leave during the lapse, it is up to the employing office to decide whether to deduct the sick or annual leave from the essential employee’s leave bank. (*Decisions regarding whether to deduct from leave banks for essential employees who are absent should be made consistently for all similarly situated employees to avoid potential CAA claims*). Under GEFTA, essential employees will receive retro-active pay after the lapse in the appropriations ends.

If an employing office chooses to deduct leave from the employee’s leave bank for absences, the office should follow their normal internal leave administrative procedures; no furlough authorization form should be submitted. If an employing office chooses **not** to deduct leave from the employee’s leave bank for absences, the office should either place the employee on furlough (using the rotating furlough authorization form) or internally manage the absence through workplace flexibilities. However, if the absence is less than one full day, the employing office does not need to submit the furlough authorization form to the Office of Payroll and Benefits.

### **23. What happens to an employee on FMLA leave during a lapse in appropriations?**

In general, any FMLA leave that occurs during a lapse in appropriations will automatically be suspended, and affected employees (both essential and non-essential) will be placed in furlough status for the period of FMLA leave that occurs during the shutdown and submit the appropriate furlough form. Any time spent in furlough status will not count against the employee's 12-week (or, in some cases, 26-week) FMLA leave entitlement. Neither is the employee's allotment of sick and/or annual leave reduced for any period when the eligible employee is absent due to FMLA-qualifying circumstances during the lapse in appropriations. Such employees retain the benefits of FMLA (e.g., job protection and job restoration at the end of the leave) during the time they are on furlough when they would otherwise be on FMLA leave.

When an employee is on intermittent FMLA leave (e.g., the employee is absent for part of a day or works a reduced schedule due to a serious health condition of the employee or the employee's qualifying family member), the employing office does not need to submit a furlough form to the Office of Payroll and Benefits, but should keep its internal records of the days/time when the employee is not working as furlough time. Employing offices who have questions about how to treat FMLA leave during a lapse in appropriations are encouraged to contact OHEC at (202) 225-7075. Under GEFTA, employees, including those on FMLA leave, will receive retro-active pay after the lapse in the appropriations ends.

### **24. Do shared employees have to be deemed "essential" by all employing authorities?**

No. But shared employees can only perform work for those offices that deem the shared employee to be "essential" and those offices that deem the shared employee to be "non-essential" must place the shared employee in a furlough status.

### **25. Who determines whether personnel from a Government department or agency detailed to a committee are essential or non-essential?**

The detailing agency makes the final determination on essential or non-essential classification as the detailee remains an employee of that agency. However, the committee where the detailee is placed can provide input to the detailing agency should the committee determine that the detailee is "essential" to their constitutional responsibilities.

### **26. Who determines if a Green and Gold Congressional Aide is deemed essential?**

Each Member who has a Green or Gold Congressional Aide assigned to his/her office determines if the Aide should be deemed essential or non-essential. Aides are deemed "essential" as a default and Members' can request their Green or Gold Congressional Aide be classified as "non-essential" during a lapse in funding by contacting Mac Tolar, Director of the Green and Gold Congressional Aide program, at 202-226-0915.

### **27. Can employees be Appointed during a lapse in appropriations?**

No. During a lapse in appropriations, new employees cannot be appointed.

### **28. Can fellows (not paid by the House) be deemed essential?**

It is at the discretion of the employing authority to determine if a fellow's duties are in support of the office's core constitutional responsibilities. Fellows not paid by the House are under the jurisdiction of the Committee on Ethics and offices are reminded that fellows may not supplant the duties of a paid House employee. For questions, please contact the Committee on Ethics.



**29. Can essential and/or non-essential employees attend training?**

No. During a lapse in appropriations, all scheduled training should be cancelled. Employees should not attend any scheduled training.

**30. Can interns be deemed essential?**

No. Interns, paid and unpaid, perform duties on a temporary basis in support of the Member of Congress as part of a demonstrated educational plan. During a lapse in appropriations, this has been determined not to be part of core constitutional duties.

## **Salary and Pay**

**31. What is the effect of a lapse in appropriations on salary?**

Neither essential nor furloughed employees are authorized to receive compensation during a lapse in government funding. Before 2019, employees who were furloughed during a funding gap were not entitled to retro-active pay unless language within the subsequent spending authority provided for such payments. Federal law now statutorily requires retro-active pay for furloughed and essential employees following the end of a lapse in government funding. The exact timeframe for retro-active payment will depend on the length of the lapse in government funding and start date of the enacted continuing resolution or appropriations bill. The normal payroll cycle may be disrupted by a lapse in appropriations and checks may be issued at irregular times.

**32. What is the process to place an employee on furlough? How are employees notified when furloughs begin and end?**

Each employing authority (Member, Chairman, Leader, Officer, and Head of other House Offices) determines which employees are furloughed. Upon determination, each office must submit a [Furlough Authorization Form](#) to the Office of Payroll and Benefits. Employing authorities should notify the employees which are furloughed prior to the lapse. Employing authorities should contact their employees when the furlough ends. Sample notification letters will be available on HouseNet and the Committee's website at <https://cha.house.gov>.

**33. Can staff volunteer to be furloughed?**

Yes, individuals can volunteer to be furloughed. Even if an employee volunteers to be furloughed, he/she may still be required to report to work and perform their usual duties. Whether to volunteer for furlough is the individual prerogative of each employee. The voluntary furlough form (which is located on HouseNet and the Committee's website) provides only one basis by which the employing authority will determine who to furlough. The employing authority is not bound by an employee's willingness to volunteer to be furloughed.

**34. If an employee is determined to be "essential" or "non-essential," will that categorization last throughout the entirety of any lapse in appropriations?**

Not necessarily, offices should continually review the scope of duties necessary to support the protection of human life, the protection of property, or the constitutional responsibilities of Congress. The needs of Congress will fluctuate throughout any lapse in appropriations. At times, more support may be needed. At other times, minimal support will be needed. Therefore, whether an employee is essential may fluctuate throughout any lapse in appropriations. Managers may communicate with furloughed employees about the employee's status.

**35. Is it possible to rotate employees as furloughed/non-furloughed when they are in similarly-situated job duties?**

Yes, offices may rotate employees in the same or similar job duties so long as they use non-discriminatory criteria consistent with the CAA to determine the change in status. The non-furloughed employees must be performing an essential activity.

**36. Do I qualify for unemployment compensation during a furlough?**

As discussed earlier, essential and non-essential employees are still House employees, even if placed on furlough. One of the requirements to be eligible to receive unemployment benefits is that you are no longer employed. Because you are still a House employee, employees are advised not to apply for unemployment benefits as they will receive retro-active pay (Government Employee Fair Treatment Act of 2019) when the lapse is resolved and would be required to repay any benefits a State Unemployment office may disburse.

**37. Can I take another job while furloughed?**

Yes, but remember that even while on furlough, you remain a government employee. As such, you must be available to return to work when called back to work by your supervisor and/or when the shutdown ends. You must also abide by the applicable rules and standards of conduct (including if your office requires you to notify them prior to accepting outside employment) and not engage in outside employment that conflicts with your official duties. Outside earned income restrictions still apply. For questions, contact the Committee on Ethics at (202) 225-7103.

**38. If I am working on a flexible, telework, or alternative work schedule, will that affect my status?**

If you work a modified work schedule (flexible, telework, or alternative) agreement and are considered essential for the purposes of a lapse in appropriations, you can continue to work that schedule permitting the employing authority approves. Any staff considered non-essential for the purposes of a lapse in appropriations, will not be permitted to work their normal work schedule since they will be on furlough.

**39. Am I required to report for duty during a lapse in appropriations?**

If you are an essential employee, failure to report for duty as required can result in disciplinary action, up to and including termination.

**40. Can I use my Citibank travel and/or purchase card during a lapse in appropriations?**

No. House Finance Cards (Travel and Purchase) will be suspended at 12:01 am (ET) on October 1, 2023, to prevent usage during a lapse in appropriations. No charges can be processed until the lapse in funding is resolved. Once the lapse in funding is resolved, Citibank will lift the suspension on the accounts as soon as possible.

**41. Will the eVoucher/Expense Report I submitted before September 30, 2023, be processed and paid?**

Any vouchers/expense reports for expenses incurred and submitted to CAO Office of Financial Counseling (OFC) prior to midnight on September 30, 2023, will be processed and paid, including Finance card transactions submitted to OFC for payment. Any report submitted after September 30, 2023, will not be processed until the lapse in funding is resolved.

**42. Will my credit be impacted because the payments to Citibank may be delayed, due to the lapse?**

No. During a Government shutdown (lapse in funding), Citibank will not negatively impact the cardholder's credit by assessing late fees, penalties, or closing the card/account for lack of payment. Statements will continue to be generated for outstanding transactions.

**43. When will our September Citibank transactions be available to submit for payment?**

The September finance card billing cycle ends on Thursday, September 28<sup>th</sup>. September transactions will be loaded into My Expenses and PeopleSoft; however, they will not be available for processing until AFTER September 30<sup>th</sup>. If the shutdown does happen Citibank will not negatively impact the cardholder's credit by assessing late fees, penalties, or closing the card/account for lack of payment.

**44. If I have questions about my credit card transactions or any issues accessing CitiManager, will Citibank be available to assist me during the shutdown?**

Yes. You can contact Citibank at (800)-945-3114.

## **Benefits**

**45. What will be the effect on health insurance?**

Enrollment continues for up to 365 days with no interruption in coverage. The unpaid premium will be deducted the next time the employee receives pay (provided the employee has sufficient pay to cover their entire premium contribution), in addition to the regular monthly premium for that pay period.

**46. What will be the effect on retirement benefits?**

A total of 6 months in a non-pay status in any calendar year is creditable service. Coverage continues at no cost to the employee while in a non-pay status. When employees are in a non-pay status for only a portion of a pay period, their contributions are adjusted in proportion to their pay. If there are insufficient funds to withhold retirement contributions due to partial pay, the amount will be deducted upon return to work.

**47. What will be the effect on life insurance?**

Coverage continues for 12 months without cost to the employee or the House. The normal deduction will be withheld when funding resumes and the employee receives pay.

**48. What will be the effect on TSP?**

An employee cannot contribute if in a non-pay status for one or more full pay periods. Contributions will begin when funding resumes and the employee receives pay, unless the employee has elected a fixed dollar amount to be withheld. In that case, if the partial pay is not enough to cover the TSP contribution amount, there will be no partial withholding. Full withholding will resume when full retro-active salary is paid. If you are a FERS employee, the Agency automatic (1%) contributions will stop during non-pay status. Withdrawals for participants aged 59 ½ or older and financial hardship withdrawals may occur during non-pay furlough status.

**49. What will be the effect on my TSP loan?**

Direct deposit allotments will be made when funding resumes and the employee receives pay. If partial pay is not enough to cover the entire deduction, there will be no loan payment withheld. Loans are not considered in default until the participant has missed more than 2½ payments. If you miss a loan payment (or two) as a result of the furlough (non-pay status), you have the option to make direct payments to the TSP by signing into your account on the TSP website ([www.tsp.gov](http://www.tsp.gov)). If you miss more than 2½ payments, the TSP will notify you by mail that a payment is due. Call TSP directly at 877-968-3778 for questions.

**50. What will be the effect on my TSP investments? What about disbursements?**

Investment activity will continue. Share prices and accounts balances will continue to be updated each business day, and loans and withdrawals will continue to be disbursed.

**51. Can I take a TSP loan while I'm furloughed?**

According to guidance issued by TSP, furloughed employees may take a TSP loan while in furlough status if their furlough is expected to last 30 days or less. If the furlough exceeds 30 days, the employee may be personally required to pay all or a portion of the loan amount. For more information, please visit [www.tsp.gov](http://www.tsp.gov) or call 877-968-3778.

**52. What happens to my Student Loan Repayment Program agreement? Will my student loans be paid?**

No, Student Loan payments will not be made during a lapse in appropriations. Employees participating in the House's Student Loan Repayment program always retain loan responsibility and should make any payments due, as required, to ensure their loans remain in good standing and continue to be eligible for the program.

When the lapse in funding is resolved, Student Loan payments will resume and be disbursed for any applicable periods staff had active Student Loan agreements. Employees may want to contact their Student Loan Servicer to discuss options available if there is a financial hardship in making required payments due.

**53. What will be the effect on my Flexible Spending Account (Health and Dependent Care)?**

If partial pay is not enough to cover the entire deduction, there will be no deduction withheld. The employee's account is put in a hold status until contributions resume when the employee receives pay. When contributions restart and are received by FSAFEDS, the hold is removed, and the employee's leave dates become eligible again. For example, for a person on Leave Without Pay (LWOP) status (which is similar to furlough status) from January 1 - January 31, expenses incurred during that time would not be eligible because the employee is not contributing to his/her flexible spending account. When contributions resume, the leave dates would be removed and expenses from January 1 - January 31 would be eligible again. The deduction amount will be recalculated so the participant reaches the full election by the end of the year.

**54. What will be the effect on my Supplemental Dental and Vision benefits?**

Coverage will continue and premiums will continue to be withheld during pay cycles. Partial premiums will be withheld even if pay is not enough to cover the total premiums, and the remaining premium will be deducted in the subsequent pay period. However, if a deduction is not withheld over two pay periods, BENEFEDS will send a mailing to the employee reverting them to a direct bill for missed payments.

**55. What will be the effect on my Long-Term Care insurance?**

Employees make premium payments directly to LTC Partners. The CAO Office of Payroll and Benefits does not withhold Long Term Care from employee’s paychecks.

**56. Will I receive Transit Benefits?**

Yes, transit benefit subsidies will be available during a lapse in appropriations. Transit subsidies should only be used by employees that are deemed essential during a lapse. Non-essential employees are not eligible to use transit subsidies for the periods they are on furlough and should make sure to use personal funds.

## **Additional Deductions**

**57. What will be the effect on withholding for Federal, State, FICA, and Medicare taxes?**

Withholding will be commensurate with actual pay received, i.e., withholding will be adjusted proportionately if an employee receives partial pay.

**58. What will be the effect on garnishments?**

The garnishee remains responsible for payment during the furlough, even though the garnishment is not paid through a payroll deduction. The deduction will resume when the employee returns to paid status. Most garnishments are based on a percentage of disposable earnings; however, if partial pay is not enough to cover the entire deduction the deduction will not be taken. If the garnishment is for a fixed amount, then a partial deduction will be withheld even when pay is not enough to cover the total garnishment.

**59. What will be the effect on my savings bond(s)?**

If partial pay is not enough to cover the entire allotment, there will be nothing sent to Treasury Direct for a savings bond. It will be the employee’s responsibility to request a withholding change to make up for the lost allotment.

**60. Will there be an effect on taxes for my reserved parking space?**

The applicable federal and state tax withholding will be made when funding resumes and the employee receives retro-active pay.

**61. What will be the effect on my Combined Federal Campaign contribution?**

If partial pay is not enough to cover the entire deduction, there will be nothing withheld. The normal monthly deduction will be made when funding resumes and the employee receives pay. No supplemental “catch-up” deductions will be withheld from future pay.

# Levels of Service During a Lapse in Appropriations ACCESS

<b>Appointments Desk</b>	South door of the Capitol will be open. All other Appointments desk locations will be closed. Any official business visitors or Member-led tours must enter through the South door of the Capitol.
<b>Vehicle Gates</b>	The Washington & C Street, SW barricade, the Independence & New Jersey Avenue, SE barricade, and the Capitol Drive/House Plaza barricade will be open. All other barricades will be closed.
<b>Parking</b>	The Rayburn Garage (C Street Entrance only), Cannon Garage, House Underground Garages, and the exterior lots will be open. Members/staff with permits for parking garages that are closed may park in open garages or exterior lots.
<b>Doors</b>	Rayburn: South Capitol Horseshoe Entrance Longworth: South Capitol/24 Hour Entrance (staff only) Cannon: New Jersey Avenue Handicap Accessible Entrance Ford: Second Street Entrance O'Neill: C Street Entrance & House Childcare Center Entrance
<b>House Office Buildings</b>	Open to Members, staff, and the general public.
<b>Capitol</b>	Open to Members, staff, and visitors on official business.
<b>Galleries</b>	One House Gallery will remain open, but individuals will enter and exit through the South door of the Capitol and be escorted to and from the gallery.
<b>Guide-led Tours</b>	Cancelled.
<b>Staff-led Tours</b>	Staff-led tours are not permitted.
<b>Member-led Tours</b>	Member-led tours will be permitted in the House side of the Capitol (but not the CVC) between 9 a.m. and 8 p.m. daily. Members must personally accompany their guests at all times while in the Capitol. If a Member is unable to complete the planned tour, whether to vote or for any other reason, the group must be immediately escorted to the South door to exit the Capitol.
<b>Capitol Visitor Center</b>	Closed.
<b>U.S. Botanic Garden</b>	Closed.
<b>Library of Congress</b>	Closed to the public. Minimal levels of staff will continue to assist congressional offices with Constitutional duties

*Please note that these are only expected levels of various House services and are subject to change.  
Please check HouseNet for the most up to date information.*



<b>FACILITIES AND SERVICES</b>	
<b>Assets/Furnishings/Logistics</b>	Furniture/setup for meetings in Capitol only.
<b>Financial Counseling</b>	There will be full staffing to execute the shutdown process, including vouchers received through to 9/30/23, then the office will be closed, and no vouchers will be processed.
<b>First Call</b>	Open but with very limited staffing and services.
<b>Flag Office</b>	Closed.
<b>Creative Services</b>	Open but with very limited staffing and services. Only services related to the legislative process (ie: floor posters) will be available.
<b>CAO Coaches</b>	Closed.
<b>Staff Academy</b>	Closed.
<b>Congressional Excellence Program</b>	Closed.
<b>Office of Employee Assistance</b>	Open but with services limited to counseling services. All other trainings and services will be closed.
<b>Office of Employee Advocacy</b>	Available to answer questions but otherwise closed and services discontinued.
<b>House Wellness Center</b>	Closed.
<b>House Information Resources</b>	Open with a reduced level of support.
<b>House Recording Studio</b>	Open but with only one studio operating.
<b>ID Services</b>	Closed. No badge requests will be processed but temporary badges will be available for staff who misplace their ID.
<b>Mail Delivery</b>	Will continue as normal.
<b>Payroll And Benefits</b>	Open with limited staffing to process furlough authorization forms and answer questions staff may have about impacts to benefits due to a lapse in funding.
<b>Legislative Counsel</b>	Open.
<b>Office of Attending Physician Health Units</b>	Open.
<b>House Office Supply Store</b>	Closed.
<b>House Gift Shop</b>	Closed.
<b>Beauty and Barber Shops</b>	Closed.
<b>Food Service</b>	The Capitol Market and Dunkin Donuts will be open from 8:30 a.m. to 2:30 p.m. or until the last vote (whichever comes first). Subway will be open from 11:00 a.m. to 2:30 p.m. or until last vote (whichever comes first). All other dining facilities (including the Members' Dining Room) will be closed.

<b>Dry Cleaners</b>	Will remain open temporarily to allow for customers to pick up items then will be closed. No drop-offs will be accepted after closing on Friday, September 29.
<b>Post Office</b>	Closed.
<b>Shoeshine</b>	Closed.
<b>Member Gym</b>	The Member's gym will be accessible but will not be staffed or cleaned.
<b>Staff Gym</b>	Closed.
<b>Congressional Federal Credit Union</b>	Open.
<b>CAO Customer Advocates</b>	Closed.
<b>CAO Service Requests</b>	Only service requests related to life safety and the legislative process will be completed.
<b>AOC Service Requests</b>	Only service requests related to life safety will be completed.
<b>Congressional Research Service</b>	Open but with limited staffing and services resulting in potential delays in responses and service.
<b>Legislative Resource Center</b>	Open but with limited staffing and services.
<b>House Library</b>	Closed.

*Please note that these are only expected levels of various House services and are subject to change.  
Please check HouseNet for the most up to date information.*

# Benefits & Deductions Chart

Benefit/Deduction	Status During Furlough	Payment After Furlough Ends
<b>Health Insurance</b>	No interruption in coverage.	Any unpaid premium(s) will be taken when salary resumes.  Partial premiums will not be taken. Full premiums will be deducted, for current and any previous months, when salary is sufficient to cover the amount due each month.
<b>Supplemental Dental and Vision Insurance</b>	No interruption in coverage. Employee still responsible for paying employee share of monthly premium.	Premiums deducted when salary resumes.  If partial pay is insufficient to cover the full premium owed, partial premium will be deducted. Remaining premium due will be deducted in subsequent pay periods.
<b>Flexible Spending Account (FSA)</b>	Employee's account is put in a hold status.	Contributions resume when salary resumes. The deduction amount will be recalculated to ensure the participant reaches the full annual election.
<b>Life Insurance</b>	No interruption in coverage. Coverage continues for 12 months without cost to employee or agency.	Normal deduction resumes when salary resumes.
<b>Retirement Benefits</b>	No interruption in coverage.  Creditable service continues for up to 6 months of furlough (non-pay) status.	Contributions are deducted when salary resumes.
<b>Transit Benefits</b>	Existing benefits may be used only for official purposes, so must not be used when in furlough status.	Benefits will continue as normal unless participant requests a change.
<b>Long Term Care (LTC) Insurance</b>	No interruption in coverage. Insurance and payment responsibility are independent of pay status. Employee remains responsible for payments directly to LTC Partners.	Employee remains responsible for payments directly to LTC Partners.

# Benefits & Deductions Chart

Benefit/ Deduction	Status During Furlough	Payment After Furlough Ends
Thrift Savings Plan (TSP) Contributions – when percentage of salary is withheld	Employee cannot contribute when in furlough (non-pay) status.	Contributions will resume when salary resumes, at the percentage of salary received.
Thrift Savings Plan (TSP) Contributions –when fixed amount is withheld	Employee cannot contribute when in furlough (non-pay) status.	If partial pay is insufficient to withhold a fixed amount, partial payment will <u>NOT</u> be withheld. Fixed amount will only be withheld when salary is sufficient to cover contribution.
TSP contributions for FERS employees	Agency automatic (1%) contributions stop during furlough (non-pay) status.	Agency automatic (1%) contributions resume when salary resumes.
TSP Investments & Disbursements	No interruption in investment activity, disbursements, loans, or withdrawals.  Share prices and account balances still updated each business day.	No interruption in investment activity, disbursements, loans, or withdrawals.  Share prices and account balances still updated each business day.
TSP Loans	Employees may take a TSP loan while in furlough status if their furlough is expected to last 30 days or less.	If the furlough exceeds 30 days, the employee may be personally required to pay all or a portion of the loan amount using payment coupons. <a href="http://www.tsp.gov">www.tsp.gov</a>
Treasury Savings Bonds	No deduction during furlough (non-pay) status.	Allotment resumes when salary resumes.
Student Loan Repayment Program	Employee's student loan agreement terminates when employee is in (furlough) non-pay status, but agreement may be continued at option of employing office.	Applicable federal, state, FICA and Medicare taxes for student loan payments that may have been made while on (non-pay status) furlough will be withheld when salary resumes.
Garnishments	Garnishee is responsible for payment during furlough (non-pay) status.	Deductions will resume when back in an active pay status.

**Furlough Authorization Form**

**Clear Form**

**U.S. HOUSE OF REPRESENTATIVES  
FURLOUGH AUTHORIZATION FORM**

**Save Form**

**Print Form**

**FROM:** \_\_\_\_\_  
(Employing Office)

**TO: THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE**

Place in furlough status the following employees upon lapse in funding until such time as regular funding resumes:

EMPLOYEE #	LAST NAME	FIRST NAME

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Authorizing Official)

\_\_\_\_\_  
(Title - If Member, District and State)

\_\_\_\_\_  
(Type or print name of Authorizing Official)

**NOTE:** Please email form to [HREmployeeServicesTe@mail.house.gov](mailto:HREmployeeServicesTe@mail.house.gov) or deliver directly to the Office of Payroll & Benefits in B-215 Longworth House Office Building.

(Employing Office) \_\_\_\_\_

**U.S. HOUSE OF REPRESENTATIVES  
ROTATING FURLOUGH AUTHORIZATION FORM**

Offices may rotate (in no less than full-day increments) employees with the same or similar job duties so long as they use non-discriminatory criteria to determine the change in status.

Place in furlough status the following employees, who will be working on a rotating furlough during October, upon lapse in funding until such time as regular funding resumes:

EMPLOYEE #	LAST NAME	FIRST NAME	October Furlough Dates
EXAMPLE: 000001	DOE	JOHN	October 1, 5, 7-8, 11-13, 24, 27, 29

\_\_\_\_\_ (Date)  
 \_\_\_\_\_ (Title – If Member, District and State)

\_\_\_\_\_ (Signature of Authorizing Official)  
 \_\_\_\_\_ (Type or print name of Authorizing Official)

**NOTE:** Please email form to [HREmployeeServicesTe@mail.house.gov](mailto:HREmployeeServicesTe@mail.house.gov) or deliver directly to the Office of Payroll & Benefits in B-215 Longworth House Office Building.



# Sample Notice to Outside Vendors, Consultants and Contractors

DATE 2023

Name  
Address  
City, State, Zip

Re: Payments to Vendors, Consultants, and Contractors of the U.S. House Representatives During  
Period of Federal Government Shutdown

Dear Name:

You currently provide [describe product/service] to this office. As you may be aware, the legislation that appropriates funding for the federal government is scheduled to expire at midnight, September 30, 2023. Due to a lack of new appropriations legislation not enacted prior to that time, many federal government operations will be suspended until funding is restored. Because of the lack of appropriated funds, this office will be unable to disburse payments as it normally would and, accordingly, in the event of a government shutdown, your bills may not be paid in a timely fashion.

In addition, with certain limited exceptions, the federal government is prohibited from incurring any new debts or obligations during a period in which appropriated funding has lapsed. Once new appropriations legislation is enacted, the legitimate debts and obligations of this office will be paid, including those incurred before the shutdown that were not paid due to lack of funds, as well as those incurred during the shutdown.

We appreciate the difficulty this situation creates for you and we hope to restore normal operations as soon as possible if a shutdown occurs. Should you have any questions regarding this matter, please do not hesitate to contact [point of contact] in my office. Thank you for your continued understanding and cooperation.

Sincerely,

[Member Office or House Officer/IG]





**Guidance Issued by the Committee on House  
Administration**

**Chairman Bryan Steil**